

FIFTY FIRST DAY

MORNING SESSION

Senate Chamber, Olympia
Tuesday, February 27, 2024

The Senate was called to order at 9 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.

The Sergeant at Arms Color Guard consisting of Pages Mr. Leif Pedersen and Miss Anna Coy, presented the Colors.

Page Miss Sophia Kashuba led the Senate in the Pledge of Allegiance.

The prayer was offered by Pastor Greg Rolfe of Beacon Hill Baptist Church, Longview. Pastor Rolfe was a guest of Senator Jeff Wilson.

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 fifth order of business.

INTRODUCTION AND FIRST READING

SCR 8416 by Senators Pedersen, and Short
Returning bills to their house of origin.

SCR 8417 by Senators Pedersen, and Short
Adjourning SINE DIE.

MOTIONS

On motion of Senator Pedersen, all measures listed on the Introduction and First Reading report were held at the desk.

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

Senator Hunt moved adoption of the following resolution:

SENATE RESOLUTION
8674

By Senators Hunt, Lovick, Van De Wege, Valdez, Salomon, Wagoner, Padden, Braun, Torres, Short, Robinson, Billig, Hansen, Shewmake, Schoesler, Rivers, L. Wilson, Warnick, Hawkins, McCune, Dozier, Gildon, Holy, MacEwen, Lias, Wellman, Nobles, Keiser, Kuderer, Fortunato, Pedersen, Conway, Hasegawa, Trudeau, J. Wilson, Boehnke, King, and Cleveland

WHEREAS, The Territory of Washington was created by the act of congress and approved by President Millard Fillmore on March 2, 1853; and

WHEREAS, A proclamation issued by newly appointed Governor Isaac I. Stevens established the government of Washington Territory under the terms of the organic act passed by congress in 1853, and designated the city of Olympia, which had been established on the southernmost part of Puget Sound on the traditional lands of the Squaxin Tribe, as the temporary Territorial Capital; and

WHEREAS, 170 years ago, on Monday, February 27, 1854,

pursuant to the gubernatorial proclamation, the first legislative assembly of the Territory of Washington composed of a nine-member council and an 18-member House of representatives, convened; and

WHEREAS, Lacking a suitable capitol building, the Territorial Assembly of 1854 assembled on the second floor of the Parker & Colter store on main street (now capitol way) in Olympia; and

WHEREAS, The legislators, elected on January 30, 1854, from the eight counties, were a reflection of their communities and included farmers, mercantilists, lawyers, and other occupations; and

WHEREAS, The First Territorial Assembly of 1854, limited to a 100-day session, closed with only 36 days to spare adjourning sine die May 1, 1854, having lasted 64 days; and

WHEREAS, The First Territorial Assembly accomplished more than expected, including outlining criminal and civil codes; creating a school system; authorizing construction and maintenance of infrastructure such as wharves and roads; setting marriage and divorce standards; establishing new counties and county offices; expanding the House by an additional four representatives; and adopting a territorial seal; and

WHEREAS, The progress and success of the First Territorial Assembly would not have been possible without the assistance and enthusiastic support of Olympia, the city's 300 to 400 residents, surrounding communities, and local business interests;

NOW, THEREFORE BE IT RESOLVED, That the Senate honor and remember the First Washington Territorial Legislature of 1854 as well as the contributions of the local communities, both native and nonnative alike, which allowed this democratic institution to gain a foothold and later flourish in the furthest reaches of the Nation; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Honorable Dontae Payne, Mayor of Olympia, the Honorable Kris Peters, Chair, Squaxin Tribe, and Mr. Greg Griffith, President, Olympia Historical Society & Bigelow House Museum.

Senator Hunt spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8674.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Mr. George Bigelow, Mr. Daniel Bigelow, & Ms. Pam Bigelow as well as Mr. Dontae Payne, Mayor of Olympia and Members of the Board of Trustees and Members of the Historical Society of the Bigelow House Museum who were seated in the gallery.

MOTION

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

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hunt moved that Miguel Perez-Gibson, Senate Gubernatorial Appointment No. 9052, be confirmed as a member of The Evergreen State College Board of Trustees.

Senators Hunt and Conway spoke in favor of passage of the motion.

APPOINTMENT OF MIGUEL PEREZ-GIBSON

The President declared the question before the Senate to be the confirmation of Miguel Perez-Gibson, Senate Gubernatorial Appointment No. 9052, as a member of The Evergreen State College Board of Trustees.

The Secretary called the roll on the confirmation of Miguel Perez-Gibson, Senate Gubernatorial Appointment No. 9052, as a member of The Evergreen State College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senator Schoesler

Miguel Perez-Gibson, Senate Gubernatorial Appointment No. 9052, having received the constitutional majority was declared confirmed as a member of The Evergreen State College Board of Trustees.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Nobles moved that Clemencia Castro-Woolery, Senate Gubernatorial Appointment No. 9166, be confirmed as a member of the Pierce College Board of Trustees.

Senator Nobles spoke in favor of the motion.

APPOINTMENT OF CLEMENCIA CASTRO-WOOLERY

The President declared the question before the Senate to be the confirmation of Clemencia Castro-Woolery, Senate Gubernatorial Appointment No. 9166, as a member of the Pierce College Board of Trustees.

The Secretary called the roll on the confirmation of Clemencia Castro-Woolery, Senate Gubernatorial Appointment No. 9166, as a member of the Pierce College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Clemencia Castro-Woolery, Senate Gubernatorial Appointment No. 9166, having received the constitutional

majority was declared confirmed as a member of the Pierce College Board of Trustees.

MOTION

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

SECOND READING

HOUSE BILL NO. 1978, by Representatives Rule, Volz, Ryu, Ramel, Ormsby, and Reeves

Adding special purpose and junior taxing districts to the intrastate mutual aid system.

The measure was read the second time.

MOTION

On motion of Senator Valdez, the rules were suspended, House Bill No. 1978 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Valdez 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. 1978.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1978 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

HOUSE BILL NO. 1978, 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 HOUSE BILL NO. 2088, by Representatives Orwall, Reed, Ormsby, Ramel, Macri, Cheney, Lekanoff, Riccelli, Wylie, and Reeves

Extending liability protections for responders dispatched from mobile rapid response crisis teams and community-based crisis teams.

The measure was read the second time.

MOTION

On motion of Senator Trudeau, the rules were suspended, Engrossed House Bill No. 2088 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Trudeau spoke in favor of passage of the bill.

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The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2088.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2088 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

ENGROSSED HOUSE BILL NO. 2088, 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. 2256, by House Committee on Human Services, Youth, & Early Learning (originally sponsored by Representatives Callan, Eslick, Senn, Davis, Paul, Thai, Ormsby, Pollet, and Macri)

Addressing the children and youth behavioral health work group.

The measure was read the second time.

MOTION

On motion of Senator Wilson, C., the rules were suspended, Engrossed Substitute House Bill No. 2256 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wilson, C. and Boehnke 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. 2256.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2256 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2256, 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. 1898, by Representatives Schmidt, Fosse, Connors, Berry, Bronoske, Abbarno, Ormsby, Volz, Leavitt, Low, Reed, Graham, Kloba, and Reeves

Concerning unemployment insurance benefit charging.

The measure was read the second time.

MOTION

On motion of Senator King, the rules were suspended, House Bill No. 1898 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King 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. 1898.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1898 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

HOUSE BILL NO. 1898, 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. 2165, by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Kloba, Waters, and Reeves)

Concerning the authority of the department of natural resources to determine recreational use fees for activities on agency-managed public lands.

The measure was read the second time.

MOTION

On motion of Senator Salomon, the rules were suspended, Substitute House Bill No. 2165 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Salomon 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. 2165.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2165 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland,

Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE HOUSE BILL NO. 2165, 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. 2156, by House Committee on Consumer Protection & Business (originally sponsored by Representatives Reeves, Doglio, and Pollet)

Providing solar consumer protections.

The measure was read the second time.

MOTION

On motion of Senator Stanford, the rules were suspended, Substitute House Bill No. 2156 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Stanford 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. 2156.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2156 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE HOUSE BILL NO. 2156, 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. 2015, by House Committee on Health Care & Wellness (originally sponsored by Representatives Senn, Schmick, Ryu, Reed, Ormsby, Callan, Macri, Doglio, Lekanoff, Reeves, and Tharinger)

Concerning incentivizing adult family homes to increase bed capacity to seven or eight beds.

The measure was read the second time.

MOTION

On motion of Senator Cleveland, the rules were suspended, Substitute House Bill No. 2015 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Cleveland 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. 2015.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2015 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE HOUSE BILL NO. 2015, 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. 1890, by Representatives Alvarado, Klicker, Peterson, Bateman, Connors, Macri, Corry, Barkis, Berry, Morgan, Leavitt, Tharinger, Reed, Ormsby, Barnard, Street, Gregerson, Reeves, and Chopp

Concerning housing authorities.

The measure was read the second time.

MOTION

On motion of Senator Frame, the rules were suspended, House Bill No. 1890 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Frame 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. 1890.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1890 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senator Padden

HOUSE BILL NO. 1890, having received the constitutional

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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. 1987, by Representatives Low, Ramel, Ryu, Eslick, Timmons, Paul, Ramos, Reed, Chapman, Ormsby, Graham, Doglio, Sandlin, Lekanoff, Tharinger, and Santos

Concerning the use of moneys from the rural public facilities sales and use tax for affordable workforce housing infrastructure and facilities.

The measure was read the second time.

MOTION

On motion of Senator Lovelett, the rules were suspended, House Bill No. 1987 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Lovelett, Torres 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. 1987.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1987 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Lias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senator Hasegawa

HOUSE BILL NO. 1987, 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. 1924, by House Committee on Environment & Energy (originally sponsored by Representatives Shavers, Ryu, Barnard, Stearns, and Wylie)

Promoting the integration of fusion technology within state clean energy policies.

The measure was read the second time.

MOTION

Senator Nguyen moved that the following committee striking amendment by the Committee on Environment, Energy & Technology be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter

43.21F RCW to read as follows:

(1) In addition to the principles guiding the development and implementation of the state energy strategy described in RCW 43.21F.088, the state must ensure that the pursuit of cleaner energy sources actively includes and supports innovative, emerging, and promising clean energy technologies, such as fusion energy.

(2) For the purposes of this section, "fusion energy" means energy production derived directly or indirectly from the merger of atomic nuclei.

(3) The legislature finds that fusion energy is a rapidly advancing clean energy technology and that Washington is poised to become a world leader in fusion energy development.

NEW SECTION. Sec. 2. The energy facility site evaluation council and the department of health shall establish a fusion energy work group of state agencies including, but not limited to, the department of commerce, the department of ecology, the office of the governor, and the military department to identify and evaluate new and existing permitting, siting, licensing, and registration pathways for producing fusion energy. The fusion energy work group shall involve the regulated community throughout the process. The fusion energy work group shall provide an initial report to the governor and legislature by December 1, 2024.

Sec. 3. RCW 43.158.020 and 2023 c 230 s 202 are each amended to read as follows:

(1) The department of commerce shall develop an application for the designation of clean energy projects, including facilities that produce electricity with fusion energy, as clean energy projects of statewide significance.

(2) An application to the department of commerce by an applicant under this section must include:

(a) Information regarding the location of the project;

(b) Information sufficient to demonstrate that the project qualifies as a clean energy project;

(c) An explanation of how the project is expected to contribute to the state's achievement of the greenhouse gas emission limits in chapter 70A.45 RCW and is consistent with the state energy strategy adopted by the department of commerce, as well as any contribution that the project is expected to make to other state regulatory requirements for clean energy and greenhouse gas emissions, including the requirements of chapter 19.405, 70A.30, 70A.60, 70A.65, 70A.535, or 70A.540 RCW;

(d) An explanation of how the project is expected to contribute to the state's economic development goals, including information regarding the applicant's average employment in the state for the prior year, estimated new employment related to the project, estimated wages of employees related to the project, and estimated time schedules for completion and operation;

(e) A plan for engagement and information sharing with potentially affected federally recognized Indian tribes;

(f) A description of potential community benefits and impacts from the project, a plan for community engagement in the project development, and an explanation of how the applicant might use a community benefit agreement or other legal document that stipulates the benefits that the developer agrees to fund or furnish, in exchange for community support of a project; and

(g) Other information required by the department of commerce.

(3) For the purposes of this section, "fusion energy" has the same meaning as defined in section 1 of this act."

On page 1, line 2 of the title, after "policies;" strike the remainder of the title and insert "amending RCW 43.158.020; adding a new section to chapter 43.21F 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 Environment, Energy & Technology to Substitute House Bill No. 1924.

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

MOTION

On motion of Senator Nguyen, the rules were suspended, Substitute House Bill No. 1924 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 Nguyen and MacEwen 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. 1924 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1924 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, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Lias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Fortunato

SUBSTITUTE HOUSE BILL NO. 1924 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. 1947, by House Committee on State Government & Tribal Relations (originally sponsored by Representatives Street, Couture, Ryu, Gregerson, Reed, Ormsby, and Reeves)

Concerning the governance of technology services in state government, including eliminating the office of the chief information officer and renaming the consolidated technology services agency.

The measure was read the second time.

MOTION

On motion of Senator Nguyen, the rules were suspended, Substitute House Bill No. 1947 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Nguyen and MacEwen 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. 1947.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1947 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Lias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE HOUSE BILL NO. 1947, 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.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the 2024 Apple Blossom Court: Queen Ella Stimmel, Princess Jenissa Hepton and Princess Lexie Fennell who were seated in the gallery.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1300, by House Committee on Appropriations (originally sponsored by Representatives Orwall, Mosbrucker, Graham, Jacobsen, Lekanoff, Macri, and Reed)

Concerning fraud in assisted reproduction.

The measure was read the second time.

MOTION

Senator Stanford 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:

"**Sec. 1.** RCW 9A.36.031 and 2013 c 256 s 1 are each amended to read as follows:

(1) A person is guilty of assault in the third degree if he or she, under circumstances not amounting to assault in the first or second degree:

(a) With intent to prevent or resist the execution of any lawful process or mandate of any court officer or the lawful apprehension or detention of himself, herself, or another person, assaults another; or

(b) Assaults a person employed as a transit operator or driver, the immediate supervisor of a transit operator or driver, a mechanic, or a security officer, by a public or private transit company or a contracted transit service provider, while that person is performing his or her official duties at the time of the assault; or

(c) Assaults a school bus driver, the immediate supervisor of a driver, a mechanic, or a security officer, employed by a school district transportation service or a private company under contract for transportation services with a school district, while the person is performing his or her official duties at the time of the assault;

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or

(d) With criminal negligence, causes bodily harm to another person by means of a weapon or other instrument or thing likely to produce bodily harm; or

(e) Assaults a firefighter or other employee of a fire department, county fire marshal's office, county fire prevention bureau, or fire protection district who was performing his or her official duties at the time of the assault; or

(f) With criminal negligence, causes bodily harm accompanied by substantial pain that extends for a period sufficient to cause considerable suffering; or

(g) Assaults a law enforcement officer or other employee of a law enforcement agency who was performing his or her official duties at the time of the assault; or

(h) Assaults a peace officer with a projectile stun gun; or

(i) Assaults a nurse, physician, or health care provider who was performing his or her nursing or health care duties at the time of the assault. For purposes of this subsection: "Nurse" means a person licensed under chapter 18.79 RCW; "physician" means a person licensed under chapter 18.57 or 18.71 RCW; and "health care provider" means a person certified under chapter 18.71 or 18.73 RCW who performs emergency medical services or a person regulated under Title 18 RCW and employed by, or contracting with, a hospital licensed under chapter 70.41 RCW; or

(j) Assaults a judicial officer, court-related employee, county clerk, or county clerk's employee, while that person is performing his or her official duties at the time of the assault or as a result of that person's employment within the judicial system. For purposes of this subsection, "court-related employee" includes bailiffs, court reporters, judicial assistants, court managers, court managers' employees, and any other employee, regardless of title, who is engaged in equivalent functions; or

(k) Assaults a person located in a courtroom, jury room, judge's chamber, or any waiting area or corridor immediately adjacent to a courtroom, jury room, or judge's chamber. This section shall apply only: (i) During the times when a courtroom, jury room, or judge's chamber is being used for judicial purposes during court proceedings; and (ii) if signage was posted in compliance with RCW 2.28.200 at the time of the assault; or

(l) Is a licensed health care provider who implants his or her gametes or reproductive material into a patient under his or her care. For the purposes of this subsection, "gamete" means sperm, egg, or any part of a sperm or egg, and "reproductive material" means a human gamete or a human organism at any stage of development from fertilized ovum to embryo.

(2) Assault in the third degree is a class C felony.

Sec. 2. RCW 18.130.180 and 2023 c 192 s 2 and 2023 c 122 s 4 are each reenacted and amended to read as follows:

Except as provided in RCW 18.130.450, the following conduct, acts, or conditions constitute unprofessional conduct for any license holder under the jurisdiction of this chapter:

(1) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession, whether the act constitutes a crime or not. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon such a conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the license holder of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this section, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates

rights guaranteed under chapter 9.96A RCW;

(2) Misrepresentation or concealment of a material fact in obtaining a license or in reinstatement thereof;

(3) All advertising which is false, fraudulent, or misleading;

(4) Incompetence, negligence, or malpractice which results in injury to a patient or which creates an unreasonable risk that a patient may be harmed. The use of a nontraditional treatment by itself shall not constitute unprofessional conduct, provided that it does not result in injury to a patient or create an unreasonable risk that a patient may be harmed;

(5) Suspension, revocation, or restriction of the individual's license to practice any health care profession by competent authority in any state, federal, or foreign jurisdiction, a certified copy of the order, stipulation, or agreement being conclusive evidence of the revocation, suspension, or restriction;

(6) The possession, use, prescription for use, or distribution of controlled substances or legend drugs in any way other than for legitimate or therapeutic purposes, diversion of controlled substances or legend drugs, the violation of any drug law, or prescribing controlled substances for oneself;

(7) Violation of any state or federal statute or administrative rule regulating the profession in question, including any statute or rule defining or establishing standards of patient care or professional conduct or practice;

(8) Failure to cooperate with the disciplining authority by:

(a) Not furnishing any papers, documents, records, or other items;

(b) Not furnishing in writing a full and complete explanation covering the matter contained in the complaint filed with the disciplining authority;

(c) Not responding to subpoenas issued by the disciplining authority, whether or not the recipient of the subpoena is the accused in the proceeding; or

(d) Not providing reasonable and timely access for authorized representatives of the disciplining authority seeking to perform practice reviews at facilities utilized by the license holder;

(9) Failure to comply with an order issued by the disciplining authority or a stipulation for informal disposition entered into with the disciplining authority;

(10) Aiding or abetting an unlicensed person to practice when a license is required;

(11) Violations of rules established by any health agency;

(12) Practice beyond the scope of practice as defined by law or rule;

(13) Misrepresentation or fraud in any aspect of the conduct of the business or profession;

(14) Failure to adequately supervise auxiliary staff to the extent that the consumer's health or safety is at risk;

(15) Engaging in a profession involving contact with the public while suffering from a contagious or infectious disease involving serious risk to public health;

(16) Promotion for personal gain of any unnecessary or inefficacious drug, device, treatment, procedure, or service;

(17) Conviction of any gross misdemeanor or felony relating to the practice of the person's profession. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(18) The offering, undertaking, or agreeing to cure or treat disease by a secret method, procedure, treatment, or medicine, or the treating, operating, or prescribing for any health condition by a method, means, or procedure which the licensee refuses to divulge upon demand of the disciplining authority;

(19) The willful betrayal of a practitioner-patient privilege as recognized by law;

(20) Violation of chapter 19.68 RCW or a pattern of violations of RCW 41.05.700(8), 48.43.735(8), 48.49.020, 48.49.030, 71.24.335(8), or 74.09.325(8);

(21) Interference with an investigation or disciplinary proceeding by willful misrepresentation of facts before the disciplining authority or its authorized representative, or by the use of threats or harassment against any patient or witness to prevent them from providing evidence in a disciplinary proceeding or any other legal action, or by the use of financial inducements to any patient or witness to prevent or attempt to prevent him or her from providing evidence in a disciplinary proceeding;

(22) Current misuse of:

(a) Alcohol;

(b) Controlled substances; or

(c) Legend drugs;

(23) Abuse of a client or patient or sexual contact with a client or patient;

(24) Acceptance of more than a nominal gratuity, hospitality, or subsidy offered by a representative or vendor of medical or health-related products or services intended for patients, in contemplation of a sale or for use in research publishable in professional journals, where a conflict of interest is presented, as defined by rules of the disciplining authority, in consultation with the department, based on recognized professional ethical standards;

(25) Violation of RCW 18.130.420;

(26) Performing conversion therapy on a patient under age eighteen;

(27) Violation of RCW 18.130.430;

(28) Violation of RCW 18.130.460; or

(29) Implanting the license holder's own gametes or reproductive material into a patient."

On page 1, line 1 of the title, after "reproduction;" strike the remainder of the title and insert "amending RCW 9A.36.031; reenacting and amending RCW 18.130.180; and prescribing penalties."

MOTION

Senator Pedersen moved that the following floor amendment no. 735 by Senators Padden and Pedersen be adopted:

On page 21, beginning on line 23, after "59.18.640." strike all material through "counsel." on line 25

Senators Pedersen and Padden 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 floor amendment no. 735 by Senators Padden and Pedersen on page 2, line 29 to the committee striking amendment.

The motion by Senator Pedersen carried and floor amendment no. 735 was 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 Law & Justice as amended to Engrossed Substitute House Bill No. 1300.

The motion by Senator Stanford carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

On motion of Senator Stanford, the rules were suspended,

Engrossed Substitute House Bill No. 1300 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 Stanford 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. 1300 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1300 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1300 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. 1879, by Representatives Lekanoff, Santos, Ryu, Tharinger, Ortiz-Self, Ramel, Cortes, Morgan, Reed, Ormsby, Timmons, Callan, Peterson, Chopp, Donaghy, Gregerson, Doglio, Fosse, Orwall, Bergquist, Stonier, Mena, Wylie, Reeves, Riccelli, Pollet, Shavers, and Davis

Naming the curriculum used to inform students about tribal history, culture, and government after John McCoy (lulilaš).

The measure was read the second time.

MOTION

On motion of Senator Wellman, the rules were suspended, House Bill No. 1879 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman, Hawkins and Robinson 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. 1879.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1879 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner,

Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

HOUSE BILL NO. 1879, 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. 1945, by House Committee on Human Services, Youth, & Early Learning (originally sponsored by Representatives Alvarado, Gregerson, Ryu, Ortiz-Self, Leavitt, Senn, Berry, Ramel, Slatter, Cortes, Morgan, Reed, Simmons, Ormsby, Callan, Peterson, Rule, Kloba, Macri, Street, Chopp, Doglio, Fosse, Mena, Bergquist, Goodman, Tharinger, Thai, Riccelli, and Hackney)

Streamlining and enhancing program access for persons eligible for food assistance.

The measure was read the second time.

MOTION

Senator Wellman moved that the following committee striking amendment by the Committee on Early Learning & K-12 Education be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.216.1368 and 2023 c 222 s 4 are each amended to read as follows:

(1) It is the intent of the legislature to increase working families' access to affordable, high quality child care and to support the expansion of the workforce to support businesses and the statewide economy.

