

FIFTY SECOND DAY

MORNING SESSION

Senate Chamber, Olympia
 Wednesday, March 2, 2022

The Senate was called to order at 10:00 o'clock a.m. by the President of the Senate, Lt. Governor Heck presiding. The Secretary called the roll and announced to the President that all senators were present with the exception of Senator Robinson.

The Washington State Patrol Honor Guard presented the Colors.

Mr. Dalton Stephens, an intern in the Office of Senator Hunt, led the Senate in the Pledge of Allegiance.

The prayer was offered by Ms. Anu Arora, Executive and Leadership Coach, Infinite Potential Leadership, Redmond.

MOTIONS

On motion of Senator Pedersen, the reading of the Journal of the previous day was dispensed with and it was approved.

On motion of Senator Pedersen, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

March 1, 2022

MR. PRESIDENT:

The House has passed:

- SENATE BILL NO. 5489,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5490,
- SUBSTITUTE SENATE BILL NO. 5496,
- SUBSTITUTE SENATE BILL NO. 5497,
- SENATE BILL NO. 5582,
- SENATE BILL NO. 5583,
- SENATE BILL NO. 5694,
- SUBSTITUTE SENATE BILL NO. 5701,
- SENATE BILL NO. 5747,
- SENATE BILL NO. 5763,
- SUBSTITUTE SENATE BILL NO. 5821,
- SUBSTITUTE SENATE BILL NO. 5860,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5873,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

March 1, 2022

MR. PRESIDENT:

The House has passed:

- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2124,

and the same is herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

On motion of Senator Pedersen, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5984 by Senators Fortunato, Padden, McCune and Wilson, J.

AN ACT Relating to prohibiting the sale of spirits products that are marketed, labeled, classified, or typed as vodka if the spirits products were produced in or imported or sourced

from Russia or contain any ingredient, input, or material from Russia; and adding a new section to chapter 66.28 RCW.

Referred to Committee on Labor, Commerce & Tribal Affairs.

MOTIONS

On motion of Senator Pedersen, the measure listed on the Introduction and First Reading report was referred to the committees as designated.

On motion of Senator Pedersen, the Senate advanced to the eighth order of business.

On motion of Senator Pedersen, the Senate reverted to the seventh order of business.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Randall moved that Elizabeth (Beth) J. Thew, Senate Gubernatorial Appointment No. 9048, be confirmed as a member of the Community Colleges of Spokane Board of Trustees.

Senators Randall, Holy, Billig and Hasegawa spoke in favor of passage of the motion.

MOTIONS

On motion of Senator Wagoner, Senators McCune and Sheldon were excused.

On motion of Senator Randall, Senators Robinson, Rolfes and Van De Wege were excused.

APPOINTMENT OF ELIZABETH (BETH) J. THEW

The President declared the question before the Senate to be the confirmation of Elizabeth (Beth) J. Thew, Senate Gubernatorial Appointment No. 9048, as a member of the Community Colleges of Spokane Board of Trustees.

The Secretary called the roll on the confirmation of Elizabeth (Beth) J. Thew, Senate Gubernatorial Appointment No. 9048, as a member of the Community Colleges of Spokane Board of Trustees and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators McCune, Robinson, Rolfes and Van De Wege

Elizabeth (Beth) J. Thew, Senate Gubernatorial Appointment No. 9048, having received the constitutional majority was declared confirmed as a member of the Community Colleges of Spokane Board of Trustees.

MOTION

On motion of Senator Pedersen, the Senate advanced to the eighth order of business.

Senator Pedersen moved adoption of the following resolution:

SENATE RESOLUTION
8662

By Senators Pedersen, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, C. Wilson, J. Wilson, and L. Wilson

WHEREAS, The people of Washington State and the people of Ukraine share a commitment to democracy, human rights, and the rule of law; and

WHEREAS, Washington State is home to over 70,000 people with Ukrainian heritage and one of the largest populations of Ukrainian immigrants among the 50 states; and

WHEREAS, Many Ukrainians immigrated to Washington State fleeing Soviet persecution for their beliefs and seeking personal and religious freedoms in the United States; and

WHEREAS, Ukrainians and Ukrainian Americans in Washington State have enriched our communities through their leadership and contributions in agriculture, business, academia, government, and the arts; and

WHEREAS, Ukraine is a diverse nation, home to Ukrainians, Russians, Crimean Tatars, Jews, Poles, and many other ethnic groups; and

WHEREAS, Ukraine is the second largest country in Europe; and

WHEREAS, Between 2014 and 2022, more than 14,000 Ukrainian servicemembers and civilians have been killed in armed conflict; and

WHEREAS, On February 24, 2022, Russian President Vladimir Putin abandoned diplomacy and international pleas for peace and launched an unprovoked military invasion of Ukraine; and

WHEREAS, This attack on Ukraine has already killed hundreds of Ukrainian servicemembers and civilians and caused an urgent international humanitarian crisis; and

WHEREAS, President Putin has denied the existence of Ukraine and apparently seeks to overthrow the democratically elected government of Ukraine; and

WHEREAS, The people of Ukraine are now engaged in an armed conflict to defend their independence and democratic way of life;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the democratic values shared by the people of Washington State and the people of Ukraine; and

BE IT FURTHER RESOLVED, That the Washington State Senate express its deepest sympathies for all Ukrainian Americans, especially those with loved ones in harm's way; and

BE IT FURTHER RESOLVED, That the Washington State Senate condemn the unprovoked Russian invasion of Ukraine and reiterate its support for peace, diplomacy, and an immediate end to the invasion; and

BE IT FURTHER RESOLVED, That the Washington State Senate encourage the people of Washington State to support Ukrainian Americans and the people of Ukraine in their urgent

time of need.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced a delegation of Ukrainians and Ukrainian-Americans led by Honorary Consul Mr. Valeriy Goloborodko who were seated in the gallery.

Senators Pedersen, Fortunato, Dozier, Schoesler, Carlyle, Salomon, Braun, Lias, Wilson, L., Wilson, J., Sefzik, Warnick and Sheldon spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8662.

The motion by Senator Pedersen carried and the resolution was adopted by voice vote.

MOTION

On motion of Senator Pedersen, pursuant to Rule 20, the names of all members were added to Senate Resolution No. 8662.

On motion of Senator Pedersen, the Senate reverted to the seventh order of business.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Randall moved that Michael S. Maxwell, Senate Gubernatorial Appointment No. 9018, be confirmed as a member of the Peninsula College Board of Trustees.

Senators Randall and Holy spoke in favor of passage of the motion.

APPOINTMENT OF MICHAEL S. MAXWELL

The President declared the question before the Senate to be the confirmation of Michael S. Maxwell, Senate Gubernatorial Appointment No. 9018, as a member of the Peninsula College Board of Trustees.

The Secretary called the roll on the confirmation of Michael S. Maxwell, Senate Gubernatorial Appointment No. 9018, as a member of the Peninsula College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Trudeau, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Absent: Senators Pedersen and Sefzik

Excused: Senators Robinson and Van De Wege

Michael S. Maxwell, Senate Gubernatorial Appointment No. 9018, having received the constitutional majority was declared confirmed as a member of the Peninsula College Board of Trustees.

MOTION

On motion of Senator Nguyen, the Senate reverted to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1052, by House Committee on Health Care & Wellness (originally sponsored by Bateman, Cody, Kloba and Macri)

Concerning group insurance contract performance standards.

The measure was read the second time.

MOTION

On motion of Senator Cleveland, the rules were suspended, Substitute House Bill No. 1052 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland and Muzzall spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1052.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1052 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Robinson and Van De Wege

SUBSTITUTE HOUSE BILL NO. 1052, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1124, by House Committee on Health Care & Wellness (originally sponsored by Cody)

Concerning nurse delegation of glucose monitoring, glucose testing, and insulin injections.

The measure was read the second time.

MOTION

On motion of Senator Cleveland, the rules were suspended, Substitute House Bill No. 1124 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland and Muzzall spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1124.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1124 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Robinson and Van De Wege

SUBSTITUTE HOUSE BILL NO. 1124, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1626, by House Committee on Rural Development, Agriculture & Natural Resources (originally sponsored by Chapman, Shewmake, Ryu, Leavitt, Bronoske, Rule and Tharinger)

Updating the authority for the fish and wildlife commission to adopt rules implementing electronic licensing practices.

The measure was read the second time.

MOTION

On motion of Senator Pedersen, the rules were suspended, Substitute House Bill No. 1626 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pedersen and Warnick spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1626.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1626 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Robinson and Van De Wege

SUBSTITUTE HOUSE BILL NO. 1626, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1649, by House Committee

on Rural Development, Agriculture & Natural Resources (originally sponsored by Shewmake and Taylor)

Concerning the advisory committee on hunters and fishers with disabilities.

The measure was read the second time.

MOTION

On motion of Senator Salomon, the rules were suspended, Substitute House Bill No. 1649 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Salomon and Warnick spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1649.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1649 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Robinson

SUBSTITUTE HOUSE BILL NO. 1649, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1655, by House Committee on Transportation (originally sponsored by Griffey, Shewmake, Barkis, Eslick, Chase, Graham, Paul, Dent, Gilday, Jacobsen, Pollet, Riccelli, Frame, Young and Taylor)

Encouraging the opening of safety rest areas to the public.

The measure was read the second time.

MOTION

Senator Liias moved that the following committee striking amendment by the Committee on Transportation be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. Commercial motor vehicle parking shortages are a national safety concern. Washington state has exacerbated the problem in the fall of 2021 by the closure of many state-owned and operated safety rest areas. All vehicle drivers need safe places to stop when they are tired to prevent serious and fatal injuries. Washington's target zero plan reports that drowsy driving was a factor in 44 deaths and 236 serious injuries from 2015-2017. One of the ways Washington's target

zero plan addresses this issue is having available rest areas. The closure of state-owned safety rest areas is contrary to state policy to have zero deaths on the roadways.

In addition, commercial truck drivers are required to take federally mandated rest breaks that leads to the need for there to be parking available in many locations throughout the highway system. Safety rest areas are important for supply line integrity and the use by the traveling public. The legislature believes it is essential for this public service to be restored and maintained in the future as quickly as possible.

NEW SECTION. Sec. 2. A new section is added to chapter 47.38 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department is directed to reconfigure its maintenance operations to assure that its owned and operated safety rest areas are open for use except for seasonal closures or cleaning, maintenance, and repairs.

(2) The department may initiate a strategic planning process that addresses the maintenance, operation, and safety of its owned and operated safety rest areas. At a minimum, this plan shall evaluate operations, maintenance, safety, and commercial motor vehicle parking at safety rest areas. The department must engage members from the freight community and other stakeholders for recommendations and solutions. The department must also coordinate with the office of intergovernmental coordination on public right-of-way homeless encampments established in Engrossed Second Substitute Senate Bill No. 5662 (right-of-way camping/housing). The plan must identify strategies that the department can employ to ensure commercial motor vehicle parking is available at state-owned and operated safety rest areas. The department shall prioritize the planning effort to conclude by the end of the 2021-2023 biennium.

(3) The department must report to the transportation committees of the legislature the changes that have been made to or are planned to be made to operation of the safety rest areas by January 15, 2023, including recommendations related to commercial vehicle parking."

On page 1, line 2 of the title, after "possible;" strike the remainder of the title and insert "adding a new section to chapter 47.38 RCW; and creating a new section."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to Substitute House Bill No. 1655.

The motion by Senator Liias carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Liias, the rules were suspended, Substitute House Bill No. 1655 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Liias spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1655 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1655 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland,

FIFTY SECOND DAY, MARCH 2, 2022

2022 REGULAR SESSION

Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Robinson

SUBSTITUTE HOUSE BILL NO. 1655 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:28 a.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President.

 AFTERNOON SESSION

The Senate was called to order at 1:33 p.m. by the President of the Senate, Lt. Governor Heck presiding.

MOTION

On motion of Senator Pedersen, the Senate advanced to the seventh order of business.

 THIRD READING
 CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Pedersen moved that Jack S. Eng, Senate Gubernatorial Appointment No. 9030, be confirmed as a member of the Board of Industrial Insurance Appeals.

Senator Conway spoke in favor of the motion.

MOTION

On motion of Senator Randall, Senator Liias was excused.

APPOINTMENT OF JACK S. ENG

The President declared the question before the Senate to be the confirmation of Jack S. Eng, Senate Gubernatorial Appointment No. 9030, as a member of the Board of Industrial Insurance Appeals.

The Secretary called the roll on the confirmation of Jack S. Eng, Senate Gubernatorial Appointment No. 9030, as a member of the Board of Industrial Insurance Appeals and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Absent: Senators Frockt and Saldaña

Excused: Senators Liias and Robinson

Jack S. Eng, Senate Gubernatorial Appointment No. 9030, having received the constitutional majority was declared confirmed as a member of the Board of Industrial Insurance Appeals.

 THIRD READING
 CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Keiser moved that Alicia R. Levy, Senate Gubernatorial Appointment No. 9032, be confirmed as a member of the Gambling Commission.

Senators Keiser and Holy spoke in favor of passage of the motion.

APPOINTMENT OF ALICIA R. LEVY

The President declared the question before the Senate to be the confirmation of Alicia R. Levy, Senate Gubernatorial Appointment No. 9032, as a member of the Gambling Commission.

The Secretary called the roll on the confirmation of Alicia R. Levy, Senate Gubernatorial Appointment No. 9032, as a member of the Gambling Commission and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Robinson

Alicia R. Levy, Senate Gubernatorial Appointment No. 9032, having received the constitutional majority was declared confirmed as a member of the Gambling Commission.

MOTION

On motion of Senator Pedersen, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

February 26, 2022

MR. PRESIDENT:
 The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5689 with the following amendment(s): 5689-S.E AMH ENGR H2872.E

Strike everything after the enacting clause and insert the following:

**"2021-2023 FISCAL BIENNIUM
 GENERAL GOVERNMENT AGENCIES—OPERATING
 Sec. 101.** 2021 c 333 s 101 (uncodified) is amended to read as follows:
**FOR THE DEPARTMENT OF ARCHAEOLOGY AND
 HISTORIC PRESERVATION**

Motor Vehicle Account—State Appropriation ((~~\$546,000~~))
\$554,000

Sec. 102. 2021 c 333 s 103 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT	
Motor Vehicle Account—State Appropriation	(\$1,441,000)
	<u>\$1,034,000</u>
Puget Sound Ferry Operations Account—State Appropriation	\$126,000
Multimodal Transportation Account—State Appropriation	\$250,000
TOTAL APPROPRIATION	(\$1,817,000)
	<u>\$1,410,000</u>

The appropriations in this section are subject to the following conditions and limitations:

\$250,000 of the multimodal transportation account—state appropriation is provided solely for the office of financial management, in collaboration with the Washington department of transportation and the office of the chief information officer, to conduct an evaluation of short term and long term facility and information technology needs. In conducting the evaluation, the office of financial management may contract with an entity with direct expertise in this area. The office of financial management must submit a final report of their evaluation by October 1, 2022. The evaluation must be coordinated with any legislatively directed study regarding leased space. The evaluation must include, but is not limited to:

(1) Development of a status quo scenario based on current policy and projections and two alternative scenarios of the number of people and percentage of staff in telework status on a permanent basis with one alternative being the minimum feasible level of teleworking and one alternative being the maximum feasible level of teleworking;

(2) Current and projected facility needs by location and function for the scenarios in subsection (1) of this section;

(3) The specific number of employees and percentage of the workforce expected to be teleworking by location and function and the anticipated impact on facility space needs for the scenarios in subsection (1) of this section;

(4) Analysis of opportunities to colocate with other state, local, and other public agencies to reduce costs and improve cost-efficiency;

(5) Detailed information on any increased costs, such as end-user devices, software, technology infrastructure, and other types of assistance needed to meet the teleworking levels in each of the scenarios in subsection (1) of this section;

(6) Detailed information on any reduced costs, such as leases, facility maintenance, and utilities, resulting from the projected teleworking levels for the scenarios in subsection (1) of this section; and

(7) Cost-benefit analysis detailing the net impact of teleworking on facility and total costs for the scenarios in subsection (1) of this section.

Sec. 103. 2021 c 333 s 105 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE	
Motor Vehicle Account—State Appropriation	(\$1,346,000)
	<u>\$1,369,000</u>

Sec. 104. 2021 c 333 s 106 (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE	
Motor Vehicle Account—State Appropriation	(\$668,000)
	<u>\$674,000</u>

Sec. 105. 2021 c 333 s 107 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE	
Motor Vehicle Account—State Appropriation	\$150,000

The appropriation in this section is subject to the following conditions and limitations: The total appropriation in this section is provided solely for the Washington state institute for public policy to conduct a cost-benefit analysis for an exclusive or partial American steel requirement for future transportation contracts and subcontracts authorized in the transportation budget. This cost-benefit analysis must, to the extent feasible: (1) Compare existing types and uses of steel to made in America steel alternatives including evaluation of quality; (2) examine benefits to Washington workers and the Washington economy; (3) examine lifecycle and embodied carbon greenhouse gas emissions; (4) identify requirements for purchasing American steel that minimize costs and maximize benefits; and (5) evaluate American steel requirements or preferences in other states. The Washington state institute for public policy may solicit input for the analysis from representatives of interested parties to include, but not be limited to, the construction and manufacturing sectors, organized labor in the construction and manufacturing sectors, cities, counties, American steel manufacturing companies, environmental advocacy organizations, and appropriate state agencies. A final report is due to the legislature by December 1, ~~(2021)~~ 2022.

Sec. 106. 2021 c 333 s 109 (uncodified) is amended to read as follows:

FOR THE BOARD OF PILOTAGE COMMISSIONERS	
Pilotage Account—State Appropriation	(\$5,777,000)
	<u>\$6,268,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) \$2,926,000 of the pilotage account—state appropriation is provided solely for self-insurance liability premium expenditures; however, this appropriation is contingent upon the board:

(a) Annually depositing the first \$150,000 collected through Puget Sound pilotage district pilotage tariffs into the pilotage account; and

(b) Assessing a self-insurance premium surcharge of \$16 per pilotage assignment on vessels requiring pilotage in the Puget Sound pilotage district.

(2) The board of pilotage commissioners shall file the annual report to the governor and chairs of the transportation committees required under RCW 88.16.035(1)(f) by September 1, 2021, and annually thereafter. The report must include the continuation of policies and procedures necessary to increase the diversity of pilots, trainees, and applicants, including a diversity action plan. The diversity action plan must articulate a comprehensive vision of the board's diversity goals and the steps it will take to reach those goals.

Sec. 107. 2021 c 333 s 110 (uncodified) is amended to read as follows:

FOR THE HOUSE OF REPRESENTATIVES	
Motor Vehicle Account—State Appropriation	(\$3,210,000)
	<u>\$1,577,000</u>

Sec. 108. 2021 c 333 s 111 (uncodified) is amended to read as follows:

FOR THE SENATE	
Motor Vehicle Account—State Appropriation	(\$3,085,000)
	<u>\$1,518,000</u>

Sec. 109. 2021 c 333 s 113 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE	
Puget Sound (Ferry) Capital Construction Account	
((Puget Sound Capital Construction Account)) —State Appropriation	\$300,000
Multimodal Transportation Account—State Appropriation	\$200,000

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TOTAL APPROPRIATION \$500,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$300,000 of the Puget Sound ((~~ferry~~) capital construction account ~~(F:\Journal\2022 Journal\Journal2022\LegDay052\Puget Sound capital construction account.doc))~~—state is provided solely for an independent review of the design-build contracting process for the hybrid-electric Olympic class vessels. The review must evaluate, at minimum, the department's cost estimation and cost management practices relating to the design and construction of the first hybrid-electric vessel. The review must include recommendations to benefit the full program for the design and construction of five hybrid-electric vessels. The joint legislative audit and review committee must report to the legislature with the findings by October 1, 2022.

(2) \$200,000 of the multimodal transportation account—state appropriation is provided solely for the joint legislative audit and review committee to conduct a review of the method used to determine the rates for leasing state-owned lands and air space to a regional transit authority. As part of this review, the committee must examine and evaluate the accounting and valuation methodology for debits and credits used in the land bank accounting program utilized by the department of transportation and a regional transit authority. The review must also provide an evaluation of the specific type of lease agreements used for air space leasing by the department of transportation with a regional transit authority and the valuation methodology used to determine the lease rate for the property and the cost and benefits of long-term leases based on the periodic land value appraisals under the terms of the land bank agreement. The committee must identify the full cost to the state transportation system if the entire plan for land and air rights leases by a regional transit authority is undertaken at full economic rent, and the difference in costs to the regional transit authority if the leases were to be issued at less than economic rent, including a scenario in which the value of the land and air rights are discounted by the federal share of the funds that were used to acquire or improve the property originally. The committee shall complete the review and provide a report to the transportation committees of the legislature by December 1, 2022.

TRANSPORTATION AGENCIES—OPERATING

Sec. 201. 2021 c 333 s 201 (uncodified) is amended to read as follows:

FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION

Highway Safety Account—State Appropriation	(\$4,625,000)
	<u>\$4,634,000</u>
Highway Safety Account—Federal Appropriation	(\$27,202,000)
	<u>\$27,270,000</u>
Highway Safety Account—Private/Local Appropriation	\$60,000
School Zone Safety Account—State Appropriation	\$850,000
TOTAL APPROPRIATION	(\$32,737,000)
	<u>\$32,814,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The Washington traffic safety commission may oversee a demonstration project in one county, coordinating with a public transportation benefit area (PTBA) and the department of transportation, to test the feasibility and accuracy of the use of automated enforcement technology for high occupancy vehicle (HOV) lane passenger compliance. All costs associated with the demonstration project must be borne by the participating public transportation benefit area. Any photograph, microphotograph, or

electronic images of a driver or passengers are for the exclusive use of the PTBA in the determination of whether an HOV passenger violation has occurred to test the feasibility and accuracy of automated enforcement under this subsection and are not open to the public and may not be used in a court in a pending action or proceeding. All photographs, microphotographs, and electronic images must be destroyed after determining a passenger count and no later than the completion of the demonstration project. No warnings or notices of infraction may be issued under the demonstration project.

For purposes of the demonstration project, an automated enforcement technology device may record an image of a driver and passenger of a motor vehicle. The county and PTBA must erect signs marking the locations where the automated enforcement for HOV passenger requirements is occurring.

The PTBA, in consultation with the Washington traffic safety commission, must provide a report to the transportation committees of the legislature with the number of violations detected during the demonstration project, whether the technology used was accurate and any recommendations for future use of automated enforcement technology for HOV lane enforcement by June 30, ((2022)) 2023.

(2) The Washington traffic safety commission may oversee a pilot program in up to three cities implementing the use of automated vehicle noise enforcement cameras in zones that have been designated by ordinance as "Stay Out of Areas of Racing."

(a) Any programs authorized by the commission must be authorized by December 31, 2022.

(b) If a city has established an authorized automated vehicle noise enforcement camera pilot program under this section, the compensation paid to the manufacturer or vendor of the equipment used must be based upon the value of the equipment and services provided or rendered in support of the system.

(c) Any city administering a pilot program overseen by the traffic safety commission shall use the following guidelines to administer the program:

(i) Automated vehicle noise enforcement camera may record photographs or audio of the vehicle and vehicle license plate only while a violation is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle;

(ii) The law enforcement agency of the city or county government shall install two signs facing opposite directions within 200 feet, or otherwise consistent with the uniform manual on traffic control devices, where the automated vehicle noise enforcement camera is used that state "Street Racing Noise Pilot Program in Progress";

(iii) Cities testing the use of automated vehicle noise enforcement cameras must post information on the city website and notify local media outlets indicating the zones in which the automated vehicle noise enforcement cameras will be used;

(iv) A city may only issue a warning notice with no penalty for a violation detected by automated vehicle noise enforcement cameras in a Stay Out of Areas of Racing zone. Warning notices must be mailed to the registered owner of a vehicle within fourteen days of the detected violation;

(v) A violation detected through the use of automated vehicle noise enforcement cameras is not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120;

(vi) Notwithstanding any other provision of law, all photographs, videos, microphotographs, audio recordings, or electronic images prepared under this section are for the exclusive use of law enforcement in the discharge of duties under this section and are not open to the public and may not be used in a court in a pending action or proceeding. No photograph, microphotograph, audio recording, or electronic image may be

used for any purpose other than the issuance of warnings for violations under this section or retained longer than necessary to issue a warning notice as required under this subsection (2); and

(vii) By June 30, 2023, the participating cities shall provide a report to the commission and appropriate committees of the legislature regarding the use, public acceptance, outcomes, warnings issued, data retention and use, and other relevant issues regarding automated vehicle noise enforcement cameras demonstrated by the pilot projects.

(3) The Washington traffic safety commission shall coordinate with each city that implements a pilot program as authorized in RCW 46.63.170, chapter 224, Laws of 2020 to provide the transportation committees of the legislature with the following information by June 30, 2023:

(a) The number of warnings and infractions issued to first-time violators under the pilot program;

(b) The number of warnings and infractions issued to the registered owners of vehicles that are not registered with an address located in the city conducting the pilot program; and

(c) The frequency with which warnings and infractions are issued on weekdays versus weekend days.

Sec. 202. 2021 c 333 s 202 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account—State Appropriation	((\$1,134,000))
	<u>\$1,155,000</u>
Motor Vehicle Account—State Appropriation	((\$4,760,000))
	<u>\$17,300,000</u>
County Arterial Preservation Account—State Appropriation	((\$1,669,000))
	<u>\$1,693,000</u>
TOTAL APPROPRIATION	((\$7,563,000))
	<u>\$20,148,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,000,000 of the motor vehicle account—state appropriation is provided solely for deposit into the county road administration board emergency loan account—state account.

(2) \$12,500,000 of the motor vehicle account—state appropriation is provided solely for preservation purposes.

Sec. 203. 2021 c 333 s 203 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD

Transportation Improvement Account—State Appropriation	((\$4,510,000))
	<u>\$4,564,000</u>
<u>Motor Vehicle Account—State Appropriation</u>	<u>\$6,250,000</u>
<u>Climate Emissions Reduction Account—State Appropriation</u>	<u>\$3,000,000</u>
TOTAL APPROPRIATION	<u>\$13,814,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The motor vehicle account—state appropriation is provided solely for preservation purposes.

(2) The entire climate emissions reduction account—state appropriation is provided solely for newly selected complete streets grants.

Sec. 204. 2021 c 333 s 204 (uncodified) is amended to read as follows:

FOR THE JOINT TRANSPORTATION COMMITTEE

Motor Vehicle Account—State Appropriation	((\$2,679,000))
	<u>\$3,301,000</u>
Multimodal Transportation Account—State Appropriation	

((~~\$420,000~~))

\$1,620,000

TOTAL APPROPRIATION

((~~\$3,099,000~~))

\$4,921,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) \$250,000 of the motor vehicle account—state appropriation is for the joint transportation committee to convene a vehicle registration payment work group to study and recommend new options for payment of vehicle fees or taxes due at the time of application for vehicle registration.

(b) The work group must consist of, but is not limited to, the following members: A representative of the department of licensing, a representative of county auditors, a representative of subagents, a representative of local taxing authorities imposing a fee or tax due at the time of application for vehicle registration, a representative of a city offering or considering a rebate program for vehicle fees or taxes due at the time of application for vehicle registration, a representative of vehicle owners subject to a motor vehicle excise tax, a representative of vehicle owners subject to an electric car or transportation electrification fee, and an advocate for multimodal transportation options. Work group members are eligible for reimbursement or allowance for expenses pursuant to RCW 43.03.220.

(c) The work group must engage with members of the public who are interested in new options for payment of fees or taxes due at the time of application for vehicle registration, including persons from communities of color, low-income households, vulnerable populations, and displaced communities. Input from members of the public must inform the work group's recommendations. The work group must notify members of the public of opportunities to engage through a variety of communication channels including, but not limited to, the following: Outreach through community organizations, print and broadcast media, and social media.

(d) The work group's recommendations must include, but are not limited to, the following:

(i) Options to provide or encourage rebates to vehicle owners who pay taxes and fees due at the time of application for vehicle registration;

(ii) An agreed upon service fee structure for vehicle registration payment plans;

(iii) An agreed upon service fee revenue allocation method;

(iv) A process to allow agents and subagents to determine if a vehicle owner has paid all taxes and fees due prior to renewal of a vehicle registration;

(v) Options for reducing revenue loss due to missed payments, transfer of the certificate of title, or registration of a vehicle out of state; and

(vi) Options to reduce impacts to communities of color, low-income households, vulnerable populations, and displaced communities.

(e) A report of the work group's findings and recommendations is due to the transportation committees of the legislature by September 30, 2022.

(2) \$50,000 of the motor vehicle account—state appropriation is for the joint transportation committee to contract for a legal consultant to analyze and recommend options for the formation of a bistate bridge authority for the purpose of constructing, financing, operating and maintaining a new replacement bridge over the Columbia River near Hood River connecting Klickitat county in Washington to Hood River county in Oregon. The consultant may confer with the Hood River Bistate Working Group to understand the work and analysis that has been completed.

The Washington interlocal cooperation act, chapter 39.34

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RCW, authorizes public agencies to contract with other public agencies via interlocal agreements that enable cooperation among the agencies to perform governmental activities and deliver public services, including agreements with public entities in other states. Such interstate agreements are deemed interstate compacts. The legal analysis must identify and recommend alternative and/or additional statutory authority that would be necessary to allow for the formation of a local government bistate bridge authority or governance structure for the Hood River Bridge replacement that at a minimum may:

- (a) Issue bonds for bridge construction;
- (b) Collect tolls; and
- (c) Secure and administer state or federal grants and loans.

The legal analysis must be presented to the transportation committees of the legislature by September 30, 2021.

(3) \$220,000 of the multimodal transportation account—state appropriation is for overseeing a consultant study to provide recommendations related to the Washington state department of transportation's role in broadband service expansion efforts as directed in chapter 258, Laws of 2021 (broadband along state highways). If chapter 258, Laws of 2021 (broadband along state highways) is not enacted by June 30, 2021, the amount provided in this subsection lapses.

(4) \$215,000 of the motor vehicle account—state appropriation is provided solely for the joint transportation committee, from amounts set aside out of statewide fuel taxes distributed to cities according to RCW 46.68.110(2), to convene a study on the impacts of current and historical city transportation investments on designated populations, including communities of color, low-income households, vulnerable populations, and displaced communities. The study must identify and measure the true costs of underinvestment of accessible transportation for designated populations, including the secondary impacts to public health, economic opportunity, educational access, and environmental risk factors. The assessment must include specific approaches to addressing existing inequities within cities, as well as recommendations to develop best practices to improve, diversify, and expand city transportation investments. A report must be provided to the office of financial management and the transportation committees of the legislature by December 20, 2022.

(5) \$400,000 of the motor vehicle account—state appropriation is for the development of a workforce plan for the Washington state ferries which addresses recruitment, retention, diversity, training needs, leadership development, succession planning and other elements needed to ensure sufficient and cost-effective crewing and staffing of the ferry system. In developing the scope of work for the plan and throughout plan development, the joint transportation committee must solicit input from representatives of the Washington state ferries division and the human resources division of the Washington state department of transportation. Represented employee groups must also be consulted as part of plan development. The plan must include a roadmap for Washington state ferries to comprehensively address persistent staffing challenges and strategically position itself for its future workforce needs. The joint transportation committee must issue an interim report identifying short-term strategies to reduce reliance on overtime for staffing day-to-day ferry service. The interim report is due to the transportation committees of the legislature by January 1, 2022. The final report is due to the transportation committees of the legislature by December 20, 2022.

(6) \$200,000 of the multimodal transportation account—state appropriation is for the joint transportation committee to update the Washington State Short Line Rail Inventory and Needs

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Assessment, prepared in 2015, and to facilitate a stakeholder process to assess the effectiveness of state support for short line rail infrastructure based on current and future short line rail infrastructure needs. This assessment must include consideration of current state grant and loan programs, including state investment in nonstate owned short lines, the state's role and investments in the Palouse River and Coulee City (PCC) rail system, and any other ongoing state activities related to short line rail infrastructure. The joint transportation committee must solicit input from all regions of the state from representatives of: Short line rail infrastructure owners, short line rail operators, short line rail customers from representative industries, ports served by short line rail infrastructure, the Washington state department of transportation, the utilities and transportation commission, and other relevant stakeholders as identified by the joint transportation committee. A report with recommendations to enhance the state's support for short line rail infrastructure is due to the transportation committees of the legislature by January 1, 2022.

(7)(a) \$200,000 of the motor vehicle account—state appropriation is for the joint transportation committee to develop a truck parking action plan with recommendations for immediate next steps for near-term and lasting change in the availability of truck parking for short-haul and long-distance commercial vehicle drivers who require reasonable accommodations for parking commercial motor vehicles, obtaining adequate services, and complying with federal rest requirements. For each opportunity identified, the action plan must:

- (i) Assess the magnitude of potential impact;
- (ii) Assess the potential difficulty level of implementation; and
- (iii) Explain barriers to success and specific steps required to overcome them.

(b) The action plan must focus on approaches that would be most impactful and feasible and may include, but not be limited to:

- (i) Specific cooperative private sector and government actions;
- (ii) Legal and regulatory frameworks at the state level to drive private and/or public-sector action;
- (iii) Incentive-based government programs to spur private sector innovation and investment; and
- (iv) Direct government action at the state, regional, and/or local level.

(c) The action plan must identify specific, promising projects and approaches, and provide a clear roadmap to what is needed to drive real, substantial improvements in truck parking.

(d) Outreach for action plan input, including on the feasibility of each opportunity evaluated, must include outreach to representatives of: The trucking industry; truck labor organizations; the shipping industry; truck stop owners; commercial freight delivery recipients, including warehouse and retail recipients; the association of Washington cities; the Washington state association of counties; the Washington state department of transportation; the Washington state patrol; and an academic or research institution that can provide input on technical components of the plan.

(e) A concise action plan with specific recommended next steps is due to the transportation committees of the legislature by January 1, 2022.

(8) \$250,000 of the multimodal transportation account—state appropriation is for evaluating the benefits and costs of the following options for the Pullman, Albion, and Colfax corridor on the Palouse River and Coulee City shortline rail system owned by the department: Rail banking of inactive state-owned rail corridors for use as trails; the department retaining ownership and maintenance responsibility for the corridor; and disposing of the

right-of-way and returning the land to private ownership. The joint transportation committee must develop a report and submit it to the governor and transportation committees of the legislature by June 30, 2023. The report must include:

(a) All costs associated with the department's retaining ownership and maintenance responsibility of this corridor, including but not limited to, the costs of upkeep, fencing, decking, and railing on bridges, and annual inspections;

(b) An inventory of portions of the state-owned Palouse River and Coulee City railroad that may be eligible for rail banking, including the current status of those portions;

(c) The current costs and liabilities of the portions inventoried in (a) of this subsection if they are not railbanked;

(d) The costs and benefits of removing rails identified in (a) of this subsection for use in other parts of state-owned railway;

(e) The estimated department costs and liabilities associated with rail banking;

(f) A preliminary cost estimate for trail development;

(g) Identification of interested trail sponsors, including the known underlying ownership interests;

(h) Identification of access rights of landowners to cross the right-of-way; and

(i) The surface transportation board process for abandonment and rail banking.

(9) \$400,000 of the multimodal transportation account—state appropriation is for the joint transportation committee to conduct an independent review of an ultra high-speed ground transportation corridor between Portland, Oregon and Vancouver, British Columbia. The review should include an assessment of the assumptions included in the studies overseen by the Washington state department of transportation: A 2017 to 2018 feasibility study; a 2019 business case analysis; and a 2020 report with recommendations for a governance framework, strategic engagement plan, and financial strategy. The review should also provide additional analysis of the distribution of projected benefits and costs for communities of color, low-income households, and other disadvantaged communities. The joint transportation committee shall provide a report with its findings to the transportation committees of the legislature by June 30, 2023.

(10) \$400,000 of the multimodal transportation account—state appropriation is for the joint transportation committee to conduct a study to determine how many nondrivers are in Washington state and the demographics of this population. The joint transportation committee is directed to conduct a survey, conduct research, develop a dataset, and conduct analysis on the nondriving population of Washington state. The analysis must include, but is not limited to: (a) Reasons for not driving; (b) demographics of who is not driving to include age, disability status, rural or urban residence, and other available demographic information; and (c) availability of transportation options for nondrivers and the impact those options have on their access to services, economic opportunity, recreation, education, and other aspects of community life. The joint transportation committee shall provide a report to the transportation committees of the legislature by February 1, 2023.

(11)(a) \$300,000 of the motor vehicle account—state appropriation is for the joint transportation committee to oversee a consultant study to identify and recommend cost-effective strategies to maximize walk-on passenger ridership of the Anacortes – San Juan ferry routes. The study must also identify available public funding sources to support these strategies. Reducing the need for passengers to bring their cars on the ferries will increase the capacity of each ferry run to transport more people.

(b) The evaluated options may include, but not be limited to:

(i) Increased public funding or other support for transit or shuttle service between ferry landings on Orcas, Lopez, San Juan, and Anacortes and nearby major town centers or connecting transit hubs;

(ii) Options to increase availability of taxi and rideshare services at each of the landings;

(iii) Short-term electric vehicle rentals at ferry landings, including electric bicycles and scooters;

(iv) Public funding or other support to increase the available locations for additional parking and reduce the cost for short-term parking near each landing;

(v) Marketing of the availability of options through the Washington state ferries reservation system website, on ferries and at ferry landings and ticketing facilities.

(c) Outreach for the study, including on the feasibility and effectiveness of each strategy evaluated, must include outreach to representatives of:

(i) Washington state ferries;

(ii) San Juan county council;

(iii) Anacortes and San Juan Islands ferry advisory committee members;

(iv) San Juan economic development council;

(v) City of Anacortes;

(vi) City of Friday Harbor;

(vii) Skagit transit;

(viii) Skagit RTPO;

(ix) Eastsound;

(x) Lopez Village;

(xi) Transit dependent populations; and

(xii) Others as deemed appropriate by the committee.

(d) A report with recommendations on the most feasible and cost-effective strategies to maximize walk-on passenger ridership of the Anacortes – San Juan and Anacortes - Sidney ferry routes is due to the transportation committees of the legislature by January 6, 2023.

(12) \$150,000 of the multimodal transportation account—state appropriation is for the joint transportation committee to examine options and provide recommendations for a state program to assist with the establishment of powered micromobility device lending libraries. The purpose of the powered micromobility device lending libraries is to provide low-cost or no-cost, reliable, and healthier modes of transportation to vulnerable communities. It is anticipated that the powered micromobility device lending libraries would be managed by community nonprofit organizations, local governments, higher education institutions, school districts, or federally recognized tribal governments. The options that should be examined include, but are not limited to: A state-funded grant program for the purchase of powered micromobility devices to be used in powered micromobility device lending libraries, direct technical assistance for establishing community-based powered micromobility device lending libraries, and direct-to-consumer incentives to applicants to purchase powered micromobility. Recommendations must specify how to prioritize program benefits for vulnerable populations and overburdened communities, including tribes, seniors, low-income populations, and communities with high environmental burdens. Powered micromobility devices to be examined by this study are devices that do not exceed product speed of 30 miles per hour or product weight of 100 pounds and include electric bicycles, electric cargo bikes, electric standing scooters, and other mobility devices under 50 pounds in weight that do not use fossil fuels. The joint transportation committee shall provide a report with its findings to the transportation committees of the legislature by June 30, 2023.

(13)(a) Within existing resources the joint transportation committee must convene a work group to advise the committee

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on the distribution of transportation funds from the infrastructure investment and jobs act between state and local government in future biennia. In addition to the executive committee of the joint transportation committee the work group, to the extent practicable, shall include governor's staff from the office of financial management as well as one representative of each of the following:

- (i) The Washington state association of counties;
- (ii) Metropolitan planning organizations;
- (iii) Regional transportation planning organizations;
- (iv) The association of Washington cities;
- (v) Tribal transportation planning organizations;
- (vi) The Washington state department of transportation;
- (vii) The Washington public ports association; and
- (viii) The Washington state transit association.

(b) The joint transportation committee will consider the advice of the work group and, with recognition of the state's history of collaboration and open discussion, determine the allocation of the infrastructure investment and jobs act funding by November 15, 2022.

(14) \$300,000 of the motor vehicle account—state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1815, (detering catalytic converter theft). If Engrossed Second Substitute House Bill No. 1815 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

Sec. 205. 2021 c 333 s 205 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION COMMISSION

Motor Vehicle Account—State Appropriation	((\$2,438,000))
	<u>\$4,200,000</u>
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation	\$127,000
State Route Number 520 Corridor Account—State Appropriation	\$276,000
Tacoma Narrows Toll Bridge Account—State Appropriation	\$180,000
Alaskan Way Viaduct Replacement Project Account—State Appropriation	\$172,000
TOTAL APPROPRIATION	((\$3,193,000))
	<u>\$4,955,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The commission shall reconvene the road usage charge steering committee, with the same membership described in chapter 297, Laws of 2018, and shall periodically report to the steering committee with updates on activities undertaken in accordance with the federal grant awarded July 2020 ("Forward Drive"). A year-end update on the status of any federally-funded project for which federal funding is secured must be provided to the governor's office and the transportation committees of the legislature by January 1, 2022, and by January 1, 2023. Any legislative vacancies on the steering committee must be appointed by the speaker of the house of representatives for a house of representatives member vacancy, and by the president of the senate for a senate member vacancy.

~~((3))~~ (2) \$127,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$276,000 of the state route number 520 corridor account—state appropriation, \$180,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$172,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the transportation commission's proportional share of time spent supporting tolling operations for the respective tolling facilities.

(3) \$1,500,000 of the motor vehicle account—state appropriation is provided solely for the commission to conduct a full planning-level traffic and revenue study of the Hood River Bridge to determine the viability of toll revenues to support future financing of improvements and possible replacement of the bridge, considering prior work and studies conducted. The commission will coordinate this work with the department of transportation, the Port of Hood River, the Oregon department of transportation, and other entities as needed. The results of the assessment must be submitted to the house and senate transportation committees by January 5, 2024.