(2) Beginning October 1, 2021, a family is eligible for working connections child care when the household's annual income is at or below 60 percent of the state median income adjusted for family size and:

(a) The child receiving care is: (i) Less than 13 years of age; or (ii) less than 19 years of age and has a verified special need according to department rule or is under court supervision; and

(b) The household meets all other program eligibility requirements.

(3) Beginning July 1, 2025, a family is eligible for working connections child care when the household's annual income is above 60 percent and at or below 75 percent of the state median income adjusted for family size and:

(a) The child receiving care is: (i) Less than 13 years of age; or (ii) less than 19 years of age and has a verified special need according to department rule or is under court supervision; and

(b) The household meets all other program eligibility requirements.

(4) Beginning July 1, 2027, and subject to the availability of amounts appropriated for this specific purpose, a family is eligible for working connections child care when the household's annual income is above 75 percent of the state median income and is at or below 85 percent of the state median income adjusted for family size and:

(a) The child receiving care is: (i) Less than 13 years of age; or (ii) less than 19 years of age and has a verified special need according to department rule or is under court supervision; and

(b) The household meets all other program eligibility requirements.

(5)(a) Beginning October 1, 2021, through June 30, 2023, the department must calculate a monthly copayment according to the

following schedule:

If the household's income is:	Then the household's maximum monthly copayment is:
At or below 20 percent of the state median income	Waived to the extent allowable under federal law; otherwise, a maximum of \$15
Above 20 percent and at or below 36 percent of the state median income	\$65
Above 36 percent and at or below 50 percent of the state median income	\$115 until December 31, 2021, and \$90 beginning January 1, 2022
Above 50 percent and at or below 60 percent of the state median income	\$115

(b) Beginning July 1, 2023, the department must calculate a monthly copayment according to the following schedule:

If the household's income is:	Then the household's maximum monthly copayment is:
At or below 20 percent of the state median income	Waived to the extent allowable under federal law; otherwise, a maximum of \$15
Above 20 percent and at or below 36 percent of the state median income	\$65
Above 36 percent and at or below 50 percent of the state median income	\$90
Above 50 percent and at or below 60 percent of the state median income	\$165

(c) Beginning July 1, 2025, the department must calculate a maximum monthly copayment of \$215 for households with incomes above 60 percent and at or below 75 percent of the state median income.

(d) Subject to the availability of amounts appropriated for this specific purpose, the department shall adopt a copayment model for households with annual incomes above 75 percent of the state median income and at or below 85 percent of the state median income. The model must calculate a copayment for each household that is no greater than seven percent of the household's countable income within this income range.

(e) The department may adjust the copayment schedule to comply with federal law.

(6) Beginning November 1, 2024, when an applicant or consumer is a member of an assistance unit that is eligible for or receiving basic food benefits under the federal supplemental nutrition assistance program or the state food assistance program the department must determine that the household income eligibility requirements in this section are met.

(7) The department must adopt rules to implement this section, including an income phase-out eligibility period.

((7)) (8) This section does not apply to households eligible for the working connections child care program under RCW 43.216.145 and 43.216.1364.

Sec. 2. RCW 43.216.505 and 2021 c 199 s 204 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 43.216.500 through 43.216.559, 43.216.900, and 43.216.901.

(1) "Advisory committee" means the advisory committee under RCW 43.216.520.

(2) "Approved programs" means those state-supported education and special assistance programs which are recognized by the department as meeting the minimum program rules adopted by the department to qualify under RCW 43.216.500 through 43.216.550, 43.216.900, and 43.216.901 and are designated as eligible for funding by the department under RCW 43.216.530 and 43.216.540.

(3) "Comprehensive" means an assistance program that focuses on the needs of the child and includes education, health, and family support services.

(4) "Eligible child" means a three to five-year old child who is not age-eligible for kindergarten, is not a participant in a federal or state program providing comprehensive services, and who:

(a) Has a family with ~~((financial need))~~ an income at or below 50 percent of the state median income adjusted for family size;

(b) Is experiencing homelessness;

(c) Has participated in early head start or a successor federal program providing comprehensive services for children from birth through two years of age, the early support for infants and toddlers program or received class C developmental services, the birth to three early childhood education and assistance program, or the early childhood intervention and prevention services program;

(d) Is eligible for special education due to disability under RCW 28A.155.020;

(e) Is a member of an assistance unit that is eligible for or is receiving basic food benefits under the federal supplemental nutrition assistance program or the state food assistance program;

(f) Is Indian as defined in rule by the department after consultation and agreement with Washington state's federally recognized tribes pursuant to RCW 43.216.5052 and is at or below 100 percent of the state median income adjusted for family size; or

~~((f))~~ (g) Meets criteria under rules adopted by the department if the number of such children equals not more than ten percent of the total enrollment in the early childhood program. Preference for enrollment in this group shall be given to children from families with the lowest income, children in foster care, or to eligible children from families with multiple needs.

(5) "Experiencing homelessness" means a child without a fixed, regular, and adequate nighttime residence as described in the federal McKinney-Vento homeless assistance act (Title 42 U.S.C., chapter 119, subchapter VI, part B) as it existed on January 1, 2021.

(6) "Family support services" means providing opportunities for parents to:

(a) Actively participate in their child's early childhood program;

(b) Increase their knowledge of child development and parenting skills;

(c) Further their education and training;

(d) Increase their ability to use needed services in the community;

(e) Increase their self-reliance; and

(f) Connect with culturally competent, disability positive therapists and supports where appropriate.

~~((7)) "Family with financial need" means families with incomes at or below 36 percent of the state median income adjusted for family size until the 2030-31 school year. Beginning in the 2030-31 school year, "family with financial need" means families with incomes at or below 50 percent of the state median~~

~~income adjusted for family size.)~~

Sec. 3. RCW 43.216.512 and 2019 c 409 s 2 are each amended to read as follows:

(1) The department shall adopt rules that allow the enrollment of children who meet one or more of the following criteria in the early childhood education and assistance program, as space is available if the number of such children equals not more than twenty-five percent of total statewide enrollment ~~((, whose family income is))~~:

(a) ~~((Above))~~ The child's family income is above one hundred ten percent but less than or equal to one hundred thirty percent of the federal poverty level; ~~((or))~~

(b) ~~((Above))~~ The child's family income is above one hundred thirty percent but less than or equal to two hundred percent of the federal poverty level if the child meets at least one of the risk factor criterion described in subsection (2) of this section; or

(c) Beginning November 1, 2024, the child is not eligible under RCW 43.216.505 and is a member of an assistance unit that is eligible for or is receiving basic food benefits under the federal supplemental nutrition assistance program or the state food assistance program.

(2) Children enrolled in the early childhood education and assistance program pursuant to subsection (1)(b) of this section must be prioritized for available funded slots according to a prioritization system adopted in rule by the department that considers risk factors that have a disproportionate effect on kindergarten readiness and school performance, including:

(a) Family income as a percent of the federal poverty level;

(b) Homelessness;

(c) Child welfare system involvement;

(d) Developmental delay or disability that does not meet the eligibility criteria for special education described in RCW 28A.155.020;

(e) Domestic violence;

(f) English as a second language;

(g) Expulsion from an early learning setting;

(h) A parent who is incarcerated;

(i) A parent with a substance use disorder or mental health treatment need; and

(j) Other risk factors determined by the department to be linked by research to school performance.

(3) The department shall adopt rules that allow a child to enroll in the early childhood education and assistance program, as space is available, when the child is not eligible under RCW 43.216.505 and the child turns three years old at any time during the school year when the child:

(a) Has a family income at or below two hundred percent of the federal poverty level or meets at least one risk factor criterion adopted by the department in rule; and

(b) Has received services from or participated in:

(i) The early support for infants and toddlers program;

(ii) The early head start or a successor federal program providing comprehensive services for children from birth through two years of age; or

(iii) The birth to three early childhood education and assistance program, if such a program is established.

(4) Children enrolled in the early childhood education and assistance program under this section are not considered eligible children as defined in RCW 43.216.505 and are not considered to be part of the state-funded entitlement required in RCW 43.216.556.

Sec. 4. RCW 43.216.512 and 2021 c 199 s 205 are each amended to read as follows:

(1) The department shall adopt rules that allow the enrollment of children in the early childhood education and assistance program, as space is available, if the number of such children

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equals not more than 25 percent of total statewide enrollment, when the child is not eligible under RCW 43.216.505 and (~~whose~~):

(a) Has a family income level (~~(is)~~) above 36 percent of the state median income but at or below 50 percent of the state median income adjusted for family size and the child meets at least one of the risk factor criterion described in subsection (2) of this section; or

(b) Is a member of an assistance unit that is eligible for or is receiving basic food benefits under the federal supplemental nutrition assistance program or the state food assistance program.

(2) Children enrolled in the early childhood education and assistance program pursuant to this section must be prioritized for available funded slots according to a prioritization system adopted in rule by the department that considers risk factors that have a disproportionate effect on kindergarten readiness and school performance, including:

- (a) Family income as a percent of the state median income;
- (b) Child welfare system involvement;
- (c) Eligible for services under part C of the federal individuals with disabilities education act but not eligible for services under part B of the federal individuals with disabilities education act;
- (d) Domestic violence;
- (e) English as a second language;
- (f) Expulsion from an early learning setting;
- (g) A parent who is incarcerated;
- (h) A parent with a behavioral health treatment need; and
- (i) Other risk factors determined by the department to be linked by research to school performance.

(3) Children enrolled in the early childhood education and assistance program under this section are not considered eligible children as defined in RCW 43.216.505 and are not considered to be part of the state-funded entitlement required in RCW 43.216.556.

(4) This section expires August 1, 2030.

Sec. 5. RCW 43.216.578 and 2019 c 408 s 8 are each amended to read as follows:

(1) Within resources available under the federal preschool development grant birth to five grant award received in December 2018, the department shall develop a plan for phased implementation of a birth to three early childhood education and assistance program pilot project for eligible children under thirty-six months old. Funds to implement the pilot project may include a combination of federal, state, or private sources.

(2) The department may adopt rules to implement the pilot project and may waive or adapt early childhood education and assistance program requirements when necessary to allow for the operation of the birth to three early childhood education and assistance program. The department shall consider early head start rules and regulations when developing the provider and family eligibility requirements and program requirements. Any deviations from early head start standards, rules, or regulations must be identified and explained by the department in its annual report under subsection (6) of this section.

(3)(a) Upon securing adequate funds to begin implementation, the pilot project programs must be delivered through child care centers and family home providers who meet minimum licensing standards and are enrolled in the early achievers program.

(b) The department must determine minimum early achievers ratings scores for programs participating in the pilot project.

(4) When selecting pilot project locations for service delivery, the department may allow each pilot project location to have up to three classrooms per location. When selecting and approving pilot project locations, the department shall attempt to select a combination of rural, urban, and suburban locations. The

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department shall prioritize locations with programs currently operating early head start, head start, or the early childhood education and assistance program.

(5) (~~(is)~~) Until November 1, 2024, to be eligible for the birth to three early childhood education and assistance program, a child's family income must be at or below one hundred thirty percent of the federal poverty level and the child must be under thirty-six months old. Beginning November 1, 2024, to be eligible for the birth to three early childhood education and assistance program, a child must be under 36 months old and either:

(a) From a family with a household income at or below 130 percent of the federal poverty level; or

(b) A member of an assistance unit that is eligible for or is receiving basic food benefits under the federal supplemental nutrition assistance program or the state food assistance program.

(6) Beginning November 1, 2020, and each November 1st thereafter during pilot project activity, the department shall submit an annual report to the governor and legislature that includes a status update that describes the planning work completed, the status of funds secured, and any implementation activities of the pilot project. Implementation activity reports must include a description of the participating programs and number of children and families served.

Sec. 6. RCW 43.216.578 and 2021 c 199 s 403 are each amended to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department shall administer a birth to three early childhood education and assistance program for eligible children under thirty-six months old. Funds to implement the program may include a combination of federal, state, or private sources.

(2) The department may adopt rules to implement the program and may waive or adapt early childhood education and assistance program requirements when necessary to allow for the operation of the birth to three early childhood education and assistance program. The department shall consider early head start rules and regulations when developing the provider and family eligibility requirements and program requirements.

(3)(a) The birth to three early childhood education and assistance program must be delivered through child care centers and family home providers who meet minimum licensing standards and are enrolled in the early achievers program.

(b) The department must determine minimum early achievers ratings scores for participating contractors.

(4) To be eligible for the birth to three early childhood education and assistance program, a (~~(child's family income must be at or below 50 percent of the state median income and the child must be under thirty six months old)~~) child must be under 36 months old and either:

(a) From a family with a household income at or below 50 percent of the state median income; or

(b) A member of an assistance unit that is eligible for or is receiving basic food benefits under the federal supplemental nutrition assistance program or the state food assistance program.

NEW SECTION. Sec. 7. Section 2 of this act takes effect August 1, 2030.

Sections 4 and 6 of this act take effect July 1, 2026.

NEW SECTION. Sec. 8. Sections 3 and 5 of this act expire July 1, 2026."

On page 1, line 2 of the title, after "assistance;" strike the remainder of the title and insert "amending RCW 43.216.1368, 43.216.512, 43.216.512, 43.216.578, and 43.216.578; reenacting and amending RCW 43.216.505; providing effective dates; and providing an expiration date."

Senator Wellman 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 Early Learning & K-12 Education to Substitute House Bill No. 1945.

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

MOTION

On motion of Senator Wellman, the rules were suspended, Substitute House Bill No. 1945 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 Wellman 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. 1945 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1945 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE HOUSE BILL NO. 1945 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. 1957, by House Committee on Health Care & Wellness (originally sponsored by Representatives Riccelli, Macri, Ryu, Leavitt, Senn, Reed, Ormsby, Callan, Doglio, Fosse, Goodman, Lekanoff, Wylie, Pollet, and Davis)

Preserving coverage of preventive services without cost sharing.

The measure was read the second time.

MOTION

Senator Cleveland moved that the following committee striking amendment by the Committee on Health & Long Term Care be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 48.43.047 and 2018 c 14 s 1 are each amended to read as follows:

(1) A nongrandfathered health plan issued on or after ~~((June 7, 2018))~~ the effective date of this section, must, at a minimum,

provide coverage for the ~~((same))~~ following preventive services ~~((required to be covered under 42 U.S.C. Sec. 300gg-13 (2016) and any federal rules or guidance in effect on December 31, 2016, implementing 42 U.S.C. Sec. 300gg-13))~~ as the recommendations or guidelines existed on January 8, 2024:

(a) Evidence-based items or services that have a rating of A or B in the current recommendations of the United States preventive services task force with respect to the enrollee;

(b) Immunizations for routine use in children, adolescents, and adults that have in effect a recommendation from the advisory committee on immunization practices of the centers for disease control and prevention with respect to the enrollee. For purposes of this subsection, a recommendation from the advisory committee on immunization practices of the centers for disease control and prevention is considered in effect after the recommendation has been adopted by the director of the centers for disease control and prevention, and a recommendation is considered to be for routine use if the recommendation is listed on the immunization schedules of the centers for disease control and prevention;

(c) With respect to infants, children, and adolescents, evidence-informed preventive care and screenings provided for in comprehensive guidelines supported by the health resources and services administration; and

(d) With respect to women, additional preventive care and screenings that are not listed with a rating of A or B by the United States preventive services task force but that are provided for in comprehensive guidelines supported by the health resources and services administration.

(2) ~~((The))~~ A nongrandfathered health plan must provide coverage for the preventive services required to be covered under subsection (1) of this section consistent with federal rules and guidance related to coverage of preventive services in effect on January 8, 2024.

(3) A nongrandfathered health plan must provide coverage for the preventive services required to be covered under subsection (1) of this section for plan years that begin on or after the date that is one year after the date the recommendation or guideline is issued.

(4) A nongrandfathered health plan is no longer required to provide coverage for particular items or services specified in the recommendations or guidelines described in subsection (1) of this section if such a recommendation or guideline is revised by the recommending entities described in subsection (1) of this section to no longer include the preventive item or service as defined in subsection (1) of this section.

(5) Annually, a health carrier shall determine whether any additional items or services must be covered without cost-sharing requirements or whether any items or services are no longer required to be covered as provided in subsections (2) and (3) of this section. The carrier's determination must be included in its health plan filings submitted to the commissioner.

(6)(a) Except as provided in (b) of this subsection, the health plan may not impose cost-sharing requirements for the preventive services required to be covered under subsection (1) of this section when the services are provided by an in-network provider. If a plan does not have in its network a provider who can provide an item or service described in subsection (1) of this section, the plan must cover the item or service when performed by an out-of-network provider and may not impose cost sharing with respect to the item or service.

~~((3))~~ (b) If any portion of 42 U.S.C. Sec. 300gg-13 is found invalid, for a health plan offered as a qualifying health plan for a health savings account, the carrier may apply cost sharing to coverage of the services that have been invalidated only at the minimum level necessary to preserve the enrollee's ability to

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claim tax exempt contributions and withdrawals from the enrollee's health savings account under internal revenue service laws and regulations.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1272, by House Committee on Appropriations (originally sponsored by Representatives Bergquist, Volz, Reeves, Gregerson, Christian, Riccelli, and Schmidt)

(7) A carrier may use reasonable medical management techniques to determine the frequency, method, treatment, or setting for an item or service described in subsection (1) of this section to the extent not specified in the relevant recommendation or guideline, federal rules and guidance related to the coverage of preventive services in effect on January 8, 2024, and any rules adopted by the insurance commissioner.

Concerning publishing, formatting, and distribution of the state and local voters' pamphlets.

The measure was read the second time.

MOTION

(8) The insurance commissioner shall enforce this section consistent with federal rules (~~(, guidance, and case law in effect on December 31, 2016, applicable to 42 U.S.C. 300gg-13 (2016))~~) and guidance in effect on January 8, 2024.

Senator Hunt moved that the following committee striking amendment by the Committee on State Government & Elections be adopted:

(9) The insurance commissioner may adopt rules necessary to implement this section, consistent with federal statutes, rules, and guidance in effect on January 8, 2024. The insurance commissioner may also adopt rules related to any future preventive services recommendations and guidelines issued by the United States preventive services task force, the advisory committee on immunization practices of the centers for disease control and prevention, and the health resources and services administration or related federal rules or guidance."

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 29A.32.010 and 2003 c 111 s 801 are each amended to read as follows:

On page 1, line 2 of the title, after "sharing;" strike the remainder of the title and insert "and amending RCW 48.43.047."

The secretary of state shall, whenever at least one statewide measure or office is scheduled to appear on the general election ballot, print and distribute a voters' pamphlet.

The secretary of state shall distribute the voters' pamphlet to each household in the state, to public libraries, and to any other locations ~~((he or she))~~ the secretary deems appropriate. The secretary of state shall also produce ~~((taped))~~ recorded or Braille transcripts of the voters' pamphlet, publicize their availability, and mail without charge a copy to any person who requests one.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health & Long-Term Care to Engrossed Substitute House Bill No. 1957.

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

The secretary of state may make the material required to be distributed by this chapter available to the public in electronic form. The secretary of state may provide the material in electronic form to ~~((computer bulletin boards))~~ web based, print, and broadcast news media ~~((, community computer networks,))~~ and similar services at the cost of reproduction or transmission of the data.

"**Sec. 2.** RCW 29A.32.020 and 2003 c 111 s 802 are each amended to read as follows:

MOTION

On motion of Senator Cleveland, the rules were suspended, Engrossed Substitute House Bill No. 1957 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Cleveland 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. 1957.

No person or entity may publish or distribute any campaign material that is deceptively similar in design or appearance to a voters' pamphlet that was published by the secretary of state during the ~~((ten))~~ 10-year period before the publication or distribution of the campaign material by the person or entity. The secretary of state shall take reasonable measures to prevent or to stop violations of this section. Such measures may include, among others, petitioning the superior court for a temporary restraining order or other appropriate injunctive relief. In addition, the secretary may request the superior court to impose a civil fine on a violator of this section. The court is authorized to levy on and recover from each violator a civil fine not to exceed the greater of: (1) ~~((Two dollars))~~ \$5 for each copy of the deceptive material distributed, or (2) ~~((one thousand dollars))~~ \$10,000. In addition, the violator is liable for the state's legal expenses and other costs resulting from the violation. Any funds recovered under this section must be transmitted to the state treasurer for deposit in the general fund.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1957 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

"**Sec. 3.** RCW 29A.32.031 and 2023 c 109 s 8 are each amended to read as follows:

The voters' pamphlet published or distributed under RCW 29A.32.010 must contain:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1957, 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.

(1) Information about each ballot measure initiated by or referred to the voters for their approval or rejection as required by RCW 29A.32.070;

(2) In even-numbered years, statements, if submitted, from candidates for the office of president and vice president of the United States, United States senator, United States representative,

SECOND READING

governor, lieutenant governor, secretary of state, state treasurer, state auditor, attorney general, commissioner of public lands, superintendent of public instruction, insurance commissioner, state senator, state representative, justice of the supreme court, judge of the court of appeals, or judge of the superior court. Candidates may also submit campaign contact information and a photograph not more than five years old in a format that the secretary of state determines to be suitable for reproduction in the voters' pamphlet;

(3) In odd-numbered years, ~~((#)) statements, if submitted, from candidates for any office ((voted upon statewide)) listed in subsection (2) of this section that appears on the ballot due to a vacancy~~, ~~(, then statements and photographs for candidates for any vacant office listed in subsection (2) of this section must appear)~~. Candidates may also submit campaign contact information and a photograph not more than five years old in a format that the secretary of state determines to be suitable for reproduction in the voters' pamphlet;

(4) Contact information for the public disclosure commission established under RCW 42.17A.100, including the following statement: "For a list of the people and organizations that donated to state and local candidates and ballot measure campaigns, visit www.pdc.wa.gov." The statement must be placed in a prominent position, such as ~~((on the cover or on))~~ the first two pages of the voters' pamphlet. The secretary of state may substitute such language as is necessary for accuracy and clarity and consistent with the intent of this section;

(5) Contact information for major political parties;

(6) A brief statement explaining the deletion and addition of language for proposed measures under RCW 29A.32.080;

(7) A list of all student engagement hubs as designated under RCW 29A.40.180;

(8) A page providing information about how to access the internet presentation of the information created in RCW 44.48.160 about the state budgets, including a uniform resource locator, a quick response code, and a phone number for the legislative information center. The uniform resource locator and quick response codes will lead the voter to the internet information required in RCW 44.48.160; and

(9) Any additional information pertaining to elections as may be required by law or in the judgment of the secretary of state is deemed informative to the voters.

Sec. 4. RCW 29A.32.060 and 2015 c 171 s 2 are each amended to read as follows:

Committees shall write and submit arguments advocating the approval or rejection of each statewide ballot issue and rebuttals of those arguments. The secretary of state, the presiding officer of the senate, and the presiding officer of the house of representatives shall appoint the initial two members of each committee. In making these committee appointments the secretary of state and presiding officers of the senate and house of representatives shall consider legislators, sponsors of initiatives and referendums, and other interested groups known to advocate or oppose the ballot measure. Committees must have the explanatory and fiscal impact statements available before preparing their arguments.

The initial two members may select up to four additional members, and the committee shall elect a chairperson. The remaining committee member or members may fill vacancies through appointment.

After the committee submits its initial argument statements to the secretary of state, the secretary of state shall transmit the statements to the opposite committee. The opposite committee may then prepare rebuttal arguments. Rebuttals may not interject new points.

The voters' pamphlet may contain only text argument

statements prepared according to this section. ~~((Arguments may contain graphs and charts supported by factual statistical data and pictures or other illustrations. Cartoons))~~ Graphs, charts, photographs, cartoons, or caricatures are not permitted.

Sec. 5. RCW 29A.32.070 and 2023 c 109 s 2 are each amended to read as follows:

The secretary of state shall determine the format and layout of the voters' pamphlet published under RCW 29A.32.010. The secretary of state shall print the pamphlet in clear, readable type on a size, quality, and weight of paper that in the judgment of the secretary of state best serves the voters. The pamphlet must contain a table of contents. Measures and arguments must be printed in the order specified by RCW 29A.72.290.

The secretary of state's name may not appear in the voters' pamphlet in ~~((his or her))~~ an official capacity if the secretary is a candidate for office during the same year. ~~((His or her))~~ The secretary's name may only be included as part of the information normally included for candidates.

The voters' pamphlet must provide the following information for each statewide issue on the ballot:

(1) The legal identification of the measure by serial designation or number;

(2) The official ballot title of the measure;

(3) A statement prepared by the attorney general explaining the law as it presently exists;

(4) A statement prepared by the attorney general explaining the effect of the proposed measure if it becomes law;

(5) The fiscal impact statement prepared under RCW 29A.72.025;

(6) The total number of votes cast for and against the measure in the senate and house of representatives, if the measure has been passed by the legislature;

(7) An argument advocating the voters' approval of the measure together with any statement in rebuttal of the opposing argument;

(8) An argument advocating the voters' rejection of the measure together with any statement in rebuttal of the opposing argument;

(9) Each argument or rebuttal statement must be followed by the names of the committee members who submitted them, and may be followed by a telephone number that citizens may call to obtain information on the ballot measure;

(10) The full text of the measure.

Sec. 6. RCW 29A.32.121 and 2004 c 271 s 168 are each amended to read as follows:

(1) The maximum number of words for statements submitted by candidates is as follows: State representative, ~~((one hundred))~~ 100 words; state senator, judge of the superior court, judge of the court of appeals, justice of the supreme court, and all state offices voted upon throughout the state, except that of governor, ~~((two hundred))~~ 200 words; president and vice president, United States senator, United States representative, and governor, ~~((three hundred))~~ 300 words.

(2) Arguments written by committees under RCW 29A.32.060 may not exceed ~~((two hundred fifty))~~ 250 words in length.

(3) Rebuttal arguments written by committees may not exceed ~~((seventy five))~~ 75 words in length.

(4) The secretary of state or county auditor shall allocate space in the pamphlet based on the number of candidates or nominees for each office.

Sec. 7. RCW 29A.32.210 and 2020 c 337 s 6 are each amended to read as follows:

Before any primary or general election, or any special election held under RCW 29A.04.321 or 29A.04.330, each county auditor shall print and distribute a local voters' pamphlet. The pamphlet shall provide information on all measures and candidates appearing on ballots within that ~~((jurisdiction))~~ county. The format of any local voters' pamphlet shall, whenever applicable,

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comply with the provisions of this chapter regarding the publication of the state candidates' and voters' pamphlets.

Sec. 8. RCW 29A.32.220 and 2003 c 111 s 814 are each amended to read as follows:

(1) Not later than ~~((ninety))~~ 90 days before the publication and distribution of a local voters' pamphlet by a county, the county auditor shall notify each city, town, or special taxing district ~~((located wholly))~~ with issues or offices appearing on ballots within that county that a pamphlet will be produced.

(2) ~~((If a))~~ All voters' ((pamphlet is)) pamphlets published by the county ~~((for a primary or general election, the pamphlet shall be published for))~~ pursuant to RCW 29A.32.210 must include the elective offices and ballot measures of the county and ((for) the elective offices and ballot measures of each unit of local government ((located entirely)) within the county which will appear on the ballot at that primary or election. ((However, the offices and measures of a first class or code city shall not be included in the pamphlet if the city publishes and distributes its own voters' pamphlet for the primary or election for its offices and measures. The offices and measures of any other town or city are not required to appear in the county's pamphlet if the town or city is obligated by ordinance or charter to publish and distribute a voters' pamphlet for the primary or election for its offices and measures and it does so.))

If the required appearance in a county's voters' pamphlet of the offices or measures of a unit of local government would create undue financial hardship for the unit of government, the legislative authority of the unit may petition the legislative authority of the county to waive this requirement. The legislative authority of the county may provide such a waiver if it does so not later than ~~((sixty))~~ 60 days before the publication of the pamphlet and it finds that the requirement would create such hardship.

(3) If a city, town, or district is located within more than one county, ~~((the respective county auditors may enter into an interlocal agreement to permit the distribution of each county's local voters' pamphlet into those parts of the city, town, or district located outside of that county))~~ all appropriate information for that jurisdiction must appear in the local voters' pamphlet for each of the counties containing the jurisdiction. Arguments, candidate statements, and photographs must be submitted to the county auditor of the county that accepted any resolutions or candidate filings for that jurisdiction. The auditor that receives this information shall provide it to the other county auditors after reviewing and accepting the submissions.

~~((4))~~ If a first class or code city authorizes the production and distribution of a local voters' pamphlet, the city clerk of that city shall notify any special taxing district located wholly within that city that a pamphlet will be produced. Notification shall be provided in the manner required or provided for in subsection (1) of this section.

~~((5))~~ A unit of local government located within a county and the county may enter into an interlocal agreement for the publication of a voters' pamphlet for offices or measures not required by subsection (2) of this section to appear in a county's pamphlet.)

Sec. 9. RCW 29A.32.241 and 2020 c 208 s 12 are each amended to read as follows:

(1) The local voters' pamphlet shall include but not be limited to the following:

(a) Appearing on the cover, the words "official local voters' pamphlet," the name of the jurisdiction producing the pamphlet, and the date of the election or primary;

(b) A list of jurisdictions that have measures or candidates in the pamphlet;

(c) Information on how a person may register to vote and obtain

a ballot;

(d) Candidate statements and photographs;

(e) The text of each measure accompanied by an explanatory statement prepared by the prosecuting attorney for any county measure or by the attorney for the jurisdiction submitting the measure if other than a county measure. All explanatory statements for city, town, or district measures not approved by the attorney for the jurisdiction submitting the measure shall be reviewed and approved by the county prosecuting attorney or city attorney, when applicable, before inclusion in the pamphlet;

~~((e))~~ (f) The arguments for and against each measure submitted by committees selected pursuant to RCW 29A.32.280; and

~~((f))~~ (g) A list of all student engagement hubs in the county as designated under RCW 29A.40.180((, and

~~((g))~~ For partisan primary elections, information on how to vote the applicable ballot format and an explanation that minor political party candidates and independent candidates will appear only on the general election ballot).

(2) The county auditor's name may not appear in the local voters' pamphlet in ~~((his or her))~~ an official capacity if the county auditor is a candidate for office during the same year. ~~((His or her))~~ The auditor's name may only be included as part of the information normally included for candidates.

Sec. 10. RCW 29A.32.250 and 2003 c 111 s 817 are each amended to read as follows:

~~((If the legislative authority of a county or first class or code city provides for the inclusion of candidates in the local voters' pamphlet, the pamphlet))~~ Local voters' pamphlets shall include ((the)) candidate statements ((from candidates)) accepted by the county auditor and may also include ~~((those))~~ candidates' photographs accepted by the county auditor.

Sec. 11. RCW 29A.32.260 and 2022 c 193 s 2 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))~~ within the county that is participating in the associated primary or election and for which election information is included 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))~~ within the county that is participating in the associated primary or election and for which election information is included in the pamphlet, if in ~~((his or her))~~ the auditor's judgment, a more economical and effective distribution of the pamphlet would result. The county auditor shall either mail or 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 them.

Sec. 12. RCW 29A.32.280 and 2015 c 146 s 3 are each amended to read as follows:

(1) For each measure from a unit of local government ~~((that is))~~ included in a local voters' pamphlet, the legislative authority of that jurisdiction shall, not later than the resolution deadline, formally appoint a committee to prepare arguments advocating voters' approval of the measure and shall formally appoint a committee to prepare arguments advocating voters' rejection of the measure.

(2) The authority shall appoint persons that reside within the jurisdictional boundaries and are known to favor the measure to serve on the committee advocating approval and shall, whenever possible, appoint persons that reside within the jurisdictional boundaries and are known to oppose the measure to serve on the

committee advocating rejection.

(3) Each committee shall have not more than three members, however, a committee may seek the advice of any person or persons.

(4) If the legislative authority of a unit of local government fails to make such appointments by the prescribed deadline, the county auditor shall ~~((whenever possible make the appointments))~~ issue a media release and publish information on the auditor's election website announcing the opportunity to form committees and provide statements. If the legislative authority is unable to make appointments, the auditor shall make appointments on a first-come, first-served basis if qualified committee members contact the auditor by the appropriate deadline.

(5) If no statement is produced, the auditor shall include a statement in the pamphlet stating that no person in the jurisdiction contacted the auditor to provide a statement, and there are no statements for that measure.

NEW SECTION. Sec. 13. This act takes effect January 1, 2025."

On page 1, line 2 of the title, after "pamphlets;" strike the remainder of the title and insert "amending RCW 29A.32.010, 29A.32.020, 29A.32.031, 29A.32.060, 29A.32.070, 29A.32.121, 29A.32.210, 29A.32.220, 29A.32.241, 29A.32.250, 29A.32.260, and 29A.32.280; and providing an effective date."

MOTION

Senator Wilson, J. moved that the following floor amendment no. 744 by Senator Wilson, J. be adopted:

Beginning on page 3, line 19, strike all of section 4
Renumber the remaining sections consecutively and correct any internal references accordingly.
On page 9, line 21, after "29A.32.031," strike "29A.32.060,"

Senators Wilson, J., Fortunato and Padden 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 floor amendment no. 744 by Senator Wilson, J. on page 3, line 19 to committee striking amendment.

The motion by Senator Wilson, J. did not carry and floor amendment no. 744 was not adopted by voice vote.

MOTION

Senator Wilson, J. moved that the following floor amendment no. 743 by Senator Wilson, J. be adopted:

On page 8, beginning on line 35, after "persons" strike "that reside within the jurisdictional boundaries and are"
Beginning on page 8, line 38, after "persons" strike "that reside within the jurisdictional boundaries and are"
On page 9, line 15, after "person" strike "in the jurisdiction"

Senators Wilson, J. and 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 floor amendment no. 743 by Senator Wilson, J. on page 8, line 35 to committee striking amendment.

The motion by Senator Wilson, J. did not carry and floor amendment no. 743 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 Second Substitute House Bill No. 1272.

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 Second Substitute House Bill No. 1272 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.
Senator Wilson, J. spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1272 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1272 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Cleveland, Conway, Dhingra, Frame, Hansen, Hasegawa, Hunt, Kauffman, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Saldaña, Salomon, Shewmake, Stanford, Trudeau, Valdez, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Boehnke, Braun, Dozier, Fortunato, Gildon, Hawkins, Holy, King, MacEwen, McCune, Muzzall, Padden, Rivers, Schoesler, Short, Torres, Wagoner, Warnick, Wilson, J. and Wilson, L.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1272 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. 1948, by Representatives Ybarra, Fitzgibbon, Reed, Graham, Ormsby, Doglio, and Pollet

Ensuring that methods for calculating the electric load of utilities under the energy independence act do not have the effect of discouraging voluntary investments in renewable power.

The measure was read the second time.

MOTION

On motion of Senator MacEwen, the rules were suspended, House Bill No. 1948 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators MacEwen and Nguyen 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. 1948.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1948 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

HOUSE BILL NO. 1948, 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. 2086, by House Committee on Community Safety, Justice, & Reentry (originally sponsored by Entenman, Goodman, Fitzgibbon, Berry, Reed, Ormsby, Street, Doglio, Farivar, and Kloba)

Updating processes of the office of independent investigations by changing authority to obtain and share investigative information and aligning with current operations and practices.

The measure was read the second time.

MOTION

Senator Dhingra moved that the following committee striking amendment by the Committee on Law & Justice be not adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 43.102.010 and 2021 c 318 s 201 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Advisory board" means the office of independent investigations advisory board.

(2) "Deadly force" has the meaning provided in RCW 9A.16.010.

(3) "Director" means the director of the office of independent investigations.

(4) "Great bodily harm" has the meaning provided in RCW 9A.04.110.

(5) "In-custody" refers to a person who is under the physical control of a general authority Washington law enforcement agency or a limited authority Washington law enforcement agency as defined in RCW 10.93.020 or a city, county, or regional adult or juvenile institution, correctional, jail, holding, or detention facility as defined in RCW 70.48.020, 72.09.015, or 13.40.020.

(6) "Independent investigation team" means a team of qualified and certified peace officer investigators, civilian crime scene specialists, and other representatives who operate independently of any involved agency to conduct investigations of police deadly force incidents. An independent investigation team may be comprised of multiple law enforcement agencies who jointly investigate police use of force incidents in their geographical regions or may be a single law enforcement agency, provided it is not the involved agency.

(7) "Involved agency" means a general authority Washington

law enforcement agency or limited authority Washington law enforcement agency, as defined in RCW 10.93.020, that employs or supervises the officer or officers who are an involved officer as defined in this section, or an agency responsible for a city, county, or regional adult or juvenile institution, correctional, jail, holding, or detention facility as defined in RCW 70.48.020, 72.09.015, or 13.40.020.

(8) "Involved officer" means one of the following persons who is involved in an incident as an actor or custodial officer in which the act or omission by the individual is within the scope of the jurisdiction of the office as defined in this chapter:

(a) A general authority Washington peace officer, specially commissioned Washington peace officer, or limited authority Washington peace officer, as defined in RCW 10.93.020, whether on or off duty if he or she is exercising his or her authority as a peace officer; or

(b) An individual while employed in a city, county, or regional adult or juvenile institution, correctional, jail, holding, or detention facility as defined in RCW 70.48.020, 72.09.015, or 13.40.020.

(9) "Office" means the office of independent investigations.

(10) "Substantial bodily harm" has the same meaning as in RCW 9A.04.110.

(11) "911 communications center" for purposes of this chapter means a public safety answering point or any other entity that captures and maintains data that is utilized in a 911 emergency communications system, as defined in RCW 38.52.010.

Sec. 2. RCW 43.102.050 and 2021 c 318 s 304 are each amended to read as follows:

(1) The director shall:

(a) Oversee the duties and functions of the office and investigations conducted by the office pursuant to this chapter;

(b) Hire or contract with investigators and other personnel as the director considers necessary to perform investigations conducted by the office, and other duties as required, under this chapter;

(c) Plan and provide trainings for office personnel, including contracted investigators, that promote recognition of and respect for, the diverse races, ethnicities, and cultures of the state;

(d) Plan and provide training for advisory board members including training to utilize an antiracist lens in their duties as advisory board members;

(e) Publish reports of investigations conducted under this chapter;

(f) Enter into contracts and memoranda of understanding as necessary to implement the responsibilities of the office under this chapter;

(g) Adopt rules in accordance with chapter 34.05 RCW and perform all other functions necessary and proper to carry out the purposes of this chapter;

(h) Develop the nondisclosure agreement required in RCW 43.102.130; and

(i) Perform the duties and exercise the powers that are set out in this chapter, as well as any additional duties and powers that may be prescribed.

(2) No later than February 1, 2022, in consultation with the advisory board, the director shall develop a plan to implement:

(a) Regional investigation teams and a system for promptly responding to incidents of deadly force under the jurisdiction of the office. The regional investigation teams should:

(i) Allow for prompt response to the incident requiring investigation; and

(ii) Include positions for team members who are not required to be designated as limited authority Washington peace officers;

(b) A system and requirements for involved agencies to notify

the office of any incident under the jurisdiction of the office, which must include direction to agencies as to what incidents of force and injuries and other circumstances must be reported to the office, including the timing of such reports, provided that any incident involving substantial bodily harm, great bodily harm, or death is reported to the office immediately in accordance with RCW 43.102.120;

(c) The process to conduct investigations of cases under the jurisdiction of the office including, but not limited to:

(i) The office intake process following notification of an incident by an involved agency;

(ii) The assessment and response to the notification of the incident by the office, including direction to and coordination with the independent investigation team;

(iii) Determination and deployment of necessary resources for the regional investigation teams to conduct the investigations;

(iv) Determination of any conflicts with office investigators or others involved in the investigation to ensure no investigator has an existing conflict with an assigned case;

(v) Protocol and direction to the involved agency;

(vi) Protocol and direction to the independent investigation team;

(vii) Protocol and guidelines for contacts and engagement with the involved agency; and

(viii) Protocol for finalizing the completed investigation and referral to the entity responsible for the prosecutorial decision, including communication with the family and public regarding the completion of the investigation;

(d) A plan for the office's interaction, communications, and responsibilities to: The involved officer; the individual who is the subject of the action by the involved officer that is the basis of the case under investigation, and their families; the public; and other interested parties or stakeholders. The plan must consider the following:

(i) A process for consultation, notifications, and communications with the person, family, or representative of any person who is the subject of the action by the involved officer that is the basis of the case under investigation;

(ii) Translation services which may be utilized through employees or contracted services;

(iii) Support to access assistance or services to the extent possible; and

(iv) A process for situations in which a tribal member is involved in the case that ensures consultation with the federally recognized tribe, and notification of the governor's office of Indian affairs within 24 hours in cases of deadly use of force;

(e) Training for employees and contractors of the office to begin prior to July 1, 2022; and

(f) Prioritization of cases for investigation.

(3) No later than December 1, (~~2023~~) 2025, in consultation with the advisory board, the director shall develop a proposal for training individuals who are nonlaw enforcement officers to conduct competent, thorough investigations of cases under the jurisdiction of the office. The proposal must establish a training plan with an objective that within five years of the date the office begins investigating deadly force cases the cases will be investigated by nonlaw enforcement officers. The director shall report such proposal to the governor and legislature by December 1, (~~2023~~) 2025. Any proposal offered by the director must ensure investigations are high quality, thorough, and competent.

(4) The director, in consultation with the advisory board, shall implement a plan to review prior investigations of deadly force by an involved officer if new evidence is brought forth that was not included in the initial investigation and investigate if determined appropriate based on the review. The director must prioritize the review or investigation of (~~cases occurring prior to~~

~~July 1, 2022,~~) prior investigations based on resources and other cases under investigation with the office. Incidents occurring after the date the office begins investigating cases will receive the highest priority for investigation.

Sec. 3. RCW 43.102.080 and 2021 c 318 s 308 are each amended to read as follows:

(1) The office has jurisdiction over, and is authorized to conduct investigations of, all cases and incidents as established within this section.

(2)(a) The director may cause an investigation to be conducted into any incident:

(i) Of a use of deadly force by an involved officer occurring after July 1, 2022, including any incident involving use of deadly force by an involved officer against or upon a person who is in-custody or out-of-custody; or

(ii) Involving prior investigations of deadly force by an involved officer if new evidence is brought forth that was not included in the initial investigation.

(b) This section applies only if, at the time of the incident:

(i) The involved officer was on duty; or

(ii) The involved officer was off duty but:

(A) Engaged in the investigation, pursuit, detention, or arrest of a person or otherwise exercising the powers of a general authority or limited authority Washington peace officer; or

(B) The incident involved equipment or other property issued to the official in relation to his or her duties.

(3) The director shall determine prioritization of investigations based on resources and other criteria which may be established in consultation with the advisory board. The director shall ensure that incidents occurring after the date the office begins investigating cases receive the highest priority for investigation.

(4) The investigation should include a review of the entire incident, including but not limited to events immediately preceding the incident that may have contributed to or influenced the outcome of the incident that are directly related to the incident under investigation.

(5) Upon receiving notification required in RCW 43.102.120 of an incident under the jurisdiction of the office, the director:

(a) May cause the incident to be investigated in accordance with this chapter;

(b) May determine investigation is not appropriate for reasons including, but not limited to, the case not being in the category of prioritized cases; or

(c) If the director determines that the incident is not within the office's jurisdiction to investigate, the director shall decline to investigate, and shall give notice of the fact to the involved agency.

(6) If the director determines the case is to be investigated the director will communicate the decision to investigate to the involved agency and will thereafter be the lead investigative body in the case and have priority over any other state or local agency investigating the incident or a case that is under the jurisdiction of the office. The director will implement the process developed pursuant to RCW 43.102.050 and conduct the appropriate investigation in accordance with the process.

(7) In conducting the investigation the office shall have access to, and copies of, reports and information necessary or related to the investigation in the custody and control of the involved agency, 911 emergency communication centers, and any law enforcement agency responding to the scene of the incident (~~(including)~~) as soon as possible. This includes, but is not limited to, voice or video recordings, body camera recordings, and officer notes, as well as disciplinary and administrative records except those that might be statements conducted as part of an administrative investigation related to the incident.

(8) The investigation shall be concluded within 120 days of

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acceptance of the case for investigation. If the office is not able to complete the investigation within 120 days, the director shall report to the advisory board the reasons for the delay.

Sec. 4. RCW 43.102.100 and 2021 c 318 s 310 are each amended to read as follows:

The office will conduct analysis of use of force and other data to the extent such data is available to the office. The director is authorized to enter into contracts or memoranda of understanding to access data as needed. If data is available, the office should, at a minimum, analyze and report annually: Analysis and research regarding any identified trends, patterns, or other situations identified by the data; and recommendations for improvements. ~~((After July 1, 2024, the office should also annually report recommendations, if any, for expanding the scope of investigations or jurisdiction of the office based on trends, data, or reports received by the agency.))~~

Sec. 5. RCW 43.102.120 and 2021 c 318 s 402 are each amended to read as follows:

~~(1) ((Following notification by the director that the office will accept investigations of cases under its jurisdiction after July 1, 2022, an))~~ An involved agency shall notify the office of any incident by an involved officer in accordance with the requirements under RCW 43.102.050 and pursuant to this section.

(a) If the incident involves use of deadly force by an involved officer that results in death, substantial bodily harm, or great bodily harm the involved agency must immediately contact the office pursuant to the procedure established by the director once the involved agency personnel and other first responders have rendered the scene safe and provided or facilitated lifesaving first aid to persons at the scene who have life-threatening injuries. This requirement does not affect the duty of law enforcement under RCW 36.28A.445.

(b) In all other cases, the involved agency must notify the office of the incident pursuant to the procedure established by the director.

(2)(a) In any case that requires notice to the director under this section, the involved agency shall ensure that any officers or employees over which the involved agency has authority who are at the scene of the incident take all lawful measures necessary for the purposes of protecting, obtaining, or preserving evidence relating to the incident until an office investigator, or independent investigation team at the request of the office, takes charge of the scene.

(b) The primary focus of the involved agency must be the protection and preservation of evidence in order to maintain the integrity of the scene until the office investigator or independent investigation team arrives or otherwise provides direction regarding activities at the scene. The involved agency should ensure that evidence, including but not limited to the following is protected and preserved:

(i) Physical evidence that is at risk of being destroyed or disappearing and cannot be easily reconstructed, including evidence which may be degraded or tainted by human or environmental factors if left unprotected or unpreserved;

(ii) Identification and contact information for witnesses to the incident; and

(iii) Photographs and other methods of documenting the location of physical evidence and location and perspective of witnesses.