Sec. 206. 2021 c 333 s 206 (uncodified) is amended to read as follows:

FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Freight Mobility Investment Account—State Appropriation	((\$831,000))
	<u>\$840,000</u>

Sec. 207. 2021 c 333 s 207 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

State Patrol Highway Account—State Appropriation	((\$517,391,000))
	<u>\$521,896,000</u>
State Patrol Highway Account—Federal Appropriation	((\$15,838,000))
	<u>\$16,112,000</u>
State Patrol Highway Account—Private/Local Appropriation	((\$4,267,000))
	<u>\$4,314,000</u>
Highway Safety Account—State Appropriation	((\$1,214,000))
	<u>\$1,282,000</u>
Ignition Interlock Device Revolving Account—State Appropriation	((\$5,053,000))
	<u>\$2,243,000</u>
Multimodal Transportation Account—State Appropriation	((\$288,000))
	<u>\$293,000</u>
State Route Number 520 Corridor Account—State Appropriation	\$433,000
Tacoma Narrows Toll Bridge Account—State Appropriation	\$77,000
I-405 and SR 167 Express Toll Lanes Account—State Appropriation	\$1,348,000
TOTAL APPROPRIATION	((\$545,909,000))
	<u>\$547,998,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol must be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol.

(2) \$580,000 of the state patrol highway account—state appropriation is provided solely for the operation of and administrative support to the license investigation unit to enforce vehicle registration laws in southwestern Washington. The Washington state patrol, in consultation with the department of revenue, shall maintain a running estimate of the additional vehicle registration fees, sales and use taxes, and local vehicle fees remitted to the state pursuant to activity conducted by the

license investigation unit. Beginning October 1, 2021, and quarterly thereafter, the Washington state patrol shall submit a report detailing the additional revenue amounts generated since January 1, 2021, to the director of the office of financial management and the transportation committees of the legislature. At the end of the calendar quarter in which it is estimated that more than \$625,000 in state sales and use taxes have been remitted to the state since January 1, 2021, the Washington state patrol shall notify the state treasurer and the state treasurer shall transfer funds pursuant to section 406 (~~(of this act)~~), chapter 333, Laws of 2021.

(3) \$4,000,000 of the state patrol highway account—state appropriation is provided solely for a third arming and a third trooper basic training class. The cadet class is expected to graduate in June 2023.

(4) By December 1st of each year during the 2021-2023 biennium, the Washington state patrol must report to the house and senate transportation committees on the status of recruitment and retention activities as follows:

- (a) A summary of recruitment and retention strategies;
- (b) The number of transportation funded staff vacancies by major category;
- (c) The number of applicants for each of the positions by these categories;
- (d) The composition of workforce;
- (e) Other relevant outcome measures with comparative information with recent comparable months in prior years; and
- (f) Activities related to the implementation of the agency's workforce diversity plan, including short-term and long-term, specific comprehensive outreach and recruitment strategies to increase populations underrepresented within both commissioned and noncommissioned employee groups.

(5) \$493,000 of the state patrol highway account—state appropriation is provided solely for aerial criminal investigation tools, including software licensing and maintenance, and annual certification, and is subject to the conditions, limitations, and review requirements of section 701 (~~(of this act)~~), chapter 333, Laws of 2021.

(6) (~~(\$7,962,000)~~) \$6,422,000 of the state patrol highway account—state appropriation is provided solely for the land mobile radio system replacement, upgrade, and other related activities. Beginning January 1, 2022, the Washington state patrol must report semiannually to the office of the state chief information officer on the progress related to the projects and activities associated with the land mobile radio system, including the governance structure, outcomes achieved in the prior six month time period, and how the activities are being managed holistically as recommended by the office of the chief information officer. At the time of submittal to the office of the state chief information officer, this report shall be transmitted to the office of financial management and the house and senate transportation committees.

(7) \$510,000 of the ignition interlock device revolving account—state appropriation is provided solely for the ignition interlock program at the Washington state patrol to provide funding for two staff to work and provide support for the program in working with manufacturers, service centers, technicians, and participants in the program.

(8) \$1,348,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$433,000 of the state route number 520 corridor account—state appropriation, and \$77,000 of the Tacoma Narrows toll bridge account—state appropriation are provided solely for the Washington state patrol's proportional share of time spent supporting tolling operations and enforcement for the respective tolling facilities.

(9) \$289,000 of the state patrol highway account—state

appropriation is provided solely for the replacement of 911 workstations.

(10) \$35,000 of the state patrol highway account—state appropriation is provided solely for the replacement of bomb response equipment.

(11) \$713,000 of the state patrol highway account—state appropriation is provided solely for information technology infrastructure maintenance.

(12) The Washington state patrol must provide a report to the office of financial management and the house and senate transportation committees on its plan for implementing a transition to cloud computing and storage with its 2023-2025 budget submittal.

(13) \$945,000 of the state patrol highway account—state appropriation is provided solely for implementation of chapter 329, Laws of 2021 (custodial interrogations). If chapter 329, Laws of 2021 (custodial interrogations) is not enacted by June 30, 2021, the amount provided in this subsection lapses.

(14) \$46,000 of the state patrol highway account—state appropriation is provided solely for implementation of chapter 320, Laws of 2021 (peace officer tactics). If chapter 320, Laws of 2021 (peace officer tactics) is not enacted by June 30, 2021, the amount provided in this subsection lapses.

(15) \$46,000 of the state patrol highway account—state appropriation is provided solely for implementation of chapter 324, Laws of 2021 (use of force by officers). If chapter 324, Laws of 2021 (use of force by officers) is not enacted by June 30, 2021, the amount provided in this subsection lapses.

(16)(a) The legislature finds that the water connection extension constructed by the Washington state patrol from the city of Shelton's water facilities to the Washington state patrol academy was necessary to meet the water supply needs of the academy. The legislature also finds that the water connection provides an ongoing water supply that is necessary to the operation of the training facility, that the state is making use of the water connection for these public activities, and that any future incidental use of the municipal infrastructure put in place to support these activities will not impede the Washington state patrol's ongoing use of the water connection extension.

(b) \$2,220,000 of the transfer from the waste tire removal account to the motor vehicle fund, as required under RCW 70A.205.425, reimburses the motor vehicle fund for the portion of the water project costs assigned by the agreement to properties, other than the Washington state patrol academy, that make use of the water connection while the agreement remains in effect. This reimbursement to the motor vehicle fund is intended to address any possibility that the termination of this agreement could be determined to result in the unconstitutional use of 18th amendment designated funds for nonhighway purposes under the constitution of the state of Washington; however, this transfer is not intended to indicate that the incidental use of this infrastructure by these properties necessarily requires such reimbursement under the state Constitution. Immediately following the transfer of funds, Washington state patrol and the city of Shelton shall meet to formally update the terms of their "Agreement for Utility Connection and Reimbursement of Water Extension Expenses" executed on June 12, 2017, to reflect the intent of the proviso.

(17) The appropriations in this section provide sufficient funding for state patrol staffing assuming vacancy savings which may change over time. Funding for staffing will be monitored and adjusted in the (~~(2022)~~) 2023 supplemental budget to restore funding as authorized staffing levels are achieved.

(18) \$554,000 of the state patrol highway account—state is provided solely for a feasibility study of an integrated solution for data collection and reporting of operational performance data that

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will no longer be collected with the implementation of the one Washington time leave and attendance system. The study must include a review of best practices for collecting the operational performance data and coordinating with other law enforcement agencies on the collection of data.

(19) \$250,000 of the state patrol highway account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 2037 (peace officers/use of force). If Engrossed Substitute House Bill No. 2037 (peace officers/use of force) is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(20) \$14,788,000 of the state patrol highway account—state appropriation is provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of commissioned and noncommissioned staff vacancies. Potential uses of the funding include, but are not limited to, the following: Operating a miniacademy and training opportunities for lateral transfers from other agencies; increased overtime, travel, and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the state patrol must submit a report to the governor and the transportation committees of the legislature detailing the specific expenditures made from the contingency funding provided in this subsection. The report must also include a description of the mini-academy training, including the number of lateral transfers that entered the training, the number which completed training, the cost of the miniacademy, and a comparison of how the training was different from a conventional academy class.

Sec. 208. 2021 c 333 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

Marine Fuel Tax Refund Account—State Appropriation	\$34,000
Motorcycle Safety Education Account—State Appropriation	(\$4,894,000) \$4,958,000
Limited Fish and Wildlife Account—State Appropriation	(\$917,000) \$919,000
Highway Safety Account—State Appropriation	(\$241,868,000) \$237,228,000
Highway Safety Account—Federal Appropriation	\$1,294,000
Motor Vehicle Account—State Appropriation	(\$73,327,000) \$72,387,000
Motor Vehicle Account—Federal Appropriation	(\$150,000) \$400,000
Motor Vehicle Account—Private/Local Appropriation	\$6,600,000
Ignition Interlock Device Revolving Account—State Appropriation	(\$6,071,000) \$6,095,000
Department of Licensing Services Account—State Appropriation	(\$8,157,000) \$8,188,000
License Plate Technology Account—State Appropriation	\$4,250,000
Abandoned Recreational Vehicle Account—State Appropriation	(\$3,066,000) \$3,070,000
Limousine Carriers Account—State Appropriation	\$110,000
Electric Vehicle Account—State Appropriation	(\$405,000) \$413,000
DOL Technology Improvement & Data Management	

Account—State Appropriation	(\$748,000) \$806,000
Agency Financial Transaction Account—State Appropriation	(\$21,257,000) \$19,757,000
(Driver Licensing Technology Support Account—State Appropriation	\$1,373,000)
TOTAL APPROPRIATION	(\$374,521,000) \$366,509,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,100,000 of the highway safety account—state appropriation is provided solely for the department to provide an interagency transfer to the department of social and health services, children's administration division for the purpose of providing driver's license support to a larger population of foster youth than is already served within existing resources. Support services include reimbursement of driver's license issuance costs, fees for driver training education, and motor vehicle liability insurance costs.

(2) The appropriations in this section assume implementation by the department of cost recovery mechanisms to recoup at least \$21,257,000 during the 2021-2023 biennium in credit card and other financial transaction costs as part of charges imposed for driver and vehicle fee transactions. During the 2021-2023 fiscal biennium, the department must report any amounts recovered to the office of financial management and appropriate committees of the legislature on a quarterly basis.

(3)(a) For the 2021-2023 biennium, the department shall charge \$6,600,000 for the administration and collection of a motor vehicle excise tax on behalf of a regional transit authority, as authorized under RCW 82.44.135. The amount in this subsection must be deducted before distributing any revenues to a regional transit authority.

(b) \$100,000 of the motor vehicle account—state appropriation is provided solely for the department to work with the regional transit authority imposing a motor vehicle excise tax pursuant to RCW 81.104.160 and transportation benefit districts imposing vehicle fees pursuant to RCW 82.80.140, and other relevant parties, to determine cost recovery options for the administration and collection of the taxes and fees. The options must include:

(i) Full cost recovery for the direct and indirect expenses by the department of licensing, subagents, and counties;

(ii) Marginal cost recovery for the direct and indirect expenses by the department of licensing, subagents, and counties;

(iii) The estimated costs if the regional transit authority or transportation benefit districts had to contract out the entire collection and administrative activity with a nongovernmental entity.

(4) \$12,000 of the motorcycle safety education account—state appropriation, \$2,000 of the limited fish and wildlife account—state appropriation, \$728,000 of the highway safety account—state appropriation, \$238,000 of the motor vehicle account—state appropriation, \$10,000 of the ignition interlock device revolving account—state appropriation, and \$10,000 of the department of licensing services account—state appropriation are provided solely for the department to redesign and improve its online services and website, and are subject to the conditions, limitations, and review requirements of section 701 ~~(of this act)~~, chapter 333, Laws of 2021.

(5) \$28,636,000 of the highway safety account—state appropriation is provided solely for costs necessary to accommodate increased demand for enhanced drivers' licenses and enhanced identicards. The department shall report on a quarterly basis on the use of these funds, associated workload, and

information with comparative information with recent comparable months in prior years. The report must include detailed statewide and by licensing service office information on staffing levels, average monthly wait times, the number of enhanced drivers' licenses and enhanced identicards issued/renewed, and the number of primary drivers' licenses and identicards issued/renewed. Within the amounts provided in this subsection, the department shall implement efficiency measures to reduce the time for licensing transactions and wait times including, but not limited to, the installation of additional cameras at licensing service offices that reduce bottlenecks and align with the "keep your customer" initiative.

(6) \$500,000 of the highway safety account—state appropriation is provided solely for communication and outreach activities necessary to inform the public of federally acceptable identification options including, but not limited to, enhanced drivers' licenses and enhanced identicards. The department shall continue the outreach plan that includes informational material that can be effectively communicated to all communities and populations in Washington. To accomplish this work, the department shall contract with an external vendor with demonstrated experience and expertise in outreach and marketing to underrepresented communities in a culturally responsive fashion.

(7) \$523,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 158, Laws of 2021 (DOL issued documents). If chapter 158, Laws of 2021 is not enacted by June 30, 2021, the amount provided in this subsection lapses.

(8) ~~(\$1,373,000)~~ \$929,000 of the ~~(driver licensing technology support)~~ highway safety account—state appropriation is provided solely for the implementation of chapter 240, Laws of 2021 (suspension of licenses for traffic infractions). If chapter 240, Laws of 2021 is not enacted by June 30, 2021, the amount provided in this subsection lapses.

(9) \$434,000 of the highway safety account—state appropriation is for the implementation of the Thurston county superior court order in *Pierce et al. v. Department of Licensing*.

(10) \$23,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 10 ~~((Engrossed Substitute House Bill No. 1078))~~, Laws of 2021 (restoring voter eligibility after felony conviction).

~~((40))~~ (11) \$3,074,000 of the abandoned recreational vehicle disposal account—state appropriation is provided solely for providing reimbursements in accordance with the department's abandoned recreational vehicle disposal reimbursement program. It is the intent of the legislature that the department prioritize this funding for allowable and approved reimbursements and not to build a reserve of funds within the account. During the 2021-2023 fiscal biennium, the department must report any amounts recovered to the office of financial management and appropriate committees of the legislature on a quarterly basis.

~~((44))~~ (12)(a) \$54,000 of the motor vehicle account—state appropriation is provided solely for the issuance of nonemergency medical transportation vehicle decals to implement the high occupancy vehicle lane access pilot program established in section 216 ~~((of this act))~~, chapter 333, Laws of 2021. A for hire nonemergency medical transportation vehicle is a vehicle that is a "for hire vehicle" under RCW 46.04.190 that provides nonemergency medical transportation, including for life-sustaining transportation purposes, to meet the medical transportation needs of individuals traveling to medical practices and clinics, cancer centers, dialysis facilities, hospitals, and other care providers.

(b) As part of this pilot program, the owner of a for hire nonemergency medical transportation vehicle may apply to the

department, county auditor or other agent, or subagent appointed by the director, for a high occupancy vehicle exempt decal for a for hire nonemergency medical transportation vehicle. The high occupancy vehicle exempt decal allows the for hire nonemergency medical transportation vehicle to use a high occupancy vehicle lane as specified in RCW 46.61.165 and 47.52.025 during the 2021-2023 fiscal biennium.

(c) For the exemption in this subsection to apply to a for hire nonemergency medical transportation vehicle, the decal:

(i) Must be displayed on the vehicle so that it is clearly visible from outside the vehicle;

(ii) Must identify that the vehicle is exempt from the high occupancy vehicle requirements; and

(iii) Must be visible from the rear of the vehicle.

(d) The owner of a for hire nonemergency medical transportation vehicle or the owner's representative must apply for a high occupancy vehicle exempt decal on a form provided or approved by the department. The application must include:

(i) The name and address of the person who is the owner of the vehicle;

(ii) A full description of the vehicle, including its make, model, year, and the vehicle identification number;

(iii) The purpose for which the vehicle is principally used;

(iv) An attestation signed by the vehicle's owner or the owner's representative that the vehicle's owner has a minimum of one contract or service agreement to provide for hire transportation services for medical purposes with one or more of the following entities: A health insurance company; a hospital, clinic, dialysis center, or other medical institution; a day care center, retirement home, or group home; a federal, state, or local agency or jurisdiction; or a broker who negotiates these services on behalf of one or more of these entities; and

(v) Other information as required by the department upon application.

(e) The department, county auditor or other agent, or subagent appointed by the director shall collect the fee required under (f) of this subsection when issuing a high occupancy vehicle exempt decal.

(f) The department, county auditor or other agent, or subagent, is required to collect a \$5 fee when issuing a decal under this subsection, in addition to any other fees and taxes required by law.

(g) A high occupancy vehicle exempt decal expires June 30, 2023, and must be marked to indicate its expiration date. The decal may be renewed if the pilot program is continued past the date of a decal's expiration. The status as an exempt vehicle continues until the high occupancy vehicle exempt decal is suspended or revoked for misuse, the vehicle is no longer used as a for hire nonemergency medical transportation vehicle, or the pilot program established in section 216 ~~((of this act))~~, chapter 333, Laws of 2021 is terminated.

(h) The department may adopt rules to implement this subsection.

(13) \$4,378,000 of the highway safety account—state appropriation and \$1,539,000 of the motor vehicle account—state appropriation are provided solely for contingency funding for the department to respond to the COVID-19 pandemic by paying for: The replacement of end-of-life information technology equipment, increased information technology software license costs, other information technology changes, printing and postage, supplies and equipment for COVID-19 safety, and accounting overtime to eliminate backlogs. By January 1, 2023, the department shall submit a report to the governor and the legislative transportation committees detailing the specific expenditures made from the contingency funding provided in this subsection.

(14) \$100,000 of the highway safety account—state

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appropriation is provided solely for the department to contract for a study on the potential impacts that current licensing requirements, including required training hours, and testing requirements may have on the shortage of commercial drivers, and whether adjustments to these requirements may be warranted to help alleviate the shortage. In completing the study, the department must consult with the workforce training board, state board for community and technical colleges, federal motor carrier safety officials, organizations representing veterans, organizations representing commercial drivers, and organizations representing businesses or government entities that rely on commercial drivers.

(15) The department must consult with the department of corrections and state board for community and technical colleges to develop a pilot program that allows incarcerated individuals who are not prohibited by state or federal law from receiving a commercial driver's license upon release to participate in a prerelease commercial driver training program. The department must submit a report to the legislature by June 30, 2023, detailing the status of the program.

(16) \$28,000 of the motor vehicle account—state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1181 (veterans and military suicide). If Engrossed Second Substitute House Bill No. 1181 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(17) \$83,000 of the motor vehicle account—state appropriation is provided solely for the implementation of Substitute House Bill No. 1984 (vehicle registration certificate addresses). If Substitute House Bill No. 1984 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(18) \$57,000 of the motor vehicle account—state appropriation is provided solely for the implementation of House Bill No. 2074 (off-road vehicles fees). If House Bill No. 2074 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(19) \$350,000 of the highway safety account—state appropriation is provided solely to expand driver's license assistance and support services in King county with an existing provider that is already providing these services to low-income immigrant and refugee women.

Sec. 209. 2021 c 333 s 209 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
TOLL OPERATIONS AND MAINTENANCE—
PROGRAM B**

State Route Number 520 Corridor Account—State Appropriation	((\$53,689,000)) \$58,255,000
State Route Number 520 Civil Penalties Account—State Appropriation	((\$4,122,000)) \$4,135,000
Tacoma Narrows Toll Bridge Account—State Appropriation	((\$29,809,000)) \$31,080,000
Alaskan Way Viaduct Replacement Project Account—State Appropriation	((\$20,840,000)) \$21,693,000
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation	((\$23,910,000)) \$24,562,000
TOTAL APPROPRIATION	(\$132,370,000) \$139,725,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,300,000 of the Tacoma Narrows toll bridge account—state appropriation and \$12,484,000 of the state route number 520

corridor account—state appropriation are provided solely for the purposes of addressing unforeseen operations and maintenance costs on the Tacoma Narrows bridge and the state route number 520 bridge, respectively. The office of financial management shall place the amounts provided in this subsection, which represent a portion of the required minimum fund balance under the policy of the state treasurer, in unallotted status. The office may release the funds only when it determines that all other funds designated for operations and maintenance purposes have been exhausted.

(2) As long as the facility is tolled, the department must provide annual reports to the transportation committees of the legislature on the Interstate 405 express toll lane project performance measures listed in RCW 47.56.880(4). These reports must include:

(a) Information on the travel times and travel time reliability (at a minimum, average and 90th percentile travel times) maintained during peak and nonpeak periods in the express toll lanes and general purpose lanes for both the entire corridor and commonly made trips in the corridor including, but not limited to, northbound from Bellevue to Rose Hill, state route number 520 at NE 148th to Interstate 405 at state route number 522, Bellevue to Bothell (both NE 8th to state route number 522 and NE 8th to state route number 527), and a trip internal to the corridor (such as NE 85th to NE 160th) and similar southbound trips;

(b) A month-to-month comparison of travel times and travel time reliability for the entire corridor and commonly made trips in the corridor as specified in (a) of this subsection since implementation of the express toll lanes and, to the extent available, a comparison to the travel times and travel time reliability prior to implementation of the express toll lanes;

(c) Total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane (i) compared to total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane, on this segment of Interstate 405 prior to implementation of the express toll lanes and (ii) compared to total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane, from month to month since implementation of the express toll lanes; and

(d) Underlying congestion measurements, that is, speeds, that are being used to generate the summary graphs provided, to be made available in a digital file format.

(3)(a) (~~(\$708,000)~~) \$481,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, (~~(\$1,651,000)~~) \$1,132,000 of the state route number 520 corridor account—state appropriation, (~~(\$709,000)~~) \$509,000 of the Tacoma Narrows toll bridge account—state appropriation, and (~~(\$932,000)~~) \$636,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the reappropriation of unspent funds on the new tolling back office system from the 2019-2021 biennium(~~(, and are subject to the conditions, limitations, and review provided in section 701 of this act.~~).

~~(b) The department shall continue to work with the office of financial management, office of the chief information officer, and the transportation committees of the legislature on the project management plan that includes a provision for independent verification and validation of contract deliverables from the successful bidder and a provision for quality assurance that includes reporting independently to the office of the chief information officer on an ongoing basis during system implementation).~~

~~(c)~~ (b) The office of financial management shall place the

amounts provided in this subsection in unallotted status until the department submits a detailed progress report on the progress of the new tolling back office system. The director of the office of financial management or their designee shall consult with the chairs and ranking members of the transportation committees of the legislature prior to making a decision to allot these funds.

(4) (~~Out of funding appropriated in this section.~~) \$121,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$288,000 of the state route number 520 corridor account—state appropriation, \$128,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$163,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the department (~~shall~~) to contract with the state auditor's office for a performance audit of the department's project to replace its electronic toll collection system. The audit should include an evaluation of the department's project planning, vendor procurement, contract management and project oversight. The final report is to be issued by December 31, 2022. The state auditor will transmit copies of the report to the jurisdictional committees of the legislature and the department.

(5) The department shall make detailed annual reports to the transportation committees of the legislature and the public on the department's web site on the following:

(a) The use of consultants in the tolling program, including the name of the contractor, the scope of work, the type of contract, timelines, deliverables, any new task orders, and any extensions to existing consultant contracts;

(b) The nonvendor costs of administering toll operations, including the costs of staffing the division, consultants, and other personal service contracts required for technical oversight and management assistance, insurance, payments related to credit card processing, transponder purchases and inventory management, facility operations and maintenance, and other miscellaneous nonvendor costs;

(c) The vendor-related costs of operating tolled facilities, including the costs of the customer service center, cash collections on the Tacoma Narrows bridge, electronic payment processing, and toll collection equipment maintenance, renewal, and replacement;

(d) The toll adjudication process, including a summary table for each toll facility that includes:

- (i) The number of notices of civil penalty issued;
 - (ii) The number of recipients who pay before the notice becomes a penalty;
 - (iii) The number of recipients who request a hearing and the number who do not respond;
 - (iv) Workload costs related to hearings;
 - (v) The cost and effectiveness of debt collection activities; and
 - (vi) Revenues generated from notices of civil penalty; and
- (e) A summary of toll revenue by facility on all operating toll facilities and express toll lane systems, and an itemized depiction of the use of that revenue.

(6) During the 2021-2023 fiscal biennium, the department plans to issue a request for proposals as the first stage of a competitive procurement process that will replace the toll equipment and select a new tolling operator for the Tacoma Narrows Bridge. The request for proposals and subsequent competitive procurement must incorporate elements that prioritize the overall goal of lowering costs per transaction for the facility, such as incentives for innovative approaches which result in lower transactional costs, requests for efficiencies on the part of the bidder that lower operational costs, and incorporation of technologies such as self-serve credit card machines or other point-of-payment technologies that lower costs or improve operational efficiencies.

(7) \$19,908,000 of the Alaskan Way viaduct replacement project account—state appropriation is provided solely for the new state route number 99 tunnel toll facility's expected share of collecting toll revenues, operating customer services, and maintaining toll collection systems. The legislature expects to see appropriate reductions to the other toll facility accounts once tolling on the new state route number 99 tunnel toll facility stabilizes and any previously incurred costs for start-up of the new facility are charged back to the Alaskan Way viaduct replacement project account. The office of financial management shall closely monitor the application of the cost allocation model and ensure that the new state route number 99 tunnel toll facility is adequately sharing costs and the other toll facility accounts are not being overspent or subsidizing the new state route number 99 tunnel toll facility.

(8) The department shall submit a plan to the legislature for the Interstate 405 and state route number 167 express toll lanes account detailing how bond proceeds can cover the proposed construction plan on the Interstate 405 and state route number 167 express toll lane corridor outlined on LEAP Transportation Document 2021-1 as developed April 23, 2021, by January 1, 2022.

(9) (~~(\$1,516,000)~~) (a) \$3,038,000 of the state route number 520 corridor account—state appropriation is provided solely for the increased costs of insurance for the state route number 520 floating bridge. The department shall conduct an evaluation of the short and long-term costs and benefits including risk mitigation of self-insurance as compared to the commercial insurance option for the state route number 520 floating bridge, as allowed under the terms of the state route number 520 master bond resolution. By December 15, 2021, the department shall report to the legislature on the results of this evaluation.

(b) \$580,000 of the Tacoma Narrows toll bridge account—state appropriation is provided solely for the increased costs of insurance for the Tacoma Narrows bridge.

(10) As part of the department's 2023-2025 biennial budget request, the department shall update the cost allocation recommendations that assign appropriate costs to each of the toll funds for services provided by relevant Washington state department of transportation programs, the Washington state patrol, and the transportation commission. The recommendations shall be based on updated traffic and toll transaction patterns and other relevant factors.

(11) All amounts provided for operations and maintenance expenses on the SR 520 facility from the state route number 520 corridor account during the 2021-2023 fiscal biennium in this act, up to a maximum of \$59,567,000, are derived from the receipt of federal American rescue plan act of 2021 funds and not toll revenues.

Sec. 210. 2021 c 333 s 210 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
INFORMATION TECHNOLOGY—PROGRAM C**

Transportation Partnership Account—State Appropriation	(\$1,377,000)
	<u>\$1,401,000</u>
Motor Vehicle Account—State Appropriation	(\$97,026,000)
	<u>\$102,958,000</u>
Puget Sound Ferry Operations Account—State Appropriation	(\$263,000)
	<u>\$307,000</u>
Multimodal Transportation Account—State Appropriation	(\$6,986,000)
	<u>\$7,074,000</u>
Transportation 2003 Account (Nickel Account)—State Appropriation	(\$1,393,000)

	\$1,413,000
TOTAL APPROPRIATION	((\$107,045,000))
	\$113,153,000

The appropriations in this section are subject to the following conditions and limitations: \$4,273,000 of the multimodal transportation account—state appropriation and \$4,273,000 of the motor vehicle account—state appropriation are provided solely for the department's cost related to the one Washington project, and is subject to the conditions, limitations, and review requirements of section 701 (~~of this act~~), chapter 333, Laws of 2021.

Sec. 211. 2021 c 333 s 211 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
FACILITY MAINTENANCE, OPERATIONS, AND
CONSTRUCTION—PROGRAM D—OPERATING**

Motor Vehicle Account—State Appropriation	((\$35,574,000))
	\$37,588,000
State Route Number 520 Corridor Account—State Appropriation	\$34,000
TOTAL APPROPRIATION	((\$35,608,000))
	\$37,622,000

Sec. 212. 2021 c 333 s 212 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
AVIATION—PROGRAM F**

Aeronautics Account—State Appropriation	((\$8,055,000))
	\$8,105,000
Aeronautics Account—Federal Appropriation	\$3,916,000
Aeronautics Account—Private/Local Appropriation	\$60,000
<u>Multimodal Transportation Account—State Appropriation</u>	<u>\$150,000</u>
TOTAL APPROPRIATION	((\$12,031,000))
	\$12,231,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,888,000 of the aeronautics account—state appropriation is provided solely for the airport aid grant program, which provides competitive grants to public use airports for pavement, safety, maintenance, planning, and security.

(2) \$257,000 of the aeronautics account—state appropriation is provided solely for supporting the commercial aviation coordinating commission, pursuant to section 718 (~~of this act~~), chapter 333, Laws of 2021.

(3) \$280,000 of the aeronautics account—state appropriation is provided solely for the implementation of chapter 131, Laws of 2021 (unpiloted aircraft system state coordinator). If chapter 131, Laws of 2021 is not enacted by June 30, 2021, the amount provided in this subsection lapses.

(4)(a) \$150,000 of the multimodal transportation account—state appropriation is provided solely for the aviation program to continue the community engagement associated with the work of the commercial aviation coordinating commission to increase aviation capacity and provide a single preferred location for a new primary commercial aviation facility by June 15, 2023. The work of the commission shall include, but is not limited to, recommendations to the legislature on future Washington state long-range commercial aviation facility needs including possible additional aviation facilities or expansion of current aviation facilities.

(b) Community engagement efforts may include:

(i) Raising awareness among aviation stakeholders and the public on the complex issues that must be addressed by the commission;

(ii) Obtaining input from a representative cross section of the

public on the construction of a new airport and the expansion of existing airports to meet future aviation demand;

(iii) Keeping people informed as the commission's work progresses, including diverse communities that are often underrepresented in processes to inform decision making;

(iv) Providing opportunities for members of the public to provide direct input to the commission during the pandemic that limits opportunities for direct social contact;

(v) Using surveys, open houses, focus groups, translation services, informational handouts, advertisements, social media, and other appropriate means of communicating with the public; and

(vi) Providing a focus on the demographics or people in the geographical areas most impacted by expanding aviation capacity or developing a new aviation facility.

(c) The department may use a communications consultant or community-based organizations to assist with community engagement efforts in (b) of this subsection.

Sec. 213. 2021 c 333 s 213 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
PROGRAM DELIVERY MANAGEMENT AND
SUPPORT—PROGRAM H**

Motor Vehicle Account—State Appropriation	((\$59,138,000))
	\$61,049,000
Motor Vehicle Account—Federal Appropriation	\$500,000
Multimodal Transportation Account—State Appropriation	\$758,000
TOTAL APPROPRIATION	((\$60,396,000))
	\$62,307,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The legislature recognizes that the trail known as the Rocky Reach Trail, and its extensions, serve to separate motor vehicle traffic from pedestrians and bicyclists, increasing motor vehicle safety on state route number 2 and the coincident section of state route number 97. Consistent with chapter 47.30 RCW and pursuant to RCW 47.12.080, the legislature declares that transferring portions of WSDOT Inventory Control (IC) No. 2-09-04686 containing the trail and associated buffer areas to the Washington state parks and recreation commission is consistent with the public interest. The legislature directs the department to transfer the property to the Washington state parks and recreation commission.

(a) The department must be paid fair market value for any portions of the transferred real property that is later abandoned, vacated, or ceases to be publicly maintained for trail purposes.

(b) Prior to completing the transfer in this subsection (1), the department must ensure that provisions are made to accommodate private and public utilities and any facilities that predate the department's acquisition of the property, at no cost to those entities. Prior to completing the transfer, the department shall also ensure that provisions, by fair market assessment, are made to accommodate other private and public utilities and any facilities that have been legally allowed by permit or other instrument.

(c) The department may sell any adjoining property that is not necessary to support the Rocky Reach Trail and adjacent buffer areas only after the transfer of trail-related property to the Washington state parks and recreation commission is complete. Adjoining property owners must be given the first opportunity to acquire such property that abuts their property, and applicable boundary line or other adjustments must be made to the legal descriptions for recording purposes.

(2) With respect to Parcel 12 of the real property conveyed by the state of Washington to the city of Mercer Island under that

certain quitclaim deed, dated April 19, 2000, recorded in King county under recording no. 20000425001234, the requirement in the deed that the property be used for road/street purposes only will be deemed satisfied by the department of transportation so long as commuter parking, as part of the vertical development of the property, is one of the significant uses of the property.

(3) \$1,600,000 of the motor vehicle account—state appropriation is provided solely for real estate services activities. Consistent with RCW 47.12.120 and during the 2021-2023 fiscal biennium, when initiating, extending, or renewing any rent or lease agreements with a regional transit authority, consideration of value must be equivalent to one hundred percent of economic or market rent.

(4) The department shall report to the transportation committees of the legislature by December 1, 2021, on the status of its efforts to consolidate franchises for broadband facilities across the state, including plans for increasing the number of consolidated franchises in the future.

(5) During the 2021-2023 biennium, if the department takes possession of the property situated in the city of Edmonds for which a purchase agreement was executed between Unocal and the department in 2005 (Tax Parcel Number 262703-2-003-0009), and if the department confirms that the property is still no longer needed for transportation purposes, the department shall provide the city of Edmonds with the right of first purchase at fair market value in accordance with RCW 47.12.063(3) for the city's intended use of the property to rehabilitate near-shore habitat for salmon and related species.

(6) (~~(\$300,000)~~) \$535,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 217, Laws of 2021 (noxious weeds). (~~If chapter 217, Laws of 2021 (noxious weeds) is not enacted by June 30, 2021, the amount provided in this subsection lapses.~~)

(7) (~~(\$500,000)~~) \$1,026,000 of the multimodal transportation account—state appropriation is provided solely for the implementation of chapter 314, Laws of 2021 (environmental justice task force). (~~If chapter 314, Laws of 2021 (environmental justice task force) is not enacted by June 30, 2021, the amount provided in this subsection lapses.~~)

(8)(a) The department shall offer to sell or convey the northern parcel of site 14 on the Puget Sound Gateway Program SR 509 Completion Project Surplus Property list, located immediately south of S. 216th Street and adjacent to the Barnes Creek Nature in Des Moines, to Seattle Goodwill Industries, a nonprofit organization with tax ID 91-05688708, located at 700 Dearborn Place S, Seattle, WA 98144, in accordance with RCW 47.12.063 at less than its fair market value to the extent the department finds it is in the public interest to do so because the public benefit that will result from Goodwill's redevelopment of the property it owns at Rainier Ave South and South Dearborn Street to increase the supply of affordable housing would not otherwise be adequately compensated.

(b) The amount remaining from the transfer required under RCW 70A.205.425 from the waste tire removal account to the motor vehicle fund that is not allocated to reimbursement of the motor vehicle fund under section 207 of this act reimburses the motor vehicle fund for any reduction to the motor vehicle fund reimbursement that results from the sale at less than fair market value of real property under this subsection (8).

Sec. 214. 2021 c 333 s 214 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
PUBLIC-PRIVATE PARTNERSHIPS—PROGRAM K**

Motor Vehicle Account—State Appropriation ~~(\$675,000)~~

\$685,000

Electric Vehicle Account—State Appropriation ~~(\$9,900,000)~~

	<u>\$11,900,000</u>
Multimodal Transportation Account—State Appropriation	(\$3,290,000)
	<u>\$6,090,000</u>
<u>Multimodal Transportation Account—Federal Appropriation</u>	<u>\$14,100,000</u>
TOTAL APPROPRIATION	(\$13,865,000)
	<u>\$32,775,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The public-private partnerships program must continue to explore retail partnerships at state-owned park and ride facilities, as authorized in RCW 47.04.295.

(2) (~~(\$8,900,000)~~) \$10,900,000 of the electric vehicle account—state appropriation is provided solely for the clean alternative fuel vehicle charging and refueling infrastructure program in chapter 287, Laws of 2019 (advancing green transportation adoption).

(3) \$2,400,000 of the multimodal transportation account—state appropriation is provided solely for the pilot program established under chapter 287, Laws of 2019 (advancing green transportation adoption) to provide clean alternative fuel vehicle use opportunities to underserved communities and low to moderate income members of the workforce not readily served by transit or located in transportation corridors with emissions that exceed federal or state emissions standards. Consistent with the geographical diversity element described in RCW 47.04.355(4), the legislature strongly encourages the department to consider implementing the pilot in both urban and rural communities if possible, to obtain valuable information on the needs of underserved communities located in different geographical locations in Washington.

(4) \$1,000,000 of the electric vehicle account—state appropriation and \$500,000 of the multimodal transportation account—state appropriation are provided solely for a colocated DC fast charging and hydrogen fueling station near the Wenatchee or East Wenatchee area near a state route or near or on a publicly owned facility to service passenger, light-duty and heavy-duty vehicles. The hydrogen fueling station must include a DC fast charging station colocated at the hydrogen fueling station site. Funds may be used for one or more fuel cell electric vehicles that would utilize the fueling stations. The department must contract with a public utility district that produces hydrogen in the area to own and/or manage and provide technical assistance for the design, planning, permitting, construction, maintenance and operation of the hydrogen fueling station. The department and public utility district are encouraged to collaborate with and seek contributions from additional public and private partners for the fueling station.

(5) \$140,000 of the multimodal transportation account—state appropriation is provided solely for the purpose of conducting an assessment of options for the development, including potential features and costs, for a publicly available mapping and forecasting tool that provides locations and essential information of charging and refueling infrastructure to support forecasted levels of electric vehicle adoption, travel, and usage across Washington state as described in chapter 300, Laws of 2021 (preparedness for a zero emissions transportation future).

(6) \$250,000 of the multimodal transportation account—state appropriation is provided solely to fund the design of an electric charging mega-site project at Mount Vernon library commons.

(7)(a) \$14,100,000 of the multimodal transportation account—federal appropriation and \$2,800,000 of the multimodal transportation account—state appropriation are provided solely for the national electric vehicle program established in the infrastructure investment and jobs act. As directed in the

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infrastructure investment and jobs act, the department shall develop and submit a plan to the secretary of the United States department of transportation and in developing the plan, the department must consider providing publicly accessible electric vehicle supply equipment across the state highway network including eliminating electric vehicle charging deserts, providing charging infrastructure to rural areas as well as low-income communities, and providing redundancy in high travel corridors. The department shall also submit the plan submitted to the secretary of the United States department of transportation to the transportation committees of the legislature.

(b) In developing the plan the department must:

(i) Include opportunities to provide highway electric vehicle infrastructure for light, medium, and heavy-duty vehicles;

(ii) Identify opportunities to support local electric vehicle infrastructure when doing so meets the criteria of the national electric vehicle program; and

(iii) Support publicly available electric vehicle charging infrastructure on federally designated alternative fuel corridors as set forth in the national electric vehicle program plan.

(c) Funds provided in this subsection are also provided for the department to develop and update the required mapping and forecasting tool set forth in RCW 47.01.520 that provides locations and essential information of charging and refueling infrastructure to support forecasted levels of electric vehicle adoption, travel, and use. Up to \$1,623,000 of the amounts provided in this subsection (7) may be used to develop and update the required mapping and forecasting tool. The department may use up to 10 percent of the funds appropriated to administer this program.

Sec. 215. 2021 c 333 s 215 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MAINTENANCE—PROGRAM M

Motor Vehicle Account—State	Appropriation
	(\$496,925,000)
	<u>\$518,064,000</u>
Motor Vehicle Account—Federal	Appropriation
State Route Number 520 Corridor	Account—State
Appropriation	(\$4,082,000)
	<u>\$4,517,000</u>
Tacoma Narrows Toll Bridge Account—State	Appropriation
	(\$1,479,000)
	<u>\$1,510,000</u>
Alaskan Way Viaduct Replacement Project	Account—State
Appropriation	(\$8,157,000)
	<u>\$8,325,000</u>
Interstate 405 and State Route Number 167 Express Toll Lanes	Account—State
Account—State Appropriation	(\$2,545,000)
	<u>\$2,569,000</u>
TOTAL APPROPRIATION	(\$520,188,000)
	<u>\$541,985,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$7,529,000 of the motor vehicle account—state appropriation is provided solely for utility fees assessed by local governments as authorized under RCW 90.03.525 for the mitigation of stormwater runoff from state highways. Plan and reporting requirements as required in chapter 435, Laws of 2019 (Local Stormwater Charges) shall be consistent with the January 2012 findings of the Joint Transportation Committee Report for Effective Cost Recovery Structure for WSDOT, Jurisdictions, and Efficiencies in Stormwater Management.

(2) \$5,000,000 of the motor vehicle account—state appropriation is provided solely for a contingency pool for snow

and ice removal. The department must notify the office of financial management and the transportation committees of the legislature when they have spent the base budget for snow and ice removal and will begin using the contingency pool funding.

(3) \$1,025,000 of the motor vehicle account—state appropriation is provided solely for the department to implement safety improvements and debris clean up on department-owned rights-of-way in the city of Seattle at levels above that being implemented as of January 1, 2019, to be administered in conjunction with subsection (9) of this section. The department must maintain a crew dedicated solely to collecting and disposing of garbage, clearing debris or hazardous material, and implementing safety improvements where hazards exist to the traveling public, department employees, or people encamped upon department-owned rights-of-way. The department may request assistance from the Washington state patrol as necessary in order for both agencies to provide enhanced safety-related activities regarding the emergency hazards along state highway rights-of-way in the Seattle area.

(4) \$1,015,000 of the motor vehicle account—state appropriation is provided solely for a partnership program between the department and the city of Tacoma, to be administered in conjunction with subsection (9) of this section. The program shall address the safety and public health problems created by homeless encampments on the department's property along state highways within the city limits. \$570,000 is for dedicated department maintenance staff and associated clean-up costs. The department and the city of Tacoma shall enter into a reimbursable agreement to cover up to \$445,000 of the city's expenses for clean-up crews and landfill costs.