(3)(a) When the office investigator, or independent investigation team acting at the request of the office, arrives at the scene of an incident under the jurisdiction of the office, the involved agency will relinquish control of the scene to the office investigator or independent investigation team upon the request of the office investigator. The involved agency has a duty to

comply with the requests of the office related to the investigation conducted pursuant to this chapter.

(b) Once the scene is relinquished, no member of the involved agency may participate in any way in the investigation, with the exception of the use of specialized equipment that is necessary for the investigation and where no alternative exists. If there is any equipment of the involved agency used in the investigation, steps must be taken to appropriately limit the role of any involved agency personnel in facilitating the use of that equipment or their engagement with the investigation.

(4) If an independent investigation team takes control of the scene at the request of the office, the independent investigation team shall relinquish control of the scene and investigation at the request of the office when the office is on the scene or otherwise provides notice that the office is taking control of the scene. The independent investigation team may continue to engage in the investigation conducted at the scene if requested to do so by the lead office investigator, director, or the director's designee. The involvement of the independent investigation team is limited to activities requested by the office and must terminate following the securing of the scene and any evidence preservation or other actions as determined necessary by the office at the scene. The independent investigation team may not continue to participate in the ongoing investigation.

(5)(a) No information about the ongoing independent investigation under the jurisdiction of the office may be shared with any member of the involved agency, except ~~((limited briefings given to the chief or sheriff of the involved agency about the progress of the investigation.))~~ as follows:

(i) Limited briefings given to the chief or sheriff of the involved agency about the progress of the investigation; or

(ii) Information essential to protect the safety of the community or the integrity of any ongoing, urgent criminal investigation; and

(iii) Sharing of the information will not impede the ongoing investigation being conducted by the office.

(b) No information provided under (a) of this subsection may be divulged to any involved officers or witness officers. If any information is disclosed pursuant to (a)(ii) of this subsection, the following must also occur:

(i) The office must document the exact information provided, to whom it was provided, and the reason it was provided;

(ii) The involved agency must agree in writing that no involved officer or witness officer will have access to the information other than what is released to the general public. Any press release containing information provided by the office pursuant to this section must be preapproved by the office; and

(iii) The person, family, or representative of any person who is the subject of the action by the involved officer that is under investigation by the office must be notified by the office that the information was provided and, as soon as possible without jeopardizing the integrity of any investigation, be provided with the information contained in (b)(i) and (ii) of this subsection.

(6) If the office declines to investigate a case, the authority and duty to investigate remains with the independent investigation team or local law enforcement authority with jurisdiction over the incident."

On page 1, line 4 of the title, after "practices;" strike the remainder of the title and insert "and amending RCW 43.102.010, 43.102.050, 43.102.080, 43.102.100, and 43.102.120."

Senators Dhingra spoke in favor of not adopting the committee striking amendment.

Senator Padden spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be to

not adopt the committee striking amendment by the Committee on Law & Justice to Substitute House Bill No. 2086.

The motion by Senator Dhingra carried and the committee striking amendment was not adopted by rising vote.

MOTION

On motion of Senator Dhingra, the rules were suspended, Substitute House Bill No. 2086 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. Senator Padden spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2086.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2086 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Cleveland, Conway, Dhingra, Frame, Hansen, Hasegawa, Hunt, Kauffman, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Saldaña, Salomon, Shewmake, Stanford, Trudeau, Valdez, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Boehnke, Braun, Dozier, Fortunato, Gildon, Hawkins, Holy, King, MacEwen, McCune, Muzzall, Padden, Rivers, Schoesler, Short, Torres, Wagoner, Warnick, Wilson, J. and Wilson, L.

SUBSTITUTE HOUSE BILL NO. 2086, 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 10:57 a.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President for the purpose of lunch, meetings by the Committees on Ways & Means and Rules, and caucuses.

Senator Hasegawa announced a meeting of the Democratic Caucus.

Senator Warnick announced a meeting of the Republican Caucus.

The Senate was called to order at 3:47 p.m. by President Heck.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2134, by House Committee on Transportation (originally sponsored by Representatives Fey, Timmons, Paul, Wylie, and Reeves)

Making supplemental transportation appropriations for the 2023-2025 fiscal biennium.

The measure was read the second time.

MOTION

Senator Pedersen moved that the following striking floor

amendment no. 736 by Senators Liias and King be adopted:

Strike everything after the enacting clause and insert the following:

"2023-2025 FISCAL BIENNIUM

GENERAL GOVERNMENT AGENCIES—OPERATING

Sec. 101. 2023 c 472 s 105 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

Motor Vehicle Account—State Appropriation.. ~~(\$1,462,000)~~ \$1,473,000

Sec. 102. 2023 c 472 s 108 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Carbon Emissions Reduction Account—State

Appropriation \$5,000,000

Electric Vehicle Account—State Appropriation \$220,000

Multimodal Transportation Account—State Appropriation

..... \$300,000

TOTAL APPROPRIATION \$5,520,000

The ~~(appropriation)~~ appropriations in this section ~~(*)~~ are subject to the following conditions and limitations:

- (1) \$220,000 of the electric vehicle account—state appropriation is provided solely to the department to commission an independent study, based on the findings of the transportation electrification strategy authorized under RCW 43.392.040, of costs of installation, maintenance, and operation of electrical distribution infrastructure on the utility's side of the meter to commercial customers installing electric vehicle supply equipment. The department shall gather data from at least five electric utilities serving retail customers in the state for purposes of completing the study. The department shall submit a report of study findings and an explanation of how those findings will support implementation of the transportation electrification strategy authorized under RCW 43.392.040 to the governor and appropriate legislative committees by November 1, 2024.

- (2) Beginning January 1, 2025, \$5,000,000 of the carbon emissions reduction account—state appropriation is provided solely for a tribal electric boat grant program. Federally recognized tribes are eligible to apply for grant funds for the purchase of or conversion to electric boats and motors.

- (3)(a) \$300,000 of the multimodal transportation account—state appropriation is provided solely to the department, in collaboration with the interagency electric vehicle coordinating council, appropriate state and local agencies, climate and environmental justice organizations, consumer and ratepayer advocates, industry representatives, labor representatives, consumer-owned electric utilities, investor-owned electric utilities, and building owners and operators, to develop legislative recommendations regarding:

- (i) Maximum timelines for electric vehicle supply equipment project permitting and interconnection;
- (ii) Necessary reporting requirements for electric utilities on transportation electrification efforts;
- (iii) Requirements for consumer information on electric vehicle supply equipment;
- (iv) Extending right-to-charge policies to tenants and homeowners outside of common interest communities;
- (v) Reliability standards for both publicly funded and publicly available electric vehicle supply equipment; and
- (vi) Other policies to implement recommendations on improving electric vehicle supply equipment availability and use in the transportation electrification strategy under RCW 43.392.040.

- (b) The department, in collaboration with the entities listed under (a) of this subsection, must also evaluate the best method

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to develop a comprehensive and publicly available inventory of all electric vehicle supply equipment in Washington, to include, but not be limited to:

(i) Reporting requirements for electric vehicle supply equipment providers, owners, and operators or any other entities necessary to develop and implement the inventory;

(ii) Rules necessary to determine required information, such as counts of operational electric vehicle supply equipment and ports, electrical power, utilization, reliability data, and other nonproprietary data, and a reporting process for collecting such data for the inventory; and

(iii) Identifying data that may be classified as confidential and a means for protecting such data, including data aggregation and the consideration of using a third-party entity to receive and secure data.

(c) The department must provide a report to the appropriate committees of the legislature on initial recommendations described under (a) of this subsection and the evaluation results under (b) of this subsection by December 31, 2024, and a final report with all remaining recommendations by June 30, 2025.

Sec. 103. 2023 c 472 s 109 (uncodified) is amended to read as follows:

FOR THE BOARD OF PILOTAGE COMMISSIONERS	
Pilotage Account—State Appropriation	(\$3,574,000)
	\$3,577,000

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

(1) 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, 2023, 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.

(2) \$232,000 of the pilotage account—state appropriation is for a temporary environmental planner position to support rule making to fulfill the requirements of chapter 289, Laws of 2019.

Sec. 104. 2023 c 472 s 111 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON	
Motor Vehicle Account—State Appropriation	\$1,470,000
Multimodal Transportation Account—State Appropriation.....	(\$5,000,000)
	\$5,060,000
TOTAL APPROPRIATION	\$6,530,000

The ((appropriation)) appropriations in this section ((is)) are subject to the following conditions and limitations:

(1) \$5,000,000 of the multimodal transportation account—state appropriation is provided solely for the University of Washington's sidewalk inventory and accessibility mapping project to develop a public dataset under an open license and develop the tools needed to publish that data according to an open data specification. The project must include, but is not limited to, utilization of existing data sources, imagery, detailed surveys, and manually collected, detailed data for city streets, county rural and urban local access roads and collectors/arterials, state roads of all types, and roads owned by other entities. The project may draw on partially developed sidewalk data for all state facilities. To the extent practicable, the final product must be suitable for use by the department of transportation, local and regional agencies, tribal governments, and the general public. For the 2023-2025 fiscal biennium, the project will produce a base active transportation data layer for all counties, with priority given to

counties with high proportions of overburdened communities. A project status report is due to the transportation committees of the legislature on December 1st of each year until the work is completed. The legislature intends that in the 2025-2027 fiscal biennium, \$5,000,000 of multimodal transportation account funds be provided to complete a second phase of work on the active transportation data.

(2)(a) \$60,000 of the multimodal transportation account—state appropriation is provided solely for the University of Washington center for real estate research, in collaboration with the Puget Sound regional council, to complete a review of transit-oriented development conditions in cities in King, Pierce, Spokane, Clark, and Snohomish counties that (i) have populations of more than 12,500; and (ii) have at least one major transit stop, as defined in RCW 36.70A.030.

(b) The review must be based on any comprehensive plans, housing-focused local tax and fee programs, and development regulations required to be adopted on or before December 31, 2024. The review must also include the following elements in a report that enables comparison of transit-oriented development conditions on a city-by-city basis:

(i) A summary of zoned density, floor area ratio, height or bulk limitations, parking requirements, impact fees, and other relevant development constraints or requirements, fees, charges, or conditions that apply to transit-oriented development within the jurisdiction;

(ii) A summary and analysis of any local or state housing tax, charge or fee rates, exactions and incentives, affordable housing requirements, and antidisplacement strategies that apply to transit-oriented development; and

(iii) Recommendations on strategies to increase the supply and affordability of transit-oriented development.

(c) The review must apply to areas within the following distances of a major transit stop:

(i) One-half mile radius of an entrance to a train station with a stop on a light rail system, a commuter rail stop, or a stop on rail or fixed guideway system; and

(ii) One-quarter mile radius of a stop on a fixed route bus system that is funded in part or in full by the United States department of transportation funding for bus rapid transit.

(d) The center must seek input from a broad range of stakeholders with expertise in transit-oriented development, including nonprofit and for-profit developers of affordable housing, developers of market-rate and workforce housing, local governments, the Washington housing finance commission, and other stakeholders as determined by the center.

(e) The center must provide its review and a preliminary report to the appropriate committees of the legislature by December 31, 2024, and a final report, updated to reflect any intervening comprehensive plan revisions, by June 30, 2025.

(3)(a) \$1,470,000 of the motor vehicle account—state appropriation is provided solely for the Washington state transportation center to fund:

(i) Intern programs with the department of transportation;

(ii) A road scholars short-term training program; and

(iii) Professional master's degree fellowships between the department of transportation and the University of Washington within a program in civil and environmental engineering.

(b) Of the amounts provided in this subsection, \$81,000 is provided solely for the center to consult with the board of registration for professional engineers & land surveyors to conduct a statewide survey and analysis assessing workforce shortages of civil engineers, civil engineering technicians, land surveyors, land surveyor technicians, and related disciplines. The center shall create a recommended action plan, with input from

the legislative transportation committees, to address engineering workforce shortages and to meet the increased demand for services. The analysis and recommended action plan must include, for civil engineers, civil engineering technicians, land surveyors, land surveyor technicians, and related disciplines, at a minimum:

(i) Opportunities to create diverse and equitable engineering workforce;

(ii) Workforce data and gaps;

(iii) Current education pathways and licensure processes;

(iv) Current programs focused on workforce development and position skill-up opportunities;

(v) Strategies to retain workforce within the state;

(vi) Outreach opportunities and interinstitutional partnerships with middle schools, high schools, postsecondary institutions, and postgraduate programs; and

(vii) Recommendations for additional scholarships, internship and apprenticeship opportunities, undergraduate and graduate fellowship opportunities, and industry partnership opportunities.

(c) The center shall provide a preliminary plan with proposed actions, budgets, and outcomes to the transportation committees of the legislature by November 2024. The center shall provide a final action plan report with relevant recommendations to the transportation committees of the legislature by December 31, 2024.

Sec. 105. 2023 c 472 s 114 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Carbon Emissions Reduction Account—State

Appropriation..... \$6,000,000

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

(1) \$6,000,000 of the carbon emissions reduction account—state appropriation is provided solely for zero emission electric vehicle supply equipment infrastructure at facilities to accommodate charging station installations. The electric vehicle charging equipment (~~must allow for the collection of usage data and~~) must be coordinated with the state efficiency and environmental performance program. The department must prioritize locations based on state efficiency and environmental performance location priorities and where zero emission fleet vehicles are located or are scheduled to be purchased.

(2) The department must report when and where the equipment was installed (~~(usage data at each charging station)~~) and the state agencies and facilities that benefit from the installation of the charging station to the fiscal committees of the legislature by June 30, 2025, with an interim report due January 2, 2024. The department shall collaborate with the interagency electric vehicle coordinating council to implement this section and must work to meet benchmarks established in chapter 182, Laws of 2022 (transportation resources).

(3) In carrying out this section, the department shall cooperate and provide assistance, as requested, in the joint transportation committee's development of program delivery evaluation tools and methodologies provided under section 204 (~~of this act~~), chapter 472, Laws of 2023 for programs that receive funding from the carbon emissions reduction account.

(4) The department, with the assistance of designated staff in the Washington state department of transportation, must register for the clean fuels credit program and start tracking revenue generation pursuant to chapter 70A.535 RCW for investments funded in an omnibus transportation appropriations act.

NEW SECTION. Sec. 106. A new section is added to 2023 c 472 (uncodified) to read as follows: **FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE**

Ignition Interlock Device Revolving Account—State

Appropriation..... \$400,000

The appropriation in this section is subject to the following conditions and limitations: \$400,000 of the ignition interlock device revolving account—state appropriation is provided solely for an evaluation of compliance and results associated with the state's ignition interlock device requirements. The evaluation must include, but is not limited to, the following: (1) An assessment of the compliance rates for individuals with a legal requirement to have an ignition interlock device installed on their vehicle; (2) a review of impediments or barriers to individual compliance with ignition interlock device installation and use requirements; (3) an examination of state and local agency performance in monitoring and enforcing ignition interlock device requirements; and (4) prioritized recommendations of potential procedural, policy, or statutory changes, including additional fiscal resources to state or local agencies, which will improve ignition interlock device compliance rates. The office of financial management shall place the amount provided in this section in unallotted status until the joint legislative and audit review committee indicates that the evaluation can be completed within its workplan for the 2023-2025 fiscal biennium. If the evaluation cannot be initiated in the 2023-2025 fiscal biennium, the joint legislative and audit review committee must prioritize the evaluation of compliance and results associated with the state's ignition interlock device requirements in its workplan for the 2025-2027 fiscal biennium. The director of the office of financial management or the director's designee shall consult with the chairs and ranking members of the transportation committees of the legislature before making a decision to allot these funds.

NEW SECTION. Sec. 107. A new section is added to 2023 c 472 (uncodified) to read as follows: **FOR THE DEPARTMENT OF ECOLOGY**

Model Toxics Control Capital Account—State

Appropriation..... \$15,715,000

The appropriation in this section is subject to the following conditions and limitations: \$15,715,000 of the model toxics control capital account—state appropriation is provided solely for the department to provide grants to transition from diesel school buses and other student transport vehicles to zero emissions vehicles and for the necessary fueling infrastructure needed for zero emissions student transportation. The department must prioritize school districts serving tribes and vulnerable populations in overburdened communities as defined under RCW 70A.02.010. Up to five percent of the appropriation in this section may be used for technical assistance and grant administration.

NEW SECTION. Sec. 108. A new section is added to 2023 c 472 (uncodified) to read as follows: **FOR WESTERN WASHINGTON UNIVERSITY**

Multimodal Transportation Account—State

Appropriation..... \$140,000

The appropriation in this section is subject to the following conditions and limitations: \$140,000 of the multimodal transportation account—state appropriation is provided solely for the Western Washington University center for economic and business research to conduct an economic study focused on multiple economic activities surrounding the Washington state ferry system. Specifically, the study must analyze the direct economic impacts of Washington state ferry system spending, along with peer-reviewed, estimated ranges for economic activities supported by the ferry fleets' movement of passengers and freight as it relates to tourism, labor, and commerce. The department must collaborate with the university regarding the analysis by making administrative data, including financial and ridership data, available to the university. The university must submit a report summarizing the analysis to the office of the

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governor and the transportation committees of the legislature by December 31, 2024.

NEW SECTION. Sec. 109. A new section is added to 2023 c 472 (uncodified) to read as follows: **FOR WASHINGTON STATE UNIVERSITY**

Highway Safety Account—State Appropriation.....	\$150,000
Multimodal Transportation Account—State Appropriation.....	\$100,000
TOTAL APPROPRIATION.....	\$250,000

The appropriations in this section are subject to the following conditions and limitations: \$150,000 of the highway safety account—state appropriation is provided solely to convene a work group that includes, but is not limited to, the attorney general's office, the department of transportation, Washington state patrol, and the Washington traffic safety commission, to develop recommended legislation, by December 1, 2024, regarding the use of sobriety checkpoints in DUI enforcement. The work group must review the legal findings and holdings by the Washington supreme court in *City of Seattle v. Mesiani* and evaluate previous legislation from Washington and other states, as well as federal case law, authorizing the use of sobriety checkpoints.

NEW SECTION. Sec. 110. A new section is added to 2023 c 472 (uncodified) to read as follows: **FOR THE EVERGREEN STATE COLLEGE**

Aeronautics Account—State Appropriation \$188,000

The appropriation in this section is subject to the following conditions and limitations: \$188,000 of the aeronautics account—state appropriation is provided solely for the Washington state institute for public policy to:

(1) Conduct an independent, nonpartisan assessment of the passenger and air cargo forecasts cited in the Puget Sound regional council regional aviation baseline study, including an evaluation of the underlying data, assumptions, methodologies, and calculation of the level of uncertainty around the forecast;

(2) Conduct a comprehensive literature review to identify effective national and international strategies to reduce demand for air travel, including diverting such demand to other modes to avoid environmental impacts to overburdened communities and vulnerable populations;

(3) Conduct a review of existing operational and technological enhancements to address environmental impacts from commercial aviation activities, including, but not limited to, climate friendly routing of aircraft, innovations intended to address the climate change effects of noncarbon dioxide emissions from aviation activities, simulation models applied to congested airports, and online tools to track, analyze, and improve carbon footprints related to aviation activities. The review should identify the feasibility of enhancements to be deployed in the state of Washington; and

(4) Provide a report to the office of the governor and the transportation committees of the legislature by December 31, 2025.

Sec. 111. 2023 c 472 s 110 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE GOVERNOR

State Patrol Highway Account—State Appropriation \$750,000

The appropriation in this section is subject to the following conditions and limitations: \$750,000 of the state patrol highway account—state appropriation is provided solely to the state office of equity to contract with an independent consultant to conduct the ~~((studies, evaluations, and reporting))~~ functions required in RCW 43.06D.060.

TRANSPORTATION AGENCIES—OPERATING

Sec. 201. 2023 c 472 s 201 (uncodified) is amended to read

as follows:

FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION

Highway Safety Account—State Appropriation ((\$5,252,000))	<u>\$8,841,000</u>
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Highway Safety Account—Federal Appropriation	(\$27,735,000)
	<u>\$35,744,000</u>

Highway Safety Account—Private/Local Appropriation	\$60,000
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Cooper Jones Active Transportation Safety Account—State Appropriation	(\$636,000)
	<u>\$836,000</u>

School Zone Safety Account—State Appropriation..	\$850,000
TOTAL APPROPRIATION	(\$34,533,000)
	<u>\$46,331,000</u>

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

(1) Within existing resources, the commission must examine national safety reports and recommendations on alcohol and drug impaired driving and report to the transportation committees of the legislature, by December 15, 2023, any recommendations for legislative or policy changes to improve traffic safety in Washington state.

(2)(a) \$235,500 of the Cooper Jones active transportation safety account—state appropriation is provided solely for the commission to conduct research pertaining to the issue of street lighting and safety, including a public input component and learning from counties, cities, the state, and other impacted entities. Research may include the following:

(i) Interviewing additional local and regional roads departments, water-sewer districts, and other utility services to gather a holistic data set or further input on which authority assumes primary responsibility for street illumination in various underserved areas throughout the state;

(ii) Systematically soliciting information from communities with poor street illumination and lighting to gather input as to whether this is an issue the community would like to see improved;

(iii) Conferring with regional and state-level police, fire, and emergency medical services to assess and document potential delays in emergency response times due to poor street illumination;

(iv) Further assessing the impact of using LED lights in roadway and pedestrian scale lighting in reducing carbon emissions and light pollution throughout the United States; and

(v) Subject to more in-depth findings, convening a meeting with appropriate state, regional, and local stakeholders and community partners.

(b) The commission must report research results and provide any recommendations for legislative or policy action to the transportation committees of the legislature by January 1, 2025.

(3) Within existing resources, the commission, through the Cooper Jones active transportation safety council, must prioritize the review of pedestrian, bicyclist, or nonmotorist fatality and serious injury review when the victim is a member of a federally recognized tribe. Consistent with RCW 43.59.156(5), the commission may recommend any policy or legislative changes to improve traffic safety for tribes through such review.

(4) Within existing resources, the commission must review and report to the transportation committees of the legislature, by December 15, 2023, on strategies and technologies used in other states to prevent and respond to wrong-way driving crashes.

~~(5) ((The Washington traffic safety commission shall coordinate with each city that implements a pilot program as~~

~~authorized in RCW 46.63.170(6) to provide the transportation committees of the legislature with the following information by June 30, 2025:~~

~~(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.~~

~~(6))~~ \$50,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 471, Laws of 2023 (negligent driving). If chapter 471, Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

~~((7))~~ (6) 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, 2024.

(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 14 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 subsection ~~((7))~~ (6) 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 ~~((7))~~ (6); and

(vii) By June 30, 2025, 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.

(7) \$200,000 of the Cooper Jones active transportation safety account—state appropriation is provided solely for the commission, in consultation with the Cooper Jones active transportation safety council, to research and develop a pilot program for the use of light meters by law enforcement to measure lighting levels at locations where a serious injury or fatality involving a vehicle has occurred. However, the funds must be held in unallotted status until the commission submits a spending plan for the pilot program to the transportation committees of the legislature and the office of the governor.

(8) \$300,000 of the highway safety account—state appropriation is provided solely for the commission to purchase telematics data from a qualified vendor that provides anonymized information on vehicle speeds and driver behaviors, such as hard braking, on a statewide basis and in selected geographical areas based upon demographic characteristics and crash history. The commission must provide an annual report summarizing findings from the telematics data to the transportation committees of the legislature beginning by June 30, 2025, and until June 30, 2027.

(9) \$750,000 of the highway safety account—state appropriation is provided solely for a pilot program for dedicated probation or compliance officers at the local level to improve compliance with ignition interlock device installation requirements associated with impaired driving offenses. The commission must select locations based on an assessment of ignition interlock device compliance rates, and the willingness and ability to have staff dedicated to this activity. By June 30, 2025, the commission must provide to the transportation committees of the legislature a status report on the specific locations selected and any outcome information.

(10) \$2,000,000 of the highway safety account—state appropriation is provided solely to implement a multifaceted approach to supplement existing funding targeted at impaired driving and other enforcement. The areas of emphasis expected to be funded include additional high visibility enforcement, indigenous knowledge-informed tribal traffic safety support, expanded enforcement training, and additional traffic enforcement equipment. Funding is also provided for the commission to administer and provide oversight of these activities. By June 30, 2025, the commission must provide a report to the transportation committees of the legislature on these funded activities and any outcome information.

Sec. 202. 2023 c 472 s 202 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account—State Appropriation	((\$2,405,000))
	\$1,766,000
Motor Vehicle Account—State Appropriation	((\$3,005,000))
	\$3,373,000
County Arterial Preservation Account—State Appropriation	((\$1,808,000))
	\$1,840,000
TOTAL APPROPRIATION	((\$7,218,000))
	\$6,979,000

The appropriations in this section are subject to the following conditions and limitations: Within appropriated funds, the county road administration board may opt in as provided under RCW 70A.02.030 to assume all of the substantive and procedural requirements of covered agencies under chapter 70A.02 RCW. The board shall include in its 2023 and 2024 annual reports to the legislature a progress report on opting into the healthy

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environment for all act and a status report on diversity, equity, and inclusion within the board's jurisdiction.

Sec. 203. 2023 c 472 s 203 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD

Transportation Improvement Account—State	
Appropriation.....	((\$4,798,000))
	<u>\$4,820,000</u>

The appropriation in this section is subject to the following conditions and limitations: Within appropriated funds, the transportation improvement board may opt in as provided under RCW 70A.02.030 to assume all of the substantive and procedural requirements of covered agencies under chapter 70A.02 RCW. The board shall include in its 2023 and 2024 annual reports to the legislature a progress report on opting into the healthy environment for all act and a status report on diversity, equity, and inclusion within the board's jurisdiction.

Sec. 204. 2023 c 472 s 204 (uncodified) is amended to read as follows:

FOR THE JOINT TRANSPORTATION COMMITTEE

Carbon Emissions Reduction Account—State	
Appropriation.....	\$3,000,000
Multimodal Transportation Account—State	
Appropriation.....	((\$125,000))
	<u>\$602,000</u>
Motor Vehicle Account—State Appropriation ..	((\$4,270,000))
	<u>\$6,050,000</u>
TOTAL APPROPRIATION.....	((\$7,395,000))
	<u>\$9,652,000</u>

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

(1)(a) \$300,000 of the motor vehicle account—state appropriation is 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 of a statewide retail delivery fee on orders of taxable retail items delivered by motor vehicles within the state. The study must:

- (i) Determine the annual revenue generation potential of a range of fee amounts;
- (ii) Examine options for revenue distributions to state and local governments based upon total deliveries, lane miles, or other factors;
- (iii) Estimate total implementation costs, including start-up and ongoing administrative costs; and
- (iv) Evaluate the potential impacts to consumers, including consideration of low-income households and vulnerable populations and potential impacts to businesses.

(b) The study should document and evaluate similar programs adopted in other states. The joint transportation committee must submit a report on the study to the transportation committees of the legislature by June 30, 2024.

(2)(a) \$400,000 of the motor vehicle account—state appropriation is for the joint transportation committee, in collaboration with the department of transportation, to convene a work group to study and recommend a new statutory framework for the department's public-private partnership program. The committee may contract with a third-party consultant for work group support and drafting the new statutory framework.

(b)(i) The work group must consist of, but is not limited to, the following members:

- (A) The secretary of transportation or their designee;
- (B) Joint transportation committee executive committee members or their designees;
- (C) The state treasurer or the state treasurer's designee;

- (D) A representative of a national nonprofit organization specializing in public-private partnership program development;
- (E) A representative of the construction trades; and
- (F) A representative from an organization representing general contractors.

(ii) The work group must also consult with the Washington state transportation commission and the department of commerce.

(c)(i) The work group must review the 2012 joint transportation committee's "Evaluation of Public-Private Partnerships" study, consisting of an evaluation of the recommendations for replacing chapter 47.29 RCW and development of a process for implementing public-private partnerships that serve the defined public interest, including, but not limited to:

- (A) Protecting the state's ability to retain public ownership of assets constructed or managed under a public-private partnership contract;
- (B) Allowing for the most transparency during the negotiation of terms of a public-private partnership agreement; and
- (C) Addressing the state's ability to oversee the private entity's management of the asset.

(ii)(A) The work group must identify any barriers to the implementation of funding models that best protect the public interest, including statutory and constitutional barriers.

(B) The work group may also evaluate public-private partnership opportunities for required fish passage and culvert work on state highways, for the construction of, replacement of, or commercial retail options within Washington state ferries' terminals, and for other projects as determined by the work group.

(iii) The work group must update the 2012 recommendations and devise an implementation plan for the state.

(d) The work group must submit a preliminary report, including any recommendations or draft legislation, to the office of the governor and the transportation committees of the legislature by December 15, 2023. The work group must submit a final report with draft legislation to the office of the governor and the transportation committees of the legislature by July 1, 2024.

((4)) (3) \$300,000 of the motor vehicle account—state appropriation is 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 contract with the municipal research and services center to convene a department of transportation-local government partnership work group to create a procedure in which the department of transportation can partner with a local jurisdiction to perform preservation and maintenance and construct projects on state highways.

(a) The work group must consist of, but is not limited to, the following members:

- (i) One representative from a city with a population of more than 5,000 and fewer than 50,000;
- (ii) One representative from a city with a population of more than 50,000;
- (iii) One representative from a county with a population of more than 100,000 and fewer than 400,000;
- (iv) One representative from a county with a population of more than 400,000;
- (v) At least one representative of a public port;
- (vi) A representative from the county road administration board;
- (vii) A representative of the transportation improvement board;
- (viii) At least one representative from the department of transportation's local programs division;
- (ix) At least two representatives from the department of transportation with expertise in procurement and legal services; and
- (x) At least one member from the house of representatives

transportation committee and at least one member from the senate transportation committee.

(b) Of the members described in (a) of this subsection, at least one of the city representatives and one of the county representatives must have public works contracting experience, and at least one of the city representatives and one of the county representatives must have public works project management experience.

(c) The work group must make recommendations of how the department of transportation could better work in partnership with local jurisdictions to ensure that roadway construction projects can be performed when funds are made available in the omnibus transportation appropriations act even if the department of transportation does not have the capacity to be the project manager on a project and a local jurisdiction is ready, willing, and able to implement the project within the time frames envisioned in the omnibus transportation appropriations act. In developing its recommendations, the work group must consider, at a minimum:

(i) Differing roadway and construction standards between state and local agencies;

(ii) Revenue, reimbursement, and financial agreements between state and local agencies;

(iii) Differing procurement processes between state and local agencies;

(iv) Liability; and

(v) Other issues as determined by the work group.

(d) The work group must submit a preliminary report, including any recommendations, to the office of the governor and the transportation committees of the legislature by December 15, 2023. The work group must submit a final report to the office of the governor and the transportation committees of the legislature by July 1, 2024.

~~((5))~~ (4)(a) \$2,000,000 of the carbon emissions reduction account—state appropriation is for the joint transportation committee to oversee:

(i) The design of an infrastructure and incentive strategy to drive the purchase and use of zero emission medium and heavy duty vehicles, as well as cargo handling and off-road equipment, in the state including, but not limited to, programs for tractor trucks, box trucks, drayage trucks, refuse trucks, step and panel vans, heavy and medium-duty buses, school buses, on and off-road terminal tractors, transport refrigeration units, forklifts, container handling equipment, airport cargo loaders, and railcar movers; and

(ii) A review of the passenger vehicle tax incentive in current law and evaluation of its utility, to include possible modification of the criteria for eligibility and tax incentive amount maximums, as applicable.

(b) Design development must include recommendations for encouraging vehicle conversions for smaller commercial vehicle fleets and owner-operators of commercial vehicles, as well as tools for facilitating carbon emission reductions to benefit vulnerable populations and overburdened communities. Infrastructure and incentive programs recommended may include, but are not limited to, grant, rebate, tax incentive, and financing assistance programs.

(c) Consultation with legislative members identified by the chair and ranking members of the transportation committees of the legislature throughout design of the infrastructure and incentive strategy is required. A report is due to the transportation committees of the legislature by January 2, 2024.

~~((6))~~ (5) \$125,000 of the motor vehicle account—state appropriation and \$125,000 of the multimodal transportation account—state appropriation are for the joint transportation committee to evaluate potential options and make recommendations for a statewide household travel survey and

additional analytical capacity regarding transportation research.

(a) The recommendation on the statewide household travel survey must be based on how well a statewide survey investment would: Address policy questions related to household travel; address gaps between separate regional and local transportation models; and create a dataset to allow both for analysis and response to policymakers' questions relating to household travel and for transportation modeling and development. In evaluating potential survey options, the committee shall consider opportunities for the state to partner and expand on developed established household travel surveys, including surveys conducted at both the Puget Sound regional council and the federal highway administration. In its recommendation, the committee shall outline the process required for a statewide survey, including the costs and timing of each option.

(b) The committee shall recommend an agency or agencies to perform ongoing analysis of a statewide household travel survey and other transportation research. The committee shall consider the ability of an agency or agencies to meet shorter timeline policy needs, as well as longer timeline research projects. The recommendation must include the timing and costs associated with the development of such analytical capacity.

~~((7))~~ (6) \$1,000,000 of the carbon emissions reduction account—state appropriation is for the joint transportation committee to oversee the development of tools and methodologies to assist in program delivery evaluation for programs that receive appropriations from the carbon emissions reduction account. Program delivery evaluation must include carbon emissions reduction estimates by program and by unit of time, program cost per unit of emission reduction, quantified benefits to vulnerable populations and overburdened communities by program cost, any additional appropriate qualitative and quantitative metrics, and actionable recommendations for improvements in program delivery. A report is due to the transportation committees of the legislature by October 1, 2024.

~~((8))~~ (7) \$500,000 of the motor vehicle account—state appropriation is for the joint transportation committee to engage an independent review team to work in coordination with the Washington state department of transportation's analysis, funded in section 217(~~((41)) of this act~~) (10), chapter 472, Laws of 2023, of highway, road, and freight rail transportation needs, options, and impacts from shifting the movement of freight and goods that currently move by barge through the lower Snake river dams to highways, other roads, and rail.

(a) The department shall include the independent review team in all phases of the analysis to enable the team to develop an independent assessment of the analysis, assumptions, stakeholder engagement, and cost and impact estimates. Summary findings from the independent assessment must be provided to the department, the governor's office, and the transportation committees of the legislature on a quarterly basis, with ~~((a final))~~ an end of biennium report due to the governor and the transportation committees of the legislature by June 30, 2025.

(b) The independent review team must conduct an independent stakeholder engagement effort. The river transportation work group must be formed to provide data and guidance to the independent review team for the independent stakeholder engagement effort. The river transportation work group must be made up of stakeholders, including farming and agricultural production, ~~((federally recognized tribes and))~~ fishing industry, tug and barge operators, shippers and receivers, public ports, railroad operators, cruise lines, the federal highway administration, and the army corps of engineers. Consultations with federally recognized tribes must also occur in coordination with the Washington state department of transportation.

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(c) The independent review team shall make regular presentations to the joint transportation committee and, by request, to the transportation committees of the legislature.

~~((9))~~ (8) The joint transportation committee shall also convene a work group that includes, but is not limited to, the executive committee of the joint transportation committee, the office of financial management, the Washington state department of transportation, and the Washington state treasurer's office to develop recommendations, by October 15, 2023, to meet the challenge of identifying an achievable delivery schedule for completing transportation projects across the state.

(9) \$300,000 of the multimodal transportation account—state appropriation is for the joint transportation committee to review the composition of boards of Washington transit agencies. As part of the assessment, the review must survey current governance structures identifying unique or innovative models, and best practices currently being deployed. Working with agencies and key stakeholders, the study must develop a list of options for transit agencies to consider for increasing representation or engagement from transit riders, labor, and other underrepresented community groups identified through the process. A report of preliminary findings must be submitted to the transportation committees of the legislature by December 15, 2024. A final report is due to the transportation committees of the legislature by June 30, 2025, including any recommended revisions to current statutes that are necessary to implement any identified options.

(10)(a) \$400,000 of the motor vehicle account—state appropriation is for the joint transportation committee to conduct a study and make recommendations on alternative project delivery methods that may be used by the Washington state department of transportation in public works contracting. The study must review use of design-build, design-bid-build, progressive design build, general contractor/construction manager, public-private partnerships, and other contracting methods, and how choice of project delivery method impacts cost, contract competition, and project delivery schedule. The study must also include recommendations on any changes to current practices and statutory requirements.

(b) In developing project delivery method recommendations, the joint transportation committee must engage with industry stakeholders including, but not limited to, engineering, contracting, and women and minority-owned business communities.

(c) To assist the department as it continues to make progress on meeting the requirements of the federal *U.S. v. Washington* court injunction and to address estimated programmatic cost increases, and within the funding provided in this subsection, the department shall analyze contracting methods, alternative bundling concepts, and other options to manage costs.

(d) A preliminary report is due to the office of the governor and the transportation committees of the legislature by December 15, 2024. A final report is due to the office of the governor and the transportation committees of the legislature by June 30, 2025.

(11)(a) \$300,000 of the motor vehicle account—state appropriation is to conduct a study and make recommendations on opportunities for streamlining current Washington state department of transportation project permitting practices to accelerate project delivery. The study should:

(i) Identify the types of permits required for projects by local, state, and federal agencies for various project types across the state;

(ii) Conduct a case study of at least six recently completed projects that are geographically distributed across the state, and a mix of projects that were either completed in a timely manner or faced delays; and

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(iii) Review and recommend practices for streamlining the permitting processes with local, state, and federal agencies that would result in accelerating project delivery.

(b) A preliminary report is due to the transportation committees of the legislature by December 15, 2024. A final report is due to transportation committees of the legislature by June 30, 2025.

(12)(a) \$300,000 of the motor vehicle account—state appropriation is to conduct a study and make recommendations on opportunities for innovative project delivery practices that could be utilized to accelerate project delivery. The study should evaluate practices utilized around the country and evaluate Washington state-specific possibilities such as:

(i) Increased use of the advanced environmental mitigation revolving account and advance right-of-way revolving fund as cost containment strategies; and

(ii) Benefits and costs associated with bundling bridge, culvert, or other groups of projects into single procurement packages.

(b) A preliminary report is due to the transportation committees of the legislature by December 15, 2024. A final report is due to transportation committees of the legislature by June 30, 2025.

(13) \$400,000 of the motor vehicle account—state appropriation is for the joint transportation committee to contract for a staffing and performance review and audit of the field operations bureau of the Washington state patrol.

(a) The contractor must be assisted by, consult with, and seek guidance from the Washington state patrol as the contractor deems appropriate to conduct its work. The contractor must review relevant previous recommendations made by the joint legislative and audit review committee and evaluate compliance and improvements made from those prior recommendations.

(b) The fact finding phase of the work may include a review of and findings on: (i) The field operations bureau staffing levels to meet the current traffic safety needs statewide and by regions; (ii) whether the proportion of the agency's budget dedicated to the field operations bureau to meet its core traffic safety functions are proportionally weighed against its nonfield operations bureau needs and funding level; (iii) whether the agency's current staffing deployment or allocation methods are being driven by need based on speeding violations, driving under the influence behaviors, collisions, car accidents, reckless driving, and other appropriate metrics; (iv) methods and documentation used in evaluating trooper and field operation bureau productivity; (v) the agency's policy and procedure manuals in comparison to state law enforcement agency best practices and current standards; and (vi) whether the agency is using the most effective use of its available tools to reduce turnover, maximize new cadet and lateral recruitment, and achieve full field operations bureau authorized staffing levels.

(c) The contractor must conduct its own independent review and develop recommendations on staffing levels for the field operations bureau, trooper staffing allocation informed by the appropriate metrics, response availability for priority calls, overall response time, performance measures that are related to outputs or outcomes that can be affected by the agency, and the necessary ongoing reporting and monitoring of those performance measures targeted at traffic safety.

(d) The contractor must provide at least two presentations to the joint transportation committee before presenting its final report and recommendations by December 1, 2025.

(14)(a) \$375,000 of the motor vehicle account—state appropriation is for the joint transportation committee to contract with the municipal research and services center to convene a project delivery streamlining work group to review streamlining options and recommend practices that support expedited project delivery.

(b) The work group must consist of, but is not limited to, the following members:

(i) One representative from a city with a population of more than 5,000 and fewer than 50,000;

(ii) One representative from a city with a population of more than 50,000;

(iii) One representative from a county with a population of more than 100,000 and fewer than 400,000;

(iv) One representative from a county with a population of more than 400,000;

(v) At least one representative of a transit agency serving a rural county;

(vi) At least one representative of a transit agency serving an urban county;

(vii) At least one representative of a regional transit authority;

(viii) At least one representative of a public port;

(ix) A representative from the county road administration board;

(x) A representative of the transportation improvement board;

(xi) At least one representative from the department of transportation's local programs division with experience in federal funding oversight; and

(xii) At least two representatives from the department of transportation with expertise in procurement and the multiagency permit program.

(c) Of the members described in (b) of this subsection, at least one of the city representatives and one of the county representatives must have public works contracting experience, and at least one of the city representatives and one of the county representatives must have public works project management experience.

(d) The work group must review options for project streamlining to expedite project delivery that include, but are not limited to: Preapplication communication; partnership agreements; contracting processes; fund sources; mitigation; land use; rights-of-way; permitting; and shared technology; and must identify opportunities for pilot projects to test some of these recommendations.

(e) The work group must submit a preliminary report to the office of the governor and the transportation committees of the legislature by December 15, 2024. The work group must submit a final report to the office of the governor and the transportation committees of the legislature by June 30, 2025.

Sec. 205. 2023 c 472 s 205 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION COMMISSION

Motor Vehicle Account—State Appropriation ..(~~\$3,029,000~~)
\$3,039,000

Interstate 405 and State Route Number 167 Express
 Toll Lanes Account—State Appropriation \$150,000
 Multimodal Transportation Account—State
 Appropriation..... \$200,000

State Route Number 520 Corridor Account—State
 Appropriation.....(~~\$288,000~~)
\$413,000

Tacoma Narrows Toll Bridge Account—State
 Appropriation..... \$179,000

Alaskan Way Viaduct Replacement Project Account—
 State Appropriation..... \$167,000

**TOTAL APPROPRIATION.....(~~\$4,013,000~~)
\$4,148,000**

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

(1) \$125,000 of the multimodal transportation account—state appropriation and \$125,000 of the motor vehicle account—state appropriation are provided solely for the commission to update

the statewide transportation plan required under RCW 47.01.071(4). The update process must be informed by guidance from a steering committee comprised of the commission, the joint transportation committee's executive committee, the governor's office, the secretary of the department of transportation, and representatives of metropolitan and regional transportation planning organizations. As part of the update process, the commission shall undertake specific actions in the following order:

(a) Conduct stakeholder outreach, gathering input, and framing the outreach around the current plan's policy construct and high level priorities, the 2022 transportation revenue package, and recently enacted significant policy legislation;

(b) Report outreach findings and results to the joint transportation committee for review and input;

(c) Restructure the plan to (i) primarily focus on high level policy priorities within the six transportation policy goals under RCW 47.04.280 and (ii) align policies, strategies, and objectives with the interests of stakeholders and legislators;

(d) Gather further input from stakeholders and the joint transportation committee on the restructured plan's format and content; and

(e) Finalize the updated plan, based upon input from stakeholders and the joint transportation committee.

(2) The legislature finds that the current balance of and projected revenues into the Alaskan Way viaduct replacement project account are sufficient to meet financial obligations during fiscal years 2024 and 2025.

(3) Within the parameters established under RCW 47.56.880, the commission shall review toll revenue performance on the Interstate 405 and state route number 167 corridor and adjust Interstate 405 tolls as appropriate to increase toll revenue to provide sufficient funds for payments of future debt pursuant to RCW 47.10.896 and to support improvements to the corridor. The commission shall consider adjusting maximum toll rates, minimum toll rates, and time-of-day rates, and restricting direct access ramps to transit and HOV vehicles only, or any combination thereof, in setting tolls to increase toll revenue. The commission is encouraged to make any adjustments to toll rates in coordination with the planned expansion of express toll lanes between the cities of Renton and Bellevue.

(4) \$500,000 of the motor vehicle account—state appropriation is provided solely for the commission to conduct a route jurisdiction study aimed at assessing the current state highway inventory and local roadway designations to determine if changes are needed in jurisdictional assignment between the state, county, and city road systems. The study must also review current criteria used to define the state highway system to determine if such criteria continue to be applicable. The commission shall submit a report of study findings and recommendations to the transportation committees of the legislature by July 1, 2025.

(5) The commission may coordinate with the department of transportation to jointly seek federal funds available through the federal strategic innovations in revenue collection grant program, applying toll credits for meeting match requirements. The commission must provide draft applications for federal grant opportunities to the chairs and ranking members of the transportation committees of the legislature for review and comment prior to submission.

(6) The transportation commission shall conduct an assessment aimed at identifying approaches to streamlining the current rule-making process for setting toll rates and policies for eligible toll facilities, while maintaining public access and providing opportunities to provide input on proposals. The intent of the assessment is to identify rule-making approaches that support the state's ability to set toll rates and policies in a timely and efficient

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manner, so that the state can meet anticipated funding obligations. This assessment should include a review of rate-setting processes used by toll authorities in other states. The transportation commission shall provide recommendations to the transportation committees of the legislature by July 31, 2024.

(7) The commission shall provide regular updates on the status of ongoing coordination with the state of Oregon on any bistate agreements regarding the mutual or joint setting, adjustment, and review of toll rates and exemptions. Prior to finalizing any such agreement, the commission shall provide a draft of the agreement to the transportation committees of the legislature for review and input. Additionally, the commission shall advise on the status of any bistate agreements to the joint transportation committee beginning in September 2023 and quarterly thereafter until any agreements are finalized.

(8) \$200,000 of the motor vehicle account—state appropriation is provided solely for the commission to carry out a study assessing approaches to increasing safety and compliance of high occupancy vehicle lanes, express toll lanes, tolled facilities, and construction zones, facilitated by advanced technologies.