(5) The department must continue a pilot program for the 2021-2023 fiscal biennium at the four highest demand safety rest areas to create and maintain an online calendar for volunteer groups to check availability of weekends for the free coffee program. The calendar must be updated at least weekly and show dates and times that are, or are not, available to participate in the free coffee program. The department must submit a report to the legislature on the ongoing pilot by December 1, 2022, outlining the costs and benefits of the online calendar pilot, and including surveys from the volunteer groups and agency staff to determine its effectiveness.

(6) \$686,000 of the motor vehicle account—state appropriation is provided solely for reimbursing the Oregon department of transportation (ODOT) for the department's share of increased maintenance costs of six highway bridges over the Columbia River that are maintained by ODOT.

(7) \$8,290,000 of the motor vehicle account—state appropriation is provided solely for increased costs of highway maintenance materials.

(8) \$5,816,000 of the motor vehicle account—state appropriation is provided solely for a contingency pool for repairing damages to highways caused by known and unknown third parties. The department must notify the office of financial management and the transportation committees of the legislature when they have spent the base budget for third-party damage repair and will begin using the contingency pool funding.

(9)(a) ~~(\$3,000,000)~~ \$8,000,000 of the motor vehicle account—state appropriation is provided solely for the department to address the risks to safety and public health associated with homeless encampments on department owned rights-of-way. The department must coordinate and work with local government officials and social service organizations who provide services and direct people to housing alternatives that are not in highway rights-of-way to help prevent future encampments from forming on highway rights-of-way, and may reimburse the

organizations doing this outreach assistance who transition people into treatment or housing (~~that is not on the rights-of-way~~) or for debris clean up on highway rights-of-way. (~~The department may~~) A minimum of \$2,000,000 of this appropriation must be used to provide more frequent removal of litter on the highway rights-of-way that is generated by unsheltered people and may be used to hire crews specializing in collecting and disposing of garbage, clearing debris or hazardous material, and implementing safety improvements where hazards exist to the traveling public and department employees. The department may use these funds to either reimburse local law enforcement costs or the Washington state patrol if they are participating as part of a state or local government agreement to provide enhanced safety related activities along state highway rights-of-way.

(b) Beginning October 1, 2021, and semiannually thereafter, the Washington state patrol and the department of transportation must jointly submit a report to the governor and the house and senate transportation committees of the legislature on the status of these efforts, including:

(i) A detailed breakout of the size, location, risk level categorization, and number of encampments on or near department-owned rights-of-way, compared to the levels during the quarter being reported;

(ii) A summary of the activities in that quarter related to addressing these encampments, including information on arrangements with local governments or other entities related to these activities;

(iii) A description of the planned activities in the ensuing quarter to further address the emergency hazards and risks along state highway rights-of-way; and

(iv) Recommendations for executive branch or legislative action to achieve the desired outcome of reduced emergency hazards and risks along state highway rights-of-way.

(10)(a) \$2,000,000 of the motor vehicle account—state appropriation is provided solely for the department to contract with the city of Fife to address the risks to safety and public health associated with homeless encampments on department-owned rights-of-way along the SR 167/SR 509 Puget Sound Gateway project corridor in and adjacent to the city limits.

(b) The city must coordinate and work with the department and local government officials and social service organizations who provide services and direct people to housing alternatives that are not in highway rights-of-way to help prevent future encampments from forming on highway rights-of-way. State funds may be used to reimburse the organizations doing this outreach assistance who transition people into treatment or housing that is not on the rights-of-way or for debris clean up on highway rights-of-way.

(c) The department may hire crews specializing in collecting and disposing of garbage, clearing debris or hazardous material, and implementing safety improvements where hazards exist to the traveling public and department employees.

(d) Funds may also be used to reimburse local law enforcement costs or the Washington state patrol if they are participating as part of a state or local government agreement to provide enhanced safety related activities along state highway rights-of-way.

(e) It is the intent of the legislature that the city and collaborating partners should place particular emphasis on utilizing available funds for addressing large scale and multiple homeless encampments that impact public safety and health. Funding for initiatives associated with such encampments may include targeted assistance to local governments and social service organizations, directing moneys toward not only initial efforts to clear encampments, clean up debris and restore sightlines, but to ongoing work, monitoring, and maintenance of efforts to place individuals in housing, treatment and services, and to better ensure individuals experiencing homelessness receive

needed assistance while sites remain safe and secure for the traveling public.

(11) \$100,000 of the motor vehicle account—state appropriation is provided solely for the department to install fencing to delineate between the privately leased property owned by the department and the public right-of-way property maintained by the city of Seattle. The parameters of the adjacent properties located under the Interstate 5 corridor, south of milepost 165, are south Jackson street and south King street going north and south, and 8th avenue south and 9th avenue south going west to east in the international district.

(12) During the 2021-2023 fiscal biennium, the department shall conduct a pilot program authorizing commercial motor vehicles, as defined in RCW 46.25.010, that are used in commerce solely to transport property to park in areas designated by the department as chain up and chain off areas along United States route number 2 and Interstate 90 between May 1st and November 1st of each calendar year of the biennium. Under the pilot program, parking is permitted for up to an hour beyond federally mandated rest periods when signage posted by the department authorizes the parking of these commercial motor vehicles. Beginning July 1, 2022, the department shall post and maintain signage authorizing the parking of these commercial motor vehicles in chain up and chain off areas that it determines: (a) Have sufficient space to accommodate commercial motor vehicles parking for an extended period of time; and (b) where other safety concerns have been addressed. The department shall notify the Washington state patrol and the transportation committees of the legislature when it posts signage authorizing commercial motor vehicle parking in a chain up or chain off area.

(13)(a) \$5,000,000 of the motor vehicle account—state appropriation is provided solely for additional resources for operations, maintenance, facility replacements, security, and upgrades to safety rest areas to ensure that safety rest areas owned and operated by the department are open for use except for seasonal closures or cleaning, maintenance, and repair.

(b) The department may use the funds for additional labor, services, materials, or equipment needed to allow commercial vehicle parking stalls to remain open when rest areas might otherwise be closed.

(c) It is the intent of the legislature that these funds are additional resources for the department and not meant to supplant underlying resources for the maintenance and operations of safety rest areas.

(d) The department must make a report to the transportation committees of the legislature regarding the additional operations and maintenance activities made at safety rest areas to ensure that rest areas stayed open by November 15, 2022. The report must include the status per safety rest area of openings and closures that were impacted by the additional activities; the additional activities, including security efforts, that were performed at the rest areas; and an update on the status and a review of the safety rest area strategic plan.

(14)(a) \$50,000 of the motor vehicle account—state appropriation is provided solely for the department to install and inspect monthly human trafficking informational posters in every rest room in every safety rest area owned and operated by the department.

(b) In developing the informational posters, the department shall consult with human trafficking victim advocates to determine content.

(c) The posters must:

(i) Be printed in a variety of languages;

(ii) Include contact information for seeking help, which may include toll-free telephone numbers a person may call for assistance, including the number for the national human

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trafficking resource center and the number for the Washington state office of crime victims advocacy; and

(iii) Be made of durable material and permanently affixed.

(c) The department shall install the informational posters in every restroom at every safety rest area owned and operated by the department by December 31, 2022.

(d) Beginning January 1, 2023, or one month after installation of informational posters, whichever is sooner, the department shall inspect the informational posters as part of its monthly maintenance activities to ensure that the posters are in fair condition and remain legible.

(e) The department must make a report to the transportation committees of the legislature regarding the installation of informational posters at safety rest areas by January 15, 2023. The report must include the number of informational posters installed, the location of the poster installations, and the completion date of the poster installations.

Sec. 216. 2021 c 333 s 216 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
TRAFFIC OPERATIONS—PROGRAM Q—OPERATING**

Motor Vehicle Account—State Appropriation	(\$74,406,000)
	<u>\$75,920,000</u>
Motor Vehicle Account—Federal Appropriation	\$2,050,000
Motor Vehicle Account—Private/Local Appropriation	(\$250,000)
	<u>\$295,000</u>
State Route Number 520 Corridor Account—State Appropriation	\$225,000
Tacoma Narrows Toll Bridge Account—State Appropriation	\$40,000
Alaskan Way Viaduct Replacement Project Account— State Appropriation	\$1,112,000
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation	\$20,000
<u>Agency Financial Transaction Account—State Appropriation</u>	<u>\$100,000</u>
TOTAL APPROPRIATION	(\$78,103,000)
	<u>\$79,762,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,000,000 of the motor vehicle account—state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. By December 15th of each odd-numbered year, the department shall provide a report to the legislature listing all low-cost enhancement projects completed in the prior fiscal biennium.

(2)(a) During the 2021-2023 fiscal biennium, the department shall continue a pilot program that expands private transportation providers' access to high occupancy vehicle lanes. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, the following vehicles must be authorized to use the reserved portion of the highway if the vehicle has the capacity to carry eight or more passengers, regardless of the number of passengers in the vehicle: (i) Auto transportation company vehicles regulated under chapter 81.68 RCW; (ii) passenger charter carrier vehicles regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; (iii) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (iv) private employer transportation service vehicles. For purposes of this subsection, "private employer transportation service" means regularly scheduled, fixed-route transportation

service that is offered by an employer for the benefit of its employees. Nothing in this subsection is intended to authorize the conversion of public infrastructure to private, for-profit purposes or to otherwise create an entitlement or other claim by private users to public infrastructure.

(b) The department shall expand the high occupancy vehicle lane access pilot program to vehicles that deliver or collect blood, tissue, or blood components for a blood-collecting or distributing establishment regulated under chapter 70.335 RCW. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, blood-collecting or distributing establishment vehicles that are clearly and identifiably marked as such on all sides of the vehicle are considered emergency vehicles and must be authorized to use the reserved portion of the highway.

(c) The department shall expand the high occupancy vehicle lane access pilot program to organ transport vehicles transporting a time urgent organ for an organ procurement organization as defined in RCW 68.64.010. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, organ transport vehicles that are clearly and identifiably marked as such on all sides of the vehicle are considered emergency vehicles and must be authorized to use the reserved portion of the highway.

(d) The department shall expand the high occupancy vehicle lane access pilot program to private, for hire vehicles regulated under chapter 81.72 RCW that have been specially manufactured, designed, or modified for the transportation of a person who has a mobility disability and uses a wheelchair or other assistive device. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, wheelchair-accessible taxicabs that are clearly and identifiably marked as such on all sides of the vehicle are considered public transportation vehicles and must be authorized to use the reserved portion of the highway.

(e) The department shall expand the high occupancy vehicle lane access pilot program to for hire nonemergency medical transportation vehicles, when in use for medical purposes, as described in section 208 ~~((of this act))~~, chapter 333, Laws of 2021. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, nonemergency medical transportation vehicles that meet the requirements identified in section 208 ~~((of this act))~~, chapter 333, Laws of 2021 must be authorized to use the reserved portion of the highway.

(f) Nothing in this subsection (2) is intended to exempt these vehicles from paying tolls when they do not meet the occupancy requirements established by the department for express toll lanes.

(3)(a) The appropriations in this section assume implementation of additional cost recovery mechanisms to recoup at least \$100,000 in credit card and other financial transaction costs related to the collection of fees imposed under RCW 46.44.0941 for driver and vehicle fee transactions beginning January 1, 2023.

(b) The department may recover transaction fees incurred through credit card transactions. At the direction of the office of financial management, the department shall develop a method of tracking the additional amount of credit card and other financial cost-recovery revenues.

(c) In consultation with the office of financial management, the department shall notify the office of the state treasurer of these amounts and the state treasurer must deposit these revenues in the agency financial transaction account created in RCW 46.01.385 on a quarterly basis.

(d) The department shall also submit, as part of its 2023-2025

budget submittal, an overview of the credit card cost recovery approach, including fee rates and the amount of revenue expected to be generated in the 2021-2023 and 2023-2025 biennia.

(4) The department shall promote safety messages encouraging drivers to slow down and move over and pay attention when emergency lights are flashing on the side of the road and other suitable safety messages on electronic message boards the department operates across the state. The messages must be promoted multiple times each month through June 30, 2023. The department may coordinate such messaging with any statewide public awareness campaigns being developed by the department of licensing or the Washington state traffic safety commission or both.

Sec. 217. 2021 c 333 s 217 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
TRANSPORTATION MANAGEMENT AND SUPPORT—
PROGRAM S**

Motor Vehicle Account—State Appropriation	(\$37,361,000) \$39,325,000
Motor Vehicle Account—Federal Appropriation	\$780,000
Motor Vehicle Account—Private/Local Appropriation	\$500,000
Multimodal Transportation Account—State Appropriation	(\$5,129,000) \$6,629,000
State Route Number 520 Corridor Account—State Appropriation	\$186,000
Tacoma Narrows Toll Bridge Account—State Appropriation	\$150,000
Alaskan Way Viaduct Replacement Project Account—State Appropriation	\$121,000
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation	\$77,000
<u>Puget Sound Ferry Operations Account—State Appropriation</u>	<u>\$266,000</u>
TOTAL APPROPRIATION	(\$44,304,000) \$48,034,000

The appropriations in this section are subject to the following conditions and limitations: ~~(\$4,000,000)~~

(1) \$5,500,000 of the multimodal transportation account—state appropriation is provided solely for efforts to increase diversity in the transportation construction and maritime workforce (through (1)). Of this amount:

(a) \$4,000,000 of the multimodal transportation account—state appropriation is provided solely for: (i) The preapprenticeship support services (PASS) program, which aims to increase diversity in the highway construction workforce and prepare individuals interested in entering the highway construction workforce. In addition to the services allowed by RCW 47.01.435, the PASS program may provide housing assistance for youth aging out of the foster care and juvenile rehabilitation systems in order to support the participation of these youth in a transportation-related preapprenticeship program; ~~((2))~~ and (ii) assisting minority and women-owned businesses to perform work in the highway construction industry. This assistance shall include technical assistance, business training, counseling, guidance, prime to subcontractor relationship building, and a capacity building mentorship program. At a minimum, \$1,000,000 of the total appropriation in this subsection shall be directed toward the efforts outlined in (a)(ii) of this subsection ~~((2) of this section).~~

(b) \$1,500,000 of the multimodal transportation account—state appropriation is provided solely for expansion of the PASS program to support apprenticeships and workforce development in the maritime industry through preapprenticeship training for

inland waterways trades and support services to obtain necessary coast guard certification.

(c) The provider(s) chosen to complete the work in this subsection shall be selected through a competitive bidding process. The program shall be administered by the Washington state department of transportation's office of equal opportunity.

(2) \$1,164,000 of the motor vehicle account—state appropriation and \$266,000 of the Puget Sound ferry operations account—state appropriation are provided solely for the department to hire a workforce development consultant to develop, track, and monitor the progress of community workforce agreements, and to hire staff to assist with the development and implementation of internal diversity, equity, and inclusion efforts and serve as subject matter experts on federal and state civil rights provisions. The department shall provide a progress report on the implementation of efforts under this subsection to the transportation committees of the legislature and the governor by December 1, 2022.

Sec. 218. 2021 c 333 s 218 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
TRANSPORTATION PLANNING, DATA, AND
RESEARCH—PROGRAM T**

Motor Vehicle Account—State Appropriation	(\$27,057,000) \$27,865,000
Motor Vehicle Account—Federal Appropriation	\$34,865,000
Motor Vehicle Account—Private/Local Appropriation	\$400,000
Multimodal Transportation Account—State Appropriation	(\$919,000) \$1,212,000
Multimodal Transportation Account—Federal Appropriation	\$2,809,000
Multimodal Transportation Account—Private/Local Appropriation	\$100,000
State Route Number 520 Corridor Account—State Appropriation	(\$406,000) \$451,000
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation	\$2,879,000
TOTAL APPROPRIATION	(\$69,435,000) \$70,581,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,080,000 of the motor vehicle account—federal appropriation is provided solely for the Forward Drive road usage charge research project overseen by the transportation commission using a portion of the amount of the federal grant award. The purpose of the Forward Drive road usage charge research project is to advance research in key policy areas related to road usage charge including assessing impacts of future mobility shifts on road usage charge revenues, conducting an equity analysis, updating and assessing emerging mileage reporting methods, determining opportunities to reduce cost of collection, conducting small-scale pilot tests, and identifying a long-term, detailed phase-in plan.

(2) \$2,879,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation is provided solely for completion of updating the state route number 167 master plan.

(3) ~~(\$250,000)~~ \$500,000 of the multimodal transportation account—state appropriation is provided solely for the department to partner with the department of commerce in developing vehicle miles traveled targets ~~((for the counties in Washington state with (a) a population density of at least 100 people per square mile and a population of at least 200,000; or (b)~~

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a population density of at least 75 people per square mile and an annual growth rate of at least 1.75 percent as determined by the office of financial management)). Given land use patterns are key factors in travel demand and should be taken into consideration when developing the targets, the department and the department of commerce shall partner with local jurisdictions, regional transportation planning organizations and other stakeholders to inventory existing laws and rules that promote transportation and land use, identify gaps and make recommendations for changes in laws, rules and agency guidance, and establish a framework for considering underserved and rural communities in the evaluation. The department and the department of commerce shall provide an initial technical report by December 31, 2021, an interim report by June 22, 2022, and a final report to the governor and appropriate committees of the legislature by June 30, 2023, that includes a process for establishing vehicle miles traveled reduction targets, a recommended suite of options for local jurisdictions to achieve the targets, and funding requirements for state and local jurisdictions.

(4) ~~(\$406,000)~~ \$451,000 of the state route number 520 corridor account—state appropriation is provided solely for the department to contract with the University of Washington department of mechanical engineering, to study measures to reduce noise impacts from the state route number 520 bridge expansion joints. The field testing shall be scheduled during existing construction, maintenance, or other scheduled closures to minimize impacts. The testing must also ensure safety of the traveling public. The study shall examine testing methodologies and project timelines and costs. A ~~(final)~~ draft report must be submitted to the transportation committees of the legislature and the governor by March 1, 2022. A final report must be submitted to the transportation committees of the legislature and the governor by June 30, 2022.

(5) \$5,900,000 of the motor vehicle account—federal appropriation and \$400,000 of the motor vehicle account—private/local appropriation are provided solely for delivery of the department's state planning and research work program and pooled fund research projects, provided that the department may not expend any amounts provided in this section on a long-range plan or corridor scenario analysis for I-5 from Tumwater to Marysville. This is not intended to reference or impact: The existing I-5 corridor from Mounts road to Tumwater design and operations alternatives analysis; design studies related to HOV lanes or operations; or where it is necessary to continue design and operations analysis related to projects already under development.

(6) \$800,000 of the motor vehicle account—state appropriation is provided solely for WSDOT to do a corridor study of SR 302 (Victor Area) to recommend safety and infrastructure improvements to address current damage and prevent future roadway collapse and landslides that have caused road closures.

(7) \$1,000,000 of the motor vehicle account—state appropriation is provided solely for a study on the need for additional connectivity in the area between SR 161, SR 7, SR 507, and I-5 in South Pierce County.

Sec. 219. 2021 c 333 s 219 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—CHARGES FROM OTHER AGENCIES—PROGRAM U
 Aeronautics Account—State Appropriation \$1,000
 Transportation Partnership Account—State Appropriation ~~(\$23,000)~~ \$25,000
 Motor Vehicle Account—State Appropriation ~~(\$99,515,000)~~ \$100,011,000

Puget Sound Ferry Operations Account—State Appropriation ~~(\$220,000)~~ \$244,000
 State Route Number 520 Corridor Account—State Appropriation \$26,000
 Connecting Washington Account—State Appropriation ~~(\$184,000)~~ \$203,000
 Multimodal Transportation Account—State Appropriation ~~(\$4,795,000)~~ \$4,810,000
 Tacoma Narrows Toll Bridge Account—State Appropriation \$19,000
 Alaskan Way Viaduct Replacement Project Account—State Appropriation \$14,000
 Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation \$15,000
TOTAL APPROPRIATION ~~(\$104,812,000)~~ \$105,368,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Consistent with existing protocol and practices, for any negotiated settlement of a claim against the state for the department that exceeds five million dollars, the department, in conjunction with the attorney general and the department of enterprise services, shall notify the director of the office of financial management and the transportation committees of the legislature.

(2) Beginning October 1, 2021, and semiannually thereafter, the department, in conjunction with the attorney general and the department of enterprise services, shall provide a report with judgments and settlements dealing with the Washington state ferry system to the director of the office of financial management and the transportation committees of the legislature. The report must include information on: (a) The number of claims and settlements by type; (b) the average claim and settlement by type; (c) defense costs associated with those claims and settlements; and (d) information on the impacts of moving legal costs associated with the Washington state ferry system into the statewide self-insurance pool.

(3) Beginning October 1, 2021, and semiannually thereafter, the department, in conjunction with the attorney general and the department of enterprise services, shall provide a report with judgments and settlements dealing with the nonferry operations of the department to the director of the office of financial management and the transportation committees of the legislature. The report must include information on: (a) The number of claims and settlements by type; (b) the average claim and settlement by type; and (c) defense costs associated with those claims and settlements.

(4) When the department identifies significant legal issues that have potential transportation budget implications, the department must initiate a briefing for appropriate legislative members or staff through the office of the attorney general and its legislative briefing protocol.

Sec. 220. 2021 c 333 s 220 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC TRANSPORTATION—PROGRAM V
 State Vehicle Parking Account—State Appropriation \$784,000
 Regional Mobility Grant Program Account—State Appropriation ~~(\$104,478,000)~~ \$115,488,000
 Rural Mobility Grant Program Account—State Appropriation

	(\$33,168,000)
	<u>\$33,283,000</u>
Multimodal Transportation Account—State Appropriation	(\$131,150,000)
	<u>\$134,584,000</u>
Multimodal Transportation Account—Federal Appropriation	\$3,574,000
Multimodal Transportation Account—Local Appropriation	\$100,000
<u>Carbon Emissions Reduction Account—State Appropriation</u>	<u>\$54,260,000</u>
TOTAL APPROPRIATION	(\$273,254,000)
	<u>\$342,073,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$67,821,000 of the multimodal transportation account—state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation. Of this amount:

(a) \$15,568,000 of the multimodal transportation account—state appropriation is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers must be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided. Fuel type may not be a factor in the grant selection process.

(b) \$52,253,000 of the multimodal transportation account—state appropriation is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must, to the greatest extent practicable, have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies must be prorated based on the amount expended for demand response service and route deviated service in calendar year 2019 as reported in the "Summary of Public Transportation - 2019" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions. Fuel type may not be a factor in the grant selection process.

(2) (~~\$33,168,000~~) \$33,283,000 of the rural mobility grant program account—state appropriation is provided solely for grants to aid small cities in rural areas as prescribed in RCW 47.66.100. Fuel type may not be a factor in the grant selection process.

(3) \$2,000,000 of the multimodal transportation account—state appropriation is provided solely for a (~~vanpool~~) public transit rideshare grant program for: (a) Public transit agencies to add (~~vanpools~~) or replace (~~vans~~) rideshare vehicles; and (b) incentives (~~for employers~~) and outreach to increase (~~employee vanpool~~) rideshare use. (~~The grant program for public transit agencies may cover capital costs only; operating costs for public transit agencies are not eligible for funding under this grant program. Additional employees may not be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed.~~) The department shall encourage grant applicants and recipients to leverage funds other than state funds. Fuel type may not be a factor in the grant selection process.

(4) (~~\$26,800,000~~) \$37,809,000 of the regional mobility grant program account—state appropriation is reappropriated and provided solely for the regional mobility grant projects identified in LEAP Transportation Document (~~(2021-2)~~) 2022-2 ALL PROJECTS as developed (~~(April 23, 2021)~~) February 20, 2022, Program - Public Transportation Program (V).

(5)(a) \$77,679,000 of the regional mobility grant program

account—state appropriation is provided solely for the regional mobility grant projects identified in LEAP Transportation Document (~~(2021-2)~~) 2022-2 ALL PROJECTS as developed (~~(April 23, 2021)~~) February 20, 2022, Program - Public Transportation Program (V). The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and any remaining funds must be used only to fund projects identified in the LEAP transportation document referenced in this subsection. The department shall provide annual status reports on December 15, 2021, and December 15, 2022, to the office of financial management and the transportation committees of the legislature regarding the projects receiving the grants. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule. A grantee may not receive more than twenty-five percent of the amount appropriated in this subsection. Additionally, when allocating funding for the 2023-2025 biennium, no more than thirty percent of the total grant program may directly benefit or support one grantee. The department shall not approve any increases or changes to the scope of a project for the purpose of a grantee expending remaining funds on an awarded grant. Fuel type may not be a factor in the grant selection process.

(b) In order to be eligible to receive a grant under (a) of this subsection during the 2021-2023 fiscal biennium, a transit agency must establish a process for private transportation providers to apply for the use of park and ride facilities. For purposes of this subsection, (i) "private transportation provider" means: An auto transportation company regulated under chapter 81.68 RCW; a passenger charter carrier regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; a private nonprofit transportation provider regulated under chapter 81.66 RCW; or a private employer transportation service provider; and (ii) "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees.

(6) Funds provided for the commute trip reduction (CTR) program may also be used for the growth and transportation efficiency center program.

(7) \$6,500,000 of the multimodal transportation account—state appropriation and \$784,000 of the state vehicle parking account—state appropriation are provided solely for CTR grants and activities. Fuel type may not be a factor in the grant selection process. Of this amount:

(a) \$30,000 of the state vehicle parking account—state appropriation is provided solely for the STAR pass program for state employees residing in Mason and Grays Harbor Counties. Use of the pass is for public transportation between Mason County and Thurston County, and Grays Harbor and Thurston County. The pass may also be used within Grays Harbor County. The STAR pass commute trip reduction program is open to any state employee who expresses intent to commute to his or her assigned state worksite using a public transit system currently participating in the STAR pass program.

(b) \$800,000 of the multimodal transportation account—state appropriation is provided solely for continuation of the first mile/last mile connections grant program. Eligible grant recipients include cities, businesses, nonprofits, and transportation network companies with first mile/last mile

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solution proposals. Transit agencies are not eligible. The commute trip reduction board shall develop grant parameters, evaluation criteria, and evaluate grant proposals. The commute trip reduction board shall provide the transportation committees of the legislature a report on the effectiveness of this grant program and best practices for continuing the program.

(8) Except as provided otherwise in this subsection, (~~(\$28,263,000)~~) \$28,860,000 of the multimodal transportation account—state appropriation is provided solely for connecting Washington transit projects identified in LEAP Transportation Document (~~(2021-2)~~) 2022-2 ALL PROJECTS as developed (~~(April 23, 2021)~~) February 20, 2022. It is the intent of the legislature that entities identified to receive funding in the LEAP document referenced in this subsection receive the amounts specified in the time frame specified in that LEAP document. If an entity has already completed a project in the LEAP document referenced in this subsection before the time frame identified, the entity may substitute another transit project or projects that cost a similar or lesser amount.

(9) The department shall not require more than a ten percent match from nonprofit transportation providers for state grants.

(10) (~~(\$21,858,000)~~) \$23,349,000 of the multimodal transportation account—state appropriation is provided solely for the green transportation capital grant program established in chapter 287, Laws of 2019 (advancing green transportation adoption).

(11) \$555,000 of the multimodal transportation account—state appropriation is provided solely for an interagency transfer to the Washington State University extension energy program to establish and administer a technical assistance and education program for public agencies on the use of alternative fuel vehicles. The Washington State University extension energy program shall prepare a report regarding the utilization of the program and provide this report to the transportation committees of the legislature by November 15, 2021.

(12) The department must provide telework assistance to employers as part of its CTR activities. The objectives of telework assistance include improving transportation system performance, supporting economic vitality, and increasing equity and access to opportunity.

(13) \$150,000 of the multimodal transportation account—state appropriation is provided solely for Intercity Transit for the Dash shuttle program.

(14)(a) \$500,000 of the multimodal transportation account—state appropriation is provided solely for King county metro to develop a pilot program to place teams including human services personnel along routes that are enduring significant public safety issues and various disruptive behavior in south King county. The team would be available to deescalate disruptions, provide immediate access to transit resources, and refer customers to community resources to break cycles of inappropriate behavior. The teams must be individuals trained in deescalation and outreach. The function and duties should be cocreated with community stakeholders.

(b) King county metro must provide a report to the transportation committees of the legislature by June 30, 2023, regarding the effectiveness of the program, any suggestions for improving its efficacy, and any modifications that might be necessary for other transit providers to institute similar programs.

(c) If King county metro does not provide at least \$500,000 to develop the pilot program funded by this subsection, the amount provided in this subsection lapses.

(15)(a) \$400,000 of the multimodal transportation account—state appropriation is provided solely for the department to study and develop a statewide standard for accessible frequent fixed

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route transit. As part of this effort, the department must:

(i) Develop definitions of frequent fixed route transit and accessible frequent fixed route transit.

(ii) Identify, to the extent possible using existing data, current gaps in frequent fixed route transit and accessible walking routes to frequent fixed route transit stops and analyze these gaps for disparities in race, age, and disability.

(iii) While identifying service gaps, consider the unique contexts found throughout the state, including in rural areas.

(iv) Develop goals for accessible frequent fixed route transit for the state to achieve by 2030, and funding proposals to achieve these goals.

(v) Develop a transportation justice screening tool available to the public to:

(A) Identify the current baseline for accessible frequent transit; and

(B) Identify disparities in access by census tract, race, age, and disability.

(b) The department must conduct the study and develop the statewide standard in collaboration with a statewide disability rights organization and a statewide environmental justice organization.

(c)(i) The department must provide an initial report to the legislature by December 15, 2022, that proposes a definition of frequent transit and documents how many people in Washington live within a short walk of frequent transit.

(ii) The department must provide the final report to the transportation committees of the legislature by June 30, 2023.

(iii) The department must be available to present both the initial and final reports to the joint transportation committee.

(16) \$4,680,000 of the climate emissions reduction account—state appropriation is provided solely for the projects and activities as listed in LEAP Transportation Document 2022-NL-3 as developed February 8, 2022. If amounts are appropriated for this specific purpose in House Bill No. 2118 (additive transportation funding) or Senate Bill No. 5975 (additive transportation funding) by June 30, 2022, the amount provided in this subsection lapses.

(17) \$14,120,000 of the climate emission reductions account—state appropriation is provided solely for newly selected special needs grants. If amounts are appropriated for this specific purpose in House Bill No. 2118 (additive transportation funding) or Senate Bill No. 5975 (additive transportation funding) by June 30, 2022, the amount provided in this subsection lapses.

(18) \$29,750,000 of the climate emission reductions account—state appropriation is provided solely for transit support grants. If amounts are appropriated for this specific purpose in House Bill No. 2118 (additive transportation funding) or Senate Bill No. 5975 (additive transportation funding) by June 30, 2022, the amount provided in this subsection lapses.

(19) \$4,710,000 of the climate emissions reduction account—state appropriation is provided solely for newly selected green transportation grants. If amounts are appropriated for this specific purpose in House Bill No. 2118 (additive transportation funding) or Senate Bill No. 5975 (additive transportation funding) by June 30, 2022, the amount provided in this subsection lapses.

(20) \$1,000,000 of the climate emissions reduction account—state appropriation is provided solely for newly selected transit coordination grants. The department shall give priority to grant proposals that promote the formation of joint partnerships between transit agencies or merge service delivery across entities. If amounts are appropriated for this specific purpose in House Bill No. 2118 (additive transportation funding) or Senate Bill No. 5975 (additive transportation funding) by June 30, 2022, the amount provided in this subsection lapses.

(21) Within existing resources, the department shall prepare a report regarding the funding, implementation, and operation of the grant management system or systems utilized by the public transportation division. In preparing this report, the department must survey and report on all grant recipients experience with the operation of this system or systems. The department shall provide this report to the transportation committees of the legislature by November 15, 2022.

Sec. 221. 2021 c 333 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—MARINE—PROGRAM X

Puget Sound Ferry Operations Account—State Appropriation	((\$416,614,000))
	<u>\$426,335,000</u>
Puget Sound Ferry Operations Account—Federal Appropriation	((\$124,000,000))
	<u>\$158,865,000</u>
Puget Sound Ferry Operations Account—Private/Local Appropriation	\$121,000
TOTAL APPROPRIATION	((\$540,735,000))
	<u>\$585,321,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The office of financial management budget instructions require agencies to recast enacted budgets into activities. The Washington state ferries shall include a greater level of detail in its 2021-2023 supplemental and 2023-2025 omnibus transportation appropriations act requests, as determined jointly by the office of financial management, the Washington state ferries, and the transportation committees of the legislature. This level of detail must include the administrative functions in the operating as well as capital programs. The data in the tables in the report must be supplied in a digital file format.

(2) For the 2021-2023 fiscal biennium, the department may enter into a distributor controlled fuel hedging program and other methods of hedging approved by the fuel hedging committee, which must include a representative of the department of enterprise services.

(3) ~~((~~\$17,000,000~~))~~ \$32,905,000 of the Puget Sound ferry operations account—federal appropriation and \$53,794,000 of the Puget Sound ferry operations account—state appropriation are provided solely for auto ferry vessel operating fuel in the 2021-2023 fiscal biennium, which reflect cost savings from a reduced biodiesel fuel requirement and, therefore, is contingent upon the enactment of section 703 of this act. The amount provided in this subsection represents the fuel budget for the purposes of calculating any ferry fare fuel surcharge. The department shall review future use of alternative fuels and dual fuel configurations, including hydrogen.

(4) \$500,000 of the Puget Sound ferry operations account—state appropriation is provided solely for operating costs related to moving vessels for emergency capital repairs. Funds may only be spent after approval by the office of financial management.

(5) \$2,400,000 of the Puget Sound ferry operations account—state appropriation ~~((~~is~~))~~ and \$3,500,000 of the Puget Sound ferry operations account—federal appropriation are provided solely for staffing and overtime expenses incurred by engine and deck crewmembers. The department must provide updated staffing cost estimates for fiscal years 2022 and 2023 with its annual budget submittal and updated estimates by January 1, 2022.

(6) \$688,000 of the Puget Sound ferry operations account—state appropriation ~~((~~is~~))~~ and \$697,000 of the Puget Sound ferry operations account—federal appropriation are provided solely for new employee training. The department must work to increase its outreach and recruitment of populations underrepresented in

maritime careers and continue working to expand apprenticeship and internship programs, with an emphasis on programs that are shown to improve recruitment for positions with the state ferry system.

(7) The department must request reimbursement from the federal transit administration for the maximum amount of ferry operating expenses eligible for reimbursement under federal law.

~~((~~\$1,978,000 of the Puget Sound ferry operations account—state appropriation is provided solely for restoration of service to reflect increased ridership, availability of crewing and available revenues. Expenditures may be made to resume service to Sidney, British Columbia, including any service to the San Juans; to provide Saturday service on the Fauntleroy Vashon Southworth route; and to resume late night service on other routes in the system.~~))~~

~~((~~9~~))~~ Within amounts provided in this section, the department shall contract ~~((with uniformed officers))~~ for additional traffic control assistance at the Kingston ferry terminal during peak ferry travel times, with a particular focus on Sundays and holiday weekends. Traffic control methods should include, but not be limited to, holding traffic on the shoulder at Lindvog Road until space opens for cars at the tollbooths and dock, and management of traffic on Highway 104 in order to ensure Kingston residents and business owners have access to businesses, roads, and driveways.

~~((~~40~~))~~ (9) \$336,000 of the Puget Sound ferry operations account—state appropriation is provided solely for evacuation slide training.

~~((~~44~~))~~ (10) \$336,000 of the Puget Sound ferry operations account—state appropriation is provided solely for fall restraint labor and industries inspections.

~~((~~42~~))~~ (11) \$735,000 of the Puget Sound ferry operations account—state appropriation ~~((~~is~~))~~ and \$410,000 of the Puget Sound ferry operations account—federal are provided solely for familiarization for new assignments of engine crew and terminal staff.

~~((~~43~~))~~ (12) \$160,000 of the Puget Sound ferry operations account—state appropriation is provided solely for electronic navigation training.

(13) \$8,419,000 of the Puget Sound ferry operations account—federal appropriation is provided solely for Washington state ferries to:

(a) Continuously recruit and hire deck, engine, and terminal staff;

(b) Contract with an external recruitment firm to increase recruitment efforts both locally and nationally with an emphasis on attracting maritime workers from communities underrepresented in the ferry system;

(c) Enhance employee retention by standardizing on-call worker schedules;

(d) Increase training and development opportunities for employees; and

(e) Make improvements to hiring processes by establishing additional positions to support timely hiring of employees.

(14) For the Mukilteo multimodal terminal, the department must submit a report showing for a 12-month period, on a monthly basis, how much electricity is generated by solar power generated on site, electricity usage, and actual electricity cost savings. In addition, for comparison purposes, the report must include electricity usage information for a similar time period for the previous Mukilteo multimodal terminal. The report is due to the transportation committees of the legislature by June 30, 2023.

(15) \$93,000 of the Puget Sound ferry operations account—state appropriation is provided solely for Washington state ferries to partner with local community colleges and universities to secure housing for workforce training sessions and to pay in

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advance for the costs of transportation worker identification credentials for incoming ferry system employees and trainees.

(16)(a) For negotiation of the 2023-2025 collective bargaining agreements, the department must conduct a review and analysis of the collective bargaining agreements governing state ferry employees, to identify provisions that create barriers for, or contribute to creating a disparate impact on, newly hired ferry employees, including those who are women, people of color, veterans, and other employees belonging to communities that have historically been underrepresented in the workforce. The review and analysis must include, but not be limited to, provisions regarding seniority, work assignments, and work shifts. The review and analysis must also include consultation with the governor's office of labor relations, the governor's office of equity and the attorney general's office.

(b) When negotiating the 2023-2025 collective bargaining agreements, the collective bargaining representatives for the state and ferry employee organizations shall consider the findings of the review and analysis required in (a) of this subsection and negotiate in a manner to remove identified barriers and address identified impacts so as not to perpetuate negative impacts.

Sec. 222. 2021 c 333 s 222 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—OPERATING

Multimodal Transportation Account—State Appropriation	((\$80,704,000))
	<u>\$68,326,000</u>
Multimodal Transportation Account—Private/Local Appropriation	\$46,000
Multimodal Transportation Account—Federal Appropriation	\$500,000
TOTAL APPROPRIATION	((\$81,250,000))
	<u>\$68,872,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department is directed to continue to pursue efforts to reduce costs, increase ridership, and review Amtrak Cascades fares and fare schedules. Within thirty days of each annual cost/revenue reconciliation under the Amtrak service contract, the department shall report annual credits to the office of financial management and the legislative transportation committees. Annual credits from Amtrak to the department including, but not limited to, credits due to higher ridership, reduced level of service, and fare or fare schedule adjustments, must be used to offset corresponding amounts of the multimodal transportation account—state appropriation, which must be placed in reserve.

(2) Consistent with the ongoing planning and service improvement for the intercity passenger rail program, \$500,000 of the multimodal transportation account—state is provided solely for the Cascades service development plan. This funding is to be used to analyze current and future market conditions and to develop a structured assessment of service options and goals based on anticipated demand and the results of the state and federally required 2019 state rail plan, including identifying implementation alternatives to meet the future service goals for the Amtrak Cascades route. The work must be consistent with federal railroad administration guidance and direction on developing service development plans. It must also leverage the \$500,000 in federal funding appropriated for development of a service development plan and comply with the planning and grant award obligations of the consolidated rail infrastructure and safety improvements (CRISI) program. A status report must be provided to the transportation committees of the legislature by June 30, 2022.

(3)(a) \$4,000,000 of the multimodal transportation account—state appropriation is provided solely for the continued coordination, engagement, and planning for a new ultra high-speed ground transportation corridor with participation from Washington, Oregon, and British Columbia. This funding is contingent on meaningful financial contributions for this effort by Oregon and British Columbia. "Ultra high-speed" means a maximum testing speed of at least 250 miles per hour. These efforts are to support and advance activities and must abide by the memorandum of understanding signed by the governors of Washington and Oregon, and the premier of the province of British Columbia in November 2021. The department shall establish a policy committee with participation from Washington, Oregon, and British Columbia, including representation from the two largest caucuses of each chamber of the Washington state legislature, and coordinate the activities of the policy committee to include:

(i) Developing an organizational framework that facilitates input in decision making from all parties;

(ii) Developing a public engagement approach with a focus on equity, inclusion, and meaningful engagement with communities, businesses, federal, state, provincial, and local governments, including indigenous communities;

(iii) Developing and leading a collaborative approach to prepare and apply for potential future federal, state, and provincial funding opportunities, including development of strategies for incorporating private sector participation and private sector contributions to funding, including through the possible use of public-private partnerships;

(iv) Beginning work on scenario analysis addressing advanced transportation technologies, land use, and growth assumptions; and an agreed to and defined corridor vision statement; and

(v) Developing a recommendation on the structure and membership of a formal coordinating entity that will be responsible for advancing the project through the project initiation stage to project development.

(b) By June 30, 2023, the department shall provide to the governor and the transportation committees of the legislature an update on the work conducted by the policy committee and progress on a recommendation for a coordinating entity. The report must also include current activities and results relating to stakeholder engagement, planning, and any federal funding application. As applicable, the assessment should also be sent to the executive and legislative branches of government in Oregon and appropriate government bodies in the province of British Columbia.

Sec. 223. 2021 c 333 s 223 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS—PROGRAM Z—OPERATING

Motor Vehicle Account—State Appropriation	((\$11,954,000))
	<u>\$12,964,000</u>
Motor Vehicle Account—Federal Appropriation	\$2,567,000
Multiuse Roadway Safety Account—State Appropriation	\$900,000
<u>Multimodal Transportation Account—State Appropriation</u>	<u>\$250,000</u>
<u>Cooper Jones Active Transportation Safety Account—State Appropriation</u>	<u>\$400,000</u>
TOTAL APPROPRIATION	((\$15,421,000))
	<u>\$17,081,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire multiuse roadway safety account—state appropriation is provided solely for grants under RCW 46.09.540,

subject to the following limitations:

(a) Twenty-five percent of the amounts provided are reserved for counties that each have a population of fifteen thousand persons or less; and

(b)(i) Seventy-five percent of the amounts provided are reserved for counties that each have a population exceeding fifteen thousand persons; and

(ii) No county that receives a grant or grants under (a) of this subsection may receive more than sixty thousand dollars in total grants.