(a) The approaches assessed must, at a minimum, focus on advanced roadside technologies that: Are able to operate independently without connection to the department of transportation's existing communication systems and utilities; have a limited physical footprint that does not use over-roadway infrastructure; and have a 95 percent or greater license plate reading accuracy.

(b) The study must review current laws, including assessing underlying policies related to prohibitions on program cost coverage coming from infraction or other revenues generated by advanced technology systems, and identify provisions needed to enable a future technology-based safety and compliance program.

(c) The commission shall submit an interim report to the transportation committees of the legislature by January 10, 2024, that, at a minimum, provides an initial assessment of the viability of deploying a system into operation. A final report of findings and recommendations must be submitted to the transportation committees of the legislature by June 30, 2024.

(9) \$75,000 of the multimodal transportation account—state appropriation is provided solely for the commission to carry out an initial assessment and scoping effort to determine the feasibility of creating a future west coast transportation network plan. This plan would serve to proactively identify and coordinate improvements and investments across the west coast states to freight rail, passenger rail, highways, and air transportation. The intent for the plan is to leverage and align west coast efforts to reduce our collective carbon footprint, improve freight and passenger mobility, and strengthen west coast resiliency. This effort must be carried out in partnership with the Oregon and California transportation commissions and the state department of transportations from each state, and must consider, but not be limited to:

(a) Current state activities, investments, and plans that support the establishment of clean transportation in the air, on the highways, and on rail lines moving freight and passengers;

(b) Currently identified resiliency risks along the west coast and existing strategic plans and investments that could inform a future west coast unified plan; and

(c) Incorporation of work from the statewide transportation policy plan.

(10) \$125,000 of the state route number 520 corridor account—state appropriation is provided solely for the commission, in consultation with the department of transportation, to initiate a public outreach campaign regarding the potential for implementing segment tolling on the state route number 520

corridor. By July 1, 2025, the commission shall submit a status report to the transportation committees of the legislature regarding the outreach.

Sec. 206. 2023 c 472 s 206 (uncodified) is amended to read as follows:

FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Multimodal Transportation Account—State	
Appropriation	\$400,000
Freight Mobility Investment Account—State	
Appropriation	(\$1,591,000)
	<u>\$1,596,000</u>
TOTAL APPROPRIATION	(\$1,991,000)
	<u>\$1,996,000</u>

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

(1) Within appropriated funds, the freight mobility strategic investment board may opt in as provided under RCW 70A.02.030 to assume all of the substantive and procedural requirements of covered agencies under chapter 70A.02 RCW. The board shall include in its 2023 and 2024 annual reports to the legislature a progress report on opting into the healthy environment for all act and a status report on diversity, equity, and inclusion within the board's jurisdiction.

(2) The board shall on an annual basis provide a status update on project delivery, including information on project timeline, cost, and budgeted cash flow over time to the office of financial management and the transportation committees of the legislature on the delivery of the freight mobility strategic investment projects on LEAP Transportation Document (~~2023-2~~) 2024-2 ALL PROJECTS, as developed on (~~April 21, 2023~~) February 20, 2024.

(3) \$731,000 of the freight mobility investment account—state appropriation is provided solely for the implementation of chapter 167, Laws of 2023 (freight mobility priorities). If chapter 167, Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(4) \$400,000 of the multimodal transportation account—state appropriation is provided solely for the board, in consultation with the department of transportation, to develop an implementation plan for specific truck parking solutions. It is the intent of the legislature for the board to identify specific sites to increase truck parking capacity in the near term, as well as to recommend other steps that can be taken in the 2024 and 2025 legislative sessions to increase truck parking capacity. The board must provide a status report that includes funding recommendations for the 2024 legislative session to the transportation committees of the legislature by December 1, 2023, and a final report that includes detailed findings on additional specific sites and specific actions recommended to expand truck parking capacity in the near term to the transportation committees of the legislature by December 1, 2024.

Sec. 207. 2023 c 472 s 207 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

Alaskan Way Viaduct Replacement Project Account—	
State Appropriation	\$43,000
State Patrol Highway Account—State Appropriation	
.....	(\$610,711,000)
	<u>\$626,400,000</u>
State Patrol Highway Account—Federal Appropriation	
.....	(\$20,340,000)
	<u>\$19,359,000</u>
State Patrol Highway Account—Private/Local	
Appropriation	\$4,594,000

Highway Safety Account—State Appropriation	(\$1,447,000)
	<u>\$1,736,000</u>
Ignition Interlock Device Revolving Account—State Appropriation	(\$1,959,000)
	<u>\$2,209,000</u>
Multimodal Transportation Account—State Appropriation	\$316,000
State Route Number 520 Corridor Account—State Appropriation	\$89,000
Tacoma Narrows Toll Bridge Account—State Appropriation	\$275,000
I-405 and SR 167 Express Toll Lanes Account—State Appropriation	\$2,895,000
TOTAL APPROPRIATION	(\$642,669,000)
	<u>\$657,916,000</u>

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

(1) \$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, 2023, and semiannually thereafter, the Washington state patrol shall submit a report detailing the additional revenue amounts generated since July 1, 2023, to the director of the office of financial management and the transportation committees of the legislature. At the end of the fiscal quarter in which it is estimated that more than \$625,000 in state sales and use taxes have been remitted to the state since July 1, 2023, the Washington state patrol shall notify the state treasurer and the state treasurer shall transfer funds pursuant to section 406 ~~(of this act)~~, chapter 472, Laws of 2023.

(2) 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.

(3)(a) By December 1st of each year during the 2023-2025 fiscal biennium, the Washington state patrol must report to the transportation committees of the legislature on the status of recruitment and retention activities as follows:

- (i) A summary of recruitment and retention strategies;
- (ii) The number of transportation funded staff vacancies by major category;
- (iii) The number of applicants for each of the positions by these categories;
- (iv) The composition of workforce;
- (v) Other relevant outcome measures with comparative information with recent comparable months in prior years; and
- (vi) 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.

(b) During the 2023-2025 fiscal biennium, the office of financial management, with assistance of the Washington state patrol, must conduct two surveys regarding the competitiveness with law enforcement agencies within the boundaries of the state of Washington pursuant to RCW 43.43.380, with the first survey

being informational regarding the change since the last survey was conducted and the second survey used as part of the collective bargaining process. Prior to the 2024 legislative session, the office of financial management, with assistance of the Washington state patrol, must also provide comparison information regarding recruitment bonus amounts currently being offered by local law enforcement agencies in the state.

(4)(a) \$6,575,000 of the state patrol highway account—state appropriation is provided solely for the land mobile radio system replacement, upgrade, and other related activities.

(b) Beginning January 1, 2024, the Washington state patrol must report semiannually to the office of the 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 chief information officer, the report must be transmitted to the office of financial management and the transportation committees of the legislature.

~~((6))~~ (5) \$2,688,000 of the state patrol highway account—state appropriation is provided solely for enhancing the state patrol's diversity, equity, and inclusion program, a community engagement program to improve relationships with historically underrepresented communities and to recruit and retain a diverse workforce, and contracting with an external psychologist to perform exams. The state patrol will work with the governor's office of equity and meet all reporting requirements and responsibilities pursuant to RCW 43.06D.060. Funds provided for the community engagement program must ensure engagement with communities throughout the state.

~~((7))~~ (6)(a) \$10,000 of the state patrol highway account—state appropriation is provided solely for the Washington state patrol to administer a pilot program that implements a yellow alert system notifying the public when a hit-and-run accident resulting in a fatality or substantial bodily harm has occurred and been reported to the state patrol or other local law enforcement entity. The Washington state patrol must post on traffic message boards or share on public communication systems any identifying information acquired including, but not limited to, a complete or partial license plate number or a description of the vehicle. Each alert must be posted or shared as such for at least 24 hours.

(b) The Washington state patrol must report the following to the transportation committees of the legislature annually until June 30, 2025:

- (i) The number of yellow alerts received;
- (ii) The number of arrests made from accidents reported on the yellow alert system;
- (iii) The number of hit-and-run accidents resulting in a fatality or substantial bodily harm statewide;
- (iv) The number of arrests made from accidents described under (b)(iii) of this subsection; and
- (v) The number of hit-and-run accidents reported statewide.

(c) The Washington state patrol must also report on the efficacy of the program and recommend in its final report if the pilot program should continue or be enacted on a permanent basis and implemented statewide, based on the results of the report.

~~((8))~~ (7)(a) ~~(\$2,608,000)~~ \$2,243,000 of the state patrol highway account—state appropriation is provided solely for administrative costs, advertising, outreach, and bonus payments associated with developing and implementing a state trooper expedited recruitment incentive program for the purpose of recruiting and filling vacant trooper positions in the 2023-2025 fiscal biennium. The legislature is committed to continuing the state trooper expedited recruitment incentive program until the vacancy levels are significantly reduced from current levels. The

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recruitment, advertising, and outreach associated with this program must continue efforts to create a more diverse workforce and must also provide an accelerated pathway for joining the state patrol for high quality individuals who have previously been employed as a general authority peace officer.

(b) The state trooper expedited recruitment incentive program established by the Washington state patrol must include:

(i) Thorough hiring procedures to ensure that only the highest quality candidates are selected as cadets and as lateral hires, including extensive review of past law enforcement employment history through extensive reference checks, Brady list identification, and any other issues that may impact the performance, credibility, and integrity of the individual.

(ii) An accelerated training program for lateral hires from other agencies that recognizes the knowledge and experience of candidates previously employed in law enforcement; and

(iii) A sign-on bonus for each trooper hired through the expedited recruitment incentive program as follows:

(A) \$5,000 for each cadet after completion of the Washington state patrol academy;

(B) \$5,000 for each successful graduating cadet after completion of a one-year probation period;

(C) \$8,000 for each lateral hire after completion of the accelerated training program for lateral hires;

(D) \$6,000 for each lateral hire after completion of a one-year probation period; and

(E) \$6,000 for each lateral hire after completion of two years of service.

(c) The expenditure on the state trooper expedited recruitment incentive program is contingent upon execution of an appropriate memorandum of understanding between the governor or the governor's designee and the exclusive bargaining representative, consistent with the terms of this section. Expenditures and eligibility for the state trooper expedited recruitment incentive program established in this section are subject to the availability of amounts appropriated for this specific purpose.

(d) For the purposes of this subsection:

(i) "Cadet" means a person employed for the express purpose of receiving the on-the-job training required for attendance at the Washington state patrol academy and for becoming a commissioned trooper.

(ii) "Lateral hire" means an eligible employee previously employed as a general authority peace officer.

~~((9))~~ (8) \$3,896,000 of the state patrol highway account—state appropriation is provided solely for implementation of chapter 17, Laws of 2023 (speed safety cameras). If chapter 17, Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

~~((40))~~ (9) \$500,000 of the state patrol highway account—state appropriation is provided solely for bonuses and other recruitment and retention-related compensation adjustments for communication officers and other noncommissioned staff of the Washington state patrol who are covered by a collective bargaining agreement. Funding in this subsection must first be used for targeted adjustments for communication officers. Remaining amounts may be used for compensation adjustments for other noncommissioned staff. Funding provided in this subsection is contingent upon the governor or the governor's designee reaching an appropriate memorandum of understanding with the exclusive bargaining representative. Agreements reached for compensation adjustments under this section may not exceed the amounts provided. If any agreement or combination of agreements exceed the amount provided in this subsection, all the agreements are subject to the requirements of RCW 41.80.010(3).

~~((41))~~ \$4,732,000) (10) \$3,226,000 of the state patrol highway

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account—state appropriation is provided solely for two accelerated training programs for lateral hires. It is the intent of the legislature that the second accelerated training program for lateral hires offered in fiscal year 2025 achieves at least 40 qualified graduates based on the Washington state patrol aggressively recruiting, advertising bonus policies, and taking other steps to achieve this outcome.

~~((42))~~ (11) \$98,000 of the state patrol highway account—state appropriation is provided solely for the implementation of chapter 26, Laws of 2023 (nonconviction data). If chapter 26, Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

~~((43))~~ (12) \$76,000 of the state patrol highway account—state appropriation is provided solely for the implementation of chapter 471, Laws of 2023 (negligent driving). If chapter 471, Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

~~((44))~~ (13) \$107,000 of the state patrol highway account—state appropriation is provided solely for the implementation of chapter 462, Laws of 2023 (domestic violence). If chapter 462, Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

~~((45))~~ (14) By December 1, 2024, the Washington state patrol must provide a report to the governor and appropriate committees of the legislature on the status of *McClain v. Washington State Patrol* and an update on legal expenses associated with the case.

~~((46))~~ (15) \$32,000 of the state patrol highway account—state appropriation is provided solely for the implementation of chapter 283, Laws of 2023 (illegal racing). If chapter 283, Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(16) \$5,905,000 of the state patrol highway account—state appropriation is provided solely for a third arming and third trooper basic training class. The cadet class is expected to graduate in June 2025.

(17) \$1,905,000 of the state patrol highway account—state appropriation is provided solely for the Washington state patrol to implement the provisions of the settlement agreement under *Washington State Patrol Troopers Association v. Washington State Patrol*, Public Employment Relations Commission Case No. 134557-U-21.

(18) \$2,307,000 of the state patrol highway account—state appropriation is provided solely for the migration of the agency's active directory into the state enterprise active directory.

(19) \$250,000 of the state patrol highway account—state appropriation is provided solely to expand the activities of the license investigation unit to King county on a pilot basis beyond the unit's current activities in southwestern Washington. By February 15, 2025, the Washington state patrol must provide a status report on the pilot implementation.

(20) \$2,222,000 of the state patrol highway account—state appropriation is provided solely for replacing one aging Cessna aircraft. This funding was provided in the 2023-2025 omnibus transportation appropriations act. It is the intent of the legislature to fund an additional Cessna replacement without financing the acquisition as soon as the aircraft can be received in the 2025-2027 fiscal biennium, and therefore, the Washington state patrol may take the necessary steps to ensure delivery of the aircraft as soon as possible in the 2025-2027 fiscal biennium.

(21) \$300,000 of the state patrol highway account—state appropriation is provided solely for individual gun safes for troopers and other staff to allow the safe storage of firearms used in the performance of their duties.

(22) \$35,000 of the state patrol highway account—state appropriation is provided solely for implementation of chapter . .

. (Substitute Senate Bill No. 6146), Laws of 2024 (tribal warrants). If chapter . . . (Substitute Senate Bill No. 6146), Laws of 2024 is not enacted by June 30, 2024, the amount provided in this subsection lapses.

(23) \$250,000 of the ignition interlock device revolving account—state appropriation is provided solely to improve compliance with ignition interlock device requirements associated with impaired driving offenses. By June 30, 2025, the Washington state patrol must provide a report detailing the staff hired, the activities undertaken, and outcome information associated with improving ignition interlock device compliance rates.

Sec. 208. 2023 c 472 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

Driver Licensing Technology Support Account—State	
Appropriation.....	\$1,743,000
Marine Fuel Tax Refund Account—State Appropriation	
.....	\$34,000
Motorcycle Safety Education Account—State	
Appropriation.....	(\$5,299,000)
	\$5,321,000
Limited Fish and Wildlife Account—State	
Appropriation.....	(\$765,000)
	\$769,000
Highway Safety Account—State Appropriation	
.....	(\$277,256,000)
	\$282,392,000
Highway Safety Account—Federal Appropriation.	\$2,371,000
Motor Vehicle Account—State Appropriation (\$98,824,000)	
	\$101,981,000
Motor Vehicle Account—Private/Local Appropriation	
.....	\$1,336,000
Ignition Interlock Device Revolving Account—State	
Appropriation.....	(\$6,401,000)
	\$6,417,000
Department of Licensing Services Account—State	
Appropriation.....	(\$8,972,000)
	\$9,128,000
License Plate Technology Account—State Appropriation	
.....	(\$4,204,000)
	\$4,657,000
Abandoned Recreational Vehicle Account—State	
Appropriation.....	\$3,091,000
Limousine Carriers Account—State Appropriation...	\$126,000
Electric Vehicle Account—State Appropriation.....	\$443,000
DOL Technology Improvement & Data Management	
Account—State Appropriation	\$944,000
Agency Financial Transaction Account—State	
Appropriation.....	\$16,998,000
Move Ahead WA Flexible Account—State Appropriation	
.....	\$2,096,000
TOTAL APPROPRIATION.....	(\$430,903,000)
	\$439,847,000

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

(1) \$1,100,000 of the highway safety account—state appropriation and \$1,100,000 of the move ahead WA flexible account—state appropriation are provided solely for the department to provide an interagency transfer to the department of children, youth, and families for the purpose of providing driver's license support. In addition to support services required under RCW 74.13.338(2), support services may include reimbursement of:

(a) The cost for a youth in foster care of any eligible age to complete a driver training education course, as outlined in chapter

46.82 or 28A.220 RCW;

(b) The costs incurred by foster youth in foster care for a motor vehicle insurance policy;

(c) The costs of roadside assistance, motor vehicle insurance deductibles, motor vehicle registration fees, towing services, car maintenance, comprehensive car insurance, and gas cards; and

(d) Any other costs related to obtaining a driver's license and driving legally and safely.

(2) \$150,000 of the highway safety account—state appropriation is provided solely for the department to conduct a study on the feasibility of implementing a mobile application for driver licensing. The department must submit a report of the study findings and any recommendations to the governor and the transportation committees of the legislature by December 1, 2024. The study must:

(a) Review the adoption actions in other states, including successes and lessons learned;

(b) Examine existing technical infrastructure and potential changes needed to maximize interoperability, utility, and privacy protection;

(c) Identify the technical investments and other costs associated with issuing digital drivers' licenses through a mobile application;

(d) Identify how the technology may impact and can be used by external stakeholders, such as law enforcement;

(e) Recommend any process changes required to implement the program successfully and ensure customer satisfaction; and

(f) Recommend any statutory changes required to allow for the usage of digital drivers' licenses, including recognition of interstate travelers.

(3)(a) \$350,000 of the highway safety account—state appropriation is provided solely for the department, in consultation with the Washington traffic safety commission, the department of health, the elder law section of the Washington state bar association, organizations representing older drivers, and driver rehabilitation specialists, to develop a comprehensive plan aimed at improving older driver safety. The department must submit a report on the comprehensive plan to the governor and the transportation committees of the legislature by December 1, 2024. The plan must include, but is not limited to:

(i) A comprehensive review of department policies surrounding older drivers and medically at-risk drivers, including:

(A) The medical assessment review process; and

(B) The counter assessment process in licensing service offices;

(ii) A feasibility analysis of the department establishing a medical advisory board to advise on general policy for at-risk drivers, driving privileges for individual medically at-risk drivers, and an appeals process for drivers whose privileges are revoked or restricted due to medical conditions;

(iii) A recommended assessment tool to determine a driver's potential risk to themselves or others when operating a motor vehicle so the department may make informed decisions on appropriate courses of action within the older driver program; and

(iv) Detailed information on how each component of the plan improves the safety associated with older drivers, while preserving the maximum level of older driver independence and privacy;

(b) The department may also use funds provided in this subsection to implement improvements to older driver traffic safety within existing authority.

(4) \$5,499,000 of the motor vehicle account—state appropriation is provided solely for the department to upgrade and improve its prorate and fuel tax system, and is subject to the conditions, limitations, and review requirements of section 701 ~~(of this act)~~, chapter 472, Laws of 2023. In each phase of the

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project, the department must ensure and document the increase in business capabilities and customer service outcomes, the improvements in fuel tax collection related information designed to resolve historical discrepancies in reporting information, and how the implementation plan mitigates risks associated with the proposed timeline and results in the sustainability of systems and platforms for the future. Before initiating the implementation phase of the project, the department must report to the office of the chief information officer on how the project meets its FAST act modernization roadmap, and vendor management and resource plans.

(5) \$16,000 of the motorcycle safety education account—state appropriation, \$2,000 of the limited fish and wildlife account—state appropriation, \$947,000 of the highway safety account—state appropriation, \$308,000 of the motor vehicle account—state appropriation, \$14,000 of the ignition interlock device revolving account—state appropriation, and \$14,000 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 in section 701 (~~(of this act)~~), chapter 472, Laws of 2023.

(6) The department shall report on a quarterly basis on licensing service office operations, 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 and renewed, and the number of primary drivers' licenses and identicards issued and renewed. By November 1, 2024, the department must prepare a report with recommendations on the future of licensing service office operations based on the recent implementation of efficiency measures designed to reduce the time for licensing transactions and wait times, and the implementation of statutory and policy changes made during the pandemic.

(7) For the 2023-2025 fiscal biennium, the department shall charge \$1,336,000 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.

(8) \$742,000 of the motor vehicle account—state appropriation is provided solely for the increased costs associated with improvements desired to resolve delays in the production of license plates, including converting all subagents to the standard ordering process as recommended in the December 2022 plate inventory report, and to provide updated annual reports detailing changes in license plate production, inventory, and other practices taken to guard against plate production delays. The reports must be submitted to the governor and the transportation committees of the legislature by December 1, 2023, and December 1, 2024.

(9) \$243,000 of the highway safety account—state appropriation is provided solely for the department to continue to provide written materials on, place signage in licensing service offices regarding, and include into new driver training curricula, the requirements of RCW 46.61.212, the slow down and move over law.

~~((44))~~ (10) \$3,082,000 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 2023-2025 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.

~~((42))~~ (11) \$1,077,000 of the highway safety account—federal appropriation is provided solely for implementation of chapter 35, Laws of 2023 (CDL drug and alcohol clearinghouse) (~~(or chapter . . . (House Bill No. 1448), Laws of 2023 (CDL drug and alcohol clearinghouse))~~). If (~~(neither)~~) chapter 35, Laws of 2023 (~~(or chapter . . . (House Bill No. 1448), Laws of 2023 are)~~) is not enacted by June 30, 2023, the amount provided in this subsection lapses.

~~((43))~~ (12) \$116,000 of the highway safety account—state appropriation is provided solely for implementation of (~~(chapter . . . (Senate Bill No. 5251), Laws of 2023 (streamlining CDL issuance) or)~~) chapter 57, Laws of 2023 (streamlining CDL issuance). If (~~(neither chapter . . . (Senate Bill No. 5251), Laws of 2023 or)~~) chapter 57, Laws of 2023 (~~(are)~~) is not enacted by June 30, 2023, the amount provided in this subsection lapses.

~~((44))~~ (13) \$845,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 445, Laws of 2023 (improving young driver safety). If chapter 445, Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

~~((45))~~ (14) \$180,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 440, Laws of 2023 (open motor vehicle safety recalls). If chapter 440, Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

~~((46))~~ (15) \$497,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 466, Laws of 2023 (updating processes related to voter registration). If chapter 466, Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

~~((20))~~ (16) \$29,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 118, Laws of 2023 (driver's abstract changes). If chapter 118, Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

~~((24))~~ (17) \$47,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 453, Laws of 2023 (competency evaluations). If chapter 453, Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

~~((22))~~ (18) \$23,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 283, Laws of 2023 (illegal racing). If chapter 283, Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

~~((23))~~ (19) \$155,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 316, Laws of 2023 (jury diversity). If chapter 316, Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

~~((24))~~ (20)(a) \$36,000 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 217(2) (~~(of this act)~~), chapter 472, Laws of 2023. 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 2023-2025 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 or renewing a high occupancy vehicle exempt decal.

(f) The department, county auditor or other agent, or subagent must collect a \$5 fee when issuing or renewing 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, 2025, 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 217(2) ~~(of this act)~~, chapter 472, Laws of 2023 is terminated.

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

~~((25))~~ (21)(a) \$265,000 of the highway safety account—state appropriation is provided solely for the department to provide an interagency transfer to the Washington center for deaf and hard of hearing youth, in consultation with the department and the office of the superintendent of public instruction, to fund the cost of interpreters for driver training education for deaf and hard of hearing youth to enable them to access driver training education at the same cost as their peers, and to pilot a sustainable driver training education program to determine how best to meet the driver training education needs of deaf and hard of hearing youth in the state in the future. The pilot must include:

(i) Determination of an appropriate number of instructors and an appropriate method of certification for instructors who are fluent in American Sign Language (ASL);

(ii) Determination of how best to provide driver training education statewide to deaf and hard of hearing novice drivers;

(iii) Development of a program to offer the required curriculum under RCW 28A.220.035 to deaf and hard of hearing novice drivers; and

(iv) Capped course instruction costs for deaf and hard of hearing students at the average rate of their hearing peers.

(b) The department shall submit a report to the transportation committees of the legislature developed by the Washington center for deaf and hard of hearing youth by March 1, 2024, that provides recommendations for a permanent program to make driver education equitably accessible for deaf and hard of hearing students.

~~((26))~~ (22) \$350,000 of the highway safety account—state appropriation is provided solely for the department to improve the process for commercial driver's license (CDL) holders to submit medical certification documents and update self-certification status to the department. The department shall:

(a) Update license express to improve the process and make it more user friendly;

(b) Add options for the driver to renew or replace the driver's CDL credentials as part of the medical or self-certification process;

(c) Add a customer verification step confirming the requested changes and clearly stating how this change will impact the driver's CDL; and

(d) Add improved messaging throughout the process.

In addition, the department shall make available on the driving record abstract a complete medical certificate downgrade history, and provide a one-time mailing to all current CDL holders explaining the process to update their medical certificate documents and self-certification.

~~((27))~~ (23) \$1,962,000 of the highway safety account—state appropriation is provided solely for the establishment of a pilot mobile licensing unit to provide licensing and identicaid services. By December 1, 2024, the department must submit a report to the governor and the transportation committees of the legislature detailing the locations served, the number and type of documents issued, and other outcome measures associated with the mobile licensing unit. The report must include consideration of the facility needs of licensing service offices in the context of flexible mobile licensing services.

~~((28) \$2,000,000)~~ (24) \$2,500,000 of the highway safety account—state appropriation is provided solely for 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, and for additional contracts in fiscal year 2025 with organizations providing driver's license assistance and other related support services in other parts of the state. By December 1st of each year, the department must submit information on the contracted ~~(provider)~~ providers, including: The annual budget of the contracted ~~(provider)~~ providers in the preceding year; information regarding private and other governmental support for the activities of the ~~(provider)~~ providers; and a description of the number of people served, services delivered, and outcome measures. In developing its 2025-2027 biennial budget submittal, the department, after consulting with the existing provider in King county and organizations receiving funds within the fiscal year 2025 expansion, must develop a statewide delivery plan that maximizes the number of people served, promotes efficiency in service delivery, and recognizes different models based on needs in particular areas of the state.

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~~((30))~~ (25) \$8,000 of the motorcycle safety education account—state appropriation is provided solely for the implementation of chapter 137, Laws of 2023 (motorcycle safety board). If chapter 137, Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

~~((32))~~ (26) \$29,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 431, Laws of 2023 (transportation resources). If chapter 431, Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

~~((34))~~ (27) \$282,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 471, Laws of 2023 (negligent driving). If chapter 471, Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(28) \$4,464,000 of the highway safety account—state appropriation is provided solely for costs associated with relocating licensing service offices during the 2023-2025 fiscal biennium. This includes \$2,790,000 provided for relocations in the 2023-2025 omnibus transportation appropriations act. By June 30th of each year, the department must submit a status report on licensing service offices planned for relocation during the 2023-2025 fiscal biennium.

(29) \$1,564,000 of the motor vehicle account—state appropriation is provided solely for implementation of chapter . . . (Engrossed House Bill No. 1964), Laws of 2024 (enhancing prorate and fuel tax collections). If chapter . . . (Engrossed House Bill No. 1964), Laws of 2024 is not enacted by June 30, 2024, the amount provided in this subsection lapses.

(30) \$100,000 of the highway safety account—state appropriation is provided solely for implementation of chapter . . . (Senate Bill No. 5800), Laws of 2024 (improving access to department of licensing issued documents). If chapter . . . (Senate Bill No. 5800), Laws of 2024 is not enacted by June 30, 2024, the amount provided in this subsection lapses.

(31) \$294,000 of the motor vehicle account—state appropriation is provided solely for implementation of chapter . . . (Engrossed Senate Bill No. 5032), Laws of 2024 (impaired driving). If chapter . . . (Engrossed Senate Bill No. 5032), Laws of 2024 is not enacted by June 30, 2024, the amount provided in this subsection lapses.

(32) \$150,000 of the motor vehicle account—state appropriation is provided solely for the department to conduct a study on the feasibility of implementing a process for the electronic submittal of title and registration documents for motor vehicles, within the current vehicle licensing model. The department must submit a report of the study findings and any recommendations to the governor and the transportation committees of the legislature by September 1, 2025. The study must: (a) Review the current processes in Washington and other states, including how such processes addressed fraud prevention and document security; (b) examine existing technical infrastructure and potential changes needed to allow for completion and submittal of lien and titling documents by financial institutions and vehicle dealers to vehicle licensing offices and the department of licensing, while maximizing interoperability, utility, data security, and customer privacy; (c) identify the technical investments and other costs associated with the submission of electronic documents by financial institutions and vehicle dealers to vehicle licensing offices and the department of licensing; (d) recommend any statutory changes required to allow for the submission of electronic documentation to vehicle licensing offices; and (e) examine the impact of these technology changes on external stakeholders including, but not limited to, vehicle licensing offices, financial institutions, vehicle

dealers, and insurance companies.

(33) \$8,000 of the motorcycle safety education account—state appropriation, \$1,000 of the limited fish and wildlife account—state appropriation, \$572,000 of the highway safety account—state appropriation, \$193,000 of the motor vehicle account—state appropriation, \$7,000 of the ignition interlock device revolving account—state appropriation, and \$9,000 of the department of licensing services account—state appropriation are provided solely for the department for additional finance and budget staff. By December 1, 2024, the department shall submit a report to the governor and appropriate committees of the legislature on the specific steps the department has taken to address the findings of the state auditor's office fiscal year 2022 accountability audit report no. 1032793.

(34) \$75,000 of the highway safety account—state appropriation is provided solely for the department, in conjunction with development of its comprehensive implementation plan to expand driver training education requirements for driver's license purposes to persons age 18 through 24, due to the legislature by October 1, 2024, pursuant to chapter 445, Laws of 2023, to analyze inclusion of a mandatory driver's education refresher course consisting of in-person or virtual classroom-based instruction on risk management and hazard protections one year after licensure. The department must consider related policies regarding appropriate subsidies to help pay for the refresher course and course appropriateness for intermediate license holders. The department must include this analysis in the plan due by October 1, 2024, or, alternatively, as an appendix to the plan or in a separate report due to the legislature by March 1, 2025.

(35) \$38,000 of the highway safety account—state appropriation is provided solely for implementation of chapter . . . (Substitute Senate Bill No. 6115), Laws of 2024 (speed safety cameras). If chapter . . . (Substitute Senate Bill No. 6115), Laws of 2024 is not enacted by June 30, 2024, the amount provided in this subsection lapses.

(36) \$28,000 of the motor vehicle account—state appropriation is provided solely for implementation of chapter . . . (Engrossed Senate Bill No. 5590), Laws of 2024 (Mount St. Helens license plate). If chapter . . . (Engrossed Senate Bill No. 5590), Laws of 2024 is not enacted by June 30, 2024, the amount provided in this subsection lapses.

Sec. 209. 2023 c 472 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	(\$58,854,000)
	\$62,913,000
State Route Number 520 Civil Penalties Account—State Appropriation	\$4,178,000
Tacoma Narrows Toll Bridge Account—State Appropriation	(\$30,729,000)
	\$34,398,000
Alaskan Way Viaduct Replacement Project Account—State Appropriation	(\$20,701,000)
	\$22,542,000
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation	(\$23,756,000)
	\$25,524,000
TOTAL APPROPRIATION	(\$138,218,000)
	\$149,555,000

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; and

(b) 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) \$314,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$734,000 of the state route number 520 corridor account—state appropriation, \$315,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$413,000 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 2021-2023 fiscal biennium.

(4) The department shall make detailed annual reports to the transportation committees of the legislature and the public on the department's website in a manner consistent with past practices as specified in section 209(5), chapter 186, Laws of 2022.

(5) As part of the department's 2025-2027 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.

(6) Up to \$16,460,000 of the amounts provided for operations and maintenance expenses on the state route number 520 facility from the state route number 520 corridor account during the 2023-2025 fiscal biennium in this act are derived from the receipt of federal American rescue plan act of 2021 funds and not toll revenues.

(7) \$500,000 of the state route number 520 corridor account—state appropriation is provided solely for the department to begin a traffic and revenue study of segment tolling on the state route number 520 corridor. The department, in consultation with the transportation commission, shall initiate planning work regarding the anticipation of segment tolling on the state route number 520 corridor.

Sec. 210. 2023 c 472 s 210 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—

INFORMATION TECHNOLOGY—PROGRAM C

Transportation Partnership Account—State			
Appropriation			\$1,494,000
Motor Vehicle Account—State			Appropriation
.....			(\$122,240,000)
			<u>\$122,725,000</u>
Puget Sound Ferry Operations Account—State			
Appropriation			\$307,000
Multimodal Transportation Account—State			Appropriation
.....			(\$2,986,000)
			<u>\$2,988,000</u>
Transportation 2003 Account (Nickel Account)—State			
Appropriation			\$1,488,000
TOTAL APPROPRIATION			(\$128,515,000)
			<u>\$129,002,000</u>

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

~~((+))~~ \$2,006,000 of the motor vehicle account—state appropriation is provided solely for hardware cost increases. Before any hardware replacement, the department, in consultation with WaTech, must further review leasing options.

~~((2) The appropriations in this section provide sufficient funding for the department assuming vacancy savings that may change over time. Funding for staffing will be monitored and adjusted in the 2024 supplemental transportation appropriations act to restore funding as authorized staffing levels are achieved.)~~

Sec. 211. 2023 c 472 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	(\$39,987,000)
		<u>\$40,354,000</u>
Move Ahead WA Account—State	Appropriation..	\$2,532,000
State Route Number 520 Corridor Account—State	Appropriation	\$34,000
TOTAL APPROPRIATION		(\$42,553,000)
		<u>\$42,920,000</u>

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

~~((2)(a)(i))~~ (1) \$500,000 of the move ahead WA account—state appropriation is provided solely for the department to conduct a detailed space study and develop an implementation plan that builds off the findings and recommendations of the department's "Telework Impact Study" completed in September 2022. Such efforts must also incorporate office space use reduction requirements for the department in this act as well as current and planned telework levels. The detailed space study and development of the implementation plan must be conducted in consultation with the office of financial management and the department of enterprise services, and must focus on office and administrative space efficiency, providing specific recommendations, cost estimates, and cost savings. While focused on office and administrative space, the department is encouraged to review other types of facilities where efficiencies can be achieved. The final study report must include:

~~((A))~~ (a) The development of low, medium, and high scenarios based on reducing space use, with the high space reduction scenario being based on a minimum of a 30 percent reduction by 2030;

~~((B))~~ (b) Detailed information on any increased capital and other implementation costs under each scenario;

~~((C))~~ (c) Detailed information on reduced costs, such as leases, facility maintenance, and utilities, under each scenario;

~~((D))~~ (d) An analysis of opportunities to collocate with other state, local, and other public agencies to reduce costs and improve

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cost-efficiency while meeting utilization standards; and

~~((E))~~ (e) An assessment of the commercial value and return to the state transportation funds associated with the sale of the property from consolidation and other space efficiency measures.

~~((H))~~ (2)(a) The department must submit the implementation plan and final report from the detailed space study to the office of financial management and the transportation committees of the legislature by October 1, 2024.

~~((I))~~ (b) Conducting the detailed space study under ~~((A))~~ subsection (1) of this ~~((B))~~ section must not prevent or delay the department from meeting other space use and related requirements, or where warranted by current information or opportunities.

~~((J))~~ (c) In addition to the reporting requirement under ~~((A))~~ subsection (1) of this ~~((B))~~ section, the department must provide information to the office of financial management in its comparative analysis of office space, leases, and relocation costs required by the omnibus operating appropriations act.

Sec. 212. 2023 c 472 s 212 (uncodified) is amended to read as follows:

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

Motor Vehicle Account—State Appropriation	\$700,000
Move Ahead WA Account—State Appropriation	\$20,000,000
Multimodal Transportation Account—State Appropriation.....	\$433,000
TOTAL APPROPRIATION.....	(\$20,433,000) \$21,133,000

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

(1) The entire move ahead WA account—state appropriation is provided solely for the department's costs related to replacing obsolete transportation equipment and replacing fuel sites. Beginning December 1, 2024, and annually thereafter, the department must provide a report to the office of financial management and the transportation committees of the legislature detailing the current progress on replacing obsolete equipment, progress towards reaching a level purchasing state, and the status of a fuel site replacement prioritization plan. The report must also include:

- (a) A list of department owned and managed fuel sites prioritized by urgency of replacement;
- (b) A discussion of department practices that would create a sustained revenue source for capital repair and replacement of fuel sites; and
- (c) A discussion of to what extent the fuel site infrastructure can support zero emissions vehicles.

(2)(a) \$100,000 of the multimodal transportation account—state appropriation is provided solely for the department to administer a pilot program to install and test intelligent speed monitoring technology in a portion of the department's fleet of vehicles while using global positioning system technology and other mapping tools to monitor vehicle location and corresponding speed limits on traveled roadways.

(b) The pilot program must begin by January 1, 2024, for a 12-month period. By June 30, 2025, the department must report to the transportation committees of the legislature the results of the pilot program and provide any legislative or policy recommendations.

Sec. 213. 2023 c 472 s 213 (uncodified) is amended to read as follows:

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

Aeronautics Account—State Appropriation	(\$13,979,000) \$14,572,000
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Aeronautics Account—Federal Appropriation..	(\$3,650,000) \$5,579,000
Aeronautics Account—Private/Local Appropriation ..	\$60,000
TOTAL APPROPRIATION	(\$17,689,000) \$20,211,000

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

(1) \$2,000,000 of the aeronautics account—state appropriation is provided solely for the move ahead WA aviation grants. The department shall prioritize projects eligible for federal funding.

(2) \$1,476,000 of the aeronautics account—state appropriation is provided solely for sustainable aviation grants recommended by the department under the sustainable aviation grants program. The department shall submit a report to the transportation committees of the legislature by October 1, 2024, identifying a selection of sustainable aviation projects for funding by the legislature. In considering projects to recommend to fund, the department shall only consider projects that advance the state of sustainable aviation technology and lead to future innovation. Innovative sustainable aviation projects may include, but are not limited to, pilot projects demonstrating the use of:

- (a) Mobile battery charging technology;
- (b) Hydrogen electrolyzers and storage;
- (c) Electric ground equipment; and
- (d) Hanger charging technology.

(3) \$300,000 of the aeronautics account—state appropriation is provided solely for the department to develop a statewide advanced air mobility aircraft plan to develop and integrate advanced air mobility aircraft into current modal systems. The department shall submit a report by June 1, 2025, to the office of financial management and the transportation committees of the legislature including, but not limited to:

- (a) Near, medium, and long-term recommendations for land use planning for advanced and urban air mobility vertiports and vertistops;
- (b) An inventory of infrastructure needs to support a statewide vertiport network and a recommended program to deploy funds to local governments to share costs;
- (c) Proposed state governance structures and regulatory mechanisms to adequately complement federal aviation administration oversight;
- (d) Recommended policies to foster vertiport and vertistop infrastructure development that ensure open public access, efficiency in land use siting, and equitable distribution across the state; and
- (e) In consultation with local jurisdictions, planning organizations, and other modal managers, recommendations on advanced air mobility aircraft integration into statewide transportation plans.

(4) \$1,931,000 of the aeronautics account—state appropriation is provided solely for the implementation of chapter 463, Laws of 2023 (commercial aviation services), to support the work of the department and the commercial aviation work group including, but not limited to, conducting meaningful community engagement with overburdened and vulnerable populations to address the state's transportation needs and the environmental justice impact of aviation on communities. ~~((If chapter 463, Laws of 2023 is not enacted by June 30, 2023, the amount in this subsection lapses.))~~

Sec. 214. 2023 c 472 s 214 (uncodified) is amended to read as follows:

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

Motor Vehicle Account—State Appropriation	(\$64,470,000)
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	<u>\$65,155,000</u>
Motor Vehicle Account—Federal Appropriation	\$500,000
Multimodal Transportation Account—State	
Appropriation.....	(((\$851,000))
	<u>\$1,351,000</u>
Move Ahead WA Flexible Account—State Appropriation	
.....	\$572,000
TOTAL APPROPRIATION.....	(((\$66,393,000))
	<u>\$67,578,000</u>

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

(1) During the 2023-2025 fiscal 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 first right of 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.

(2) \$469,000 of the motor vehicle account—state appropriation is reappropriated and provided solely for the implementation of chapter 217, Laws of 2021 (noxious weeds).

(3) The department shall determine the fair market value of 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 Trail in Des Moines, to be submitted to the transportation committees of the legislature by December 15, 2023, for an evaluation of possible next steps for use of the property that is in the public interest.

~~(4) ((The appropriations in this section provide sufficient funding for the department assuming vacancy savings that may change over time. Funding for staffing will be monitored and adjusted in the 2024 supplemental transportation appropriations act to restore funding as authorized staffing levels are achieved.~~

~~(5))~~(a) \$572,000 of the move ahead WA flexible account—state appropriation is provided solely to track and maximize clean fuels credits and revenue generated by state agencies pursuant to chapter 70A.535 RCW.

(b) The LEAP Transportation Document ~~((2023-2))~~ 2024-2 ALL PROJECTS as developed ~~((April 21, 2023))~~ February 20, 2024, anticipates fulfillment of the requirements under chapter 70A.535 RCW of generating credits and revenue for transportation investments funded in an omnibus transportation appropriations act, including the move ahead WA transportation package. The omnibus transportation appropriations act anticipates credits for ferry electrification for new hybrid electric vessels, active transportation, transit programs and projects, alternative fuel infrastructure, connecting communities, and multimodal investments.

(c) Pursuant to the reporting requirements of RCW 70A.535.050(5), the department must present a detailed projection of the credit revenues generated and achieved directly as a result of the funding and activities in this subsection.

~~((6))~~ (5) \$93,000 of the multimodal transportation account—state appropriation is provided solely for the implementation of chapter 169, Laws of 2023 (climate resilience strategy). If chapter 169, Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(6)(a) \$1,600,000 of the motor vehicle account—state appropriation is provided solely for real estate services activities. The legislature finds that the following sections of public roadway owned by the department are no longer necessary for the state highway system:

(i) That segment of 267th Street NW located south of state route number 532 and west of Interstate 5 in the vicinity of the intersection of state route number 532 and 19th Avenue NW, serving parcel numbers: 32042600202300, 32042600102200, 32042600100600, 32042600100700, 32042600100400, 32042600100800, and 32042600102300;

(ii) That segment of Tester Road located adjacent to the south side of state route number 532;

(iii) That segment of 91st Ave SE located adjacent to the south side of state route number 522 in the vicinity of the intersection with 212th Street SE;

(iv) That segment of Bostian Road including as it turns and becomes 224th Street SE located on the south side of state route number 522 in the vicinity of 87th Ave SE;

(v) That segment of W. Bostian Road located on the north side of state route number 522; and

(vi) That segment of 268th Street NW located south of state route number 532.

(b) Therefore, pursuant to RCW 36.75.090, the department shall certify that these roadways are no longer needed by the state and convey the roadways to the county for continued use as public highways for motor vehicle use. Additionally, in consideration of the value of maintenance services provided by the county on the roadway comprising 267th Street NW during the time of department ownership, the department shall grant temporary access permits, for those properties abutting the conveyed segment of 267th Street NW, to use 19th Avenue NW for access to state route number 532, upon such terms and conditions as the department deems appropriate. The temporary access permits may be terminated when the conveyed segment of 267th Street NW is extended out to intersect with Sunday Lake Road, or when an alternate access route is established connecting to Sunday Lake Road.

(7)(a) \$500,000 of the multimodal transportation account—state appropriation is provided solely for the department to explore alternative uses of the state's highway rights-of-way to address pressing public needs relating to climate change, equitable communications, renewable energy generation, electrical transmission and distribution projects, broadband projects, vegetation management, inductive charging in travel lanes, alternative fueling facilities, and other appropriate uses. In exploring alternative uses of the state's highway rights-of-way, the department shall:

(i) Review the utility accommodation policy and make recommendations to update the policy to include clean energy and connectivity projects under 23 C.F.R. Part 645. At a minimum, the recommendations for updated clean energy and connectivity projects must include renewable energy and electrical transmission and distribution;

(ii) Review and update the department's integrated roadside vegetation management plans to maximize carbon sequestration and develop habitat and forage for native pollinators, Monarch butterflies, and honeybees through plantings of native noninvasive flowering plants and grasses on the state highways rights-of-way and at safety rest areas;

(iii) Assess the state highways rights-of-way land areas most suitable for solar development by considering slope, elevation, vegetative cover, and solar radiation; and

(iv) Identify existing highway rights-of-way suitable as designated energy corridors for electric transmission and distribution and other energy infrastructure.

(b) In carrying out the requirements in (a) of this subsection, the department may consult with an organization that uses an advanced rights-of-way solar mapping tool that uses ArcGIS Pro software for faster and more precise analysis of rights-of-way solar using the state's full spatial rights-of-way data sets.

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(c) The department must report its findings, recommendations, and status of its updates to the transportation committees of the legislature by January 15, 2025.

Sec. 215. 2023 c 472 s 215 (uncodified) is amended to read as follows:

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

Motor Vehicle Account—State Appropriation	(\$694,000)
	<u>\$1,074,000</u>
Electric Vehicle Account—State Appropriation	(\$4,746,000)
	<u>\$8,746,000</u>
Multimodal Transportation Account—State Appropriation.....	\$4,400,000
Multimodal Transportation Account—Federal Appropriation.....	\$25,000,000
Carbon Emissions Reduction Account—State Appropriation.....	(\$164,600,000)
	<u>\$123,300,000</u>
TOTAL APPROPRIATION.....	(\$199,440,000)
	<u>\$162,520,000</u>

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

(1) \$3,746,000 of the electric vehicle account—state appropriation and \$30,000,000 of the carbon emissions reduction (~~emissions~~) account—state appropriation are provided solely for the clean alternative fuel vehicle charging and refueling infrastructure program in chapter 287, Laws of 2019 (advancing green transportation adoption).

(2) \$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.

~~(3)~~ (3) 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.

~~(4)~~ (4) \$1,200,000 of the multimodal transportation account—state appropriation and \$2,000,000 of the carbon emissions reduction (~~emissions~~) account—state appropriation are 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.