(2) \$1,023,000 of the motor vehicle account—state appropriation is provided solely for the department, from amounts set aside out of statewide fuel taxes distributed to counties according to RCW 46.68.120(3), to contract with the Washington state association of counties to:

(a) In coordination with stakeholders, identify county-owned fish passage barriers, and assess which barriers share the same stream system as state-owned fish passage barriers;

(b) Streamline and update the county road administration board's data dashboard, county reporting systems, and program management software to provide a more detailed, more transparent, and user-friendly platform for data management, reporting, and research by the public and other interested parties; and

(c) Conduct a study of the use of county road right-of-way as a potential source of revenue for county road operating and maintenance needs with recommendations on their feasibility statewide.

~~(3)((a) By October 1, 2021, the department must report to the office of financial management and the transportation committees with recommendations regarding:~~

~~(i) Modifications to the agreement with Wahkiakum county regarding future state reimbursement for the Wahkiakum ferry operating and maintenance deficit; and~~

~~(ii) Cost sharing models for operating and maintenance costs, which recognize the benefit of the ferry route to both Washington and Oregon.~~

~~(b) The reimbursement recommendations must reflect a mutual agreement with Wahkiakum county, which considers future county ferry operating loss projections. The report may address the importance of the ferry route to the state highway system and whether there is a need for an increased role for the state department of transportation in the finance or operation of the ferry route.) \$600,000 of the motor vehicle account—state is provided solely for the city of Seattle's office of planning and community development in support of an equitable development initiative to reconnect the South Park neighborhood, currently divided by state route number 99.~~

~~(a) The project must include:~~

~~(i) A public engagement and visioning process led by a neighborhood-based, community organization; and~~

~~(ii) A feasibility study of decommissioning state route number 99 in the South Park neighborhood, to include, but not be limited to traffic studies, environmental impact analysis, and development of alternatives, including the transfer of the land to a neighborhood-led community land trust.~~

~~(b) The project must be conducted in coordination and partnership with neighborhood residents, neighborhood industrial and commercial representatives, the state department of transportation, and other entities and neighborhoods potentially impacted by changes to the operation of state route number 99.~~

~~(c) The city must provide a report on the plan that includes recommendations to the Seattle city council, state department of transportation, state transportation commission, and the transportation committees of the legislature by January 1, 2025.~~

NEW SECTION. Sec. 224. A new section is added to 2021

c 333 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
TRANSPORTATION EQUIPMENT FUND—PROGRAM
E—OPERATING**

Motor Vehicle Account—State Appropriation \$12,396,000

TRANSPORTATION AGENCIES—CAPITAL

Sec. 301. 2021 c 333 s 301 (uncodified) is amended to read as follows:

**FOR THE FREIGHT MOBILITY STRATEGIC
INVESTMENT BOARD**

Freight Mobility Investment Account—State Appropriation
(((\$16,577,000))
\$17,769,000

Freight Mobility Multimodal Account—State Appropriation
(((\$15,195,000))
\$14,004,000

TOTAL APPROPRIATION (((\$31,772,000))
\$31,773,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as otherwise provided in this section, the entire appropriations in this section are provided solely for the projects by amount, as listed in the LEAP Transportation Document ((2021-2)) 2022-2 ALL PROJECTS as developed ((April 23, 2021)) February 20, 2022, Freight Mobility Strategic Investment Board (FMSIB).

(2) Until directed by the legislature, the board may not initiate a new call for projects.

(3) It is the intent of the legislature to continue to make strategic investments in a statewide freight mobility transportation system with the help of the freight mobility strategic investment board, including projects that mitigate the impact of freight movement on local communities. To that end, and in coordination with WSDOT as it updates its federally-compliant freight plan, the board is directed to identify the highest priority freight investments for the state, across freight modes, state and local jurisdictions, and regions of the state. By December 1, 2021, the board must submit a preliminary report providing a status update on the process and methodology for identifying and prioritizing investments. By December 1, 2022, the board must submit a prioritized list of freight investments that are geographically balanced across the state and can proceed to construction in a timely manner. The prioritized freight project list for the state portion of national highway freight program funds must first address shortfalls in funding for connecting Washington act projects.

(4)(a) For the 2021-2023 project appropriations, unless otherwise provided in this act, the director of the office of financial management may authorize a transfer of appropriation authority between projects managed by the freight mobility strategic investment board in order for the board to manage project spending and support the efficient and timely delivery of all projects in the program. The office of financial management may authorize a transfer of appropriation authority between projects under the following conditions and limitations:

(i) Transfers from a project may not be made as a result of the reduction of the scope of a project or be made to support increases in the scope of a project;

(ii) Each transfer between projects may only occur if the director of the office of financial management finds that any resulting change will not hinder the completion of the projects on the LEAP Transportation Document 2021-2 ALL PROJECT list;

(iii) Transfers between projects may be made by the board without the formal written approval provided under this

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subsection (3)(a), provided that the transfer amount does not exceed \$250,000 or 10 percent of the total project, whichever is less. These transfers must be reported to the director of the office of financial management and the chairs of the house of representatives and senate transportation committees; and

(iv) Except for transfers made under (a)(iii) of this subsection, transfers may only be made in fiscal year 2023.

(b) At the time the board submits a request to transfer funds under this section, a copy of the request must be submitted to the chairs and ranking members of the transportation committees of the legislature.

(c) Before approval, the office of financial management shall work with legislative staff of the house of representatives and senate transportation committees to review the requested transfers in a timely manner and consider any concerns raised by the chairs and ranking members of the transportation committees.

(d) No fewer than 10 days after the receipt of a project transfer request, the director of the office of financial management must provide written notification to the board of any decision regarding project transfers, with copies submitted to the transportation committees of the legislature.

Sec. 302. 2021 c 333 s 302 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

State Patrol Highway Account—State Appropriation
 ((~~\$4,196,000~~))
\$4,803,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$695,000 of the state patrol highway account—state appropriation is provided solely for roof replacement.

(2) \$3,501,000 of the state patrol highway account—state appropriation is provided solely for the following projects:

- (a) \$250,000 for emergency repairs;
- (b) \$350,000 for fuel tank decommissioning;
- (c) \$750,000 for generator and electrical replacement;
- (d) \$195,000 for the exterior envelope of the Yakima office;
- (e) \$466,000 for equipment shelters;
- (f) \$650,000 for the weatherization projects;
- (g) \$200,000 for roof replacements reappropriation; and
- (h) \$640,000 for water and fire suppression systems reappropriation and \$607,000 for additional water and fire suppression systems costs.

(3) The Washington state patrol may transfer funds between projects specified in this subsection to address cash flow requirements. If a project specified in this subsection is completed for less than the amount provided, the remainder may be transferred to another project specified in this subsection not to exceed the total appropriation provided in this subsection.

Sec. 303. 2021 c 333 s 303 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account—State Appropriation
 \$55,028,000
 Motor Vehicle Account—State Appropriation \$1,456,000
 County Arterial Preservation Account—State Appropriation
 ((~~\$37,379,000~~))
\$44,653,000
 TOTAL APPROPRIATION ((~~\$93,863,000~~))
\$101,137,000

Sec. 304. 2021 c 333 s 305 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—FACILITIES—PROGRAM D—(DEPARTMENT OF

TRANSPORTATION-ONLY PROJECTS)—CAPITAL

Motor Vehicle Account—State Appropriation((~~\$10,852,000~~))
\$14,623,000
 Connecting Washington Account—State Appropriation
 ((~~\$3,289,000~~))
\$3,667,000
 TOTAL APPROPRIATION ((~~\$14,141,000~~))
\$18,290,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,289,000 of the connecting Washington account—state appropriation is provided solely for a new Olympic region maintenance and administration facility to be located on the department-owned site at the intersection of Marvin Road and 32nd Avenue in Lacey, Washington.

(2)(a) \$4,325,000 of the motor vehicle account—state appropriation is provided solely for payments of a financing contract issued pursuant to chapter 39.94 RCW for the department facility located at 15700 Dayton Ave N in Shoreline.

(b) Payments from the department of ecology pursuant to the agreement with the department to pay a share of the financing contract in (a) of this subsection must be deposited into the motor vehicle account.

Sec. 305. 2021 c 333 s 306 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—IMPROVEMENTS—PROGRAM I

Transportation 2003 Account (Nickel Account)—State Appropriation
 ((~~\$149,000~~))
\$482,000
 Transportation Partnership Account—State Appropriation
 ((~~\$119,053,000~~))
\$232,566,000
 Motor Vehicle Account—State Appropriation((~~\$89,717,000~~))
\$100,837,000
 Motor Vehicle Account—Federal Appropriation
 ((~~\$388,903,000~~))
\$396,385,000
 Coronavirus State Fiscal Recovery Fund—Federal Appropriation
 \$400,000,000
 Motor Vehicle Account—Private/Local Appropriation
 ((~~\$48,628,000~~))
\$56,192,000
 Connecting Washington Account—State Appropriation
 ((~~\$2,881,033,000~~))
\$2,156,569,000
 Special Category C Account—State Appropriation
 ((~~\$105,363,000~~))
\$86,198,000
 Multimodal Transportation Account—State Appropriation
 ((~~\$10,784,000~~))
\$10,792,000
 ((~~State Route Number 520 Corridor Account State Appropriation~~)
\$15,940,000)
 Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation
 ((~~\$30,308,000~~))
\$50,856,000
Puget Sound Gateway Facility Account—State Appropriation
\$8,400,000
 TOTAL APPROPRIATION ((~~\$4,089,878,000~~))
\$3,499,277,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire connecting Washington account—state appropriation and the

entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ((2021-4)) 2022-1 as developed ((April 23, 2021)) February 20, 2022, Program - Highway Improvements Program (I). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601 ((of this act)), chapter 333, Laws of 2021.

(2) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document ((2021-2)) 2022-2 ALL PROJECTS as developed ((April 23, 2021)) February 20, 2022, Program - Highway Improvements Program (I). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, or the federal funds redistribution process must then be applied to highway and bridge preservation activities or fish passage barrier corrections (OBI4001).

(3) Within the motor vehicle account—state appropriation, connecting Washington account—state appropriation, and motor vehicle account—federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act. Ten days prior to any transfer, the department must submit its request to the office of financial management and the transportation committees of the legislature and consider any concerns raised. The department shall submit a report on fiscal year funds transferred in the prior fiscal year using this subsection as part of the department's annual budget submittal. This transfer authority allows the department to manage the appropriation capacity most efficiently between the I and P programs consistent with the 601 process.

(4) The connecting Washington account—state appropriation includes up to ((~~\$2,230,636,000~~)) \$1,094,139,000 in proceeds from the sale of bonds authorized in RCW 47.10.889.

(5) The special category C account—state appropriation includes up to ((~~\$82,475,000~~)) \$51,460,000 in proceeds from the sale of bonds authorized in RCW 47.10.812.

(6) The transportation partnership account—state appropriation includes up to ((~~\$28,411,000~~)) \$124,636,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(7) \$60,450,000 of the transportation partnership account—state appropriation, \$2,258,000 of the motor vehicle account—private/local appropriation, and \$984,000 of the multimodal transportation account—state appropriation are provided solely for the SR 99/Alaskan Way Viaduct Replacement project (809936Z). It is the intent of the legislature that any legal damages paid to the state as a result of a lawsuit related to contractual provisions for construction and delivery of the Alaskan Way viaduct replacement project be used to repay project cost increases paid from the transportation partnership account—state funds.

(8) \$193,699,000 of the connecting Washington account—state appropriation is provided solely for the US 395 North Spokane Corridor project (M00800R). It is the intent of the legislature, consistent with the move ahead WA proposal, to advance future funding for this project to accelerate delivery by up to two years.

(9)(a) \$14,827,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation is provided solely for the I-405/SR 522 to I-5 Capacity Improvements project (L2000234) for activities related to adding capacity on Interstate 405 between state route number 522 and Interstate 5, with the goals of increasing vehicle throughput and aligning project completion with the implementation of bus rapid transit in the

vicinity of the project.

(b) The department may advance the I-405/SR 522 to I-5 Capacity Improvements project (L2000234) and construct the project earlier than is scheduled in the LEAP transportation document referenced in subsection (2) of this section if additional funding is identified and submitted through the existing unanticipated receipts process by September 1, 2021. The department and the state treasurer shall pursue alternatives to toll revenue funding including but not limited to federal loan and grant programs. The department shall explore phasing and modifying the project to attempt to align project completion with the anticipated deployment of bus rapid transit on the corridor in the 2023-2025 biennium. The department shall report back to the transportation committees of the legislature on this work by September 15, 2021.

(10)(a) \$492,349,000 of the connecting Washington account—state appropriation and \$355,000 of the motor vehicle account—private/local appropriation are provided solely for the SR 520 Seattle Corridor Improvements - West End project (M00400R).

(b) Upon completion of the Montlake Phase of the West End project (current anticipated contract completion of 2023), the department shall sell that portion of the property not used for permanent transportation improvements and initiate a process to convey that surplus property to a subsequent owner.

(11) \$382,880,000 of the connecting Washington account—state appropriation, \$4,800,000 of the multimodal transportation account—state appropriation, \$17,869,000 of the motor vehicle account—private/local appropriation, and \$82,165,000 of the motor vehicle account—federal appropriation are provided solely for the SR 167/SR 509 Puget Sound Gateway project (M00600R).

(a) Any savings on the project must stay on the Puget Sound Gateway corridor until the project is complete.

(b) In making budget allocations to the Puget Sound Gateway project, the department shall implement the project's construction as a single corridor investment. The department shall continue to collaborate with the affected stakeholders as it implements the corridor construction and implementation plan for state route number 167 and state route number 509. Specific funding allocations must be based on where and when specific project segments are ready for construction to move forward and investments can be best optimized for timely project completion. Emphasis must be placed on avoiding gaps in fund expenditures for either project.

(c) It is the legislature's intent that the department shall construct a full ((single point)) urban interchange at the junction of state route number 161 (Meridian avenue) and state route number 167 and a full directional interchange at the junction of state route number 509 and 188th Street. ((If the department receives additional funds from an outside source for this project after the base project is fully funded, the funds must first be applied toward the completion of these two interchanges.))

(d) Of the amounts provided in this subsection, \$2,300,000 of the multimodal transportation account—state appropriation is provided solely for the design phase of the Puyallup to Tacoma multiuse trail along the SR 167 right-of-way acquired for the project to connect a network of new and existing trails from Mount Rainier to Point Defiance Park.

(e) Of the amounts provided in this subsection, \$2,500,000 of the multimodal transportation account—state appropriation is provided solely for segment 2 of the state route number 167 completion project shared-use path to provide connections to the interchange of state route number 167 at 54th to the intersection of state route number 509 and Taylor Way in Tacoma.

(12)(a) \$26,928,000 of the motor vehicle account—state appropriation and \$1,671,000 of the motor vehicle account—private/local appropriation are provided solely to support a

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project office and the continued work toward the I-5 Interstate Bridge Replacement project (L2000370).

(b) The project office must also study the possible different governance structures for a bridge authority that would provide for the joint administration of the bridges over the Columbia river between Oregon and Washington. As part of this study, the project office must examine the feasibility and necessity of an interstate compact in conjunction with the national center for interstate compacts.

(c) During the 2021-2023 biennium, the department shall have as a goal to:

(i) Conduct all work necessary to prepare and publish a draft SEIS;

(ii) Coordinate with regulatory agencies to begin the process of obtaining environmental approvals and permits;

(iii) Identify a locally preferred alternative; and

(iv) Begin preparing a final SEIS.

The department shall aim to provide progress reports on these activities to the governor and the transportation committees of the legislature by December 1, 2021, June 1, 2022, and December 1, 2022.

(d) The Washington members of the joint Oregon-Washington legislative action committee must report back to the Washington state legislature, by August 1, 2022, regarding the progress of the committee and its work to advance the project to build a new Interstate 5 bridge spanning the Columbia river. The report must include a description of the locally preferred alternative ultimately identified as part of the Interstate Bridge Replacement project.

~~(13)(a) \$400,000,000 of the coronavirus state fiscal recovery fund—federal appropriation, ((~~\$529,577,000~~)) \$25,327,000 of the connecting Washington account—state appropriation, ((~~\$194,959,000~~)) \$178,186,000 of the motor vehicle account—federal appropriation, ((~~and \$1,849,000~~)) \$9,016,000 of the transportation partnership account—state appropriation, \$6,853,000 of the motor vehicle account—state appropriation, and \$5,618,000 of the motor vehicle account—private/local appropriation are provided solely for the Fish Passage Barrier Removal project (OBI4001) with the intent of fully complying with the federal *U.S. v. Washington* court injunction by 2030. ((~~Of the amounts provided in this subsection, \$400,000,000 of the connecting Washington account—state appropriation must be initially placed in unallotted status during the 2021-2023 fiscal biennium, and may only be released by the office of financial management for allotment by the department if it is determined that the Fish Passage Barrier Removal project (OBI4001) is not an eligible use of amounts received by the state pursuant to the federal American rescue plan act of 2021.~~))~~

(b) The department shall coordinate with the Brian Abbott fish passage barrier removal board to use a watershed approach by replacing both state and local culverts guided by the principle of providing the greatest fish habitat gain at the earliest time. The department shall deliver high habitat value fish passage barrier corrections that it has identified, guided by the following factors: Opportunity to bundle projects, tribal priorities, ability to leverage investments by others, presence of other barriers, project readiness, culvert conditions, other transportation projects in the area, and transportation impacts. The department and Brian Abbott fish barrier removal board must provide updates on the implementation of the statewide culvert remediation plan to the legislature by November 1, 2021, and June 1, 2022.

(c) The department must keep track of, for each barrier removed: (i) The location; (ii) the amount of fish habitat gain; and (iii) the amount spent to comply with the injunction.

(d) Of the amount provided in this subsection, \$142,923,000 of

the motor vehicle account—federal appropriation reflects the department's portion of the unrestricted funds from the coronavirus response and relief supplemental appropriations act of 2021. If the final amount from this act changes while the legislature is not in session, the department shall follow the existing unanticipated receipt process and adjust the list referenced in subsection (1) of this section accordingly, supplanting state funds with federal funds if possible as directed in section 601 (~~of this act~~), chapter 333, Laws of 2021.

(14) \$14,669,000 of the connecting Washington account—state appropriation and \$3,037,000 of the motor vehicle account—private/local appropriation are provided solely for the I-90/Barker to Harvard – Improve Interchanges & Local Roads project (L2000122). The connecting Washington account appropriation for the improvements that fall within the city of Liberty Lake may only be expended if the city of Liberty Lake agrees to cover any project costs within the city of Liberty Lake above the \$20,900,000 of state appropriation provided for the total project on the list referenced in subsection (1) of this section.

(15) \$15,189,000 of the motor vehicle account—federal appropriation, \$259,000 of the motor vehicle account—state appropriation, and \$15,481,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation are provided solely for the SR 167/SR 410 to SR 18 - Congestion Management project (316706C).

(16) \$18,914,000 of the Special Category C account—state appropriation is provided solely for the SR 18 Widening - Issaquah/Hobart Rd to Raging River project (L1000199) for improving and widening state route number 18 to four lanes from Issaquah-Hobart Road to Raging River.

(17) ~~((~~\$1,000,000~~))~~ \$2,500,000 of the connecting Washington account—state appropriation is provided solely for the North Lewis County transportation study. The study shall examine new, alternate routes for vehicular and truck traffic at the Harrison interchange (Exit 82) in North Centralia and shall allow for a site and configuration to be selected and feasibility to be conducted for final design, permitting, and construction of the I-5/North Lewis county Interchange project (L2000204). It is the intent of the legislature to advance future funding for this project to accelerate delivery by up to two years.

(18) \$1,090,000 of the motor vehicle account—state appropriation is provided solely for the US 101/East Sequim Corridor Improvements project (L2000343).

(19) \$12,139,000 of the motor vehicle account—state appropriation and \$9,104,000 of the connecting Washington account—state appropriation are provided solely for the SR 522/Paradise Lk Rd Interchange & Widening on SR 522 (Design/Engineering) project (NPARADI).

(20) \$1,378,000 of the motor vehicle account—federal appropriation is provided solely for the US 101/Morse Creek Safety Barrier project (L1000247).

(21) \$915,000 of the motor vehicle account—state appropriation is provided solely for the SR 162/410 Interchange Design and Right of Way project (L1000276).

(22) \$6,581,000 of the connecting Washington account—state appropriation is provided solely for the US Hwy 2 Safety project (N00200R).

(23) \$500,000 of the motor vehicle account—state appropriation is provided solely for SR 162/SR 161 Additional Connectivity in South Pierce County project (L1000312) to conduct a study on the need for additional connectivity in the area between SR 162, south of Military Road East and north of Orting, and SR 161 in South Pierce County.

(24) The department shall itemize all future requests for the construction of buildings on a project list and submit them

through the transportation executive information system as part of the department's annual budget submittal. It is the intent of the legislature that new facility construction must be transparent and not appropriated within larger highway construction projects.

~~((24))~~ (25) Any advisory group that the department convenes during the 2021-2023 fiscal biennium must consider the interests of the entire state of Washington.

~~((25))~~ (26) The legislature continues to prioritize the replacement of the state's aging infrastructure and recognizes the importance of reusing and recycling construction aggregate and recycled concrete materials in our transportation system. To accomplish Washington state's sustainability goals in transportation and in accordance with RCW 70.95.805, the legislature reaffirms its determination that recycled concrete aggregate and other transportation building materials are natural resource construction materials that are too valuable to be wasted and landfilled, and are a commodity as defined in WAC 173-350-100.

Further, the legislature determines construction aggregate and recycled concrete materials substantially meet widely recognized international, national, and local standards and specifications referenced in American society for testing and materials, American concrete institute, Washington state department of transportation, Seattle department of transportation, American public works association, federal aviation administration, and federal highway administration specifications, and are described as necessary and desirable products for recycling and reuse by state and federal agencies.

As these recyclable materials have well established markets, are substantially a primary or secondary product of necessary construction processes and production, and are managed as an item of commercial value, construction aggregate and recycled concrete materials are exempt from chapter 173-350 WAC.

Sec. 306. 2021 c 333 s 307 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
PRESERVATION—PROGRAM P**

Recreational Vehicle Account—State	Appropriation	\$1,520,000
Transportation 2003 Account (Nickel Account)—State	Appropriation	(\$49,105,000)
		<u>\$53,911,000</u>
Transportation Partnership Account—State	Appropriation	(\$15,183,000)
		<u>\$21,441,000</u>
Motor Vehicle Account—State	Appropriation	(\$85,444,000)
		<u>\$111,174,000</u>
Motor Vehicle Account—Federal	Appropriation	(\$489,602,000)
		<u>\$545,560,000</u>
Motor Vehicle Account—Private/Local	Appropriation	(\$10,792,000)
		<u>\$13,735,000</u>
Connecting Washington Account—State	Appropriation	(\$159,043,000)
		<u>\$222,548,000</u>
State Route Number 520 Corridor Account—State	Appropriation	(\$1,891,000)
		<u>\$2,143,000</u>
Tacoma Narrows Toll Bridge Account—State	Appropriation	(\$9,730,000)
		<u>\$5,676,000</u>
Alaskan Way Viaduct Replacement Project Account—State	Appropriation	(\$314,000)
		<u>\$391,000</u>
Interstate 405 and State Route Number 167 Express Toll Lanes		

Account—State Appropriation	(\$26,039,000)
	<u>\$12,830,000</u>
TOTAL APPROPRIATION	(\$848,663,000)
	<u>\$990,929,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire connecting Washington account—state appropriation and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ~~((2021-4))~~ 2022-1 as developed ~~((April 23, 2021))~~ February 20, 2022, Program - Highway Preservation Program (P). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601 ~~((of this act))~~, chapter 333, Laws of 2021.

(2) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document ~~((2021-2))~~ 2022-2 ALL PROJECTS as developed ~~((April 23, 2021))~~ February 20, 2022, Program - Highway Preservation Program (P). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, or the federal funds redistribution process must then be applied to highway and bridge preservation activities or fish passage barrier corrections (0BI4001).

(3) Within the motor vehicle account—state appropriation, connecting Washington account—state appropriation, and motor vehicle account—federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act. Ten days prior to any transfer, the department must submit its request to the office of financial management and the transportation committees of the legislature and consider any concerns raised. The department shall submit a report on fiscal year funds transferred in the prior fiscal year using this subsection as part of the department's annual budget submittal. This transfer authority allows the department to manage the appropriation capacity most efficiently between the I and P programs consistent with the 601 process.

(4) \$5,166,000 of the connecting Washington account—state appropriation is provided solely for the land mobile radio upgrade (G2000055) and is subject to the conditions, limitations, and review provided in section 701 ~~((of this act))~~, chapter 333, Laws of 2021. The land mobile radio project is subject to technical oversight by the office of the chief information officer. The department, in collaboration with the office of the chief information officer, shall identify where existing or proposed mobile radio technology investments should be consolidated, identify when existing or proposed mobile radio technology investments can be reused or leveraged to meet multiagency needs, increase mobile radio interoperability between agencies, and identify how redundant investments can be reduced over time. The department shall also provide quarterly reports to the technology services board on project progress.

(5) \$5,000,000 of the motor vehicle account—state appropriation is provided solely for extraordinary costs incurred from litigation awards, settlements, or dispute mitigation activities not eligible for funding from the self-insurance fund (L2000290). The amount provided in this subsection must be held in unallotted status until the department submits a request to the office of financial management that includes documentation detailing litigation-related expenses. The office of financial management may release the funds only when it determines that all other funds designated for litigation awards, settlements, and

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dispute mitigation activities have been exhausted. No funds provided in this subsection may be expended on any legal fees related to the SR 99/Alaskan Way viaduct replacement project (809936Z).

(6) \$11,679,000 of the motor vehicle account—federal appropriation is provided solely for preservation projects within project L1100071 that ensure the reliable movement of freight on the national highway freight system. The department shall give priority to those projects that can be advertised by September 30, 2021.

(7) The appropriation in this section includes funding for starting planning, engineering, and construction of the Elwha River bridge replacement. To the greatest extent practicable, the department shall maintain public access on the existing route.

(8) Within the connecting Washington account—state appropriation, the department may transfer funds from Highway System Preservation (L1100071) to other preservation projects listed in the LEAP transportation document identified in subsection (1) of this section, if it is determined necessary for completion of these high priority preservation projects. The department's next budget submittal after using this subsection must appropriately reflect the transfer.

(9) \$1,700,000 of the motor vehicle account—state appropriation is provided solely for the SR 109/88 Corner Roadway project (G2000106).

Sec. 307. 2021 c 333 s 308 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
TRAFFIC OPERATIONS—PROGRAM Q—CAPITAL**

Motor Vehicle Account—State Appropriation	(\$8,273,000)
	<u>\$9,618,000</u>
Motor Vehicle Account—Federal Appropriation	(\$5,289,000)
	<u>\$11,215,000</u>
Motor Vehicle Account—Private/Local Appropriation	\$500,000
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation	\$900,000
TOTAL APPROPRIATION	(\$14,962,000)
	<u>\$22,233,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$579,000 of the motor vehicle account—state appropriation is provided solely for the SR 99 Aurora Bridge ITS project (L2000338).

(2) \$1,000,000 of the motor vehicle account—state appropriation is provided solely for the Challenge Seattle project (000009Q). The department shall provide a progress report on this project to the transportation committees of the legislature by January 15, 2022.

Sec. 308. 2021 c 333 s 309 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
WASHINGTON STATE FERRIES CONSTRUCTION—
PROGRAM W**

Puget Sound Capital Construction Account—State Appropriation	(\$128,759,000)
	<u>\$167,033,000</u>
Puget Sound Capital Construction Account—Federal Appropriation	(\$139,188,000)
	<u>\$174,571,000</u>
Puget Sound Capital Construction Account—Private/Local Appropriation	(\$312,000)
	<u>\$2,181,000</u>
Transportation Partnership Account—State Appropriation	

	(\$8,410,000)
	<u>\$9,432,000</u>
Connecting Washington Account—State Appropriation	(\$75,640,000)
	<u>\$99,141,000</u>
Capital Vessel Replacement Account—State Appropriation	(\$152,453,000)
	<u>\$45,668,000</u>
<u>Motor Vehicle Account—State Appropriation</u>	<u>\$1,000</u>
<u>Transportation 2003 Account (Nickel Account)—State Appropriation</u>	<u>\$987,000</u>
TOTAL APPROPRIATION	(\$504,762,000)
	<u>\$499,014,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed in LEAP Transportation Document ((2021-2)) 2022-2 ALL PROJECTS as developed (~~April 23, 2021~~) February 20, 2022, Program - Washington State Ferries Capital Program (W).

(2) For the 2021-2023 biennium, the marine division shall provide to the office of financial management and the legislative transportation committees the following reports on ferry capital projects:

(a) On a semiannual basis the report must include a status update on projects with funding provided in subsections (4), (5), (6), and (8) of this section including, but not limited to, the following:

- (i) Anticipated cost increases and cost savings;
- (ii) Anticipated cash flow and schedule changes; and
- (iii) Explanations for the changes.

(b) On an annual basis the report must include a status update on vessel and terminal preservation and improvement plans including, but not limited to, the following:

- (i) What work has been done;
- (ii) How have schedules shifted; and
- (iii) Associated changes in funding among projects, accompanied by explanations for the changes.

(c) On an annual basis the report must include an update on the implementation of the maintenance management system with recommendations for using the system to improve the efficiency of project reporting under this subsection.

(3) ~~(\$5,000,000)~~ \$12,232,000 of the Puget Sound capital construction account—state appropriation is provided solely for emergency capital repair costs (999910K). Funds may only be spent after approval by the office of financial management.

(4) ~~(\$1,277,000)~~ \$2,385,000 of the Puget Sound capital construction account—state appropriation is provided solely for the ORCA card next generation project (L2000300). The ferry system shall work with Washington technology solutions and the tolling division on the development of a new, interoperable ticketing system.

(5) ~~(\$24,750,000)~~ \$28,134,000 of the Puget Sound capital construction account—state appropriation is provided solely for the conversion of up to two Jumbo Mark II vessels to electric hybrid propulsion (G2000084). The department shall seek additional funds for the purposes of this subsection. The department may spend from the Puget Sound capital construction account—state appropriation in this section only as much as the department receives in Volkswagen settlement funds for the purposes of this subsection.

(6) ~~(\$152,453,000)~~ \$45,668,000 of the capital vessel replacement account—state appropriation is provided solely for the acquisition of a 144-car hybrid-electric vessel (L2000329). Of

the amounts appropriated in this subsection, \$200,000 is provided solely for hiring an independent owner's representative to perform quality oversight, manage the change order process, and ensure contract compliance. In 2019 the legislature amended RCW 47.60.810 to direct the department to modify an existing vessel construction contract to provide for an additional five ferries. As such, it is the intent of the legislature that the department award the contract for the hybrid electric Olympic class vessel #5(L2000329) in a timely manner. In addition, the legislature intends to minimize costs and maximize construction efficiency by providing sufficient funding for construction of all five vessels, including funding for long lead time materials procured at the lowest possible prices. The commencement of construction of new vessels for the ferry system is important not only for safety reasons, but also to keep skilled marine construction jobs in the Puget Sound region and to sustain the capacity of the region to meet the ongoing construction and preservation needs of the ferry system fleet of vessels. The legislature has determined that the current vessel procurement process must move forward with all due speed, balancing the interests of both the taxpayers and shipyards. To accomplish construction of vessels in accordance with RCW 47.60.810, the prevailing shipbuilder, for vessels initially funded after July 1, 2020, is encouraged to follow the historical practice of subcontracting the construction of ferry superstructures to a separate nonaffiliated contractor located within the Puget Sound region, that is qualified in accordance with RCW 47.60.690.

(7) The capital vessel replacement account—state appropriation includes up to ~~((\$152,453,000))~~ \$45,668,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(8) \$4,200,000 of the connecting Washington account—state appropriation and \$2,200,000 of the Puget Sound ~~((operating))~~ capital construction account ~~((F-Journal 2022 Journal\Journal2022\LogDay052\Puget Sound capital construction account.doc))~~—federal appropriation are provided solely for ferry vessel and terminal preservation (L2000110). The funds provided in this subsection must be used for unplanned preservation needs before shifting funding from other preservation projects.

Sec. 309. 2021 c 333 s 310 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—CAPITAL

Essential Rail Assistance Account—State Appropriation	((<u>\$550,000</u>))
	<u>\$1,108,000</u>
Transportation Infrastructure Account—State Appropriation	((<u>\$5,456,000</u>))
	<u>\$6,218,000</u>
Multimodal Transportation Account—State Appropriation	((<u>\$82,493,000</u>))
	<u>\$118,320,000</u>
Multimodal Transportation Account—Federal Appropriation	((<u>\$41,219,000</u>))
	<u>\$6,567,000</u>
<u>Multimodal Transportation Account—Private/Local Appropriation</u>	<u>\$13,000</u>
<u>Motor Vehicle Account—State Appropriation</u>	<u>\$1,810,000</u>
<u>Carbon Emissions Reduction Account—State Appropriation</u>	<u>\$50,000,000</u>
TOTAL APPROPRIATION	((<u>\$129,718,000</u>))
	<u>\$184,036,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects

and activities as listed by project and amount in LEAP Transportation Document ~~((2021-2))~~ 2022-2 ALL PROJECTS as developed ~~((April 23, 2024))~~ February 20, 2022, Program - Rail Program (Y).

(2) \$5,089,000 of the transportation infrastructure account—state appropriation is provided solely for new low-interest loans approved by the department through the freight rail investment bank (FRIB) program. The department shall issue FRIB program loans with a repayment period of no more than ten years, and charge only so much interest as is necessary to recoup the department's costs to administer the loans. The department shall report annually to the transportation committees of the legislature and the office of financial management on all FRIB loans issued. FRIB program loans may be recommended by the department for 2022 supplemental transportation appropriations up to the amount provided in this appropriation that has not been provided for the projects listed in 2021-2 ALL PROJECTS, as referenced in subsection (1) of this section. The department shall submit a prioritized list for any loans recommended to the office of financial management and the transportation committees of the legislature by November 15, 2021.

(3) ~~((\$6,817,000))~~ \$7,041,000 of the multimodal transportation account—state appropriation is provided solely for new statewide emergent freight rail assistance projects identified in the LEAP transportation document referenced in subsection (1) of this section.

(4) \$367,000 of the transportation infrastructure account—state appropriation and \$1,100,000 of the multimodal transportation account—state appropriation are provided solely to reimburse Highline Grain, LLC for approved work completed on Palouse River and Coulee City (PCC) railroad track in Spokane county between the BNSF Railway Interchange at Cheney and Geiger Junction and must be administered in a manner consistent with freight rail assistance program projects. The value of the public benefit of this project is expected to meet or exceed the cost of this project in: Shipper savings on transportation costs; jobs saved in rail-dependent industries; and/or reduced future costs to repair wear and tear on state and local highways due to fewer annual truck trips (reduced vehicle miles traveled). The amounts provided in this subsection are not a commitment for future legislatures, but it is the legislature's intent that future legislatures will work to approve biennial appropriations until the full \$7,337,000 cost of this project is reimbursed.

(5)(a) ~~((\$550,000))~~ \$1,008,000 of the essential rail assistance account—state appropriation is provided solely for the purpose of the rehabilitation and maintenance of the Palouse river and Coulee City railroad line (F01111B).

(b) Expenditures from the essential rail assistance account—state in this subsection may not exceed the combined total of:

(i) Revenues and transfers deposited into the essential rail assistance account from leases and sale of property relating to the Palouse river and Coulee City railroad;

(ii) Revenues from trackage rights agreement fees paid by shippers; and

(iii) Revenues and transfers transferred from the miscellaneous program account to the essential rail assistance account, pursuant to RCW 47.76.360, for the purpose of sustaining the grain train program by maintaining the Palouse river and Coulee City railroad.

(6) The department shall issue a call for projects for the freight rail assistance program, and shall evaluate the applications in a manner consistent with past practices as specified in section 309, chapter 367, Laws of 2011. By November 15, 2022, the department shall submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature.

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(7) (~~(\$33,964,000)~~) \$32,996,000 of the multimodal transportation account—state appropriation (~~and \$37,500,000 of the multimodal transportation account—federal appropriation are~~) is provided solely for Passenger Rail Equipment Replacement (~~(project 700010C--)~~) (project 700010C). The (~~appropriations~~) appropriation in this subsection include insurance proceeds received by the state. The department must use these funds only to purchase replacement equipment that has been competitively procured and for service recovery needs and corrective actions related to the December 2017 derailment.

(8) \$223,000 of the multimodal transportation account—state appropriation is provided solely for contingency funding for emergent freight rail assistance projects funded in subsection (3) of this section. Project sponsors may apply to the department for contingency funds needed due to unforeseeable cost increases. The department shall submit a report of any contingency funds provided under this subsection as part of the department's annual budget submittal.

(9) It is the intent of the legislature to encourage the department to pursue federal grant opportunities leveraging up to \$6,696,000 in connecting Washington programmed funds to be used as a state match to improve the state-owned Palouse river and Coulee City system. The amount listed in this subsection is not a commitment for future legislatures, but is the legislature's intent that future legislatures will work to approve biennial appropriations up to a state match share not to exceed \$6,696,000 of a grant award.

(10) \$50,000,000 of the carbon emissions reduction account—state appropriation is provided solely for state match contributions to support the department's application for pending federal grant opportunities. These funds are to remain in unallotted status and are available only upon receipt of federal funds. The department must provide draft applications for federal grant opportunities to the transportation committees of the legislature for review and comment prior to submission. If amounts are appropriated for this specific purpose in House Bill No. 2118 (additive transportation funding) or Senate Bill No. 5975 (additive transportation funding) by June 30, 2022, this subsection lapses.

(11) \$500,000 of the multimodal transportation account—state appropriation is provided solely for the Chelatchie Prairie railroad for track improvement activities on the northern part of the railroad (L1000311).

Sec. 310. 2021 c 333 s 311 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS—PROGRAM Z—CAPITAL

Highway Infrastructure Account—State	Appropriation	
		(\$793,000)
		<u>\$1,744,000</u>
Highway Infrastructure Account—Federal	Appropriation	
		(\$1,600,000)
		<u>\$2,935,000</u>
Transportation Partnership Account—State	Appropriation	
		(\$750,000)
		<u>\$1,000,000</u>
Motor Vehicle Account—State	Appropriation	
		(\$11,064,000)
		<u>\$23,651,000</u>
Motor Vehicle Account—Federal	Appropriation	
		(\$55,751,000)
		<u>\$79,306,000</u>
Motor Vehicle Account—Private/Local	Appropriation	
		\$6,600,000
Connecting Washington Account—State	Appropriation	
		(\$123,292,000)
		<u>\$176,755,000</u>

Multimodal Transportation Account—State	Appropriation	
		(\$71,615,000)
		<u>\$96,354,000</u>
Carbon Emissions Reduction Account—State	Appropriation	
		<u>\$19,360,000</u>
TOTAL APPROPRIATION		(\$271,465,000)
		<u>\$407,705,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document (~~(2021-2)~~) 2022-2 ALL PROJECTS as developed (~~(April 23, 2021)~~) February 20, 2022, Program - Local Programs Program (Z).

(2) The amounts identified in the LEAP transportation document referenced under subsection (1) of this section for pedestrian safety/safe routes to school are as follows:

(a) (~~(\$32,613,000)~~) \$46,163,000 of the multimodal transportation account—state appropriation is provided solely for pedestrian and bicycle safety program projects (L2000188).

(b) (~~(\$19,344,000)~~) \$26,086,000 of the motor vehicle account—federal appropriation and (~~(\$17,397,000)~~) \$21,656,000 of the multimodal transportation account—state appropriation are provided solely for safe routes to school projects (L2000189). The department may consider the special situations facing high-need areas, as defined by schools or project areas in which the percentage of the children eligible to receive free and reduced-price meals under the national school lunch program is equal to, or greater than, the state average as determined by the department, when evaluating project proposals against established funding criteria while ensuring continued compliance with federal eligibility requirements.

(3) The department shall submit a report to the transportation committees of the legislature by December 1, 2021, and December 1, 2022, on the status of projects funded as part of the pedestrian safety/safe routes to school grant program. The report must include, but is not limited to, a list of projects selected and a brief description of each project's status. In its December 1, 2021, report the department must also include recommended changes to the pedestrian safety/safe routes to school grant program application and selection processes to increase utilization by a greater diversity of jurisdictions.

(4) (~~(\$6,561,000)~~) \$11,987,000 of the multimodal transportation account—state appropriation is provided solely for bicycle and pedestrian projects listed in the LEAP transportation document referenced in subsection (1) of this section.

(5) It is the expectation of the legislature that the department will be administering a local railroad crossing safety grant program for \$7,000,000 in federal funds during the 2021-2023 fiscal biennium.

(6) (~~(\$12,500,000)~~) \$17,438,000 of the motor vehicle account—federal appropriation is provided solely for national highway freight network projects identified on the project list submitted in accordance with section 218(4)(b), chapter 14, Laws of 2016 on October 31, 2016 (L1000169).

(7) When the department updates its federally-compliant freight plan, it shall consult the freight mobility strategic investment board on the freight plan update and on the investment plan component that describes how the estimated funding allocation for the national highway freight program for federal fiscal years 2022-2025 will be invested and matched. The investment plan component for the state portion of national highway freight program funds must first address shortfalls in funding for connecting Washington act projects. The department

shall complete the freight plan update in compliance with federal requirements and deadlines and shall provide an update on the development of the freight plan, including the investment plan component, when submitting its 2022 supplemental appropriations request.

(8) ~~(\$11,679,000)~~ \$35,411,000 of the motor vehicle account—federal appropriation is provided solely for acceleration of local preservation projects that ensure the reliable movement of freight on the national highway freight system (G2000100). The department will identify projects through its current national highway system asset management call for projects with applications due in February 2021. The department shall give priority to those projects that can be obligated by September 30, 2021.

(9) \$6,890,000 of the climate emissions reduction account—state appropriation is provided solely for the projects and activities as listed in LEAP Transportation Document 2022-NL-2 as developed February 8, 2022. If amounts are appropriated for this specific purpose in House Bill No. 2118 (additive transportation funding) or Senate Bill No. 5975 (additive transportation funding) by June 30, 2022, the amount provided in this subsection lapses.

(10) \$5,640,000 of the climate emission reductions account—state appropriation is provided solely for newly selected pedestrian and bicycle safety program grants. If amounts are appropriated for this specific purpose in House Bill No. 2118 (additive transportation funding) or Senate Bill No. 5975 (additive transportation funding) by June 30, 2022, the amount provided in this subsection lapses.

(11) \$6,830,000 of the climate emission reductions account—state appropriation is provided solely for safe routes to school program grants. If amounts are appropriated for this specific purpose in House Bill No. 2118 (additive transportation funding) or Senate Bill No. 5975 (additive transportation funding) by June 30, 2022, the amount provided in this subsection lapses.

(12) \$1,063,000 of the motor vehicle account—state appropriation is provided solely for repairs and rehabilitation of the Pierce county ferry landings at Anderson Island and Steilacoom.

(13) \$500,000 of the motor vehicle account—state appropriation designated for the traffic avenue/SR 410 interchange project (L1000165) in LEAP Transportation Document 2022-2 ALL PROJECTS as developed February 20, 2022, Local Programs Program (Z) is redesignated and provided solely for the 166th/SR 410 Interchange - Sumner.

(14) \$300,000 of the motor vehicle account—state appropriation is provided solely for the city of Spokane for preliminary engineering of the US 195/Inland Empire Way project. Funds may be used for predesign environmental assessment work, community engagement, design, and project cost estimation.

(15) \$529,000 of the multimodal transportation account—state appropriation is provided solely for a commuter bus for the Sauk-Suiattle tribe, town of Darrington, North county family services and surrounding citizens.

Sec. 311. 2021 c 333 s 313 (uncodified) is amended to read as follows:

QUARTERLY REPORTING REQUIREMENTS FOR CAPITAL PROGRAM

On a quarterly basis, the department of transportation shall provide to the office of financial management and the legislative transportation committees a report for all capital projects, except for ferry projects subject to the reporting requirements established in section 309 ~~(of this act)~~, chapter 333, Laws of 2021, that must include:

- (1) A TEIS version containing actual capital expenditures for

all projects consistent with the structure of the most recently enacted budget;

(2) Anticipated cost savings, cost increases, reappropriations, and schedule adjustments for all projects consistent with the structure of the most recently enacted budget;

(3) The award amount, the engineer's estimate, and the number of bidders for all active projects consistent with the structure of the most recently enacted budget; and

(4) Risk reserves and contingency amounts for all projects consistent with the structure of the most recently enacted budget.

TRANSFERS AND DISTRIBUTIONS

Sec. 401. 2021 c 333 s 401 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE

Transportation Partnership Account—State	Appropriation	
	(\$904,000)	
	<u>\$795,000</u>	
Connecting Washington Account—State	Appropriation	
	(\$11,153,000)	
	<u>\$5,584,000</u>	
Special Category C Account—State	Appropriation	
	(\$412,000)	
	<u>\$257,000</u>	
Highway Bond Retirement Account—State	Appropriation	
	(\$1,483,793,000)	
	<u>\$1,424,896,000</u>	
Ferry Bond Retirement Account—State	Appropriation	
	\$17,150,000	
Transportation Improvement Board Bond Retirement Account—State	Appropriation	
	(\$11,770,000)	
	<u>\$17,566,000</u>	
Nondebt-Limit Reimbursable Bond Retirement Account—State	Appropriation	
	(\$29,323,000)	
	<u>\$26,278,000</u>	
Toll Facility Bond Retirement Account—State	Appropriation	
	\$76,376,000	
TOTAL APPROPRIATION	(\$1,630,881,000)	
	<u>\$1,568,177,000</u>	

The appropriations in this section are subject to the following conditions and limitations: Up to \$6,451,550 of the transportation improvement board bond retirement account—state appropriation is provided solely for the prepayment of certain outstanding bonds and debt service.

Sec. 402. 2021 c 333 s 402 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES

Transportation Partnership Account—State	Appropriation	
	(\$181,000)	
	<u>\$150,000</u>	
Connecting Washington Account—State	Appropriation	
	(\$2,231,000)	
	<u>\$1,117,000</u>	
Special Category C Account—State	Appropriation	
	(\$82,000)	
	<u>\$51,000</u>	
Transportation Improvement Account—State	Appropriation	
	<u>\$20,000</u>	

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TOTAL APPROPRIATION ((~~\$2,494,000~~)
\$1,315,000)

Sec. 403. 2021 c 333 s 403 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

Motor Vehicle Account—State Appropriation: For motor vehicle fuel tax statutory distributions to cities and counties ((~~\$467,390,000~~)
\$474,003,000)

Multimodal Transportation Account—State Appropriation: For distribution to cities and counties \$26,786,000

Motor Vehicle Account—State Appropriation: For distribution to cities and counties \$23,438,000

Sec. 404. 2021 c 333 s 404 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—TRANSFERS

Motor Vehicle Account—State Appropriation: For motor vehicle fuel tax refunds and statutory transfers ((~~\$1,974,599,000~~)
\$2,000,419,000)

Sec. 405. 2021 c 333 s 405 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING—TRANSFERS

Motor Vehicle Account—State Appropriation: For motor vehicle fuel tax refunds and transfers ((~~\$235,675,000~~)
\$240,330,000)

Sec. 406. 2021 c 333 s 406 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—ADMINISTRATIVE TRANSFERS

(1) Highway Safety Account—State Appropriation: For transfer to the State Patrol Highway Account—State \$47,000,000

(2)(a) Transportation Partnership Account—State Appropriation: For transfer to the Capital Vessel Replacement Account—State ((~~\$152,453,000~~)
\$45,668,000)

(b) The amount transferred in this subsection represents proceeds from the sale of bonds authorized in RCW 47.10.873.

(3)(a) Transportation Partnership Account—State Appropriation: For transfer to the Tacoma Narrows Toll Bridge Account—State \$30,293,000

(b) It is the intent of the legislature that this transfer is temporary, for the purpose of minimizing the impact of toll increases. An equivalent reimbursing transfer is to occur after the debt service and deferred sales tax on the Tacoma Narrows bridge construction costs are fully repaid in accordance with chapter 195, Laws of 2018.

(4)(a) Motor Vehicle Account—State Appropriation: For transfer to Alaskan Way Viaduct Account—State \$6,000,000

(b) The funds provided in (a) of this subsection are a loan to the Alaskan Way viaduct replacement project account—state, and the legislature assumes that these funds will be reimbursed to the motor vehicle account—state at a later date when traffic on the toll facility has recovered from the COVID-19 pandemic.

(5) Motor Vehicle Account—State Appropriation: For transfer to the County Arterial Preservation Account—State \$7,666,000

(6) Motor Vehicle Account—State Appropriation: For transfer to the Freight Mobility Investment Account—State \$5,511,000

(7) Motor Vehicle Account—State Appropriation: For transfer to the Rural Arterial Trust Account—State \$9,331,000

(8) Motor Vehicle Account—State Appropriation: For transfer to the Transportation Improvement Account—State \$9,688,000

(9) Rural Mobility Grant Program Account—State

Appropriation: For transfer to the Multimodal Transportation Account—State \$3,000,000

(10)(a) State Route Number 520 Civil Penalties Account—State Appropriation: For transfer to the Motor Vehicle Account—State \$2,000,000

(b) The transfer in this subsection is to repay moneys loaned to the state route number 520 civil penalties account in the 2019-2021 fiscal biennium.

(11) State Route Number 520 Civil Penalties Account—State Appropriation: For transfer to the State Route Number 520 Corridor Account—State \$1,532,000

(12) Capital Vessel Replacement Account—State Appropriation: For transfer to the Connecting Washington Account—State \$35,000,000

(13)(a) Capital Vessel Replacement Account—State Appropriation: For transfer to the Transportation Partnership Account—State ((~~\$10,305,000~~)
\$1,542,000)

(b) The amount transferred in this subsection represents repayment of debt service incurred for the construction of the Hybrid Electric Olympic Class (144-auto) Vessel #5 project (L2000329).

(14) Multimodal Transportation Account—State Appropriation: For transfer to the Complete Streets Grant Program Account—State \$14,670,000

(15) Multimodal Transportation Account—State Appropriation: For transfer to the Connecting Washington Account—State \$200,000,000

(16) Multimodal Transportation Account—State Appropriation: For transfer to the Freight Mobility Multimodal Account—State \$4,011,000

(17) Multimodal Transportation Account—State Appropriation: For transfer to the Ignition Interlock Device Revolving Account—State \$600,000

(18) Multimodal Transportation Account—State Appropriation: For transfer to the Pilotage Account—State ((~~\$1,500,000~~)
\$2,000,000)

(19) Multimodal Transportation Account—State Appropriation: For transfer to the Puget Sound Capital Construction Account—State \$60,000,000

(20) Multimodal Transportation Account—State Appropriation: For transfer to the Regional Mobility Grant Program Account—State \$27,679,000

(21) Multimodal Transportation Account—State Appropriation: For transfer to the Rural Mobility Grant Program Account—State \$15,223,000

(22)(a) Alaskan Way Viaduct Replacement Project Account—State Appropriation: For transfer to the Transportation Partnership Account—State \$22,884,000

(b) The amount transferred in this subsection represents repayment of debt service incurred for the construction of the SR 99/Alaskan Way Viaduct Replacement project (809936Z).

(23) Tacoma Narrows Toll Bridge Account—State Appropriation: For transfer to the Motor Vehicle Account—State \$950,000

(24) Puget Sound Ferry Operations Account—State Appropriation: For transfer to the Puget Sound Capital Construction Account—State \$60,000,000

(25)(a) General Fund Account—State Appropriation: For transfer to the State Patrol Highway Account—State \$625,000

(b) The state treasurer shall transfer the funds only after receiving notification from the Washington state patrol under section 207(2) ~~(of this act)~~, chapter 333, Laws of 2021.

COMPENSATION

Sec. 501. 2021 c 333 s 502 (uncodified) is amended to read as follows:

COLLECTIVE BARGAINING AGREEMENTS

Sections 503 through 520 (~~(of this act)~~), chapter 333, Laws of 2021 represent the results of the 2021-2023 collective bargaining process required under chapters 41.80, 47.64, and 41.56 RCW. Provisions of the collective bargaining agreements contained in sections 503 through 520 (~~(of this act)~~), chapter 333, Laws of 2021 are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreements. The collective bargaining agreements contained in sections 503 through 520 (~~(of this act)~~), chapter 333, Laws of 2021 may also be funded by expenditures from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided.

Sec. 502. 2021 c 333 s 503 (uncodified) is amended to read as follows:

DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—OPEIU

(1) An agreement has been reached between the governor and the office and professional employees international union local eight (OPEIU) pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases but does include furloughs. The agreement provides that positions designated by the employer as not requiring backfill take 24 furlough days during the biennium. In addition, the following positions are not subject to the furlough requirement: Bid administrator, dispatch, dispatch coordinator, and relief positions.

(2) An agreement has been reached between the governor and the office and professional employees international union local eight (OPEIU) pursuant to chapter 47.64 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

Sec. 503. 2021 c 333 s 504 (uncodified) is amended to read as follows:

DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—FASPAA

(1) An agreement has been reached between the governor and the ferry agents, supervisors, and project administrators association pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases but does include furloughs. The agreement provides that positions designated by the employer as not requiring backfill take 24 furlough days during the biennium.

(2) An agreement has been reached between the governor and the ferry agents, supervisors, and project administrators association pursuant to chapter 47.64 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

Sec. 504. 2021 c 333 s 505 (uncodified) is amended to read as follows:

DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—SEIU LOCAL 6

(1) An agreement has been reached between the governor and the service employees international union local 6 pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage

increases but does include furloughs. The agreement provides that positions designated by the employer as not requiring backfill take 24 furlough days during the biennium.

(2) An agreement has been reached between the governor and the service employees international union local 6 pursuant to chapter 47.64 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

Sec. 505. 2021 c 333 s 506 (uncodified) is amended to read as follows:

DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—CARPENTERS

(1) An agreement has been reached between the governor and the Pacific Northwest regional council of carpenters pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases but does include furloughs. The agreement provides that positions designated by the employer as not requiring backfill take 24 furlough days during the biennium.

(2) An agreement has been reached between the governor and the Pacific Northwest regional council of carpenters pursuant to chapter 47.64 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

Sec. 506. 2021 c 333 s 507 (uncodified) is amended to read as follows:

DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—METAL TRADES

(1) An agreement has been reached between the governor and the Puget Sound metal trades council through an interest arbitration award pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. The arbitration award imposed and funding is provided to implement a 1.9% general wage decrease from July 1, 2021, through June 30, 2022, and exempted these employees from the furlough requirement.

(2) An agreement has been reached between the governor and the Puget Sound metal trades council pursuant to chapter 47.64 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

Sec. 507. 2021 c 333 s 508 (uncodified) is amended to read as follows:

DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—MEBA-UL

(1) An agreement has been reached between the governor and the marine engineers' beneficial association unlicensed engine room employees pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either wage increases or the furlough requirement.

(2) An agreement has been reached between the governor and the marine engineers' beneficial association unlicensed engine room employees pursuant to chapter 47.64 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

Sec. 508. 2021 c 333 s 509 (uncodified) is amended to read as follows:

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AGREEMENTS—MEBA-L

(1) An agreement has been reached between the governor and the marine engineers' beneficial association licensed engineer officers pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either wage increases or the furlough requirement.

(2) An agreement has been reached between the governor and the marine engineers' beneficial association licensed engineer officers pursuant to chapter 47.64 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

Sec. 509. 2021 c 333 s 510 (uncodified) is amended to read as follows:

DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—MEBA—PORT ENGINEERS

(1) An agreement has been reached between the governor and the marine engineers' beneficial association port engineers pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases but does include furloughs. The agreement provides that positions designated by the employer as not requiring backfill take 24 furlough days during the biennium.

(2) An agreement has been reached between the governor and the marine engineers' beneficial association port engineers pursuant to chapter 47.64 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

Sec. 510. 2021 c 333 s 511 (uncodified) is amended to read as follows:

DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—MM&P MATES

(1) An agreement has been reached between the governor and the masters, mates, and pilots - mates pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which includes a two percent wage increase for second mates, and does not include the furlough requirement.

(2) An agreement has been reached between the governor and the masters, mates, and pilots - mates pursuant to chapter 47.64 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

Sec. 511. 2021 c 333 s 512 (uncodified) is amended to read as follows:

DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—MM&P MASTERS

(1) An agreement has been reached between the governor and the masters, mates, and pilots - masters pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either wage increases or the furlough requirement.

(2) An agreement has been reached between the governor and the masters, mates, and pilots - masters pursuant to chapter 47.64 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

Sec. 512. 2021 c 333 s 513 (uncodified) is amended to read as follows:

DEPARTMENT OF TRANSPORTATION MARINE

DIVISION COLLECTIVE BARGAINING AGREEMENTS—MM&P WATCH CENTER SUPERVISORS

(1) An agreement has been reached between the governor and the masters, mates, and pilots - watch center supervisors pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases but does include furloughs only for the following positions: Fleet facility security officers and workforce development leads.

(2) An agreement has been reached between the governor and the masters, mates, and pilots - watch center supervisors pursuant to chapter 47.64 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

Sec. 513. 2021 c 333 s 514 (uncodified) is amended to read as follows:

DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—IBU

(1) An agreement has been reached between the governor and the inlandboatmen's union of the Pacific pursuant to chapter 47.64 RCW through an interest arbitration award for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases, but does include furlough days for employees in positions that do not require the position to be backfilled.

(2) An agreement has been reached between the governor and the inlandboatmen's union of the Pacific pursuant to chapter 47.64 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

Sec. 514. 2021 c 333 s 519 (uncodified) is amended to read as follows:

COLLECTIVE BARGAINING AGREEMENT—WSP TROOPERS ASSOCIATION

(1) An agreement has been reached between the governor and the Washington state patrol troopers association under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include general wages increases but does provide the ability to request to reopen the compensation article for the purpose of bargaining base rate of pay for fiscal year 2023.

(2) An agreement has been reached between the governor and the Washington state patrol troopers association under the provisions of chapter 41.56 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 10 percent for fiscal year 2023.

Sec. 515. 2021 c 333 s 520 (uncodified) is amended to read as follows:

COLLECTIVE BARGAINING AGREEMENT—WSP LIEUTENANTS AND CAPTAINS ASSOCIATION

(1) An agreement has been reached between the governor and the Washington state patrol lieutenants and captains association under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include general wages increases but does provide the ability to request to reopen the compensation article for the purpose of bargaining base rate of pay for fiscal year 2023.

(2) An agreement has been reached between the governor and the Washington state patrol lieutenants and captains association under the provisions of chapter 41.56 RCW for fiscal year 2023. The agreement includes and funding is provided for a general

wage increase of 10 percent for fiscal year 2023.

Sec. 516. 2021 c 333 s 521 (uncodified) is amended to read as follows:

COMPENSATION—REPRESENTED EMPLOYEES—HEALTH CARE—COALITION—INSURANCE BENEFITS

An agreement was reached for the 2021-2023 biennium between the governor and the health care coalition under the provisions of chapter 41.80 RCW. Appropriations in this act for state agencies, including institutions of higher education, are sufficient to implement the provisions of the 2021-2023 collective bargaining agreement, which maintains the provisions of the 2019-2021 agreement, and are subject to the following conditions and limitations:

The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$936 per eligible employee for fiscal year 2022. For fiscal year 2023, the monthly employer funding rate shall not exceed (~~(\$1094)~~) \$1130 per eligible employee.

The board shall collect a \$25 per month surcharge payment from members who use tobacco products and a surcharge payment of not less than \$50 per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment if directed by the legislature.

Sec. 517. 2021 c 333 s 522 (uncodified) is amended to read as follows:

COMPENSATION—REPRESENTED EMPLOYEES OUTSIDE HEALTH CARE COALITION—INSURANCE BENEFITS

Appropriations for state agencies in this act are sufficient for represented employees outside the coalition for health benefits, and are subject to the following conditions and limitations: The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, may not exceed \$936 per eligible employee for fiscal year 2022. For fiscal year 2023, the monthly employer funding rate may not exceed (~~(\$1094)~~) \$1130 per eligible employee.

NEW SECTION. Sec. 518. The following acts or parts of acts are each repealed:

- (1) 2021 c 333 s 526 (uncodified);
- (2) 2021 c 333 s 527 (uncodified);
- (3) 2021 c 333 s 528 (uncodified);
- (4) 2021 c 333 s 529 (uncodified);
- (5) 2021 c 333 s 530 (uncodified);
- (6) 2021 c 333 s 531 (uncodified);
- (7) 2021 c 333 s 532 (uncodified); and
- (8) 2021 c 333 s 537 (uncodified).

IMPLEMENTING PROVISIONS

Sec. 601. 2021 c 333 s 601 (uncodified) is amended to read as follows:

MANAGEMENT OF TRANSPORTATION FUNDS WHEN THE LEGISLATURE IS NOT IN SESSION

(1) The 2005 transportation partnership projects or improvements and 2015 connecting Washington projects or improvements are listed in the LEAP Transportation Document (~~(2021-1)~~) 2022-1 as developed (~~(April 23, 2021)~~) February 20, 2022, which consists of a list of specific projects by fund source and amount over a sixteen-year period. Current fiscal biennium

funding for each project is a line-item appropriation, while the outer year funding allocations represent a sixteen-year plan. The department of transportation is expected to use the flexibility provided in this section to assist in the delivery and completion of all transportation partnership account and connecting Washington account projects on the LEAP transportation document referenced in this subsection. For the 2021-2023 project appropriations, unless otherwise provided in this act, the director of the office of financial management may provide written authorization for a transfer of appropriation authority between projects funded with transportation partnership account appropriations or connecting Washington account appropriations to manage project spending and efficiently deliver all projects in the respective program under the following conditions and limitations:

(a) Transfers may only be made within each specific fund source referenced on the respective project list;

(b) Transfers from a project may not be made as a result of the reduction of the scope of a project or be made to support increases in the scope of a project;

(c) Transfers from a project may be made if the funds appropriated to the project are in excess of the amount needed in the current fiscal biennium;

(d) Transfers may not occur for projects not identified on the applicable project list;

(e) Transfers to a project may not occur if that project is a programmatic funding item described in broad general terms on the applicable project list without referencing a specific state route number;

(f) Transfers may not be made while the legislature is in session;

(g) Transfers to a project may not be made with funds designated as attributable to practical design savings as described in RCW 47.01.480;

(h) Except for transfers made under (l) of this subsection, transfers may only be made in fiscal year 2023;

(i) The total amount of transfers under this section may not exceed \$50,000,000;

(j) Except as otherwise provided in (l) of this subsection, transfers made to a single project may not cumulatively total more than \$20,000,000 per biennium;

(k) Each transfer between projects may only occur if the director of the office of financial management finds that any resulting change will not hinder the completion of the projects as approved by the legislature; and

(l) Transfers between projects may be made by the department of transportation without the formal written approval provided under this subsection (1), provided that the transfer amount to a single project does not exceed two hundred fifty thousand dollars or ten percent of the total project per biennium, whichever is less. These transfers must be reported quarterly to the director of the office of financial management and the chairs of the house of representatives and senate transportation committees.

(2) The department of transportation must submit quarterly all transfers authorized under this section in the transportation executive information system. The office of financial management must maintain a legislative baseline project list identified in the LEAP transportation documents referenced in this act, and update that project list with all authorized transfers under this section, including any effects to the total project budgets and schedules beyond the current biennium.

(3) At the time the department submits a request to transfer funds under this section, a copy of the request must be submitted to the chairs and ranking members of the transportation committees of the legislature.

(4) Before approval, the office of financial management shall

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work with legislative staff of the house of representatives and senate transportation committees to review the requested transfers in a timely manner and address any concerns raised by the chairs and ranking members of the transportation committees.

(5) No fewer than ten days after the receipt of a project transfer request, the director of the office of financial management must provide written notification to the department of any decision regarding project transfers, with copies submitted to the transportation committees of the legislature.

(6) The department must submit annually as part of its budget submittal a report detailing all transfers made pursuant to this section, including any effects to the total project budgets and schedules beyond the current biennium.

(7)(a) If the department of transportation receives federal funding not appropriated in this act, the department shall apply such funds to any of the following activities in lieu of state funds, if compliant with federal funding restrictions, and in the order that most reduces administrative burden and minimizes the use of bond proceeds:

(i) Projects on LEAP Transportation Document ((~~2021-2~~) 2022-2 ALL PROJECTS as developed ((~~April 23, 2021~~) February 20, 2022); or

(ii) Other department of transportation operating or capital expenditures funded by appropriations from state accounts in this act.

(b) However, if the funds received may not be used for any of the purposes enumerated in this section and must be obligated before the next regular legislative session, then the department may program the funds for other transportation-related activities, provided that these actions do not initiate any new programs, policies, or expenditure levels requiring additional one-time or ongoing state funds that have not been expressly authorized by the legislature. The department shall follow the existing unanticipated receipt process to notify the legislative standing committees on transportation and the office of financial management of the amount of federal funds received in addition to those appropriated in this act and the projects or activities receiving funding through this process.

Sec. 602. 2021 c 333 s 606 (uncodified) is amended to read as follows:

TRANSIT, BICYCLE, AND PEDESTRIAN ELEMENTS REPORTING

(1) By November 15th of each year, the department of transportation must report on amounts expended to benefit transit, bicycle, or pedestrian elements within all connecting Washington projects in programs I, P, and Z identified in LEAP Transportation Document ((~~2021-2~~) 2022-2 ALL PROJECTS as developed ((~~April 23, 2021~~) February 20, 2022). The report must address each modal category separately and identify if eighteenth amendment protected funds have been used and, if not, the source of funding.

(2) To facilitate the report in subsection (1) of this section, the department of transportation must require that all bids on connecting Washington projects include an estimate on the cost to implement any transit, bicycle, or pedestrian project elements.

NEW SECTION. Sec. 603. A new section is added to 2021 c 333 (uncodified) to read as follows: **INFRASTRUCTURE INVESTMENT AND JOBS ACT FUNDS ALLOCATIONS**

The legislature acknowledges that the manner in which the allocation of formula program funding from federal funding authorization acts between the state and local governments has been determined in the past by work groups composed of a number of stakeholders to advise the governor and the legislature. It is the intent of the legislature that a similar process be undertaken for the allocation of formula program funds from the

infrastructure investment and jobs act for federal fiscal years after 2023, as provided in section 204(13) of this act. For the purposes of federal fiscal year 2023 and for the purposes of ensuring the efficient and timely obligation of federal funds, the legislature finds that a schedule of formula program allocations be applied, as provided in this section, based on a modification of the allocation schedule under the fixing America's surface transportation act.

(1) Amounts received by the state of Washington from the federal infrastructure investment and jobs act for federal fiscal year 2023 are assumed to be allocated in the following manner:

(a) Eighty-seven percent of national highway performance program funds is allocated to the state and 13 percent is allocated to local governments;

(b) Thirty percent of highway safety improvement grants is allocated to the state and 70 percent is allocated to local governments;

(c) One hundred percent of national highway freight program funds is allocated to the state;

(d) One hundred percent of statewide planning & research funds is allocated to the state;

(e) Eighty-five percent of bridge replacement program funds is allocated to the state and 15 percent is allocated to local governments;

(f) Thirty-five percent of carbon reduction program funds is allocated to the state and 65 percent is allocated to local governments;

(g) One hundred percent of national vehicle electric funds is allocated to the state; and

(h) One hundred percent of promoting resilient operations for transformative, efficient, and cost-saving transportation grant program funds is allocated to the state.

(2) Additionally, amounts received by the state of Washington from the federal infrastructure investment and jobs act for federal fiscal year 2023 for the surface transportation block grant subprograms are assumed to be allocated in the following manner:

(a) One hundred percent of the surface transportation block grant program amounts for off-system bridges is allocated to local governments;

(b) One hundred percent of the surface transportation block bridge grant program amounts for distribution based on population is allocated to local governments;

(c) Eighty-six percent of the surface transportation block grant program amounts for distribution to any area of the state is allocated to the state and 14 percent is allocated to local governments.

MISCELLANEOUS 2021-2023 FISCAL BIENNIUM

Sec. 701. 2021 c 333 s 701 (uncodified) is amended to read as follows:

INFORMATION TECHNOLOGY OVERSIGHT

(1) Agencies must apply to the office of financial management and the office of the state chief information officer for approval before beginning a project or proceeding with each discrete stage of a project subject to this section. At each stage, the office of the state chief information officer must certify that the project has an approved technology budget and investment plan, complies with state information technology and security requirements, and other policies defined by the office of the state chief information officer. The office of financial management must notify the fiscal committees of the legislature of the receipt of each application and may not approve a funding request for ten business days from the date of notification.

(2)(a) Each project must have a technology budget. The technology budget must have the detail by fiscal month for the

2021-2023 fiscal biennium. The technology budget must use a method similar to the state capital budget, identifying project costs, each fund source, and anticipated deliverables through each stage of the entire project investment and across fiscal periods and biennia from project onset through implementation and close out, as well as at least five years of maintenance and operations costs.

(b) As part of the development of a technology budget and at each request for funding, the agency shall submit an updated technology budget, if changes occurred, to include detailed financial information to the office of financial management and the office of the chief information officer. The technology budget must describe the total cost of the project, as well as maintenance and operations costs, to include and identify at least:

- (i) Fund sources;
- (ii) Full time equivalent staffing level to include job classification assumptions;
- (iii) Discrete financial budget codes to include at least the appropriation index and program index;
- (iv) Object and subobject codes of expenditures;
- (v) Anticipated deliverables;
- (vi) Historical budget and expenditure detail by fiscal year; and
- (vii) Maintenance and operations costs by fiscal year for at least five years as a separate worksheet.

(c) If a project technology budget changes and a revised technology budget is completed, a comparison of the revised technology budget to the last approved technology budget must be posted to the dashboard, to include a narrative rationale on what changed, why, and how that impacts the project in scope, budget, and schedule.

(3)(a) Each project must have an investment plan that includes:

- (i) An organizational chart of the project management team that identifies team members and their roles and responsibilities;
- (ii) The office of the chief information officer staff assigned to the project;
- (iii) An implementation schedule covering activities, critical milestones, and deliverables at each stage of the project for the life of the project at each agency affected by the project;
- (iv) Performance measures used to determine that the project is on time, within budget, and meeting expectations for quality of work product;
- (v) Ongoing maintenance and operations cost of the project post implementation and close out delineated by agency staffing, contracted staffing, and service level agreements; and
- (vi) Financial budget coding to include at least discrete financial coding for the project.

(4) Projects with estimated costs greater than \$100,000,000 from initiation to completion and implementation may be divided into discrete subprojects as determined by the office of the state chief information officer. Each subproject must have a technology budget and investment plan as provided in this section.

(5)(a) The office of the chief information officer shall maintain an information technology project dashboard that provides updated information each fiscal month on projects subject to this section. This includes, at least:

- (i) Project changes each fiscal month;
- (ii) Noting if the project has a completed market requirements document, and when it was completed;
- (iii) Financial status of information technology projects under oversight;
- (iv) Coordination with agencies;
- (v) Monthly quality assurance reports, if applicable;
- (vi) Monthly office of the chief information officer status reports;
- (vii) Historical project budget and expenditures through fiscal year 2021;

(viii) Budget and expenditures each fiscal month;

(ix) Estimated annual maintenance and operations costs by fiscal year; and

(x) Posting monthly project status assessments on scope, schedule, budget, and overall by the:

- (A) Office of the chief information officer;
- (B) Agency project team; and
- (C) Quality assurance vendor, if applicable to the project.

(b) The dashboard must retain a roll up of the entire project cost, including all subprojects, that can display subproject detail. This includes coalition projects that are active.

(6) If the project affects more than one agency:

(a) A separate technology budget and investment plan must be prepared for each agency; and

(b) The dashboard must contain a statewide project technology budget roll up that includes each affected agency at the subproject level.

(7) For any project that exceeds \$2,000,000 in total funds to complete, requires more than one biennium to complete, or is financed through financial contracts, bonds, or other indebtedness:

(a) Quality assurance for the project must report independently to the office of the chief information officer;

(b) The office of the chief information officer must review, and, if necessary, revise the proposed project to ensure it is flexible and adaptable to advances in technology;

(c) The technology budget must specifically identify the uses of any financing proceeds. No more than 30 percent of the financing proceeds may be used for payroll-related costs for state employees assigned to project management, installation, testing, or training;

(d) The agency must consult with the office of the state treasurer during the competitive procurement process to evaluate early in the process whether products and services to be solicited and the responsive bids from a solicitation may be financed; and

(e) The agency must consult with the contracting division of the department of enterprise services for a review of all contracts and agreements related to the project's information technology procurements.

(8) The office of the chief information officer must evaluate the project at each stage and certify whether the project is planned, managed, and meeting deliverable targets as defined in the project's approved technology budget and investment plan.

(9) The office of the chief information officer may suspend or terminate a project at any time if it determines that the project is not meeting or not expected to meet anticipated performance and technology outcomes. Once suspension or termination occurs, the agency shall unallot any unused funding and shall not make any expenditure for the project without the approval of the office of financial management. The office of the chief information officer must report on July 1st and December 1st each calendar year any suspension or termination of a project in the previous six-month period to the legislative fiscal committees.

(10) The office of the chief information officer, in consultation with the office of financial management, may identify additional projects to be subject to this section, including projects that are not separately identified within an agency budget. The office of the chief information officer must report on July 1st and December 1st each calendar year any additional projects to be subjected to this section that were identified in the previous six-month period to the legislative fiscal committees.

(11) The following transportation projects are subject to the conditions, limitations, and review provided in this section:

(a) For the Washington state patrol: Aerial criminal investigation tools;

(b) For the department of licensing: Website accessibility and

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usability; and

(c) For the department of transportation: Maintenance management system, land mobile radio system replacement(~~(-new csc system and operator)~~), PROPEL – WSDOT support of one Washington, and capital systems replacement.

Sec. 702. 2021 c 333 s 702 (uncodified) is amended to read as follows:

ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS

(1) The department of transportation is authorized, subject to the conditions in section 305(2) (~~(of this act)~~), chapter 333, Laws of 2021, to enter into a financing contract pursuant to chapter 39.94 RCW through the state treasurer's lease-purchase program for the purposes indicated. The department may use any funds, appropriated or nonappropriated, in not more than the principal amounts indicated, plus financing expenses and required reserves, if any. Expenditures made by the department of transportation for the indicated purposes before the issue date of the authorized financing contract and any certificates of participation therein may be reimbursed from proceeds of the financing contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

(2) Department of transportation: Enter into a financing contract for up to \$32,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to renovate the existing office building at 15700 Dayton Ave N, Shoreline. If the department of transportation has entered into a financing agreement for the purposes specified in this subsection prior to June 30, 2021, this subsection has no force and effect.

Sec. 703. RCW 46.68.410 and 2010 c 161 s 812 are each amended to read as follows:

(1) The vehicle identification number inspection fee collected under RCW 46.17.130 must be distributed as follows:

~~((1) Fifteen dollars))~~ (a) \$15 to the state patrol highway account created in RCW 46.68.030; and

~~((2) Fifty dollars))~~ (b) \$50 to the motor vehicle fund created in RCW 46.68.070.

(2) During the 2021-2023 fiscal biennium, the entire vehicle identification number inspection fee collected under RCW 46.17.130 must be distributed to the state patrol highway account created in RCW 46.68.030.

Sec. 704. RCW 46.68.480 and 2020 c 224 s 2 are each amended to read as follows:

The Cooper Jones active transportation safety account is created in the state treasury. All receipts from penalties collected under RCW 46.63.170(6)(e) shall be deposited into the account. Expenditures from the account may be used only to fund grant projects or programs for bicycle, pedestrian, and nonmotorist safety improvement administered by the Washington traffic safety commission. For the 2021-2023 biennium, expenditures from the account may also be used to fund grant projects or programs for bicycle, pedestrian, and nonmotorist safety improvement administered by the Washington state department of transportation. The account is subject to allotment procedures under chapter 43.88 RCW. Moneys in the account may be spent only after appropriation.

Sec. 705. RCW 47.12.063 and 2015 3rd sp.s. c 13 s 2 are each amended to read as follows:

(1) It is the intent of the legislature to continue the department's policy giving priority consideration to abutting property owners in agricultural areas when disposing of property through its surplus property program under this section.

(2) Whenever the department determines that any real property owned by the state of Washington and under the jurisdiction of

the department is no longer required for transportation purposes and that it is in the public interest to do so, the department may sell the property or exchange it in full or part consideration for land or building improvements or for construction of highway improvements at fair market value to any person through the solicitation of written bids through public advertising in the manner prescribed under RCW 47.28.050 or in the manner prescribed under RCW 47.12.283.

(3) The department may forego the processes prescribed by RCW 47.28.050 and 47.12.283 and sell the real property to any of the following entities or persons at fair market value, except as specified in subsection (9) of this section during the 2021-2023 fiscal biennium:

- (a) Any other state agency;
- (b) The city or county in which the property is situated;
- (c) Any other municipal corporation;
- (d) Regional transit authorities created under chapter 81.112 RCW;
- (e) The former owner of the property from whom the state acquired title;

(f) In the case of residentially improved property, a tenant of the department who has resided thereon for not less than six months and who is not delinquent in paying rent to the state;

(g) Any abutting private owner but only after each other abutting private owner (if any), as shown in the records of the county assessor, is notified in writing of the proposed sale. If more than one abutting private owner requests in writing the right to purchase the property within fifteen days after receiving notice of the proposed sale, the property shall be sold at public auction in the manner provided in RCW 47.12.283;

(h) To any other owner of real property required for transportation purposes;

(i) In the case of property suitable for residential use, any nonprofit organization dedicated to providing affordable housing to very low-income, low-income, and moderate-income households as defined in RCW 43.63A.510 and is eligible to receive assistance through the Washington housing trust fund created in chapter 43.185 RCW; ~~((or))~~

(j) During the 2021-2023 fiscal biennium, any nonprofit organization that identifies real property to be sold or conveyed as a substitute for real property owned by the nonprofit within the city of Seattle to be redeveloped for the purpose of affordable housing; or

(k) A federally recognized Indian tribe within whose reservation boundary the property is located.

(4) When selling real property pursuant to RCW 47.12.283, the department may withhold or withdraw the property from an auction when requested by one of the entities or persons listed in subsection (3) of this section and only after the receipt of a nonrefundable deposit equal to ~~((ten))~~ 10 percent of the fair market value of the real property or ~~((five thousand dollars))~~ \$5,000, whichever is less. This subsection does not prohibit the department from exercising its discretion to withhold or withdraw the real property from an auction if the department determines that the property is no longer surplus or chooses to sell the property through one of the other means listed in subsection (2) of this section. If a transaction under this subsection is not completed within ~~((sixty))~~ 60 days, the real property must be put back up for sale.

(5) Sales to purchasers may, at the department's option, be for cash, by real estate contract, or exchange of land or highway improvements. Transactions involving the construction of improvements must be conducted pursuant to chapter 47.28 RCW and Title 39 RCW, as applicable, and must comply with all other applicable laws and rules.

(6) Conveyances made pursuant to this section shall be by deed executed by the secretary of transportation and shall be duly acknowledged.

(7) Unless otherwise provided, all moneys received pursuant to the provisions of this section less any real estate broker commissions paid pursuant to RCW 47.12.320 shall be deposited in the motor vehicle fund.

(8) The department may not enter into equal value exchanges or property acquisitions for building improvements without first consulting with the office of financial management and the joint transportation committee.

(9) During the 2021-2023 fiscal biennium, the department may sell or convey surplus property at less than its fair market value when the department finds that it is in the public interest to do so because:

(a) The surplus property will be used as a substitute for property to be redeveloped to provide the public benefit of affordable housing; and

(b) The development of affordable housing on that property would not otherwise be adequately compensated.

Sec. 706. RCW 46.01.385 and 2021 c 32 s 2 are each amended to read as follows:

The agency financial transaction account is created in the state treasury. Receipts directed by law to the account from cost recovery charges for credit card and other financial transaction fees must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for paying credit card and financial transaction fees, and other related costs incurred by state agencies. During the 2021-2023 fiscal biennium, expenditures from the account may also be used for additional information technology costs related to supporting the department of licensing operations and addressing staffing shortages.

Sec. 707. 2021 c 333 s 719 (uncodified) is amended to read as follows:

(1) The state commercial aviation coordinating commission will review existing data and conduct research to determine Washington's long-range commercial aviation facility needs and the site of a new primary commercial aviation facility. Research for each potential site must include the feasibility of constructing a commercial aviation facility in that location and its potential environmental, community, and economic impacts. Options for a new primary commercial aviation facility in Washington may include expansion of an existing airport facility but may not include siting a facility on or in the vicinity of a military installation that would be incompatible with the installation's ability to carry out its mission requirements. The work of the commission shall include the following:

(a) Recommendations to the legislature on future Washington state long-range commercial aviation facility needs including possible additional aviation facilities or expansion of current aviation facilities, excluding those located in a county with a population of two million or more, to meet anticipated commercial aviation, general aviation, and air cargo demands;

(b) Identifying a preferred location for a new primary commercial aviation facility. The commission shall make recommendations and shall select a single preferred location by a sixty percent majority vote using the following process:

- (i) Initiating a broad review of potential sites;
- (ii) Recommending a final short list of no more than six locations by February 15, 2022;
- (iii) Identifying the top two locations from the final six locations by October 15, 2022; and
- (iv) Identifying a single preferred location for a new primary commercial aviation facility by ~~(February)~~ June 15, 2023; and
- (c) A projected timeline for the development of an additional

commercial aviation facility that is completed and functional by 2040.

(2) The commission shall submit a report of its findings and recommendations to the transportation committees of the legislature by ~~(February)~~ June 15, 2023. The commission must allow a minority report to be included with the commission report if requested by a voting member of the commission.

(3) Nothing in this section shall be construed to endorse, limit, or otherwise alter existing or future plans for capital development and capacity enhancement at existing commercial airports in Washington.

(4) This section expires June 30, 2023.

MISCELLANEOUS

NEW SECTION. Sec. 801. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 802. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Liias moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5689 and request of the House a conference thereon.

Senators Liias and King spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Liias that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5689 and request a conference thereon.

The motion by Senator Liias carried and the Senate refused to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5689 and requested of the House a conference thereon by voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 5689 and the House amendment(s) thereto: Senators King, Liias and Saldaña.

MOTION

On motion of Senator Pedersen, the appointments to the conference committee were confirmed.

PERSONAL PRIVILEGE

Senator Sefzik: "Mr. President, when I gave my first speech after the passing of my bill, I did not follow protocol and I did not have gifts. I am happy to report that I now have those. I have specifically brought Top Ramen for everybody because that is what I eat a lot of. And in the past few years that has been sort of my constant meal. But in addition, I have also brought one-ounce little bars of chocolate that were made up in my district from a place called *Chocolate Necessities*. So, I hope that if anybody enjoys ramen as much as I do, you have a meal and a treat for you. So, thank you and I again apologize for my tardiness in only now being able to bring this forward. Thank you."

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President Heck: "Did you bring 50 or 49?"

Senator Sefzik: "I brought actually 60 and I have even more ramen in my office in case anybody would like more, including spicy ramen."

PERSONAL PRIVILEGE

Senator Salomon: "Mr. President, while I appreciate the sentiment of the good Senator from the Forty-second. I think a more appropriate gift from his district might have been a glass of milk for all of us. Well, maybe next time."

MOTION

On motion of Senator Pedersen, the Senate advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1825, by Representatives Dye, Orwall and Graham

Concerning continuity of judicial operations in single judge courts.

The measure was read the second time.

MOTION

Senator Dhingra moved that the following committee striking amendment by the Committee on Law & Justice be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 2.56 RCW to read as follows:

For purposes of this title and Title 3 RCW, unless the context clearly requires otherwise, "single judge court" means a court or judicial district that has only one judge.

Sec. 2. RCW 2.56.040 and 2005 c 182 s 1 are each amended to read as follows:

(1) The chief justice shall consider all recommendations of the administrator for the assignment of judges, and, in the discretion of the chief justice, direct any judge whose calendar, in the judgment of the chief justice, will permit, to hold court ((in any county or district)) where need therefor exists, to the end that the courts ((of)) in this state shall function with maximum efficiency, and that the work of other courts shall be equitably distributed. It shall be the duty of every judge to obey such direction of the chief justice unless excused by the chief justice for sufficient cause.

(2)(a) If due to illness, incapacity, resignation, death, or other unavailability the presiding judge in a single judge court is unable to fulfill the duties of the office, and either (i) no person has been designated by the presiding judge to serve as presiding judge pro tempore or (ii) the previously designated presiding judge pro tempore resigns, is removed from office, or is no longer able to serve, the chief justice may appoint another judicial officer or other person as the presiding judge pro tempore who meets the qualifications of a judge pro tempore, subject to (c) of this subsection, during the remaining period of unavailability or until a vacancy is filled as provided by law.

(b) The chief justice may appoint someone other than the previously designated or appointed individual to serve as presiding judge pro tempore whenever the chief justice

determines that the administration of justice would be better served by appointment of someone else to fulfill the presiding judge duties, subject to (c) of this subsection, during the remaining period of unavailability or until the vacancy is filled as provided by law.

(c) The chief justice, or designee, shall consult with the local legislative and executive authorities before removing or appointing a presiding judge pro tempore under (a) or (b) of this subsection.

(d) Nothing in this section is intended to modify the role of the commission on judicial conduct as provided in Article IV, section 31 of the Washington state Constitution and chapter 2.64 RCW.

Sec. 3. RCW 2.08.120 and 1955 c 38 s 5 are each amended to read as follows:

(1) If a vacancy occurs in the office of judge of the superior court, the governor shall appoint a person to hold the office until the election and qualification of a judge to fill the vacancy, which election shall be at the next succeeding general election, and the judge so elected shall hold office for the remainder of the unexpired term.

(2) During any vacancy that occurs pursuant to subsection (1) of this section in a single judge court, a presiding judge pro tempore who has been predesignated pursuant to court rule or appointed pursuant to RCW 2.56.040(2) may fulfill presiding judge duties, and the authority of the predesignated or appointed presiding judge pro tempore endures until the chief justice appoints someone else to fulfill the presiding judge duties pursuant to RCW 2.56.040(2)(b), or until a vacancy in the position is filled as provided by law, whichever occurs first.

Sec. 4. RCW 2.24.010 and 2021 c 311 s 17 are each amended to read as follows:

(1) There may be appointed in each county or judicial district, by the judges of the superior court having jurisdiction therein or a presiding judge pro tempore who is fulfilling presiding judge duties for a single judge court pursuant to RCW 2.08.120(2), one or more court commissioners for said county or judicial district. Each such commissioner shall be a citizen of the United States and shall hold the office during the pleasure of the judges making the appointment.

(2)(a) There may be appointed in counties with a population of more than four hundred thousand, by the presiding judge of the superior court having jurisdiction therein, one or more attorneys to act as criminal commissioners to assist the superior court in disposing of adult criminal cases. Such criminal commissioners shall have power, authority, and jurisdiction, concurrent with the superior court and the judges thereof, in adult criminal cases, to preside over arraignments, preliminary appearances, initial extradition hearings, and noncompliance proceedings pursuant to RCW 9.94A.6333 or 9.94B.040; accept pleas if authorized by local court rules; appoint counsel; make determinations of probable cause; set, amend, and review conditions of pretrial release; set bail; set trial and hearing dates; authorize continuances; accept waivers of the right to speedy trial; and authorize and issue search warrants and orders to intercept, monitor, or record wired or wireless telecommunications or for the installation of electronic taps or other devices to include, but not be limited to, vehicle global positioning system or other mobile tracking devices with all the powers conferred upon the judge of the superior court in such matters.

(b) Criminal commissioners shall also have the authority to conduct resentencing hearings and to vacate convictions related to *State v. Blake*, No. 96873-0 (Feb. 25, 2021). Criminal commissioners may be appointed for this purpose regardless of the population of the county served by the appointing court.

(c) The county legislative authority must approve the creation

of criminal commissioner positions.

Sec. 5. RCW 3.34.150 and 1989 c 227 s 7 are each amended to read as follows:

(1) If a district has more than one judge, the supreme court may by rule provide for the manner of selection of one of the judges to serve as presiding judge and prescribe the presiding judge's duties. If a county has multiple districts or has one district with multiple electoral districts, the supreme court may by rule provide for the manner of selection of one of the judges to serve as presiding judge and prescribe the presiding judge's duties.

(2) Pursuant to court rule or RCW 2.56.040(2), a presiding judge pro tempore may be predesignated or appointed to fulfill presiding judge duties in case of the illness, incapacity, resignation, death, or unavailability of the presiding judge of a single judge court. In such circumstances, the authority of the predesignated or appointed presiding judge pro tempore endures until the chief justice appoints someone else to fulfill the presiding judge duties pursuant to RCW 2.56.040(2)(b), or the period of such illness, incapacity, or unavailability ends, or until a vacancy in the position is filled as provided by law, whichever occurs first.

Sec. 6. RCW 3.34.100 and 2003 c 97 s 3 are each amended to read as follows:

(1) If a district judge dies, resigns, is convicted of a felony, ceases to reside in the district, fails to serve for any reason except temporary disability, or if his or her term of office is terminated in any other manner, the office shall be deemed vacant. The county legislative authority shall fill all vacancies by appointment and the judge thus appointed shall hold office until the next general election and until a successor is elected and qualified. However, if a vacancy in the office of district court judge occurs and the total number of district court judges remaining in the county is equal to or greater than the number of district court judges authorized in RCW 3.34.010 then the position shall remain vacant. District judges shall be granted sick leave in the same manner as other county employees. A district judge may receive when vacating office remuneration for unused accumulated leave and sick leave at a rate equal to one day's monetary compensation for each full day of accrued leave and one day's monetary compensation for each four full days of accrued sick leave, the total remuneration for leave and sick leave not to exceed the equivalent of thirty days' monetary compensation.

(2) During any vacancy that occurs pursuant to subsection (1) of this section in a single judge court, a presiding judge pro tempore who has been predesignated pursuant to court rule or appointed pursuant to RCW 2.56.040(2) may fulfill presiding judge duties, and the authority of the predesignated or appointed presiding judge pro tempore endures until the chief justice appoints someone else to fulfill the presiding judge duties pursuant to RCW 2.56.040(2)(b), or until a vacancy in the position is filled as provided by law, whichever occurs first.

Sec. 7. RCW 3.34.130 and 1996 c 16 s 1 are each amended to read as follows:

(1) ~~(Each)~~ In addition to the designation of a presiding judge pro tempore for a single judge court as provided in RCW 3.34.150(2), each district court shall designate one or more persons as judge pro tempore who shall serve during the temporary absence, disqualification, or incapacity of a district judge or to serve as an additional judge for excess caseload or special set cases. The qualifications of a judge pro tempore shall be the same as for a district judge, except that with respect to RCW 3.34.060(1), the person appointed need only be a registered voter of the state. A district that has a population of not more than ten thousand and that has no person available who meets the qualifications under RCW 3.34.060(2) (a) or (b), may appoint as a pro tempore judge a person who has taken and passed the

qualifying examination for the office of district judge as is provided by rule of the supreme court. A judge pro tempore may sit in any district of the county for which he or she is appointed. A judge pro tempore shall be paid the salary authorized by the county legislative authority.

(2) For each day that a judge pro tempore serves in excess of thirty days during any calendar year, the annual salary of the district judge in whose place the judge pro tempore serves shall be reduced by an amount equal to one-two hundred fiftieth of such salary: PROVIDED, That each full time district judge shall have up to fifteen days annual leave without reduction for service on judicial commissions established by the legislature or the chief justice of the supreme court. No reduction in salary shall occur when a judge pro tempore serves:

(a) While a district judge is using sick leave granted in accordance with RCW 3.34.100;

(b) While a district court judge is disqualified from serving following the filing of an affidavit of prejudice;

(c) As an additional judge for excess case load or special set cases; or

(d) While a district judge is otherwise involved in administrative, educational, or judicial functions related to the performance of the judge's duties: PROVIDED, That the appointment of judge pro tempore authorized under subsection (2)(c) and (d) of this section is subject to an appropriation for this purpose by the county legislative authority.

(3) The legislature may appropriate money for the purpose of reimbursing counties for the salaries of judges pro tempore for certain days in excess of thirty worked per year that the judge pro tempore was required to work as the result of service by a judge on a commission as authorized under subsection (2) of this section. No later than September 1 of each year, each county treasurer shall certify to the administrator for the courts for the year ending the preceding June 30, the number of days in excess of thirty that any judge pro tempore was required to work as the result of service by a judge on a commission as authorized under subsection (2) of this section. Upon receipt of the certification, the administrator for the courts shall reimburse the county from money appropriated for that purpose.

Sec. 8. RCW 3.42.010 and 1984 c 258 s 30 are each amended to read as follows:

When so authorized by the districting plan, one or more district court commissioners may be appointed in any district by the judges of the district. Each commissioner shall be a registered voter of the county in which the district or a portion thereof is located, and shall hold office at the pleasure of the appointing judges. For purposes of this section, "appointing judge" includes a presiding judge pro tempore fulfilling presiding judge duties for a single judge court pursuant to RCW 3.34.100(2) or 3.34.150(2). Any person appointed as a commissioner authorized to hear or dispose of cases shall be a lawyer who is admitted to the practice of law in the state of Washington or who has passed the qualifying examination for lay judges as provided under RCW 3.34.060.

NEW SECTION. Sec. 9. A new section is added to chapter 3.50 RCW to read as follows:

During any vacancy that occurs in a single judge court pursuant to RCW 3.50.093 or 3.50.095, a presiding judge pro tempore who has been predesignated pursuant to court rule or appointed pursuant to RCW 2.56.040(2) may fulfill presiding judge duties, and the authority of the predesignated or appointed presiding judge pro tempore endures until the chief justice appoints someone else to fulfill the presiding judge duties pursuant to RCW 2.56.040(2)(b), or until a vacancy in the position is filled as provided by law, whichever occurs first.

Sec. 10. RCW 3.50.075 and 2019 c 52 s 1 are each amended to read as follows:

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(1) One or more court commissioners may be appointed by a judge of the municipal court.

(2) Each commissioner holds office at the pleasure of the appointing judge.

(3) Except as provided in subsection (4) of this section, a commissioner has such power, authority, and jurisdiction in criminal and civil matters as the appointing judges possess, and must be a lawyer who is admitted to practice law in the state of Washington or a nonlawyer who has passed, by January 1, 2003, the qualifying examination for lay judges for courts of limited jurisdiction under RCW 3.34.060.

(4) On or after July 1, 2010, when serving as a commissioner, the commissioner does not have authority to preside over trials in criminal matters, or jury trials in civil matters unless agreed to on the record by all parties.

(5) A commissioner need not be a resident of the city or of the county in which the municipal court is created. When a court commissioner has not been appointed and the municipal court is presided over by a part-time appointed judge, the judge need not be a resident of the city or of the county in which the municipal court is created.

(6) For purposes of this section, "appointing judge" includes a presiding judge pro tempore fulfilling presiding judge duties for a single judge court pursuant to RCW 3.50.090(2).

Sec. 11. RCW 3.50.090 and 2000 c 55 s 1 are each amended to read as follows:

~~(The)~~ (1) In addition to the designation of a presiding judge pro tempore for a single judge court as provided in RCW 3.50.090(2), the presiding municipal court judge may designate one or more persons as judges pro tem to serve in the absence or disability of the elected or duly appointed judges of the court, subsequent to the filing of an affidavit of prejudice, or in addition to the elected or duly appointed judges when the administration of justice and the accomplishment of the work of the court make it necessary. The qualifications of a judge pro tempore shall be the same as for judges as provided under RCW 3.50.040 except that a judge pro tempore need not be a resident of the city or county in which the municipal court is located. Judges pro tempore shall have all of the powers of the duly appointed or elected judges when serving as judges pro tempore of the court. Before entering on his or her duties, each judge pro tempore shall take, subscribe, and file an oath as is taken by a duly appointed or elected judge. Such pro tempore judges shall receive such compensation as shall be fixed by ordinance by the municipality in which the court is located and such compensation shall be paid by the municipality.

(2) If a presiding municipal court judge is the single judge of the court, then pursuant to court rule or RCW 2.56.040(2), a presiding judge pro tempore may be predesignated or appointed to fulfill presiding judge duties in case of the illness, incapacity, resignation, death, or unavailability of the presiding judge. In such circumstances, the authority of the predesignated or appointed presiding judge pro tempore endures until the chief justice appoints someone else to fulfill the presiding judge duties pursuant to RCW 2.56.040(2)(b), or the period of such illness, incapacity, or unavailability ends, or until a vacancy in the position is filled as provided by law, whichever occurs first."

On page 1, line 2 of the title, after "courts;" strike the remainder of the title and insert "amending RCW 2.56.040, 2.08.120, 2.24.010, 3.34.150, 3.34.100, 3.34.130, 3.42.010, 3.50.075, and 3.50.090; adding a new section to chapter 2.56 RCW; and adding a new section to chapter 3.50 RCW."

Senators Dhingra and Padden spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Law & Justice to House Bill No. 1825.

The motion by Senator Dhingra carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Dhingra, the rules were suspended, House Bill No. 1825 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Dhingra spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1825 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1825 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liiias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Robinson

HOUSE BILL NO. 1825, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1832, by Representatives Springer, Vick, Walen and Goehner

Concerning code city form of government elections and city manager appointment.

The measure was read the second time.

MOTION

On motion of Senator Kuderer, the rules were suspended, House Bill No. 1832 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kuderer and Fortunato spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1832.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1832 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hawkins, Holy,

Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Conway, Hasegawa, Honeyford and Wagoner

Excused: Senator Robinson

HOUSE BILL NO. 1832, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1867, by House Committee on Education (originally sponsored by Paul, Berg, Santos, Shewmake, Slatter, Bergquist and Stonier)

Concerning dual credit program data.

The measure was read the second time.

MOTION

On motion of Senator Wellman, the rules were suspended, Substitute House Bill No. 1867 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman and Hawkins spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1867.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1867 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Robinson

SUBSTITUTE HOUSE BILL NO. 1867, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1975, by Representatives Wylie, Harris, Berry, Chopp, Stonier, Ryu, Peterson and Macri

Concerning property management services provided to housing authority properties.

The measure was read the second time.

MOTION

Senator Kuderer moved that the following committee striking amendment by the Committee on Housing & Local Government be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes the important role housing authorities play in providing much needed affordable housing to more than 35,000 households through their inventory of rental housing, including through workforce housing programs where housing authorities keep rents as low as possible and operate on very thin margins.

The legislature finds that for nearly 30 years without issue, objection, or complaint, housing authorities have been contracting with property management services companies for site operations at unsubsidized workforce housing properties. The legislature further finds that it is critical to continue efforts to preserve and expand naturally occurring workforce housing units statewide. Therefore, the legislature recognizes that, at unsubsidized housing authority properties, tenant rents and deposits paid to property management companies and used to pay for regular maintenance and operations are private funds and such maintenance work is not a public work.

Sec. 2. RCW 35.82.070 and 2002 c 218 s 22 are each amended to read as follows:

An authority shall constitute a public body corporate and politic, exercising public and essential governmental functions, and having all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the following powers in addition to others herein granted:

(1) To sue and be sued; to have a seal and to alter the same at pleasure; to have perpetual succession; to make and execute contracts and other instruments, including but not limited to partnership agreements and joint venture agreements, necessary or convenient to the exercise of the powers of the authority; to participate in the organization or the operation of a nonprofit corporation which has as one of its purposes to provide or assist in the provision of housing for persons of low income; and to make and from time to time amend and repeal bylaws, rules and regulations, not inconsistent with this chapter, to carry into effect the powers and purposes of the authority.

(2) Within its area of operation: To prepare, carry out, acquire, lease and operate housing projects; to provide for the construction, reconstruction, improvement, alteration or repair of any housing project or any part thereof; to agree to rent or sell dwellings forming part of the projects to or for persons of low income. Where an agreement or option is made to sell a dwelling to a person of low income, the authority may convey the dwelling to the person upon fulfillment of the agreement irrespective of whether the person is at the time of the conveyance a person of low income. Leases, options, agreements, or conveyances may include such covenants as the authority deems appropriate to assure the achievement of the objectives of this chapter.

(3) To acquire, lease, rent, sell, or otherwise dispose of any commercial space located in buildings or structures containing a housing project or projects.

(4) To arrange or contract for the furnishing by any person or agency, public or private, of services, privileges, works, or facilities for, or in connection with, a housing project or the occupants thereof; and (notwithstanding anything to the contrary contained in this chapter or in any other provision of law) to include in any contract let in connection with a project, stipulations requiring that the contractor and any subcontractors comply with requirements as to minimum wages and maximum

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hours of labor, and comply with any conditions which the federal government may have attached to its financial aid of the project.

(5) To lease or rent any dwellings, houses, accommodations, lands, buildings, structures or facilities embraced in any housing project and (subject to the limitations contained in this chapter) to establish and revise the rents or charges therefor; to own or manage buildings containing a housing project or projects as well as commercial space or other dwelling units that do not constitute a housing project as that term is defined in this chapter. However, notwithstanding the provisions under subsection (1) of this section, dwelling units made available or sold to persons of low income, together with functionally related and subordinate facilities, shall occupy at least ~~((fifty))~~ 50 percent of the interior space in the total development owned by the authority or at least ~~((fifty))~~ 50 percent of the total number of units in the development owned by the authority, whichever produces the greater number of units for persons of low income, and for mobile home parks, the mobile home lots made available to persons of low income shall be at least ~~((fifty))~~ 50 percent of the total number of mobile home lots in the park owned by the authority; to own, hold, and improve real or personal property; to purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise, or otherwise including financial assistance and other aid from the state or any public body, person or corporation, any real or personal property or any interest therein; to acquire by the exercise of the power of eminent domain any real property; to sell, lease, exchange, transfer, assign, pledge, or dispose of any real or personal property or any interest therein; to sell, lease, exchange, transfer, or dispose of any real or personal property or interest therein at less than fair market value to a governmental entity for any purpose when such action assists the housing authority in carrying out its powers and purposes under this chapter, to a low-income person or family for the purpose of providing housing for that person or family, or to a nonprofit corporation provided the nonprofit corporation agrees to sell the property to a low-income person or family or to use the property for the provision of housing for persons of low income for at least ~~((twenty))~~ 20 years; to insure or provide for the insurance of any real or personal property or operations of the authority against any risks or hazards; to procure or agree to the procurement of insurance or guarantees from the federal government of the payment of any bonds or parts thereof issued by an authority, including the power to pay premiums on any such insurance.

(6) To contract with a property management services company for purposes of operating a housing project. Rental and other project revenues collected by a property management services company from the housing project's tenants and used to pay administrative operating and ordinary maintenance costs incurred by the company under the terms of the contract with the authority shall be treated as private funds, and any resulting services as executed at the cost of the property management services company and the housing project's tenants, until the net operating revenues are distributed to the authority for its exclusive use and control. For the purposes of this subsection, "ordinary maintenance" only includes: Routine repairs related to unit turnover work; grounds and parking lot upkeep; and repairs and cleaning work needed to keep a property in a clean, safe, sanitary, and rentable condition that are customarily undertaken or administered by residential property management services companies. "Ordinary maintenance" does not include repairs that would be considered replacement capital repairs or scheduled regular maintenance work on plumbing, electrical, or HVAC/R systems or their components.

(7) To invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in property

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or securities in which savings banks may legally invest funds subject to their control; to purchase its bonds at a price not more than the principal amount thereof and accrued interest, all bonds so purchased to be canceled.

~~((7))~~ (8) Within its area of operation: To investigate into living, dwelling and housing conditions and into the means and methods of improving such conditions; to determine where slum areas exist or where there is a shortage of decent, safe and sanitary dwelling accommodations for persons of low income; to make studies and recommendations relating to the problem of clearing, replanning and reconstructing of slum areas, and the problem of providing dwelling accommodations for persons of low income, and to cooperate with the city, the county, the state or any political subdivision thereof in action taken in connection with such problems; and to engage in research, studies and experimentation on the subject of housing.

~~((8))~~ (9) Acting through one or more commissioners or other person or persons designated by the authority: To conduct examinations and investigations and to hear testimony and take proof under oath at public or private hearings on any matter material for its information; to administer oaths, issue subpoenas requiring the attendance of witnesses or the production of books and papers and to issue commissions for the examination of witnesses who are outside of the state or unable to attend before the authority, or excused from attendance; to make available to appropriate agencies (including those charged with the duty of abating or requiring the correction of nuisances or like conditions, or of demolishing unsafe or insanitary structures within its area of operation) its findings and recommendations with regard to any building or property where conditions exist which are dangerous to the public health, morals, safety or welfare.

~~((9))~~ (10) To initiate eviction proceedings against any tenant as provided by law. Activity occurring in any housing authority unit that constitutes a violation of chapter 69.41, 69.50, or 69.52 RCW shall constitute a nuisance for the purpose of RCW 59.12.030(5).

~~((10))~~ (11) To exercise all or any part or combination of powers herein granted.

No provisions of law with respect to the acquisition, operation or disposition of property by other public bodies shall be applicable to an authority unless the legislature shall specifically so state.

~~((11))~~ (12) To agree (notwithstanding the limitation contained in RCW 35.82.210) to make such payments in lieu of taxes as the authority finds consistent with the achievement of the purposes of this chapter.

~~((12))~~ (13) Upon the request of a county or city, to exercise any powers of a community renewal agency under chapter 35.81 RCW or a public corporation, commission, or authority under chapter 35.21 RCW.

~~((13))~~ (14) To exercise the powers granted in this chapter within the boundaries of any city, town, or county not included in the area in which such housing authority is originally authorized to function: PROVIDED, HOWEVER, The governing or legislative body of such city, town, or county, as the case may be, adopts a resolution declaring that there is a need for the authority to function in such territory.

~~((14))~~ (15) To administer contracts for assistance payments to persons of low income in accordance with section 8 of the United States Housing Act of 1937, as amended by Title II, section 201 of the Housing and Community Development Act of 1974, P.L. 93-383.

~~((15))~~ (16) To sell at public or private sale, with or without public bidding, for fair market value, any mortgage or other obligation held by the authority.

~~((16))~~ (17) To the extent permitted under its contract with the holders of bonds, notes, and other obligations of the authority, to consent to any modification with respect to rate of interest, time, and payment of any installment of principal or interest security, or any other term of any contract, mortgage, mortgage loan, mortgage loan commitment, contract, or agreement of any kind to which the authority is a party.

~~((17))~~ (18) To make, purchase, participate in, invest in, take assignments of, or otherwise acquire loans to persons of low income to enable them to acquire, construct, reconstruct, rehabilitate, improve, lease, or refinance their dwellings, and to take such security therefor as is deemed necessary and prudent by the authority.

~~((18))~~ (19) To make, purchase, participate in, invest in, take assignments of, or otherwise acquire loans for the acquisition, construction, reconstruction, rehabilitation, improvement, leasing, or refinancing of land, buildings, or developments for housing for persons of low income. For purposes of this subsection, development shall include either land or buildings or both.

(a) Any development financed under this subsection shall be subject to an agreement that for at least ~~((twenty))~~ 20 years the dwelling units made available to persons of low income together with functionally related and subordinate facilities shall occupy at least ~~((fifty))~~ 50 percent of the interior space in the total development or at least ~~((fifty))~~ 50 percent of the total number of units in the development, whichever produces the greater number of units for persons of low income. For mobile home parks, the mobile home lots made available to persons of low income shall be at least ~~((fifty))~~ 50 percent of the total number of mobile home lots in the park. During the term of the agreement, the owner shall use its best efforts in good faith to maintain the dwelling units or mobile home lots required to be made available to persons of low income at rents affordable to persons of low income. The ~~((twenty-year))~~ 20-year requirement under this subsection ~~((18))~~ (19)(a) shall not apply when an authority finances the development by nonprofit corporations or governmental units of dwellings or mobile home lots intended for sale to persons of low and moderate income, and shall not apply to construction or other short-term financing provided to nonprofit corporations or governmental units when the financing has a repayment term of one year or less.

(b) In addition, if the development is owned by a for-profit entity, the dwelling units or mobile home lots required to be made available to persons of low income shall be rented to persons whose incomes do not exceed ~~((fifty))~~ 50 percent of the area median income, adjusted for household size, and shall have unit or lot rents that do not exceed ~~((fifteen))~~ 15 percent of area median income, adjusted for household size, unless rent subsidies are provided to make them affordable to persons of low income.

For purposes of this subsection ~~((18))~~ (19)(b), if the development is owned directly or through a partnership by a governmental entity or a nonprofit organization, which nonprofit organization is itself not controlled by a for-profit entity or affiliated with any for-profit entity that a nonprofit organization itself does not control, it shall not be treated as being owned by a for-profit entity when the governmental entity or nonprofit organization exercises legal control of the ownership entity and in addition, (i) the dwelling units or mobile home lots required to be made available to persons of low income are rented to persons whose incomes do not exceed ~~((sixty))~~ 60 percent of the area median income, adjusted for household size, and (ii) the development is subject to an agreement that transfers ownership to the governmental entity or nonprofit organization or extends an irrevocable right of first refusal to purchase the development under a formula for setting the acquisition price that is specified

in the agreement.

(c) Commercial space in any building financed under this subsection that exceeds four stories in height shall not constitute more than ~~((twenty))~~ 20 percent of the interior area of the building. Before financing any development under this subsection the authority shall make a written finding that financing is important for project feasibility or necessary to enable the authority to carry out its powers and purposes under this chapter.

~~((19))~~ (20) To contract with a public authority or corporation, created by a county, city, or town under RCW 35.21.730 through 35.21.755, to act as the developer for new housing projects or improvement of existing housing projects."

On page 1, line 2 of the title, after "properties;" strike the remainder of the title and insert "amending RCW 35.82.070; and creating a new section."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Housing & Local Government to House Bill No. 1975.

The motion by Senator Kuderer carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Kuderer, the rules were suspended, House Bill No. 1975 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kuderer, Fortunato and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1975 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1975 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senator Hasegawa

Excused: Senator Robinson

HOUSE BILL NO. 1975, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2033, by Representatives Donaghy, Bronoske, Shewmake, Sutherland, Harris-Talley and Riccelli

Concerning safety measures for fire department vehicles and other vehicles using lights or other signals in emergency or work zones.

The measure was read the second time.

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MOTION

On motion of Senator Liias, the rules were suspended, House Bill No. 2033 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2033.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2033 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Robinson

HOUSE BILL NO. 2033, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1644, by House Committee on Appropriations (originally sponsored by Senn, Ybarra, Leavitt, Bateman, Ryu, Shewmake, Ramel, Fitzgibbon, Valdez, Callan, Macri, Peterson, Ramos, Santos, Chopp, Slatter, Bergquist, Tharinger, Harris-Talley and Hackney)

Permitting funds in the transportation vehicle fund to be used for electric and other clean pupil transportation vehicle feasibility planning and fueling station infrastructure.

The measure was read the second time.

MOTION

Senator Rolfes moved that the following amendment no. 1348 by Senator Rolfes be adopted:

On page 2, line 22, after "vehicles;" strike "and"

On page 2, line 26, after "installation" insert "; and

(f) Converting or repowering existing gas or diesel pupil transportation vehicles to electric or zero emission pupil transportation vehicles"

Senators Rolfes, Hawkins and Wagoner spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1348 by Senator Rolfes on page 2, line 22 to Substitute House Bill No. 1644.

The motion by Senator Rolfes carried and amendment no. 1348 was adopted by voice vote.

MOTION

On motion of Senator Wellman, the rules were suspended, Substitute House Bill No. 1644 as amended by the Senate was

advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman and Hawkins spoke in favor of passage of the bill.

MOTION

On motion of Senator Randall, Senator Frockt was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1644 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1644 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senator McCune

Excused: Senators Frockt and Robinson

SUBSTITUTE HOUSE BILL NO. 1644 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1956, by House Committee on State Government & Tribal Relations (originally sponsored by Hackney, Valdez, Davis, Simmons, Goodman, Peterson, Dolan and Macri)

Exempting from public disclosure sensitive records pertaining to current and formerly incarcerated individuals' dignity and safety.

The measure was read the second time.

MOTION

Senator Hunt moved that the following committee striking amendment by the Committee on State Government & Elections be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 42.56 RCW to read as follows:

(1) The following information or records created or maintained by the department of corrections is exempt from public inspection and copying under this chapter:

(a) Body scanner images from any system designed to detect and visualize contraband hidden in body cavities or beneath clothing, including backscatter X-ray, millimeter wave, and transmission X-ray systems;

(b) The following information and records created or maintained pursuant to the federal prison rape elimination act, 34

U.S.C. Sec. 30301 et seq., and its regulations:

(i) Risk assessments, risk indicators, and monitoring plans;
 (ii) Reports of sexual abuse or sexual harassment, as defined under 28 C.F.R. 115.6;

(iii) Records of open prison rape elimination act investigations; and

(iv) The identities of individuals other than department of corrections staff, contractors, and volunteers, in closed prison rape elimination act investigation reports and related investigative materials; however, the identity of an accused individual is not exempt if the allegation is determined to have been substantiated; and

(c) Health information in records other than an incarcerated individual's medical, mental health, or dental files.

(2) The exemption of information or records described under subsection (1)(b) and (c) of this section does not apply to requests by the incarcerated individual who is the subject of the information, a requestor with the written permission of the incarcerated individual who is the subject of the information, or a personal representative of an incarcerated individual who is the subject of the information. In response to such requests, the department of corrections may withhold information revealing the identity of other incarcerated individuals.

(3) An agency refusing, in whole or in part, inspection of a public record containing information listed in subsection (1)(c) of this section may cite to subsection (1)(c) of this section, without further explanation, when providing the brief explanation required by RCW 42.56.210(3), and shall also identify the number of pages withheld, if any pages are withheld in their entirety.

(4) For purposes of this section:

(a) "Health information" means any information that identifies or can readily be associated with the identity of an incarcerated individual and directly relates to the following: Medical, mental health, or dental diagnoses or conditions; medical, mental health, or dental services, treatments, or procedures, including requests for or complaints about such services, treatments, or procedures; transgender, intersex, nonbinary, or gender nonconforming status; sexual orientation; genital anatomy; or gender-affirming care or accommodations other than an incarcerated individual's preferred name, pronouns, and gender marker.

(b) The following information is not "health information" under this section: (i) Health care information subject to RCW 42.56.360(2) and chapter 70.02 RCW; and (ii) information related to injuries, other than injuries related to medical procedures or genital anatomy, contained in incident reports, infraction records, or use of force reports, prepared by department of corrections staff other than health care providers.

(c) "Incarcerated individual" has the same meaning as "inmate" under RCW 72.09.015 and includes currently or formerly incarcerated individuals.

NEW SECTION. Sec. 2. This act is remedial, curative, and retroactive, and the exemptions in section 1 of this act apply retroactively to any public records request made prior to the effective date of this section for which disclosure of records has not already occurred.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 3 of the title, after "safety;" strike the remainder of the title and insert "adding a new section to chapter 42.56 RCW; creating a new section; and declaring an emergency."

MOTION

Senator Wilson, J. moved that the following amendment no. 1329 by Senator Wilson, J. be adopted:

On page 1, line 23, after "identity" insert "and information identifying the transgender, intersex, nonbinary, or gender nonconforming status"

On page 1, line 23, after "individual" strike "is" and insert "are"

Senator Wilson, J. spoke in favor of adoption of the amendment.

Senator Hunt spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1329 by Senator Wilson, J. on page 1, line 23 to the striking amendment by the Committee on State Government & Elections.

The motion by Senator Wilson, J. did not carry, and amendment no. 1329 was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on State Government & Elections to Engrossed Substitute House Bill No. 1956.

The motion by Senator Hunt carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Hunt, the rules were suspended, Engrossed Substitute House Bill No. 1956 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hunt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1956 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1956 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sefzik, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Excused: Senator Robinson

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1956, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1724, by House Committee on Housing, Human Services & Veterans (originally sponsored by Macri, Ryu, Berry, Taylor, Wicks, Valdez, Morgan, Bateman, Davis, Goodman, Gregerson, Peterson, Santos, Simmons, Chopp, Pollet, Stonier, Ormsby, Harris-Talley and Kloba)

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Ensuring oversight and coordination of permanent supportive housing resources to maximize the creation of high quality housing opportunities for people living with disabling conditions in communities across Washington.

The measure was read the second time.

MOTION

On motion of Senator Kuderer, the rules were suspended, Substitute House Bill No. 1724 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kuderer and Fortunato spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1724.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1724 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frock, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Robinson

SUBSTITUTE HOUSE BILL NO. 1724, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1376, by Representative Fey

Concerning registration of land titles.

The measure was read the second time.

MOTION

Senator Kuderer moved that the following committee striking amendment by the Committee on Housing & Local Government be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The following acts or parts of acts are each repealed:

- (1)RCW 65.12.005 (Registration authorized—Who may apply) and 2012 c 117 s 211 & 1907 c 250 s 1;
- (2)RCW 65.12.010 (Land subject to a lesser estate) and 1907 c 250 s 2;
- (3)RCW 65.12.015 (Tax title land—Conditions to registration) and 2012 c 117 s 212 & 1907 c 250 s 3;
- (4)RCW 65.12.020 (Application) and 2012 c 117 s 213 & 1907 c 250 s 4;

(5)RCW 65.12.025 (Various lands in one application) and 1907 c 250 s 5;

(6)RCW 65.12.030 (Amendment of application) and 1907 c 250 s 6;

(7)RCW 65.12.035 (Form of application) and 2016 c 202 s 42, 2009 c 521 s 145, & 1907 c 250 s 7;

(8)RCW 65.12.040 (Venue—Power of the court) and 1907 c 250 s 8;

(9)RCW 65.12.050 (Registrars of titles) and 1907 c 250 s 9;

(10)RCW 65.12.055 (Bond of registrar) and 2012 c 117 s 214 & 1907 c 250 s 10;

(11)RCW 65.12.060 (Deputy registrar—Duties—Vacancy) and 2012 c 117 s 215 & 1907 c 250 s 11;

(12)RCW 65.12.065 (Registrar not to practice law—Liability for deputy) and 2012 c 117 s 216 & 1907 c 250 s 12;

(13)RCW 65.12.070 (Nonresident to appoint agent) and 2012 c 117 s 217 & 1907 c 250 s 14;

(14)RCW 65.12.080 (Filing application—Docket and record entries) and 1907 c 250 s 15;

(15)RCW 65.12.085 (Filing abstract of title) and 1907 c 250 s 15a;

(16)RCW 65.12.090 (Examiner of titles—Appointment—Oath—Bond) and 2012 c 117 s 218 & 1907 c 250 s 13;

(17)RCW 65.12.100 (Copy of application as lis pendens) and 1907 c 250 s 16;

(18)RCW 65.12.110 (Examination of title) and 2012 c 117 s 219 & 1907 c 250 s 17;

(19)RCW 65.12.120 (Summons to issue) and 1907 c 250 s 18;

(20)RCW 65.12.125 (Summons—Form) and 2016 c 202 s 43 & 1907 c 250 s 206;

(21)RCW 65.12.130 (Parties to action) and 1907 c 250 s 19;

(22)RCW 65.12.135 (Service of summons) and 1985 c 469 s 60 & 1907 c 250 s 20;

(23)RCW 65.12.140 (Copy mailed to nonresidents—Proof—Expense) and 2012 c 117 s 220 & 1907 c 250 s 20a;

(24)RCW 65.12.145 (Guardians ad litem) and 1907 c 250 s 21;

(25)RCW 65.12.150 (Who may appear—Answer) and 2012 c 117 s 221 & 1907 c 250 s 22;

(26)RCW 65.12.155 (Judgment by default—Proof) and 1907 c 250 s 23;

(27)RCW 65.12.160 (Cause set for trial—Default—Referral) and 2012 c 117 s 222 & 1907 c 250 s 24;

(28)RCW 65.12.165 (Court may require further proof) and 1907 c 250 s 25;

(29)RCW 65.12.170 (Application dismissed or withdrawn) and 2012 c 117 s 223 & 1907 c 250 s 26;

(30)RCW 65.12.175 (Decree of registration—Effect—Appellate review) and 2012 c 117 s 224, 1988 c 202 s 56, 1971 c 81 s 132, & 1907 c 250 s 27;

(31)RCW 65.12.180 (Rights of persons not served) and 2012 c 117 s 225 & 1907 c 250 s 28;

(32)RCW 65.12.190 (Limitation of actions) and 1907 c 250 s 29;

(33)RCW 65.12.195 (Title free from incumbrances—Exceptions) and 1907 c 250 s 30;

(34)RCW 65.12.200 (Decree—Contents—Filing) and 2012 c 117 s 226 & 1907 c 250 s 31;

(35)RCW 65.12.210 (Interest acquired after filing application) and 1907 c 250 s 32;

(36)RCW 65.12.220 (Registration—Effect) and 1917 c 62 s 1 & 1907 c 250 s 33;

(37)RCW 65.12.225 (Withdrawal authorized—Effect) and 1917 c 62 s 2;

(38)RCW 65.12.230 (Application to withdraw) and 2016 c 202 s 44 & 1917 c 62 s 3;

- (39)RCW 65.12.235 (Certificate of withdrawal) and 2016 c 202 s 45, 2012 c 117 s 227, 1973 c 121 s 1, & 1917 c 62 s 4;
- (40)RCW 65.12.240 (Effect of recording) and 1917 c 62 s 5;
- (41)RCW 65.12.245 (Title prior to withdrawal unaffected) and 1917 c 62 s 6;
- (42)RCW 65.12.250 (Entry of registration—Records) and 2012 c 117 s 228 & 1907 c 250 s 34;
- (43)RCW 65.12.255 (Certificate of title) and 2016 c 202 s 46, 2012 c 117 s 229, & 1907 c 250 s 35;
- (44)RCW 65.12.260 (Owner's certificate—Receipt) and 2012 c 117 s 230 & 1907 c 250 s 36;
- (45)RCW 65.12.265 (Tenants in common) and 2012 c 117 s 231 & 1907 c 250 s 37;
- (46)RCW 65.12.270 (Subsequent certificates) and 2016 c 202 s 47 & 1907 c 250 s 38;
- (47)RCW 65.12.275 (Exchange of certificates—Platting land) and 1907 c 250 s 39;
- (48)RCW 65.12.280 (Effective date of certificate) and 1907 c 250 s 40;
- (49)RCW 65.12.290 (Certificate of title as evidence) and 2012 c 117 s 232 & 1907 c 250 s 41;
- (50)RCW 65.12.300 (Indexes and files—Forms) and 2012 c 117 s 233 & 1907 c 250 s 42;
- (51)RCW 65.12.310 (Tract and alphabetical indexes) and 2012 c 117 s 234 & 1907 c 250 s 43;
- (52)RCW 65.12.320 (Dealings with registered land) and 2012 c 117 s 235 & 1907 c 250 s 44;
- (53)RCW 65.12.330 (Registration has effect of recording) and 1907 c 250 s 45;
- (54)RCW 65.12.340 (Filing—Numbering—Indexing—Public records) and 1907 c 250 s 46;
- (55)RCW 65.12.350 (Duplicate of instruments certified—Fees) and 1907 c 250 s 47;
- (56)RCW 65.12.360 (New certificate—Register of less than fee—When form of memorial in doubt) and 2012 c 117 s 236 & 1907 c 250 s 48;
- (57)RCW 65.12.370 (Owner's certificate to be produced when new certificate issued) and 2012 c 117 s 237 & 1907 c 250 s 49;
- (58)RCW 65.12.375 (Owner's duplicate certificate) and 1907 c 250 s 50;
- (59)RCW 65.12.380 (Conveyance of registered land) and 2012 c 117 s 238 & 1907 c 250 s 51;
- (60)RCW 65.12.390 (Certificate of tax payment) and 1907 c 250 s 52;
- (61)RCW 65.12.400 (Registered land charged as other land) and 1907 c 250 s 53;
- (62)RCW 65.12.410 (Conveyances by attorney-in-fact) and 1907 c 250 s 54;
- (63)RCW 65.12.420 (Encumbrances by owner) and 1907 c 250 s 55;
- (64)RCW 65.12.430 (Registration of mortgages) and 2012 c 117 s 239 & 1907 c 250 s 56;
- (65)RCW 65.12.435 (Dealings with mortgages) and 1907 c 250 s 57;
- (66)RCW 65.12.440 (Foreclosures on registered land) and 1907 c 250 s 58;
- (67)RCW 65.12.445 (Registration of final decree—New certificate) and 2012 c 117 s 240 & 1907 c 250 s 59;
- (68)RCW 65.12.450 (Title on foreclosure—Registration) and 2012 c 117 s 241 & 1907 c 250 s 60;
- (69)RCW 65.12.460 (Petition for new certificate) and 1907 c 250 s 61;
- (70)RCW 65.12.470 (Registration of leases) and 2012 c 117 s 242 & 1907 c 250 s 62;
- (71)RCW 65.12.480 (Instruments with conditions) and 2012 c 117 s 243 & 1907 c 250 s 63;
- (72)RCW 65.12.490 (Transfers between trustees) and 2012 c 117 s 244 & 1907 c 250 s 64;
- (73)RCW 65.12.500 (Trustee may register land) and 2012 c 117 s 245 & 1907 c 250 s 65;
- (74)RCW 65.12.510 (Creation of lien on registered land) and 1907 c 250 s 66;
- (75)RCW 65.12.520 (Registration of liens) and 1907 c 250 s 67;
- (76)RCW 65.12.530 (Entry as to plaintiff's attorney) and 2012 c 117 s 246 & 1907 c 250 s 68;
- (77)RCW 65.12.540 (Decree) and 1907 c 250 s 69;
- (78)RCW 65.12.550 (Title acquired on execution) and 2012 c 117 s 247 & 1907 c 250 s 70;
- (79)RCW 65.12.560 (Termination of proceedings) and 2012 c 117 s 248 & 1907 c 250 s 71;
- (80)RCW 65.12.570 (Land registered only after redemption period) and 2012 c 117 s 249 & 1907 c 250 s 72;
- (81)RCW 65.12.580 (Registration on inheritance) and 1907 c 250 s 73;
- (82)RCW 65.12.590 (Probate court may direct sale of registered land) and 2012 c 117 s 250 & 1907 c 250 s 74;
- (83)RCW 65.12.600 (Trustees and receivers) and 2012 c 117 s 251 & 1907 c 250 s 75;
- (84)RCW 65.12.610 (Eminent domain—Reversion) and 2012 c 117 s 252 & 1907 c 250 s 76;
- (85)RCW 65.12.620 (Registration when owner's certificate withheld) and 2012 c 117 s 253 & 1907 c 250 s 77;
- (86)RCW 65.12.630 (Reference to examiner of title) and 1907 c 250 s 78;
- (87)RCW 65.12.635 (Examiner of titles) and 2012 c 117 s 254 & 1907 c 250 s 79;
- (88)RCW 65.12.640 (Registered instruments to contain names and addresses—Service of notices) and 2012 c 117 s 255 & 1907 c 250 s 80;
- (89)RCW 65.12.650 (Adverse claims—Procedure) and 2012 c 117 s 256 & 1907 c 250 s 81;
- (90)RCW 65.12.660 (Assurance fund) and 1973 1st ex.s. c 195 s 75 & 1907 c 250 s 82;
- (91)RCW 65.12.670 (Investment of fund) and 1907 c 250 s 83;
- (92)RCW 65.12.680 (Recoveries from fund) and 1907 c 250 s 84;
- (93)RCW 65.12.690 (Parties defendant—Judgment—Payment—Duties of county attorney) and 2012 c 117 s 257 & 1907 c 250 s 85;
- (94)RCW 65.12.700 (When fund not liable—Maximum liability) and 1907 c 250 s 86;
- (95)RCW 65.12.710 (Limitation of actions) and 2012 c 117 s 258, 1971 ex.s. c 292 s 49, & 1907 c 250 s 87;
- (96)RCW 65.12.720 (Proceeding to change records) and 2012 c 117 s 259 & 1907 c 250 s 88;
- (97)RCW 65.12.730 (Certificate subject of theft—Penalty) and 2003 c 53 s 291 & 1907 c 250 s 89;
- (98)RCW 65.12.740 (Perjury) and 2003 c 53 s 292 & 1907 c 250 s 90;
- (99)RCW 65.12.750 (Fraud—False entries—Penalty) and 2003 c 53 s 293 & 1907 c 250 s 91;
- (100)RCW 65.12.760 (Forgery—Penalty) and 2003 c 53 s 294 & 1907 c 250 s 92;
- (101)RCW 65.12.770 (Civil actions unaffected) and 2012 c 117 s 260 & 1907 c 250 s 93;
- (102)RCW 65.12.780 (Fees of clerk) and 1995 c 292 s 19 & 1907 c 250 s 94;
- (103)RCW 65.12.790 (Fees of registrar) and 2012 c 117 s 261, 1973 1st ex.s. c 195 s 76, 1973 c 121 s 2, & 1907 c 250 s 95;
- (104)RCW 65.12.800 (Disposition of fees) and 2012 c 117 s 262 & 1907 c 250 s 96; and

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(105)RCW 65.12.900 (Construction—Chapter applicable to state registered domestic partnerships—2009 c 521) and 2009 c 521 s 144.

NEW SECTION. Sec. 2. The repeal of the statutes listed in section 1 of this act does not affect any right accrued or established, or any liability or penalty incurred, under those statutes before their repeal.

NEW SECTION. Sec. 3. Unless real property subject to the provisions of chapter 65.12 RCW on the effective date of this section is previously withdrawn from the registry system by its owner in the manner provided by section 4 of this act, the real property shall cease to be subject to the provisions of chapter 65.12 RCW upon the effective date of this section.

NEW SECTION. Sec. 4. (1) By July 1, 2023, the owner of real property registered under the provisions of chapter 65.12 RCW on the effective date of this section shall surrender their duplicate certificate of title for the real property or their certified copy of the original certificate of title for the real property, as the case may be, to the registrar of titles for the county in which the real property is situated. If such duplicate certificate or certified copy has been lost, mislaid, or destroyed the owner of the real property shall make affidavit before the registrar of titles or any other officer authorized to administer oaths wherein the owner shall state, to the best of his or her knowledge, the circumstances of the loss, the description of the real property, the name and address of each registered owner, and each such owner's interest in the real property.

(2) Except as otherwise provided by subsection (3) of this section, the surrender of the duplicate certificate, certified copy, or the making of an affidavit under subsection (1) of this section shall be considered as a withdrawal of the real property therein described from the registry system in accordance with chapter 65.12 RCW.

(3) The registrar of titles for the county in which the real property is situated shall:

(a) Accept, without charging therefor, the surrender of such duplicate certificate of title, certified copy of the original certificate of title, or affidavit; and

(b) Issue, without charging therefor, a certificate of withdrawal for the real property as required by chapter 65.12 RCW; and

(c) Cause to be duly recorded in the office of the county auditor for the county, without charge, the certificate of withdrawal issued under (b) of this subsection and all instruments filed in the office of the registrar of titles that relate to outstanding interests in such real property and to outstanding liens, mortgages, and other charges upon such real property, referred to in or noted upon the original certificate of title to such real property on the date of the issuance of the certificate of withdrawal for such real property pursuant to (b) of this subsection.

NEW SECTION. Sec. 5. On July 1, 2023, the registrar of titles for the county shall cause the volumes of the register of titles for the county and the accompanying alphabetical indices and tract indices and other files and records in the office of the registrar of titles to be closed and placed in the permanent deed records of the county. At this time all properties remaining in registration are automatically withdrawn according to section 4(3) (b) and (c) of this act.

NEW SECTION. Sec. 6. (1) By December 1, 2022, the registrar of titles for each county shall send to each owner of real property situated in the county that is subject to the provisions of this act a written notice containing the following:

(a) A statement that the registry system has been discontinued by this act;

(b) A statement that such owner's real property will cease to be subject to registration under this act on July 1, 2023;

(c) A statement that such owner may withdraw, without charge, his or her real property from registration and the provisions of this act in the manner provided in section 4 of this act prior to such date;

(d) A statement that the validity and priority of lien interest or ownership is not affected by this process; and

(e) A statement that the registrar of titles for the county, upon completion of the required withdrawal procedures, shall cause the instruments described in section 4(3) of this act to be properly restored to the recording system without charge.

(2) The registrar of titles shall send the notice required by subsection (1) of this section to each such owner at the most recent address indicated on the original certificate of title for the owner's real property contained in the volumes of the register of titles for the county.

NEW SECTION. Sec. 7. Sections 3 and 5 of this act take effect July 1, 2023."

On page 1, line 1 of the title, after "titles;" strike the remainder of the title and insert "creating new sections; repealing RCW 65.12.005, 65.12.010, 65.12.015, 65.12.020, 65.12.025, 65.12.030, 65.12.035, 65.12.040, 65.12.050, 65.12.055, 65.12.060, 65.12.065, 65.12.070, 65.12.080, 65.12.085, 65.12.090, 65.12.100, 65.12.110, 65.12.120, 65.12.125, 65.12.130, 65.12.135, 65.12.140, 65.12.145, 65.12.150, 65.12.155, 65.12.160, 65.12.165, 65.12.170, 65.12.175, 65.12.180, 65.12.190, 65.12.195, 65.12.200, 65.12.210, 65.12.220, 65.12.225, 65.12.230, 65.12.235, 65.12.240, 65.12.245, 65.12.250, 65.12.255, 65.12.260, 65.12.265, 65.12.270, 65.12.275, 65.12.280, 65.12.290, 65.12.300, 65.12.310, 65.12.320, 65.12.330, 65.12.340, 65.12.350, 65.12.360, 65.12.370, 65.12.375, 65.12.380, 65.12.390, 65.12.400, 65.12.410, 65.12.420, 65.12.430, 65.12.435, 65.12.440, 65.12.445, 65.12.450, 65.12.460, 65.12.470, 65.12.480, 65.12.490, 65.12.500, 65.12.510, 65.12.520, 65.12.530, 65.12.540, 65.12.550, 65.12.560, 65.12.570, 65.12.580, 65.12.590, 65.12.600, 65.12.610, 65.12.620, 65.12.630, 65.12.635, 65.12.640, 65.12.650, 65.12.660, 65.12.670, 65.12.680, 65.12.690, 65.12.700, 65.12.710, 65.12.720, 65.12.730, 65.12.740, 65.12.750, 65.12.760, 65.12.770, 65.12.780, 65.12.790, 65.12.800, and 65.12.900; and providing an effective date."

Senators Kuderer and Fortunato spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Housing & Local Government to House Bill No. 1376.

The motion by Senator Kuderer carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Kuderer, the rules were suspended, House Bill No. 1376 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kuderer spoke in favor of passage of the bill.

Senator Fortunato spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1376 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1376 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 36; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Gildon, Hasegawa, Hawkins, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Warnick, Wellman and Wilson, C.

Voting nay: Senators Brown, Dozier, Fortunato, Holy, Honeyford, McCune, Padden, Rivers, Schoesler, Wagoner, Wilson, J. and Wilson, L.

Excused: Senator Robinson

HOUSE BILL NO. 1376, as amended by the Senate having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1389, by House Committee on Consumer Protection & Business (originally sponsored by Corry and Eslick)

Concerning transportation.

The measure was read the second time.

MOTION

Senator Hasegawa moved that the following amendment no. 1358 by Senator Hasegawa be adopted:

On page 3, line 37, after "than" insert "two times"

Senators Hasegawa and Mullet spoke in favor of adoption of the amendment.

Senator Dozier spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1358 by Senator Hasegawa on page 3, line 37 to Substitute House Bill No. 1389.

The motion by Senator Hasegawa carried and amendment no. 1358 was adopted by voice vote.

MOTION

Senator Hasegawa moved that the following striking amendment no. 1352 by Senator Hasegawa be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. This act may be known and cited as the peer-to-peer vehicle sharing program act.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Car sharing delivery period" means the period of time during which a shared vehicle is being delivered to the location of the car sharing start time, if applicable, as documented by the governing car sharing program agreement.

(2) "Car sharing period" means the period of time that commences with the car sharing delivery period or, if there is no car sharing delivery period, that commences with the car sharing start time and in either case ends at the car sharing termination time.

(3) "Car sharing program agreement" means the terms and conditions applicable to a shared vehicle owner and a shared vehicle driver that govern the use of a shared vehicle through a peer-to-peer car sharing program. "Car sharing program agreement" does not mean rental car agreement, or similar agreement, as defined in RCW 48.115.005.

(4) "Car sharing start time" means the time when the shared vehicle becomes subject to the control of the shared vehicle driver at or after the time the reservation of a shared vehicle is scheduled to begin as documented in the records of a peer-to-peer car sharing program.

(5) "Car sharing termination time" means the earliest of the following events:

(a) The expiration of the agreed upon period of time established for the use of a shared vehicle according to the terms of the car sharing program agreement if the shared vehicle is delivered to the location agreed upon in the car sharing program agreement;

(b) When the shared vehicle is returned to a location as alternatively agreed upon by the shared vehicle owner and shared vehicle driver as communicated through a peer-to-peer car sharing program; or

(c) When the shared vehicle owner or the shared vehicle owner's authorized designee, takes possession and control of the shared vehicle.

(6) "Peer-to-peer car sharing" means the authorized use of a vehicle by an individual other than the vehicle's owner through a peer-to-peer car sharing program and additionally has the same meaning of "personal vehicle sharing" as defined in RCW 48.175.005. "Peer-to-peer car sharing" does not mean retail car rental under chapter 82.08 RCW or rental car as defined in RCW 46.04.465 and 48.115.005.

(7) "Peer-to-peer car sharing program" means a business platform that connects vehicle owners with drivers to enable the sharing of vehicles for financial consideration and additionally has the same meaning of "personal vehicle sharing" as defined in RCW 48.175.005. "Peer-to-peer car sharing program" does not mean rental car company as defined in RCW 48.115.005 or rental car business as defined in RCW 46.04.466.

(8) "Program insurance policy" has the same meaning as in RCW 48.175.005.

(9) "Shared vehicle" means a vehicle that is available for sharing through a peer-to-peer car sharing program. "Shared vehicle" does not mean rental car as defined in RCW 46.04.465 and 48.115.005 or retail car rental as defined in RCW 82.08.011.

(10) "Shared vehicle driver" means an individual who has been authorized to drive the shared vehicle by the shared vehicle owner under a car sharing program agreement for noncommercial use. For the purposes of this subsection, "noncommercial use" means use other than as a "commercial vehicle" as defined in RCW 46.04.140. "Shared vehicle driver" does not mean consumer as used in RCW 82.08.011. "Shared vehicle driver" does not mean renter within the meaning of RCW 48.115.005. A shared vehicle driver is not a person to whom a rental car is made available within the meaning of RCW 46.04.465.

(11) "Shared vehicle owner" means the registered owner of a vehicle made available for sharing to shared vehicle drivers through a peer-to-peer car sharing program. "Shared vehicle owner" does not mean rental car business as defined in RCW 46.04.466. "Shared vehicle owner" does not mean rental car company as defined in RCW 48.115.005.

NEW SECTION. Sec. 3. (1)(a) A peer-to-peer car sharing program shall assume the liability, except as provided in (b) of this subsection, of a shared vehicle owner for bodily injury or property damage to third parties or uninsured and underinsured motorist or personal injury protection losses during the car sharing period in an amount stated in the peer-to-peer car sharing

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program agreement and must be in accordance with chapter 48.175 RCW.

(b) Notwithstanding the definition of car sharing termination time as provided in section 2 of this act, the assumption of liability under (a) of this subsection does not apply to any shared vehicle owner when:

(i) A shared vehicle owner makes an intentional or fraudulent material misrepresentation or omission to the peer-to-peer car sharing program before the car sharing period in which the loss occurred; or

(ii) Acting in concert with a shared vehicle driver who fails to return the shared vehicle pursuant to the terms of the car sharing program agreement.

(c) Notwithstanding the definition of car sharing termination time as provided in section 2 of this act, the assumption of liability under (a) of this subsection would apply to bodily injury, property damage, uninsured and underinsured motorist, or personal injury protection losses by damaged third parties required by chapter 46.29 RCW.

(d) A peer-to-peer car sharing program shall make certain that, during each car sharing period, the shared vehicle owner and the shared vehicle driver are insured under a program insurance policy in accordance with chapter 48.175 RCW.

(e) Nothing in this chapter:

(i) Limits the liability of the peer-to-peer car sharing program for any act or omission of the peer-to-peer car sharing program itself that results in injury to any person as a result of the use of a shared vehicle through a peer-to-peer car sharing program; or

(ii) Limits the ability of the peer-to-peer car sharing program to, by contract, seek indemnification from the shared vehicle owner or the shared vehicle driver for economic loss sustained by the peer-to-peer car sharing program resulting from a breach of the terms and conditions of the car sharing program agreement.

(2) At the time when a vehicle owner registers as a shared vehicle owner on a peer-to-peer car sharing program and prior to the time when the shared vehicle owner makes a shared vehicle available for car sharing on the peer-to-peer car sharing program, the peer-to-peer car sharing program shall notify the shared vehicle owner that, if the shared vehicle has a lien against it, the use of the shared vehicle through a peer-to-peer car sharing program, including use without physical damage coverage, may violate the terms of the contract with the lienholder.

(3) Nothing in this chapter invalidates or limits an exclusion contained in a motor vehicle liability insurance policy, including any insurance policy in use or approved for use that excludes coverage for motor vehicles made available for rent, sharing, or hire, or for any business use.

(4) A peer-to-peer car sharing program shall collect and verify records pertaining to the use of a vehicle including, but not limited to, times used, fees paid by the shared vehicle driver, and revenues received by the shared vehicle owner and provide that information upon request to the shared vehicle owner, the shared vehicle owner's insurer, or the shared vehicle driver's insurer to facilitate a claim coverage investigation. The peer-to-peer car sharing program shall retain the records for a time period not less than the applicable personal injury statute of limitations.

(5) A motor vehicle insurer that defends or indemnifies a claim against a shared vehicle that is excluded under the terms of its policy shall have the right to seek contribution against the motor vehicle insurer of the peer-to-peer car sharing program if the claim is:

(a) Against the shared vehicle owner or the shared vehicle driver for loss or injury that occurs during the car sharing period; and

(b) Excluded under the terms of its policy.

NEW SECTION. Sec. 4. (1) Each car sharing program agreement made in the state shall disclose to the shared vehicle owner and the shared vehicle driver:

(a) Any right of the peer-to-peer car sharing program to seek indemnification from the shared vehicle owner or the shared vehicle driver for economic loss sustained by the peer-to-peer car sharing program resulting from a breach of the terms and conditions of the car sharing program agreement;

(b) That a motor vehicle liability insurance policy issued to the shared vehicle owner for the shared vehicle or to the shared vehicle driver does not provide a defense or indemnification for any claim asserted by the peer-to-peer car sharing program;

(c) That the peer-to-peer car sharing program's insurance coverage on the shared vehicle owner and the shared vehicle driver is in effect only during each car sharing period and that, for any use of the shared vehicle by the shared vehicle driver after the car sharing termination time, the shared vehicle driver and the shared vehicle owner may not have insurance coverage;

(d) The daily rate, fees, and if applicable, any insurance or protection package costs that are charged to the shared vehicle owner or the shared vehicle driver;

(e) That the shared vehicle owner's motor vehicle liability insurance may not provide coverage for a shared vehicle;

(f) An emergency telephone number to personnel capable of fielding roadside assistance and other customer service inquiries;

(g) If there are conditions under which a shared vehicle driver must maintain a personal motor vehicle insurance policy with certain applicable coverage limits on a primary basis in order to book a shared motor vehicle; and

(h) All other insurance notices in accordance with RCW 48.175.010.

(2)(a) A peer-to-peer car sharing program may not enter into a peer-to-peer car sharing program agreement with a driver unless the driver who will operate the shared vehicle:

(i) Holds a driver's license issued in this state authorizing the driver to operate vehicles of the class of the shared vehicle;

(ii) Is a nonresident who:

(A) Has a driver's license issued by the state or country of the driver's residence that authorizes the driver in that state or country to drive vehicles of the class of the shared vehicle; and

(B) Is at least the same age as that required of a resident to drive; or

(iii) Otherwise is specifically authorized to drive vehicles of the class of the shared vehicle.

(b) A peer-to-peer car sharing program shall keep a record of:

(i) The name and address of the shared vehicle driver;

(ii) The number of the driver's license of the shared vehicle driver and each other person, if any, who will operate the shared vehicle; and

(iii) The place of issuance of the driver's license.

(3) A peer-to-peer car sharing program shall have sole responsibility for any equipment, such as a global positioning system or other special equipment that is put in or on the vehicle to monitor or facilitate the car sharing transaction, and shall agree to indemnify and hold harmless the vehicle owner for any damage to or theft of such equipment during the sharing period not caused by the vehicle owner. The peer-to-peer car sharing program has the right to seek indemnity from the shared vehicle driver for any loss or damage to such equipment that occurs during the sharing period.

(4)(a) At the time when a vehicle owner registers as a shared vehicle owner on a peer-to-peer car sharing program and prior to the time when the shared vehicle owner makes a shared vehicle available for car sharing on the peer-to-peer car sharing program, the peer-to-peer car sharing program shall:

(i) Verify that the shared vehicle does not have any safety recalls on the vehicle for which the repairs have not been made; and

(ii) Notify the shared vehicle owner of the requirements under (b) of this subsection.

(b) If the shared vehicle owner has received an actual notice of a safety recall on the vehicle, a shared vehicle owner may not make a vehicle available as a shared vehicle on a peer-to-peer car sharing program until the safety recall repair has been made.

(i) If a shared vehicle owner receives an actual notice of a safety recall on a shared vehicle while the shared vehicle is made available on the peer-to-peer car sharing program, the shared vehicle owner shall remove the shared vehicle as available on the peer-to-peer car sharing program, as soon as practicably possible after receiving the notice of the safety recall and until the safety recall repair has been made.

(ii) If a shared vehicle owner receives an actual notice of a safety recall while the shared vehicle is being used in the possession of a shared vehicle driver, as soon as practicably possible after receiving the notice of the safety recall, the shared vehicle owner shall notify the peer-to-peer car sharing program about the safety recall so that the shared vehicle owner may address the safety recall repair.

(5) A peer-to-peer car sharing program shall follow all requirements of chapter 48.175 RCW.

NEW SECTION. Sec. 5. Sections 1 through 4 and 6 of this act constitute a new chapter in Title 46 RCW.

NEW SECTION. Sec. 6. This act takes effect January 1, 2023."

On page 1, line 1 of the title, after "transportation;" strike the remainder of the title and insert "adding a new chapter to Title 46 RCW; and providing an effective date."

Senators Hasegawa and Stanford spoke in favor of adoption of the striking amendment.

Senators Mullet and Dozier spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking amendment no. 1352 by Senator Hasegawa to Substitute House Bill No. 1389.

The motion by Senator Hasegawa did not carry and striking amendment no. 1352 was not adopted by voice vote.

MOTION

On motion of Senator Mullet, the rules were suspended, Substitute House Bill No. 1389 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Mullet spoke in favor of passage of the bill.

Senator Hasegawa spoke on passage of the bill.

Senator Dozier spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1389 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1389 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hunt, Keiser, King, Lias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Rivers, Rolfes,

Saldaña, Salomon, Sheldon, Trudeau, Van De Wege, Wagoner and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Kuderer, McCune, Muzzall, Padden, Schoesler, Sefzik, Short, Stanford, Warnick, Wellman, Wilson, J. and Wilson, L.

Excused: Senator Robinson

SUBSTITUTE HOUSE BILL NO. 1389, as amended by the Senate having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2064, by House Committee on Housing, Human Services & Veterans (originally sponsored by Peterson, Simmons, Chopp, Lekanoff and Taylor)

Concerning security deposits and damages arising out of residential tenancies.

The measure was read the second time.

MOTION

On motion of Senator Kuderer, the rules were suspended, Engrossed Substitute House Bill No. 2064 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kuderer and Fortunato spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2064.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2064 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Robinson

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2064, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1934, by Representatives Fey, Robertson and Taylor

Allowing tribal governments to participate in exchange agreements without certain restrictions.

The measure was read the second time.

MOTION

On motion of Senator Liias, the rules were suspended, House Bill No. 1934 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1934.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1934 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Robinson

HOUSE BILL NO. 1934, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1833, by Representatives Berg, Riccelli, Callan, Gregerson, Santos, Shewmake, Wylie, Sullivan, Slatter, Bergquist, Stonier and Harris-Talley

Establishing an electronic option for the submission of household income information required for participation in school meals and programs.

The measure was read the second time.

MOTION

On motion of Senator Wellman, the rules were suspended, House Bill No. 1833 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman and Hawkins spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1833.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1833 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson,

C., Wilson, J. and Wilson, L.
Excused: Senator Robinson

HOUSE BILL NO. 1833, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1941, by House Committee on Education (originally sponsored by Walen)

Prohibiting active shooter scenarios for school safety-related drills.

The measure was read the second time.

MOTION

On motion of Senator Wellman, the rules were suspended, Substitute House Bill No. 1941 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman and Hawkins spoke in favor of passage of the bill.

Senators Wagoner, Fortunato, Warnick, Padden, Wilson, L., Schoesler and Wilson, J. spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1941.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1941 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Gildon, Hasegawa, Hawkins, Hunt, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Frockt, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Excused: Senator Robinson

SUBSTITUTE HOUSE BILL NO. 1941, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

- SENATE BILL NO. 5489,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5490,
- SUBSTITUTE SENATE BILL NO. 5496,
- SUBSTITUTE SENATE BILL NO. 5497,
- SENATE BILL NO. 5582,
- SENATE BILL NO. 5583,
- SENATE BILL NO. 5694,
- SUBSTITUTE SENATE BILL NO. 5701,
- SENATE BILL NO. 5747,
- SENATE BILL NO. 5763,

SUBSTITUTE SENATE BILL NO. 5821,
 SUBSTITUTE SENATE BILL NO. 5860,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5873.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1153, by House Committee on Appropriations (originally sponsored by Orwall, Gregerson, Davis, Hackney, Macri, Callan, Pollet, Ramos, Bergquist, Thai, Johnson, J., Simmons and Valdez)

Increasing language access in public schools. Revised for 2nd Substitute: Addressing language access in public schools.

The measure was read the second time.

MOTION

Senator Pedersen moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) The legislature finds that:

(a) It is the policy of the state to welcome and encourage the presence of diverse cultures and the use of diverse languages and modalities of communication in business, government, and private affairs in this state. To this end, the state has developed interpreter credentialing programs for court, medical, and social service settings.

(b) According to a report from the United States department of education, 50 years of research has shown that family engagement has beneficial impacts on student grades, test scores, drop-out rates, students' sense of competence, and beliefs about the importance of education. In Washington, many students' family members have language access barriers because they prefer to communicate in a language other than English or require communication assistance services. Washington public schools' ability to effectively communicate with students and their family members who have language access barriers plays a vital role in reducing educational opportunity gaps. Failure to provide language access hinders communication between schools and families, which leads to long-term economic costs when a substantial fraction of the students in Washington are not able to realize their full potential.

(c) Effective two way communication between school staff and student's families in educational settings outside the classroom is not taking place for a variety of reasons, including: (i) Some school districts do not consistently assess the language needs of their communities or consistently evaluate the effectiveness of their language access services; (ii) resources, including time and money, are often not prioritized to engage families with language access barriers; and even when language access is a priority, some districts do not know the best practices for engaging families with language access barriers; (iii) school staff are often not trained on how to engage families with language access barriers, how to engage and use interpreters in educational settings outside the classroom, or when to provide translated documents; and (iv) there are not enough interpreters qualified to work in educational settings outside the classroom.

(d) Providing meaningful, equitable language access to students and their family members who have language access barriers is not only a civil right, but will help students meet the state's basic education goals under RCW 28A.150.210 resulting in a decrease in the educational opportunity gap between learners

with language access barriers and other students, because student outcomes improve when families are engaged in their student's education.

(2) Therefore, the legislature intends to require public schools to implement a language access plan and program for culturally responsive, systemic family engagement developed through meaningful stakeholder engagement. The legislature intends to provide training, tools, and other technical assistance to public schools to support the development, implementation, and evaluation of their language access plans and programs. In addition, the legislature intends to direct the development and implementation of credentialing for spoken and sign language interpreters for students' families in educational settings outside the classroom, with the goal of creating a professional interpreter workforce guided by a code of ethics and standards of practice. Finally, the legislature intends to establish an ongoing advisory committee to guide, monitor, and report on the implementation of these new policies.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Interpreter" means a spoken language or sign language interpreter working in a public school, as defined in RCW 28A.150.010, to interpret for students' families, students, and communities in educational settings outside the classroom.

(2) "Qualified interpreter" means an interpreter who is able to interpret effectively, accurately, and impartially, both receptively and expressively using any necessary specialized vocabulary until the office of the superintendent of public instruction and the Washington professional educator standards board establish a different definition in rule making.

(3) "2020 and 2021 reports of the language access work group" means the reports of the language access work group created by section 2, chapter 256, Laws of 2019, and reconvened and expanded by section 501(3)(g), chapter 334, Laws of 2021.

NEW SECTION. Sec. 3. The principles of an effective language access program for culturally responsive, systemic family engagement are as follows:

(1) Accessibility and equity. Schools provide access to all; two-way communication is a priority and is woven into the design of all programs and services;

(2) Accountability and transparency. The language access program and decision-making processes at all levels are: Open, accessible, and useable to families; proactive, not reactive; continuously improved based on ongoing feedback from families and staff; and regulated by a clear and just complaint process;

(3) Responsive culture. Schools are safe, compassionate places where each family's opinions are heard, needs are met, and contributions are valued. School staff are humble and empathetic towards families; and

(4) Focus on relationships. Schools seek to relate to families on an individual level, building trust through respectful relationships that recognize the unique strengths that each family and student possesses.

NEW SECTION. Sec. 4. (1) The center for the improvement of student learning established in RCW 28A.300.130 must implement a language access technical assistance program for culturally responsive, systemic family engagement that meets the requirements of this section.

(2) Subject to the availability of amounts appropriated for this specific purpose, the language access technical assistance program must:

(a) Adhere to the principles of an effective language access program for culturally responsive, systemic family engagement established in section 3 of this act;

(b) Provide training and technical assistance to support the

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implementation of language access programs for culturally responsive, systemic family engagement required under sections 5 and 8 of this act;

(c) Develop and maintain training modules for interpreters on interpreting for students' families and students in educational settings outside the classroom;

(d) Develop, periodically update, and publish a language access toolkit that includes the following resources:

(i) A self-assessment for evaluating the provision of language access services;

(ii) A guide for the development, implementation, and evaluation of a language access policy, procedures, and plan that meets the specific needs of families and the community;

(iii) Best practices for using interpreter services provided by dual role staff and contract interpreters, for using remote interpretation, and for translating documents;

(iv) Language access service evaluation templates for spoken and sign languages;

(v) Information for students' families about their language access rights, translated into English, Spanish, and at least the next nine languages most commonly used by students and their families; and

(vi) Sample job description of school district language access coordinators and building points of contact for language access services;

(e) Develop, periodically update, and publish bilingual glossaries of education terminology;

(f) Analyze and publish language access and language access service information submitted as required under section 6 of this act. In addition to disaggregation by the student race and ethnicity categories and subcategories described in RCW 28A.300.042 (1) and (3), the published information must be disaggregated, to the extent possible, by language, school district and school, type of meeting, and other demographics or categories; and

(g) Provide staff support for the language access advisory committee established in section 10 of this act.

(3) The activities of and resources provided by the language access technical assistance program must take into consideration the recommendations in the 2020 and 2021 reports of the language access work group.

NEW SECTION. Sec. 5. (1) Each school district must designate a language access liaison to facilitate district compliance with state and federal laws related to family engagement, including the requirements under this section and section 6 of this act. If a school district has a language access coordinator with duties as described in subsection (4)(c) of this section, the language access coordinator may also be the language access liaison.

(2) By October 1, 2022, each school district must adopt a language access policy and procedures that adheres to the principles of an effective language access program for culturally responsive, systemic family engagement established in section 3 of this act and incorporates the model policy and procedures described in section 9 of this act.

(3) Beginning with the 2023-24 school year, each school district must implement a language access program for culturally responsive, systemic family engagement. Implementation of a language access program requires that a school district, at a minimum, complete the following activities:

(a) Adopt a language access plan that outlines how the school district identifies language access needs, allocates resources, establishes standards for providing language access services, and monitors the effectiveness of the language access program;

(b) Administer the self-assessment for evaluating the provision of language access services, which is part of the toolkit described

in section 4 of this act;

(c) Use the guide for the development, implementation, and evaluation of a language access policy, procedures, and plan, which is part of the toolkit described in section 4 of this act. The processes for developing and evaluating the language access policy, procedures, and plan must engage staff, students' families, and other community members in ways likely to result in timely and meaningful feedback, for example partnering with community based organizations and providing translation and interpretation in common languages understood by students' families;

(d) Review, periodically, the language access policy and procedures adopted as required under subsection (2) of this section to incorporate updates made to the model policy and procedures described in section 9 of this act;

(e) Collaborate with community-based organizations on how to work effectively with interpreters; and

(f) Review, update, and publish, at least annually, information about the school district's language access plan, policy and procedures, and language access services, including the need for, and spending on, language access services. The information must include notice to families about their right to free language access services and the contact information for any school district language access coordinator and any building points of contact for language access services. The information must be translated into common languages understood by students' families.

(4)(a) Except as required under (b) of this subsection, school districts are encouraged to have a language access coordinator with the duties described in (c) of this subsection.

(b) Beginning with the 2023-24 school year, school districts with at least 50 percent English learner enrollment or greater than 75 languages used by students or families must either: (i) Have a full-time language access coordinator with the duties described in (c) of this subsection; or (ii) annually report to the office of the superintendent of public instruction the total number of hours school district staff spent performing the language access coordinator duties described in (c) of this subsection and other information as required by the office of the superintendent of public instruction.

(c) The duties of the school district language access coordinator are to: (i) Serve as the primary contact for families, community members, school district staff responsible for monitoring compliance with chapter 28A.642 RCW, the office of the superintendent of public instruction, and the office of the education ombuds on issues related to language access needs and language access services; (ii) collaborate with any building points of contact for language access services; (iii) receive training and technical assistance provided under section 4 of this act; and (iv) deliver language access training and support to school district staff.

(5) The requirements in this section do not apply to school districts with both fewer than 1,000 enrolled students and less than 10 percent English learner enrollment.

NEW SECTION. Sec. 6. (1) School districts must annually collect the following language access and language access service information for use by the school district:

(a) The language in which each student and student's family prefers to communicate;

(b) Feedback from participants in each interpreted meeting on the effectiveness of the interpretation and the provision of language access services;

(c) Whether a qualified interpreter for the student's family was requested for and provided at meetings reported in the longitudinal data system established under RCW 28A.300.500; and

(d) Other data on provision of language access services.

(2) School districts must submit the information collected under subsection (1)(a) and (c) of this section at the time and in the manner required by the office of the superintendent of public instruction.

(3) School districts must summarize the feedback collected under subsection (1)(b) of this section and make it publicly accessible twice per year.

NEW SECTION. Sec. 7. A new section is added to chapter 28A.710 RCW to read as follows:

Sections 5 and 6 of this act govern school operation and management under RCW 28A.710.040 and apply to charter schools established under this chapter.

NEW SECTION. Sec. 8. A new section is added to chapter 72.40 RCW to read as follows:

The center for deaf and hard of hearing youth and the state school for the blind must comply with the requirements in sections 5 and 6 of this act.

NEW SECTION. Sec. 9. (1) By August 1, 2022, and periodically thereafter, the Washington state school directors' association must collaborate with the office of the superintendent of public instruction to update a model policy and procedures for implementing a language access program for culturally responsive, systemic family engagement.

(a) When updating the model policy and procedures, the Washington state school directors' association must perform a racial equity impact analysis that involves the community.

(b) The model policy and procedure must include procedures for the school district board of directors to annually review the spending on and the need for language access services.

(c) The model policy and procedure must address procedures for effective communication with students' families who are deaf, deaf and blind, blind, hard of hearing, or need other communication assistance.

(d) The elements of the model policy and procedures must take into consideration the recommendations in the 2020 and 2021 reports of the language access work group.

(2) The office of the superintendent of public instruction and the Washington state school directors' association must maintain the model policy and procedures on each agency's website, at no cost to school districts.

NEW SECTION. Sec. 10. (1) The office of the superintendent of public instruction shall establish the language access advisory committee to guide and monitor the implementation of this act and to recommend changes to requirements, policies, and procedures related to language access and language access services for students' families, students, and communities in educational settings outside the classroom.

(2) At a minimum, the advisory committee must guide, monitor, and make recommendations on the following topics:

(a) The effectiveness of language access policies, procedures, and programs;

(b) Family and community engagement, with a focus on multicultural families, families whose students have multiple barriers to student achievement, and families least engaged with their schools;

(c) The definition of "qualified interpreter";

(d) Supply of and demand for interpreters;

(e) Training for interpreters;

(f) Credentialing requirements for interpreters, including a code of professional conduct;

(g) Grants to cover nonstate controlled interpreter credentialing requirement costs;

(h) Language access and language access service data collection and analysis; and

(i) Evidence-based practices regarding language access,

including best practice for using state and federal funding to provide language access services.

(3)(a) The members of the advisory committee must include representatives from spoken and sign language services users, community organizations that provide direct services to non-English speaking families, interpreters for students' families, interpreter preparation programs, advocacy organizations, schools, and school districts.

(b) Members of the advisory committee must be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060. Subject to available funding and as determined by the office of the superintendent of public instruction, members of the advisory committee who do not receive compensation from their employer or contractor for attendance, either in person or virtually, at a meeting of the advisory committee are eligible for a stipend.

(4) Staff support for the advisory committee must be provided by the language access technical assistance program described in section 4 of this act, except with respect to credentialing requirements for interpreters, for which staff support must also be provided by the Washington professional educator standards board.

(5) The advisory committee must collaborate with the Washington professional educator standards board, the Washington state office of equity established in RCW 43.06D.020, the educational opportunity gap oversight and accountability committee created in RCW 28A.300.136, and other office of the superintendent of public instruction committees that focus on ensuring equity in access to opportunities for all students.

(6) By November 1, 2024, and periodically thereafter, the advisory committee must submit, in compliance with RCW 43.01.036, a report on implementation of this chapter to the office of the superintendent of public instruction, the Washington professional educator standards board, the governor, and the appropriate committees of the legislature.

NEW SECTION. Sec. 11. (1) The office of the superintendent of public instruction and the Washington professional educator standards board shall collaborate to establish credentialing requirements for interpreters as described in this section.

(2) Prior to establishing new credentialing requirements for interpreters, the office of the superintendent of public instruction and the Washington professional educator standards board must consult with the language access advisory committee established in section 10 of this act.

(3) The credentialing requirements for interpreters must take into consideration the recommendations in the 2020 and 2021 reports of the language access work group.

(4) Credentialing requirements for interpreters, which must include minimum employment requirements, may be phased in as training and testing options become available and may be tiered based on the structure and significance of the interaction between school staff and the student's family.

(5) The office of the superintendent of public instruction and the Washington professional educator standards board must establish, and periodically update, a definition of "qualified interpreter" for purposes of this chapter and for other purposes.

(6) Once a code of professional conduct for interpreters is established, the superintendent of public instruction has the power to issue, suspend, and revoke interpreter credentials to which the code applies and to take other disciplinary actions against interpreters to which the code applies.

(7) Any activities provided by the office of the superintendent of public instruction or the professional educator standards board that are required to meet credentialing requirements, including

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training, testing, and applications, must be made available at no cost to people who want to be interpreters.

(8) The electronic educator certification process must be adapted to include interpreter credentials.

NEW SECTION. Sec. 12. The office of the superintendent of public instruction and the Washington professional educator standards board may adopt rules under chapter 34.05 RCW that are necessary for the effective and efficient implementation of this chapter.

NEW SECTION. Sec. 13. RCW 28A.155.230 (Student language) and 2019 c 256 s 3 are each repealed.

NEW SECTION. Sec. 14. Sections 2 through 6 and 9 through 12 of this act constitute a new chapter in Title 28A RCW.

NEW SECTION. Sec. 15. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

On page 1, line 1 of the title, after "schools;" strike the remainder of the title and insert "adding a new section to chapter 28A.710 RCW; adding a new section to chapter 72.40 RCW; adding a new chapter to Title 28A RCW; creating new sections; and repealing RCW 28A.155.230."

MOTION

Senator Wellman moved that the following amendment no. 1293 by Senator Wellman be adopted:

On page 7, beginning on line 1, after "(b)" strike all material through "year" on line 14 and insert "Whether a qualified interpreter for the student's family was requested for and provided at meetings reported in the longitudinal student data system established under RCW 28A.300.500; and

(c) Other data on provision of language access services.

(2) School districts must submit the information collected under subsection (1) of this section at the time and in the manner required by the office of the superintendent of public instruction.

(3) Beginning in the 2023-24 school year, school districts must provide an opportunity for participants in each interpreted meeting to provide feedback on the effectiveness of the interpretation and the provision of language access services."

Senators Wellman and Hawkins spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1293 by Senator Wellman on page 7, line 1 to the committee striking amendment.

The motion by Senator Wellman carried and amendment no. 1293 was adopted by voice vote.

Senator Pedersen spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means as amended to Engrossed Second Substitute House Bill No. 1153.

The motion by Senator Pedersen carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

On motion of Senator Pedersen, the rules were suspended, Engrossed Second Substitute House Bill No. 1153 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman, Hawkins and Trudeau spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1153 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1153 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Frockt, Gildon, Hasegawa, Hawkins, Holy, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C. and Wilson, L.

Voting nay: Senators Fortunato, Honeyford, Padden, Schoesler and Wilson, J.

Excused: Senator Robinson

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1153 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1974, by Representatives Ybarra and Callan

Moving state board of education and educational service district elections to the Washington state school directors' association.

The measure was read the second time.

MOTION

On motion of Senator Wellman, the rules were suspended, House Bill No. 1974 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman and Warnick spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1974.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1974 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Robinson

HOUSE BILL NO. 1974, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1706, by House Committee on Transportation (originally sponsored by Sells, Ryu, Wicks, Berry, Valdez, Graham, Berg, Macri, Peterson, Senn, Shewmake, Orwall, Gregerson, Dolan, Fitzgibbon, Paul, Stonier, Davis, Riccelli, Santos, Taylor and Kloba)

Concerning truck drivers ability to access restroom facilities.

The measure was read the second time.

MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Labor, Commerce & Tribal Affairs be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 70.54 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Drayage truck operator" means the driver of any in-use on-road vehicle with a gross vehicle weight rating greater than 33,000 pounds operating on or transgressing through port or intermodal rail yard property for the purpose of loading, unloading, or transporting cargo, including containerized, bulk, or break-bulk goods.

(b)(i) "Terminal operator" means the business entity operating a marine terminal for loading and unloading cargo to and from marine vessels.

(ii) "Terminal operator" includes the port if the port is directly operating the marine terminal in loading and unloading cargo to and from marine vessels.

(2) A terminal operator must provide a sufficient number of restrooms for use by drayage truck operators in areas of the terminal that drayage truck operators typically have access to, such as inside the gate and truck queuing lots. Restrooms may include fixed bathrooms with flush toilets or portable chemical toilets. At least one restroom provided by the terminal operator must be a private space suitable for and dedicated to expressing breast milk.

(3) A terminal operator is deemed in compliance with this section if the terminal operator:

(a) Allows drayage truck operators access to existing restrooms while the drayage truck operators are on port property in areas of the terminal that drayage truck operators typically have access to and when access does not pose an obvious safety risk to the drayage truck operators and other workers in the area and does not violate federal terminal security requirements;

(b) When necessary, provides additional restrooms at locations where there is the most need. To determine need, the terminal operator must assess the use and accessibility of existing restrooms and conduct a survey of drayage truck operators; and

(c) Has a policy that allows drayage truck operators to leave their vehicles at reasonable times and locations for purposes of accessing restrooms.

(4) Restrooms for drayage truck operators must be located in

areas where access would not pose an obvious health or safety risk to the drayage truck operators or other workers in the area.

(5)(a) The departments of health and labor and industries have jurisdiction to enforce this section.

(b) The department of health may issue a warning letter to the port terminal operator for a first violation of this section, informing the port terminal operator of the requirements of this section. A port terminal operator that violates this section after receiving a warning letter is guilty of a class 2 civil infraction under chapter 7.80 RCW.

(c) Failure of a terminal operator to comply with this section is a violation of chapter 49.17 RCW.

(d) The departments may not take duplicate enforcement actions against an individual or business for violations arising from the same conduct."

On page 1, line 2 of the title, after "facilities;" strike the remainder of the title and insert "adding a new section to chapter 70.54 RCW; and prescribing penalties."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Labor, Commerce & Tribal Affairs to Substitute House Bill No. 1706.

The motion by Senator Keiser carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 1706 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1706 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1706 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Robinson

SUBSTITUTE HOUSE BILL NO. 1706 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2057, by House Committee on Transportation (originally sponsored by Valdez, Ramos, Senn, Morgan, Johnson, J. and Pollet)

Strengthening diversity, equity, and inclusion in the state patrol

FIFTY SECOND DAY, MARCH 2, 2022
workforce.

2022 REGULAR SESSION

The measure was read the second time.

MOTION

Senator Liias moved that the following committee striking amendment by the Committee on Transportation be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that:

(a) In 2021, the total Washington state patrol workforce was 84 percent white and 67 percent male, the field force workforce was 86 percent white and 86 percent male, and the managerial staff was as high as 93 percent white;

(b) A strong diversity, equity, and inclusion strategic recruitment and retention plan is necessary to:

(i) Provide the state patrol with the benefits of a diverse workforce, improving service to the public, increasing employee productivity, and providing new perspectives and innovative approaches to achieving the agency's mission of enhancing the safety and security of all people and communities; and

(ii) Fill vacancies with those who are from historically and currently marginalized communities;

(c) Public employment opportunities at the Washington state patrol should provide all commissioned and noncommissioned staff full access to the opportunities, power, and resources each needs in the staff person's career; and

(d) The transition to a culture that fosters workforce diversity, equity, and inclusion requires steadfast commitment over the long term.

(2) Therefore, the legislature intends to:

(a) Challenge the state patrol to change and adapt its culture to attract and retain a diverse workforce representative of those who have been historically and currently marginalized and is representative of the labor force as a whole;

(b) Establish effective legislative and executive oversight mechanisms to increase workforce parity by eliminating disparities in the state patrol's workforce;

(c) Increase accountability and transparency relating to the state patrol's progress in achieving equity in its workforce; and

(d) Provide technical assistance and support for the state patrol's diversity, equity, and inclusion efforts over the long term.

NEW SECTION. Sec. 2. A new section is added to chapter 43.06D RCW to read as follows:

(1) Consistent with its purpose of promoting access to equitable opportunities and resources to reduce disparities, the Washington state office of equity shall provide oversight for the development and ongoing implementation of the Washington state patrol's diversity, equity, and inclusion strategic recruitment and retention plan.

(2) To accomplish this purpose, the office of equity shall work with the department of enterprise services, which will run and oversee a competitive procurement process to select and hire an independent, expert consultant to:

(a) Collect benchmark demographic data on the composition of the current Washington state patrol workforce, including applicants in the recruitment process, people in trooper academy classes, and new hires across positions in the agency including, and not limited to, applicants referred for interview; applicants referred for hire; applicant to hire ratios; applicants referred for psychological testing; applicant pass to fail ratios; and turnover rate. In addition, this task must include comparative demographic data for other law enforcement training classes within the state;

(b) Conduct a study of the labor force available for the commissioned and noncommissioned staff of the state patrol, with a focus on the availability of black, indigenous, Latino, Asian, and other groups currently underrepresented in the state patrol workforce;

(c) Using the results of the labor force availability study and Washington state patrol recruitment and retention demographic benchmark data, establish goals for the demographic composition of the state patrol workforce and a plan for reaching the goals;

(d) Develop agency-specific process and outcome measures of performance, taking into consideration community feedback on whether the performance measures established accurately measure the effectiveness of agency programs and services in the communities served;

(e) Recommend effective agency programs and services to reduce disparities across the agency;

(f) Evaluate and report on progress in the implementation of the diversity, equity, and inclusion strategic recruitment and retention plan developed for the Washington state patrol in 2021;

(g) In coordination with the Washington state patrol, annually update the diversity, equity, and inclusion strategic recruitment and retention plan to reflect activities completed, new strategies, and next steps;

(h) Report biannually to the governor and appropriate committees of the legislature on the composition of the current Washington state patrol workforce compared to established benchmarks and goals; and

(i) Otherwise assist the office of equity in monitoring and reporting the Washington state patrol's implementation of the diversity, equity, and inclusion strategic recruitment and retention plan.

(3) The office is directed to complete the following work in accordance with RCW 43.06D.040:

(a) Provide technical assistance to the Washington state patrol regarding best practices to effectively foster an equitable, just, diverse workforce;

(b) Publish the Washington state patrol's diversity, equity, and inclusion strategic recruitment and retention plan on its performance dashboard;

(c) Report the Washington state patrol's performance on the office's performance dashboard, providing for a process for the Washington state patrol to respond to the report;

(d) Establish accountability procedures for the Washington state patrol, which may include conducting performance reviews related to state patrol compliance with office performance measures consistent with RCW 43.06D.040;

(e) Report annually to the governor and appropriate committees of the legislature on the Washington state patrol's compliance with developing its diversity, equity, and inclusion strategic recruitment and retention plan in accordance with the office of equity standards and the state patrol's progress made toward performance measures in its diversity, equity, and inclusion strategic recruitment and retention plan.

(4) This section expires June 30, 2032."

On page 1, line 2 of the title, after "workforce;" strike the remainder of the title and insert "adding a new section to chapter 43.06D RCW; creating a new section; and providing an expiration date."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to Substitute House Bill No. 2057.

The motion by Senator Liias carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Liias, the rules were suspended, Substitute House Bill No. 2057 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias and Lovick spoke in favor of passage of the bill. Senator King spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2057 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2057 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 36; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Gildon, Hasegawa, Hawkins, Holy, Hunt, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Stanford, Trudeau, Van De Wege, Warnick, Wellman and Wilson, C.

Voting nay: Senators Brown, Dozier, Fortunato, Honeyford, King, McCune, Padden, Schoesler, Short, Wagoner, Wilson, J. and Wilson, L.

Excused: Senator Robinson

SUBSTITUTE HOUSE BILL NO. 2057 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 3:56 p.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 6:30 p.m. by the President of the Senate, Lt. Governor Heck presiding.

MOTION

On motion of Senator Pedersen, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

March 2, 2022

MR. PRESIDENT:

The Speaker has signed:

- SUBSTITUTE HOUSE BILL NO. 1052,
- HOUSE BILL NO. 1122,
- SUBSTITUTE HOUSE BILL NO. 1124,
- ENGROSSED HOUSE BILL NO. 1165,
- SECOND SUBSTITUTE HOUSE BILL NO. 1210,
- HOUSE BILL NO. 1280,
- HOUSE BILL NO. 1612,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1619,
- SUBSTITUTE HOUSE BILL NO. 1623,
- SUBSTITUTE HOUSE BILL NO. 1626,

- SUBSTITUTE HOUSE BILL NO. 1649,
- HOUSE BILL NO. 1669,
- SUBSTITUTE HOUSE BILL NO. 1675,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1705,
- ENGROSSED HOUSE BILL NO. 1744,
- HOUSE BILL NO. 1755,
- HOUSE BILL NO. 1761,
- HOUSE BILL NO. 1769,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1793,
- SUBSTITUTE HOUSE BILL NO. 1794,
- HOUSE BILL NO. 1834,
- HOUSE BILL NO. 1874,
- HOUSE BILL NO. 1894,
- SUBSTITUTE HOUSE BILL NO. 2046,
- HOUSE BILL NO. 2061,
- SUBSTITUTE HOUSE BILL NO. 2068,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

On motion of Senator Pedersen, the Senate advanced to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1716, by House Committee on State Government & Tribal Relations (originally sponsored by Valdez, Dolan and Pollet)

Concerning locations at which ballots may be cast.

The measure was read the second time.

MOTION

On motion of Senator Hunt, the rules were suspended, Engrossed Substitute House Bill No. 1716 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hunt and Wilson, J. spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1716.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1716 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Robinson

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1716, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE HOUSE BILL NO. 1876, by House Committee on State Government & Tribal Relations (originally sponsored by Gregerson, Valdez, Fitzgibbon, Simmons, Chopp, Ramel and Pollet)

Concerning public investment impact disclosures for certain ballot measures that repeal, levy, or modify any tax or fee and have a fiscal impact statement that shows that adoption of the measure would cause a net change in state revenue.

The measure was read the second time.

MOTION

Senator Hunt moved that the following committee striking amendment by the Committee on State Government & Elections be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature recognizes that the people have reserved for themselves the power to enact or reject legislation through the initiative and referendum process, as provided in Article II, section 1 of the state Constitution. The legislature finds that when exercising this right, the people are entitled to know the fiscal impact that their vote will have on public investments at the time they cast their ballots. The legislature further finds that when a ballot measure will affect funding for public investments, a neutral, nonprejudicial disclosure of the public investments affected will provide greater transparency and necessary information for voters.

NEW SECTION. Sec. 2. A new section is added to chapter 29A.72 RCW to read as follows:

(1) The attorney general must prepare a public investment impact disclosure for any ballot measure that:

(a) Repeals, levies, or modifies any tax or fee, including changing the scope or application of an existing tax or fee; and

(b) Has a fiscal impact statement, as provided by RCW 29A.72.025, that shows that adoption of the measure would cause a net change in state revenue.

(2) The public investment impact disclosure must include a description of the investments that will be affected if the measure is adopted. The description must be sufficiently broad to reflect the subject of the investments that will be impacted by the change in revenue that will result from adoption of the measure, but also sufficiently precise to give notice of the subject matter of the investments that will be impacted by the change in revenue that will result from adoption of the measure. The description may not exceed 10 words, unless the fiscal impact is primarily to the state general fund, in which case the description must list the top three categories of state services funded by the general fund in the current state budget and may not exceed 15 words. The attorney general may consult with the office of financial management or any other state or local agencies as necessary to procure accurate information to draft the description.

(3) The format of the public investment impact disclosure, as it appears on the ballot, is:

"This measure would (increase or decrease) funding for (description of services)."

(4) In drafting the public investment impact disclosure, the attorney general must use neutral language that cannot reasonably be expected to create prejudice for or against the measure. The language of the disclosure is not subject to appeal.

(5) The attorney general must file the public investment impact

disclosure with the secretary of state no later than five business days after July 31st.

(6) The secretary of state must certify the public investment impact disclosure and timely transmit it to each county auditor for its inclusion on the ballot.

(7) Public investment impact disclosures are not considered part of the ballot title under this chapter and are not subject to any of the legal requirements for ballot titles.

Sec. 3. RCW 29A.72.050 and 2003 c 111 s 1806 are each amended to read as follows:

(1) The ballot title for an initiative to the people, an initiative to the legislature, a referendum bill, or a referendum measure consists of: (a) A statement of the subject of the measure; (b) a concise description of the measure; and (c) a question in the form prescribed in this section for the ballot measure in question. The statement of the subject of a measure must be sufficiently broad to reflect the subject of the measure, sufficiently precise to give notice of the measure's subject matter, and not exceed ten words. The concise description must contain no more than thirty words, be a true and impartial description of the measure's essential contents, clearly identify the proposition to be voted on, and not, to the extent reasonably possible, create prejudice either for or against the measure.

(2) If a public investment impact disclosure is required under section 2 of this act, the disclosure must appear in the middle of the ballot title, after the concise description and before the question. The disclosure is not, however, considered part of the ballot title and is not subject to any of the legal requirements for ballot titles under this chapter.

(3) For an initiative to the people, or for an initiative to the legislature for which the legislature has not proposed an alternative, the ballot title and public investment impact disclosure, if applicable, must be displayed on the ballot substantially as follows:

"Initiative Measure No. . . . concerns (statement of subject). This measure would (concise description). (Public investment impact disclosure, if applicable). Should this measure be enacted into law?

Yes

No

~~((3))~~ (4) For an initiative to the legislature for which the legislature has proposed an alternative, the ballot title and public investment impact disclosure, if applicable, must be displayed on the ballot substantially as follows:

"Initiative Measure Nos. . . . and . . . B concern (statement of subject).

Initiative Measure No. . . . would (concise description). (Public investment impact disclosure, if applicable).

As an alternative, the legislature has proposed Initiative Measure No. . . . B, which would (concise description). (Public investment impact disclosure, if applicable).

1. Should either of these measures be enacted into law?

Yes

No

2. Regardless of whether you voted yes or no above, if one of these measures is enacted, which one should it be?

Measure No.

or

Measure No.

~~((4))~~ (5) For a referendum bill submitted to the people by the

legislature, the ballot issue and public investment impact disclosure, if applicable, must be displayed on the ballot substantially as follows:

"The legislature has passed . . . Bill No. . . . concerning (statement of subject). This bill would (concise description). (Public investment impact disclosure, if applicable). Should this bill be:

- Approved
- Rejected

~~((5))~~ (6) For a referendum measure by state voters on a bill the legislature has passed, the ballot issue and public investment impact disclosure, if applicable, must be displayed on the ballot substantially as follows:

"The legislature passed . . . Bill No. . . . concerning (statement of subject) and voters have filed a sufficient referendum petition on this bill. This bill would (concise description). (Public investment impact disclosure, if applicable). Should this bill be:

- Approved
- Rejected

~~((6))~~ (7) The legislature may specify the statement of subject or concise description, or both, in a referendum bill that it refers to the people. The legislature may specify the concise description for an alternative it submits for an initiative to the legislature. If the legislature fails to specify these matters, the attorney general shall prepare the material that was not specified. The statement of subject and concise description as so provided must be included as part of the ballot title unless changed on appeal.

The attorney general shall specify the statement of subject and concise description for an initiative to the people, an initiative to the legislature, and a referendum measure. The statement of subject and concise description as so provided must be included as part of the ballot title unless changed on appeal.

Sec. 4. RCW 29A.72.290 and 2013 c 11 s 76 are each amended to read as follows:

The county auditor of each county shall print on the official ballots for the election at which initiative and referendum measures and measures for an advisory vote of the people are to be submitted to the people for their approval or rejection, the serial numbers (~~and~~), ballot titles, and public investment impact disclosures certified by the secretary of state and the serial numbers and short descriptions of measures for an advisory vote of the people. They must appear under separate headings in the order of the serial numbers as follows:

- (1) Initiatives to the people;
- (2) Referendum measures;
- (3) Referendum bills;
- (4) Initiatives to the legislature;
- (5) Initiatives to the legislature and legislative alternatives;
- (6) Advisory votes;
- (7) Proposed constitutional amendments.

Sec. 5. RCW 29A.72.025 and 2009 c 415 s 7 are each amended to read as follows:

The office of financial management, in consultation with the secretary of state, the attorney general, and any other appropriate state or local agency, shall prepare a fiscal impact statement for each of the following state ballot measures: (1) An initiative to the people that is certified to the ballot; (2) an initiative to the legislature that will appear on the ballot; (3) an alternative measure appearing on the ballot that the legislature proposes to an initiative to the legislature; (4) a referendum bill referred to voters by the legislature; and (5) a referendum measure appearing on the ballot. Fiscal impact statements must be written in clear and concise language, avoid legal and technical terms when possible, and be filed with the secretary of state no later than ~~(the~~

~~tenth day of August~~) July 31st. Fiscal impact statements may include easily understood graphics.

A fiscal impact statement must describe any projected increase or decrease in revenues, costs, expenditures, or indebtedness that the state or local governments will experience if the ballot measure were approved by state voters. Where appropriate, a fiscal impact statement may include both estimated dollar amounts and a description placing the estimated dollar amounts into context. A fiscal impact statement must include both a summary of not to exceed one hundred words and a more detailed statement that includes the assumptions that were made to develop the fiscal impacts.

Fiscal impact statements must be available online from the secretary of state's website and included in the state voters' pamphlet. Additional information may be posted on the website of the office of financial management."

On page 1, line 4 of the title, after "revenue;" strike the remainder of the title and insert "amending RCW 29A.72.050, 29A.72.290, and 29A.72.025; adding a new section to chapter 29A.72 RCW; and creating a new section."

MOTION

Senator Short moved that the following amendment no. 1325 by Senator Short be adopted:

On page 1, line 16, after "(1)" strike "The attorney general" and insert "A drafting committee, composed of two fiscal analysts employed by the office of program research in the house of representatives and two fiscal analysts employed by senate committee services in the senate,"

On page 2, beginning on line 4, after "The" strike "attorney general" and insert "drafting committee"

On page 2, at the beginning of line 13, strike "attorney general" and insert "drafting committee"

On page 2, line 16, after "(5) The" strike "attorney general" and insert "drafting committee"

Senators Short and Braun spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Kuderer spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1325 by Senator Short on page 1, line 16 to the committee striking amendment.

The motion by Senator Short did not carry and amendment no. 1325 was not adopted by voice vote.

MOTION

Senator Fortunato moved that the following amendment no. 1381 by Senator Fortunato be adopted:

On page 1, line 16, after "(1) The" strike "attorney general" and insert "sponsor of a ballot measure"

On page 2, beginning on line 4, after "The" strike "attorney general" and insert "sponsor of the measure"

On page 2, at the beginning of line 13, strike "attorney general" and insert "sponsor of the measure"

On page 2, line 16, after "(5) The" strike "attorney general" and insert "sponsor of the measure"

Senator Fortunato spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Hunt spoke against adoption of the amendment to the

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committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1381 by Senator Fortunato on page 1, line 16 to the committee striking amendment.

The motion by Senator Fortunato did not carry and amendment no. 1381 was not adopted by voice vote.

MOTION

Senator Braun moved that the following amendment no. 1385 by Senator Braun be adopted:

On page 1, line 25, after "adopted" insert ", except that the description may not include any services that the state is constitutionally required to fund"

On page 2, line 4, after "words." insert "However, the list of state services funded by the general fund in the description may not include any services that the state is constitutionally required to fund."

Senators Braun, Mullet and Honeyford spoke in favor of adoption of the amendment to the committee striking amendment.

Senators Hunt and Kuderer spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1385 by Senator Braun on page 1, line 25 to the committee striking amendment.

The motion by Senator Braun did not carry and amendment no. 1385 was not adopted by voice vote.

MOTION

Senator Wagoner moved that the following (3) amendment no. 1327 by Senator Wagoner be adopted:

On page 2, at the beginning of line 1, strike "10" and insert "21"

On page 2, line 4, after "exceed" strike "15" and insert "26"

On page 2, beginning on line 10, after "measure" strike all material through "services)" on line 11 and insert "may (increase or decrease) funding for (description of services), if the legislature takes no further action on state spending priorities"

Senator Wagoner spoke in favor of adoption of the amendment to the committee striking amendment.

Senators Hunt and Frockt spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1327 by Senator Wagoner on page 2, line 1 to the committee striking amendment.

The motion by Senator Wagoner did not carry and amendment no. 1327 was not adopted by voice vote.

MOTION

Senator Short moved that the following amendment no. 1335 by Senator Short be adopted:

On page 2, line 2, after "must" strike "list" and insert ": (a) List"

On page 2, line 4, after "words" insert "; and (b) include a statement of the state's estimated budget surplus, if applicable, not subject to a word limitation"

Senator Short spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Carlyle spoke against adoption of the amendment to

the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1335 by Senator Short on page 2, line 2 to the committee striking amendment.

The motion by Senator Short did not carry and amendment no. 1335 was not adopted by voice vote.

MOTION

Senator Warnick moved that the following amendment no. 1380 by Senator Warnick be adopted:

On page 2, line 2, after "must" strike "list" and insert ": (a) List"

On page 2, line 4, after "words" insert "; and (b) include a description of state revenue for the previous 10 years, not subject to a word limitation"

Senators Warnick and Wilson, J. spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Hunt spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1380 by Senator Warnick on page 2, line 2 to the committee striking amendment.

The motion by Senator Warnick did not carry and amendment no. 1380 was not adopted by voice vote.

MOTION

Senator King moved that the following amendment no. 1326 by Senator King be adopted:

On page 2, line 8, after "(3)" insert "If transportation is included in the disclosure description as an impacted investment, the disclosure must also state the total amount of taxes levied by the state on a gallon of gasoline, expressed as a percentage of the price. This statement is not included in, nor is subject to, any word limitations.

(4)"

Re-number the remaining subsections consecutively and correct any internal references accordingly.

Senator King spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Saldaña spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1326 by Senator King on page 2, line 8 to the committee striking amendment.

The motion by Senator King did not carry and amendment no. 1326 was not adopted by voice vote.

MOTION

Senator Fortunato moved that the following amendment no. 1332 by Senator Fortunato be adopted:

On page 2, line 12, after "(4)" insert "If housing or homelessness is included in the disclosure description as an impacted investment, the disclosure must also state the total amount of funds appropriated for housing and homelessness in the omnibus operating, capital, and transportation budgets over the last three biennia. This statement is not included in, nor is subject to, any word limitations.

(5)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Senator Fortunato spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Kuderer spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1332 by Senator Fortunato on page 2, line 12 to the committee striking amendment.

The motion by Senator Fortunato did not carry and amendment no. 1332 was not adopted by voice vote.

MOTION

Senator Padden moved that the following amendment no. 1346 by Senator Padden be adopted:

On page 2, line 12, after "(4)" insert "Any public investment impact disclosure must also state the following disclaimer: "This analysis was prepared by the attorney general, a partisan official, and was not allowed judicial review or appeal." This statement is not included in, nor is subject to, any word limitations.

(5)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Senators Padden, Rivers and Short spoke in favor of adoption of the amendment to the committee striking amendment.

Senators Hunt and Frockt spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1346 by Senator Padden on page 2, line 13 to the committee striking amendment.

The motion by Senator Padden did not carry and amendment no. 1346 was not adopted by voice vote.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SUBSTITUTE HOUSE BILL NO. 1052,
HOUSE BILL NO. 1122,
SUBSTITUTE HOUSE BILL NO. 1124,
ENGROSSED HOUSE BILL NO. 1165,
SECOND SUBSTITUTE HOUSE BILL NO. 1210,
HOUSE BILL NO. 1280,
HOUSE BILL NO. 1612,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1619,
SUBSTITUTE HOUSE BILL NO. 1623,
SUBSTITUTE HOUSE BILL NO. 1626,
SUBSTITUTE HOUSE BILL NO. 1649,
HOUSE BILL NO. 1669,
SUBSTITUTE HOUSE BILL NO. 1675,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1705,
ENGROSSED HOUSE BILL NO. 1744,
HOUSE BILL NO. 1755,
HOUSE BILL NO. 1761,
HOUSE BILL NO. 1769,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1793,
SUBSTITUTE HOUSE BILL NO. 1794,
HOUSE BILL NO. 1834,
HOUSE BILL NO. 1874,
HOUSE BILL NO. 1894,
SUBSTITUTE HOUSE BILL NO. 2046,
HOUSE BILL NO. 2061,

and SUBSTITUTE HOUSE BILL NO. 2068.

MOTION

Senator Fortunato moved that the following amendment no. 1333 by Senator Fortunato be adopted:

On page 2, beginning on line 14, after "measure." strike "The language of the disclosure is not subject to appeal."

On page 2, line 22, after "are" strike "not"

On page 2, line 23, after "are" strike "not"

On page 2, line 23, after "subject to" strike "any of"

Senators Fortunato, Braun and Mullet spoke in favor of adoption of the amendment to the committee striking amendment.

Senators Kuderer and Hunt spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1333 by Senator Fortunato on page 2, line 14 to the committee striking amendment.

The motion by Senator Fortunato carried and amendment no. 1333 was adopted by voice vote.

MOTION

Senator Hunt moved that the following amendment no. 1196 by Senator Hunt be adopted:

On page 2, line 17, after "than" strike "five business days after"

Senator Hunt spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1196 by Senator Hunt on page 2, line 17 to the committee striking amendment.

The motion by Senator Hunt carried and amendment no. 1196 was adopted by voice vote.

MOTION

Senator Honeyford moved that the following amendment no. 1328 by Senator Honeyford be adopted:

On page 6, after line 11, insert the following:

"NEW SECTION. **Sec. 6.** The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation."

On page 6, line 15, after "RCW;" strike "and creating a new section" and insert "creating a new section; and providing for submission of this act to a vote of the people"

Senators Honeyford and Short spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Hunt spoke against adoption of the amendment to the committee striking amendment.

MOTION

Senator Honeyford demanded a roll call.

The President declared that one-sixth of the members supported the demand, and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 6, after

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line 11 to the committee striking amendment.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Honeyford and the amendment was not adopted by the following vote: Yeas, 22; Nays, 26; Absent, 0; Excused, 1.

Voting yea: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Mullet, Muzzall, Padden, Rivers, Schoesler, Sefzik, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Lias, Lovelett, Lovick, Nguyen, Nobles, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

Excused: Senator Robinson.

MOTION

Senator Fortunato moved that the following amendment no. 1331 by Senator Fortunato be adopted:

On page 6, after line 11, insert the following:

"**NEW SECTION. Sec. 6.** This act takes effect January 1, 2023."

On page 6, line 15, after "RCW;" strike "and creating a new section" and insert "creating a new section; and providing an effective date"

Senator Fortunato spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Hunt spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1331 by Senator Fortunato on page 6, after line 11 to the committee striking amendment.

The motion by Senator Fortunato did not carry and amendment no. 1331 was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on State Government & Elections as amended to Substitute House Bill No. 1876.

The motion by Senator Hunt carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

On motion of Senator Hunt, the rules were suspended, Substitute House Bill No. 1876 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hunt, Kuderer and Frockt spoke in favor of passage of the bill.

Senators Sheldon, Braun, Fortunato, Sefzik, Gildon and Wilson, J. spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1876 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute

House Bill No. 1876 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 26; Nays, 22; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Lias, Lovelett, Lovick, Nguyen, Nobles, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Mullet, Muzzall, Padden, Rivers, Schoesler, Sefzik, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Excused: Senator Robinson

SUBSTITUTE HOUSE BILL NO. 1876, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1953, by Representatives Valdez, Volz, Sutherland and Ramel

Exempting sensitive voter information on ballot return envelopes, ballot declarations, and signature correction forms from public disclosure.

The measure was read the second time.

MOTION

Senator Wilson, J. moved that the following striking amendment no. 1341 by Senator Wilson, J. be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 42.56.420 and 2021 c 26 s 1 are each amended to read as follows:

The following information relating to security is exempt from disclosure under this chapter:

(1) Those portions of records assembled, prepared, or maintained to prevent, mitigate, or respond to criminal terrorist acts, which are acts that significantly disrupt the conduct of government or of the general civilian population of the state or the United States and that manifest an extreme indifference to human life, the public disclosure of which would have a substantial likelihood of threatening public safety, consisting of:

(a) Specific and unique vulnerability assessments or specific and unique response or deployment plans, including compiled underlying data collected in preparation of or essential to the assessments, or to the response or deployment plans; and

(b) Records not subject to public disclosure under federal law that are shared by federal or international agencies, and information prepared from national security briefings provided to state or local government officials related to domestic preparedness for acts of terrorism;

(2) Those portions of records containing specific and unique vulnerability assessments or specific and unique emergency and escape response plans at a city, county, or state adult or juvenile correctional facility, or secure facility for persons civilly confined under chapter 71.09 RCW, the public disclosure of which would have a substantial likelihood of threatening the security of a city, county, or state adult or juvenile correctional facility, secure facility for persons civilly confined under chapter 71.09 RCW, or any individual's safety;

(3) Information compiled by school districts or schools in the development of their comprehensive safe school plans under RCW 28A.320.125, to the extent that they identify specific vulnerabilities of school districts and each individual school;

(4) Information regarding the public and private infrastructure and security of computer and telecommunications networks, consisting of security passwords, security access codes and programs, access codes for secure software applications, security and service recovery plans, security risk assessments, and security test results to the extent that they identify specific system vulnerabilities, and other such information the release of which may increase risk to the confidentiality, integrity, or availability of security, information technology infrastructure, or assets;

(5) The system security and emergency preparedness plan required under RCW 35.21.228, 35A.21.300, 36.01.210, 36.57.120, 36.57A.170, and 81.112.180;

(6) Personally identifiable information of employees, and other security information, of a private cloud service provider that has entered into a criminal justice information services agreement as contemplated by the United States department of justice criminal justice information services security policy, as authorized by 28 C.F.R. Part 20; and

(7)(a) In addition to the information in subsection (4) of this section, the following related to election security:

~~((a))~~(i) The continuity of operations plan for election operations and any security audits, security risk assessments, or security test results, relating to physical security or cybersecurity of election operations or infrastructure. These records are exempt from disclosure in their entirety; ~~(and)~~

(ii) Those portions of records containing information about election infrastructure, election security, or potential threats to election security, the public disclosure of which may increase risk to the integrity of election operations or infrastructure; and

(iii) Voter signatures on ballot return envelopes, ballot declarations, and signature correction forms, including the original documents, copies, and electronic images; and a voter's phone number and email address contained on ballot return envelopes, ballot declarations, or signature correction forms. The secretary of state, by rule, may authorize in-person inspection of unredacted ballot return envelopes, ballot declarations, and signature correction forms in accordance with section 2 of this act.

(b) Nothing in this section limits or otherwise restricts the access of an authorized observer or canvassing board member for the purposes of performing his or her duties.

(c) The exemptions specified in (a) of this subsection do not include information or records pertaining to security breaches, except as prohibited from disclosure pursuant to RCW 29A.12.200.

~~((c))~~ (d) The exemptions specified in (a) of this subsection do not prohibit an audit authorized or required under Title 29A RCW from being conducted.

NEW SECTION. Sec. 2. A new section is added to chapter 29A.04 RCW to read as follows:

(1) In accordance with RCW 42.56.420, the following are exempt from disclosure:

(a) Voter signatures on ballot return envelopes, ballot declarations, and signature correction forms, including the original documents, copies, and electronic images; and

(b) A voter's phone number and email address contained on ballot return envelopes, ballot declarations, or signature correction forms.

(2) The secretary of state may, by rule, authorize in-person inspection of unredacted ballot return envelopes, ballot declarations, and signature correction forms. Except as provided under subsection (3) of this section, a person may not photocopy,

photograph, or otherwise reproduce an image of the ballot return envelope, ballot declaration, or signature correction form. When inspecting a ballot return envelope, ballot declaration, or signature correction form in person, a person may not carry with them any materials or devices that could be used to record any voter information found on the ballot return envelope, ballot declaration, or signature correction form.

(3) Nothing in this section or RCW 42.56.420(7)(a)(iii) prevents disclosure of any information on ballot return envelopes, ballot declarations, or signature correction forms, other than a voter's signature, phone numbers, and email addresses. Nothing in this section prevents election officials from disclosing information listed in subsection (1) of this section for official purposes. Nothing in this section limits or otherwise restricts the access of an authorized observer or canvassing board member for the purposes of performing his or her duties. The secretary of state may adopt rules identifying official purposes for which a voter's signature, phone numbers, and email addresses may be disclosed.

(4) For purposes of this section, "signature correction form" means any form submitted by a voter for the purpose of curing a missing or mismatched signature on a ballot declaration or otherwise updating the voter signature.

NEW SECTION. Sec. 3. The exemptions in sections 1 and 2 of this act apply to any public records request made prior to the effective date of this section for which disclosure of records has not already been completed.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 3 of the title, after "disclosure;" strike the remainder of the title and insert "amending RCW 42.56.420; adding a new section to chapter 29A.04 RCW; creating a new section; and declaring an emergency."

Senator Wilson, J. spoke in favor of adoption of the striking amendment.

Senator Hunt spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking amendment no. 1341 by Senator Wilson, J. to House Bill No. 1953.

The motion by Senator Wilson, J. did not carry, and striking amendment no. 1341 was not adopted by voice vote.

MOTION

On motion of Senator Hunt, the rules were suspended, House Bill No. 1953 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hunt and Wilson, J. spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1953.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1953 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Das, Dhingra, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Stanford, Trudeau,

FIFTY SECOND DAY, MARCH 2, 2022

2022 REGULAR SESSION

Van De Wege, Wagoner, Wellman, Wilson, C. and Wilson, J.

Voting nay: Senators Brown, Dozier, Holy, Honeyford, McCune, Padden, Schoesler, Short, Warnick and Wilson, L.

Excused: Senator Robinson

HOUSE BILL NO. 1953, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1613, by Representatives Sells, Berry, Ryu, Wicks, Taylor, Simmons, Kloba and Harris-Talley

Concerning shared reporting responsibilities for both the paid family and medical leave and the long-term services and supports trust programs to clarify that information collected from employer reports shall remain private.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, House Bill No. 1613 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1613.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1613 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C. and Wilson, L.

Voting nay: Senators Padden, Schoesler and Wilson, J.

Excused: Senator Robinson

HOUSE BILL NO. 1613, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1357, by House Committee on State Government & Tribal Relations (originally sponsored by Mosbrucker, Gregerson, Chase and Berry)

Concerning voters' pamphlets for overseas and service voters.

The measure was read the second time.

MOTION

Senator Hunt moved that the following committee striking amendment by the Committee on State Government & Elections be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that service and overseas voters have the right to vote for their elected officials. To effectuate this right, service and overseas voters must have access to the same ballot materials as voters present in the state with sufficient time to thoughtfully consider candidates and issues before casting a ballot. Accordingly, the legislature intends to ensure that voters' pamphlets are available to service and overseas voters at the same time as the ballot.

Sec. 2. RCW 29A.32.260 and 2011 c 10 s 30 are each amended to read as follows:

As soon as practicable before the primary, special election, or general election, the county auditor, or if applicable, the city clerk of a first-class or code city, as appropriate, shall mail the local voters' pamphlet to every residence in each jurisdiction that has included information in the pamphlet. The county auditor or city clerk, as appropriate, may choose to mail the pamphlet to each registered voter in each jurisdiction that has included information in the pamphlet, if in his or her judgment, a more economical and effective distribution of the pamphlet would result. The county auditor may, at his or her discretion, send a printable electronic version of the state and local voters' pamphlets to any service or overseas voter registered in the jurisdiction who has requested one.

NEW SECTION. Sec. 3. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "voters;" strike the remainder of the title and insert "amending RCW 29A.32.260; and creating new sections."

MOTION

Senator Wilson, J. moved that the following amendment no. 1320 by Senator Wilson, J. be adopted:

On page 1, line 22, after "auditor" strike "may, at his or her discretion," and insert "shall either mail or"

On page 1, line 24, after "requested" strike "one" and insert "them"

Senators Wilson, J. and Hunt spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1320 by Senator Wilson, J. on page 1, line 22 to the committee striking amendment.

The motion by Senator Wilson, J. carried, and amendment no. 1320 was adopted by voice vote.

Senators Hunt and Wilson, J. spoke in favor of adoption of the committee striking amendment as amended.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on State Government & Elections as amended to Engrossed Substitute House Bill No. 1357.

The motion by Senator Hunt carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

On motion of Senator Hunt, the rules were suspended, Engrossed Substitute House Bill No. 1357 as amended by the

Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hunt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1357 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1357 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Robinson

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1357, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1642, by House Committee on College & Workforce Development (originally sponsored by Leavitt, Hoff, Orwall, Klippert, Ryu, Paul, Berry, Dolan, Graham, Valdez, Chambers, Bronoske, Callan, Dufault, Jacobsen, Ramos, Rule, Simmons, Sullivan, Slatter, Bergquist, Ormsby and Young)

Concerning the Washington national guard postsecondary education grant program.

The measure was read the second time.

MOTION

On motion of Senator Nobles, the rules were suspended, Substitute House Bill No. 1642 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Nobles and Holy spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1642.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1642 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Robinson

SUBSTITUTE HOUSE BILL NO. 1642, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 8:25 p.m., on motion of Senator Pedersen, the Senate adjourned until 10:00 o'clock a.m. Thursday, March 3, 2022.

DENNY HECK, President of the Senate

SARAH BANNISTER, Secretary of the Senate

1052-S	Messages	66	Messages	66
	President Signed.....	70	President Signed.....	70
	Second Reading	3	1626-S	Messages
	Third Reading Final Passage	3		President Signed.....
1122	Messages	66		Second Reading
	President Signed.....	70		Third Reading Final Passage
1124-S	Messages	66	1642-S	Second Reading
	President Signed.....	70		Third Reading Final Passage
	Second Reading	3	1644-S	Second Reading
	Third Reading Final Passage	3		Third Reading Final Passage
1153-S2E	Other Action.....	63	1649-S	Messages
	Second Reading	60, 63		President Signed.....
	Third Reading Final Passage	63		Second Reading
1165-E	Messages	66		Third Reading Final Passage
	President Signed.....	70	1655-S	Other Action.....
1210-S2	Messages	66		Second Reading
	President Signed.....	70		Third Reading Final Passage
1280	Messages	66	1669	Messages
	President Signed.....	70		President Signed.....
1357-SE	Other Action.....	73	1675-S	Messages
	Second Reading	73		President Signed.....
	Third Reading Final Passage	74	1705-SE	Messages
1376	Other Action.....	55		President Signed.....
	Second Reading	53	1706-S	Other Action.....
	Third Reading Final Passage	55		Second Reading
1389-S	Second Reading	56		Third Reading Final Passage
	Third Reading Final Passage	58	1716-SE	Second Reading
1612	Messages	66		Third Reading Final Passage
	President Signed.....	70	1724-S	Second Reading
1613	Second Reading	73		Third Reading Final Passage
	Third Reading Final Passage	73	1744-E	Messages
1619-SE	Messages	66		President Signed.....
	President Signed.....	70	1755	Messages
1623-S	Messages	66		President Signed.....
	President Signed.....	70		Messages
	President Signed.....	70		President Signed.....

1761	Messages.....	66	Other Action.....	52
	President Signed.....	70	Second Reading	51, 52
1769	Messages.....	66	Third Reading Final Passage	52
	President Signed.....	70	1974	
1793-SE	Messages.....	66	Second Reading	63
	President Signed.....	70	Third Reading Final Passage	63
1794-S	Messages.....	66	1975	
	President Signed.....	70	Other Action.....	50
1825	Other Action.....	47	Second Reading	48
	Second Reading	45	Third Reading Final Passage	50
	Third Reading Final Passage	47	2033	
1832	Second Reading	47	Second Reading	50
	Third Reading Final Passage	47	Third Reading Final Passage	51
1833	Second Reading	59	2046-S	
	Third Reading Final Passage	59	Messages.....	66
1834	Messages.....	66	President Signed.....	70
	President Signed.....	70	2057-S	
1867-S	Second Reading	48	Other Action.....	65
	Third Reading Final Passage	48	Second Reading	64, 65
1874	Messages.....	66	Third Reading Final Passage	66
	President Signed.....	70	2061	
1876-S	Other Action.....	71	Messages.....	66
	Second Reading	67, 68, 69, 70, 71	President Signed.....	70
	Third Reading Final Passage	71	2064-SE	
1894	Messages.....	66	Second Reading	58
	President Signed.....	70	Third Reading Final Passage	58
1934	Second Reading	58	2068-S	
	Third Reading Final Passage	59	Messages.....	66
1941-S	Second Reading	59	President Signed.....	70
	Third Reading Final Passage	59	2124-SE	
1953	Second Reading	71	Messages.....	1
	Third Reading Final Passage	72	5489	
1956-SE	Messages.....	66	Messages.....	1
	President Signed.....	70	President Signed.....	59
	Other Action.....	71	5490-SE	
	Second Reading	67, 68, 69, 70, 71	Messages.....	1
	Third Reading Final Passage	71	President Signed.....	59
	1974		5496-S	
	Second Reading	63	Messages.....	1
	Third Reading Final Passage	63	President Signed.....	59
	1975		5497-S	
	Other Action.....	50	Messages.....	1
	Second Reading	48	President Signed.....	59
	Third Reading Final Passage	50	5582	
	2033		Messages.....	1
	Second Reading	50	President Signed.....	59
	Third Reading Final Passage	51	5583	
	2046-S		Messages.....	1
	Messages.....	66		
	President Signed.....	70		
	2057-S			
	Other Action.....	65		
	Second Reading	64, 65		
	Third Reading Final Passage	66		
	2061			
	Messages.....	66		
	President Signed.....	70		
	2064-SE			
	Second Reading	58		
	Third Reading Final Passage	58		
	2068-S			
	Messages.....	66		
	President Signed.....	70		
	2124-SE			
	Messages.....	1		
	5489			
	Messages.....	1		
	President Signed.....	59		
	5490-SE			
	Messages.....	1		
	President Signed.....	59		
	5496-S			
	Messages.....	1		
	President Signed.....	59		
	5497-S			
	Messages.....	1		
	President Signed.....	59		
	5582			
	Messages.....	1		
	President Signed.....	59		
	5583			
	Messages.....	1		

President Signed.....	59	Introduction & 1st Reading.....	1
5689-SE		8662	
Messages.....	5	Adopted.....	2
Other Action.....	44	Introduced.....	2
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Messages.....	1	Confirmed.....	2
President Signed.....	59	9030 Eng, Jack	
5701-S		Confirmed.....	5
Messages.....	1	9032 Levy, Alicia	
President Signed.....	59	Confirmed.....	5
5747		9048 Thew, Elizabeth	
Messages.....	1	Confirmed.....	1
President Signed.....	59	CHAPLAIN OF THE DAY	
5763		Arora, Ms. Anu, Coach, Infinite Potential	
Messages.....	1	Leadership.....	1
President Signed.....	59	FLAG BEARERS	
5821-S		Washington State Patrol Honor Guard.....	1
Messages.....	1	GUESTS	
President Signed.....	60	Goloborodko, Mr. Valeriy, Honorary Consul,	
5860-S		Ukraine.....	2
Messages.....	1	Stephens, Mr. Dalton, Pledge of Allegiance.	1
President Signed.....	60	Ukrainian and Ukrainian-American	
5873-SE		delegation.....	2
Messages.....	1	WASHINGTON STATE SENATE	
President Signed.....	60	Personal Privilege, Senator Salomon.....	45
5984		Personal Privilege, Senator Sefzik.....	44