~~(5)~~ (5) \$58,700,000 of the carbon emissions

reduction account—state appropriation is provided solely for implementation of zero-emission commercial vehicle infrastructure and incentive programs and for the replacement of school buses powered by fossil fuels with zero-emission school buses, including the purchase and installation of zero-emission school bus refueling infrastructure.

(a) Of this amount, \$20,000,000 is for the department to administer an early action grant program to provide expedited funding (~~to zero-emission commercial vehicle infrastructure demonstration projects~~) for the replacement of school buses powered by fossil fuels with zero-emission school buses, including the purchase and installation of zero-emission school bus refueling infrastructure. The department must contract with (~~a third-party administrator~~) the department of ecology to implement the early action grant program.

(b) The office of financial management shall place the remaining (~~\$100,000,000~~) \$38,700,000 in unallotted status until the joint transportation committee completes the medium and heavy duty vehicle infrastructure and incentive strategy required under section 204 (~~of this act~~), chapter 472, Laws of 2023. The director of the office of financial management or the director's 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.

~~(6)~~ (6) \$3,000,000 of the carbon emissions reduction account—state appropriation is provided solely for hydrogen refueling infrastructure investments. The office of financial management shall place the amounts provided in this subsection in unallotted status until the joint transportation committee completes the medium and heavy duty vehicle infrastructure and incentive strategy required under section 204 (~~of this act~~), chapter 472, Laws of 2023. The director of the office of financial management or the director's 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.

~~(7)~~ (7) \$2,100,000 of the carbon emissions reduction account—state appropriation is provided solely to fund electric vehicle charging infrastructure for the electric charging megasite project at Mount Vernon library commons.

~~(8)~~ (8) \$2,500,000 of the carbon emissions reduction account—state appropriation is provided solely for zero emission cargo handling equipment incentives. The office of financial management shall place the amounts provided in this subsection in unallotted status until the joint transportation committee completes the medium and heavy duty vehicle and cargo handling and off-road equipment infrastructure and incentive strategy required under section 204 (~~of this act~~), chapter 472, Laws of 2023. The director of the office of financial management or the director's 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.

~~(9)~~ (9) \$5,000,000 of the carbon emissions reduction account—state appropriation is provided solely for clean off-road equipment incentives. The office of financial management shall place the amounts provided in this subsection in unallotted status until the joint transportation committee completes the medium and heavy duty vehicle and cargo handling and off-road equipment infrastructure and incentive strategy required under section 204 (~~of this act~~), chapter 472, Laws of 2023. The director of the office of financial management or the director's 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.

~~(10)~~ (10) \$2,500,000 of the multimodal transportation account—state appropriation is provided solely for the

department to coordinate with cities, counties, ports, and private entities to develop actionable recommendations for state assistance in the development of specific candidate truck parking sites to be developed with amenities, identified by location. The department shall identify private land parcels for potential development of sites, which may include, but should not be limited to, a feasibility analysis of sites adjacent to Interstate 90 near North Bend for a 400 to 600 space truck parking site. The public benefit of each potential truck parking site must be included in this assessment. The department shall consider opportunities for the state to provide assistance in the development of truck parking sites, including possible opportunities to provide assistance in land acquisition and evaluating land use requirements. The department must update the transportation committees of the legislature on agency activities and their status by December 1, 2023, and to provide a final report to the transportation committees of the legislature by December 1, 2024.

(11) Beginning January 1, 2025, \$20,000,000 of the carbon emissions reduction account—state appropriation is provided solely for grants, and to serve as a state match for secured federal funds, to finance hydrogen refueling infrastructure for medium and heavy-duty vehicles in disadvantaged and overburdened communities. The department, in consultation with the interagency electric vehicle coordinating council, must pursue any federal funding available through the charging and fueling infrastructure discretionary grant program and any other sources under the federal infrastructure investment and jobs act (P.L. 29 117-58).

(12) \$370,000 of the motor vehicle account—state appropriation is provided solely for implementation of chapter . . . (Substitute Senate Bill No. 6277), Laws of 2024 (public-private partnerships). If chapter . . . (Substitute Senate Bill No. 6277), Laws of 2024 is not enacted by June 30, 2024, the amount provided in this subsection lapses.

Sec. 216. 2023 c 472 s 216 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MAINTENANCE—PROGRAM M

Motor Vehicle Account—State Appropriation	(\$535,033,000)
	<u>\$544,847,000</u>
Motor Vehicle Account—Federal Appropriation ...	\$7,000,000
Move Ahead WA Account—State Appropriation	\$50,000,000
<u>RV Account—State Appropriation</u>	<u>\$1,100,000</u>
State Route Number 520 Corridor Account—State Appropriation.....	(\$4,838,000)
	<u>\$4,841,000</u>
Tacoma Narrows Toll Bridge Account—State Appropriation.....	\$1,585,000
Alaskan Way Viaduct Replacement Project Account—State Appropriation.....	\$8,752,000
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation	\$2,624,000
<u>TOTAL APPROPRIATION.....</u>	(\$609,832,000)
	<u>\$620,749,000</u>

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

(1) \$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.

(2)(a) \$115,000 of the state route number 520 corridor account—state appropriation is provided solely for the

department to enter into a dispute resolution process with local jurisdictions to produce interagency agreements to address the ongoing facility and landscape maintenance of the three state route number 520 eastside lids and surrounding areas at the Evergreen Point Road, 84th Avenue NE, and 92nd Avenue NE.

(b) The agreements pursuant to (a) of this subsection must be executed by June 30, 2024.

~~(3) ((The appropriations in this section provide sufficient funding for the department assuming vacancy savings that may change over time. Funding for staffing will be monitored and adjusted in the 2024 supplemental transportation appropriations act to restore funding as authorized staffing levels are achieved.~~

~~(4))~~(a) ~~(\$7,000,000)~~ \$9,000,000 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 or for debris clean up on highway rights-of-way. A minimum of \$2,000,000 of this appropriation must be used to deliver 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 providing enhanced safety to department staff during debris cleanup or during efforts to prevent future encampments from forming on highway rights-of-way.

(b) Beginning November 1, 2023, and semiannually thereafter, the Washington state patrol and the department of transportation must jointly submit a report to the governor and the transportation committees of the legislature on the status of these efforts, including:

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

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

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

~~(((5)))~~ ~~(4)~~ \$1,000,000 of the motor vehicle account—state appropriation is provided solely for a partnership program between the department and the city of Spokane, to be administered in conjunction with subsection ~~(((4)))~~ (3) of this section. The program must address the safety and public health problems created by homeless encampments on the department's property along state highways within the city limits. \$555,000 of the motor vehicle account—state appropriation is for dedicated department maintenance staff and associated clean-up costs. The department and the city of Spokane shall enter into a reimbursable agreement to cover up to \$445,000 of the city's expenses for clean-up crews and landfill costs.

~~(((6)))~~ ~~(5)~~ \$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

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conjunction with subsection ((4)) (3) 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.

((7)) (6) \$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 ((4)) (3) of this section. The program must 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 of the motor vehicle account—state appropriation 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.

((8)) (7) \$1,500,000 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 pursuant to section 216(10), chapter 186, Laws of 2022. However, the amount provided in this subsection must be placed in unallotted status and may not be spent prior to November 1, 2023. If, after November 1, 2023, the department, in consultation with the office of financial management, determines that the department fully spent the \$2,000,000 appropriated in section 216(10), chapter 186, Laws of 2022, within the 2021-2023 fiscal biennium for this purpose, the amount provided in this subsection must remain in unallotted status and unspent. If the department did not fully spend the \$2,000,000 within the 2021-2023 fiscal biennium, the department may only spend from the appropriation in this subsection an amount not in excess of the amount unspent from the \$2,000,000 within the 2021-2023 fiscal biennium, with any remaining amount to remain in unallotted status and unspent. In no event may the department spend more than \$2,000,000 within the 2021-2023 and 2023-2025 fiscal biennia for this purpose.

(8) To the greatest extent practicable, the department shall schedule mowing along state highways to occur after litter pickup has been performed in the area to be mowed. This subsection is not intended to prevent mowing or other similar maintenance activities from being undertaken in the event litter pickup has not been performed.

Sec. 217. 2023 c 472 s 217 (uncodified) is amended to read as follows:

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

Highway Safety Fund—State Appropriation	(\$3,529,000)
	\$7,529,000
Motor Vehicle Account—State Appropriation ((\$85,466,000))	
	\$87,535,000
Motor Vehicle Account—Federal Appropriation ...	\$2,050,000
Motor Vehicle Account—Private/Local Appropriation	\$294,000
Move Ahead WA Account—State Appropriation ..	\$3,090,000
Multimodal Transportation Account—State Appropriation.....	\$5,000,000

State Route Number 520 Corridor Account—State Appropriation	\$247,000
Tacoma Narrows Toll Bridge Account—State Appropriation	\$44,000
Alaskan Way Viaduct Replacement Project Account— State Appropriation	\$1,122,000
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation	\$37,000
TOTAL APPROPRIATION	(\$100,879,000)
	\$106,948,000

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 2023-2025 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 for hire nonemergency medical transportation vehicles, when in use for medical purposes, as described in section 208((24) of this act)(20), chapter 472, Laws of 2023. 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((24) of this act)(20), chapter 472, Laws of 2023 must be authorized to use the reserved portion of the highway.

(d) Nothing in this subsection 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) 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 46.17.400, 46.44.090, and 46.44.0941 for driver and vehicle fee transactions beginning January 1, 2023. The department may recover transaction fees incurred through credit card transactions.

(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 through June 30, 2025. 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.

(5) \$5,000,000 of the multimodal transportation account—state appropriation is provided solely for the department to address emergent issues related to safety for pedestrians and bicyclists. Funds may only be spent after approval from the office of financial management. By December 15th of each odd-numbered year, the department shall provide a report to the legislature listing all emergent issues addressed in the prior fiscal biennium.

~~((7))~~ (6) \$3,529,000 of the highway safety account—state appropriation is provided solely for implementation of chapter 17, Laws of 2023 (speed safety cameras). If chapter 17, Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

~~((8))~~ (7) \$1,279,000 of the move ahead WA account—state appropriation is provided solely for maintenance and operations of the virtual coordination center. The department is encouraged to apply for federal grant funds for the virtual coordination center and may use state funds as a match. By December 1, 2023, the department shall report to the transportation committees of the legislature: (a) Recommendations to expand the center's operations, including specific additional jurisdictions and corridors across the state; and (b) amounts received and dates of receipt of any new cash and in-kind matches from virtual coordination center partners including, but not limited to, the city of Seattle, King county, other state and local jurisdictions, and private sector partners.

~~((9))~~ (8) \$100,000 of the motor vehicle account—state appropriation is provided solely for the department to prepare and submit a report to the transportation committees of the legislature by December 1, 2024, with a prioritized list of recommendations for improving safety and mobility on Interstate 90 between North Bend and Cle Elum during winter weather events, including estimated costs. The recommendations must include, but are not limited to, options to improve compliance with traction tire and chain requirements and reduce snow-related closures.

~~((14))~~ (9)(a) \$5,000,000 of the motor vehicle account—state appropriation is provided solely for the department, in coordination with the independent review team of the joint transportation committee, to conduct an analysis of highway, road, and freight rail transportation needs, options, and impacts from shifting the movement of freight and goods that currently move by barge through the lower Snake river dams to highways, other roads, and rail. The study should generate volume estimates and evaluate scenarios for changes in infrastructure and operations that would be necessary to address those additional volumes. The assessment must include quantitative analysis based on available data in terms of both financial and carbon emission costs; and qualitative input gathered from tribal governments, local governments, freight interests, and other key stakeholders, including impacts on disadvantaged/underserved communities. The analysis must include a robust public engagement process to solicit feedback from interested

stakeholders including but not limited to: Residents and officials in affected cities and counties; stakeholders involved in railroad, agriculture, fishing, trucking, shipping and other related industries; appropriate Native American tribes; representatives of advocacy and community organizations; and transportation, public works, and economic development organizations in the affected areas, federal highway administration and army corps of engineers. The analysis must be informed by the work of the joint transportation committee's independent review team, and must include the following:

- (i) Existing volumes and traffic patterns;
- (ii) Potential changes in volumes and traffic patterns immediately following the loss of freight movement by barge and over the following 20 years, including the carbon emissions impact of this mode shift;
- (iii) Identification of whether regional geography, land availability, and state and federal regulatory processes would allow for rail and road expansions and increased capacity;
- (iv) Identification of potential infrastructure and operational improvements to existing highways, other roads, and rail, including additional access to facilities, needed to accommodate the higher freight volumes and impacts and potential opportunities to mitigate impacts on shipping rates;
- (v) Identification of rail line development options, including impacts and potential opportunities to mitigate impacts on grain storage and handling facilities at regional unit train yards and port export facilities;
- (vi) An assessment of costs associated with mitigating potential slope failure and stabilization necessitated by the drawdown of the river. An assessment of impacts and potential opportunities to mitigate impacts on adjacent roads, bridges, railroads, and utility corridors shall be included;
- (vii) Both financial and carbon cost estimates for development and implementation of identified needs and options, including planning, design, and construction;
- (viii) Analysis of the impacts and potential opportunities to mitigate impacts of these infrastructure changes on environmental justice and disadvantaged/underserved communities during construction, as well as from future operations;
- (ix) Analysis of safety impacts and potential opportunities to mitigate impacts for a shift from barge transportation to rail or truck, including increases in rural community traffic and consistency with the Washington State Strategic Highway Safety Plan: Target Zero;
- (x) Impacts and potential opportunities to mitigate impacts on highly affected commodities, including agriculture, petroleum, project cargo, and wind energy components;
- (xi) Analysis of the impacts and potential opportunities to mitigate impacts that reduced competition resulting from removing barging of agricultural products on the Snake river would have on Washington's agricultural industry along with impacts modal shifts would have on the entire supply chain, including export facilities and ports on the Lower Columbia River; and
- (xii) Determination of the feasibility that additional east-west freight rail capacity can be achieved, particularly through Columbia River Gorge, and the alternative routes that exist in the event that adding more infrastructure on these routes is not feasible.

(b) The department shall provide status updates on a quarterly basis in coordination with the joint transportation committee. The legislature intends to require a final report to the governor and the transportation committees of the legislature by December 31, 2026.

(10) \$4,000,000 of the highway safety account—state appropriation is provided solely for the department, in

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consultation with the Washington traffic safety commission, to evaluate and identify between 10 to 20 geographical locations in both urban and rural highway settings to install and implement wrong-way driving prevention strategies. Such prevention strategies may include improved signage and pavement markings as recommended by the traffic safety commission's report on wrong-way driving, "Strategies and Technologies to Prevent and Respond to Wrong-Way Driving Crashes." The department must report to the legislature any crash data or wrong-way violations that occur at the selected locations by June 30, 2025.

(11) \$1,000,000 of the motor vehicle account—state appropriation is provided solely for the department to develop an automated highway speed safety camera pilot program to test two to three automated traffic safety cameras technologies on state highways in no more than three testing locations, with at least one location on each side of the Cascade mountains. The goals of the automated highway speed safety camera pilot program are to test existing speed camera technology, determine the impact on speeding behavior in testing locations, and compile public response to the use of traffic safety cameras on highways. The department must work with the Washington state patrol and the traffic safety commission to develop the pilot program including, but not limited to: Selection of technology; placement of cameras in high speed, collision, or fatality locations; establishment of public notification and warning signs before entering into an area with a speed safety camera; outreach and public engagement in the program development and site selection process; and a process to collect and report data including rates of speed before, during, and after the presence of speed safety cameras and public response to cameras. The Washington state patrol is responsible for selecting testing locations and must use accident reports, including department and traffic safety commission crash data as needed, to identify high speed and high collision areas. Automated traffic safety cameras may only take pictures of the vehicle and the vehicle license plates, and the ticketing of violators is prohibited during the pilot program. The department may notify drivers of their rates of speed. The department shall provide a pilot program progress report to the governor and transportation committees of the legislature by September 30, 2024, to include public input to safety cameras, evaluation of technologies, and changes in speeding behavior.

Sec. 218. 2023 c 472 s 218 (uncodified) is amended to read as follows:

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

Motor Vehicle Account—State Appropriation ((\$62,639,000))	\$63,494,000
Motor Vehicle Account—Federal Appropriation	\$780,000
Motor Vehicle Account—Private/Local Appropriation	\$500,000
Move Ahead WA Flexible Account—State Appropriation	\$5,400,000
Puget Sound Ferry Operations Account—State Appropriation.....	\$510,000
Multimodal Transportation Account—State Appropriation.....	\$22,323,000
State Route Number 520 Corridor Account—State Appropriation.....	\$220,000
Tacoma Narrows Toll Bridge Account—State Appropriation.....	\$136,000
Alaskan Way Viaduct Replacement Project Account—State Appropriation.....	\$127,000
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation	\$114,000

TOTAL APPROPRIATION ((~~\$92,749,000~~))
\$93,604,000

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

(1)(a) \$2,000,000 of the motor vehicle account—state appropriation and \$5,400,000 of the move ahead WA flexible account—state appropriation are provided solely for efforts to increase diversity in the transportation construction workforce through:

(i) The preapprenticeship support services (PASS) and career opportunity maritime preapprenticeship support services (COMPASS) programs, which aim to increase diversity in the highway construction and maritime workforces and prepare individuals interested in entering the highway construction and maritime workforces. In addition to the services allowed under RCW 47.01.435, the PASS and COMPASS programs may provide housing assistance for youth aging out of the foster care and juvenile rehabilitation systems to support their participation in a transportation-related preapprenticeship program and support services to obtain necessary maritime documents and coast guard certification; and

(ii) Assisting minority and women-owned businesses to perform work in the highway construction industry.

(b) The department shall report annually to the transportation committees of the legislature on efforts to increase diversity in the transportation construction workforce.

(2) \$1,512,000 of the motor vehicle account—state appropriation and \$488,000 of the Puget Sound ferry operations account—state appropriation are provided solely for the department to develop, track, and monitor the progress of community workforce agreements, and 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 engage with relevant stakeholders, and 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, 2024.

(3) For Washington state department of transportation small works roster projects under RCW 39.04.155, the department may only allow firms certified as small business enterprises, under 49 C.F.R. 26.39, to bid on the contract, unless the department determines there would be insufficient bidders for a particular project. The department shall report on the effectiveness of this policy to the transportation committees of the legislature by December 1, 2024.

(4) \$21,195,000 of the motor vehicle account—state appropriation and \$21,194,000 of the multimodal transportation account—state appropriation are provided solely for the department to upgrade the transportation reporting and accounting information system to the current cloud version of the software, and is subject to the conditions, limitations, and review requirements of section 701 ((~~of this act~~)), chapter 472, Laws of 2023.

((~~6~~)) (5) \$56,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 230, Laws of 2023 (clean energy siting). If chapter 230, Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

Sec. 219. 2023 c 472 s 219 (uncodified) is amended to read as follows:

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

Carbon Emissions Reduction Account—State

Appropriation.....	(\$3,000,000)
	<u>\$4,000,000</u>
Motor Vehicle Account—State Appropriation ((\$32,089,000))	<u>\$32,687,000</u>
Motor Vehicle Account—Federal Appropriation	(\$31,412,000)
	<u>\$31,527,000</u>
Motor Vehicle Account—Private/Local Appropriation	\$400,000
Move Ahead WA Flexible Account—State Appropriation	\$11,922,000
Multimodal Transportation Account—State Appropriation.....	(\$2,414,000)
	<u>\$3,214,000</u>
Multimodal Transportation Account—Federal Appropriation.....	\$2,809,000
Multimodal Transportation Account—Private/Local Appropriation.....	\$100,000
TOTAL APPROPRIATION.....	(\$84,146,000)
	<u>\$86,659,000</u>

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

(1) \$750,000 of the multimodal transportation account—state appropriation is provided solely for the department to partner with the department of commerce and regional transportation planning organizations in implementing vehicle miles traveled targets and supporting actions. As part of target setting, important factors that must be considered include land use patterns, safety, and vulnerable populations. The department shall provide an interim report by June 30, 2024, and a final report by June 30, 2025.

~~((3))~~ (2) \$150,000 of the motor vehicle account—state appropriation is provided solely for the department to continue implementation of a performance-based project evaluation model. The department must issue a report by September 1, 2024.

~~((4))~~ (3)(a) \$180,000 of the multimodal transportation account—state appropriation is provided solely for Thurston regional planning council (TRPC) to conduct a study examining options for multimodal high capacity transportation (HCT) to serve travelers on the Interstate 5 corridor between central Thurston county (Olympia area) and Pierce county.

(b) The study will include an assessment of travelsheds and ridership potential and identify and provide an evaluation of options to enhance connectivity and accessibility for the greater south Puget Sound region with an emphasis on linking to planned or existing commuter or regional light rail. The study must account for previous and ongoing efforts by transit agencies and the department. The study will emphasize collaboration with a diverse community of interests, including but not limited to transit, business, public agencies, tribes, and providers and users of transportation who because of age, income, or ability may face barriers and challenges.

(c) The study is due to the governor and transportation committees of the legislature by September 1, 2024.

~~((5) \$400,000)~~ (4) \$700,000 of the multimodal transportation account—state appropriation is provided solely for the city of Seattle's office of planning and community development to support an equitable development initiative to reconnect the South Park neighborhood, currently divided by state route number 99.

(a) The support work 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 support work 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, and the transportation committees of the legislature by ~~(December 1, 2024))~~ June 30, 2025.

~~((6))~~ (5) \$2,557,000 of the motor vehicle account—state appropriation is provided solely for the department to upgrade the department's linear referencing system (LRS) and highway performance monitoring system (HPMS), and is subject to the conditions, limitations, and review requirements in section 701 ~~(of this act))~~, chapter 472, Laws of 2023.

~~((7))~~ (6) \$306,000 of the multimodal transportation account—state appropriation is provided solely for the department to appoint or designate a liaison to serve as a point of contact and resource for the department, local governments, and project proponents regarding land use decisions and processing development permit applications. The liaison must, as a priority, facilitate and expedite any department decisions required for project approval.

~~((8) \$627,000)~~ (7) \$742,000 of the motor vehicle account—federal appropriation is provided solely for remaining work on the "Forward Drive" road usage charge research project overseen by the transportation commission using the remaining amounts of the federal grant award. The remaining work of this project includes:

(a) Analysis of road usage charge simulation and participant surveys;

(b) Follow up on road usage charge experiences related to payment installments, mileage exemptions, and vehicle-based mileage reporting;

(c) Completion of technology research; and

(d) Development of the final "Forward Drive" research program report.

~~((9))~~ (8)(a) \$11,922,000 of the move ahead WA flexible account—~~(federal)~~ state appropriation is provided solely for an Interstate 5 planning and environmental linkage study and a statewide Interstate 5 master plan, building upon existing work under way in the corridor. It is the intent of the legislature to provide a total of \$40,000,000 for this work by 2029.

(b) The work under (a) of this subsection must include, but is not limited to, the following:

(i) Seismic resiliency planning to refine the level of effort and develop informed cost estimates for the seismic vulnerability analysis;

(ii) HOV lane system-wide performance planning and initial steps to launch a pilot project that progresses innovative and emerging technologies;

(iii) Interstate 5 corridor planning work, including development of a framework, coordination of corridor needs, development of core evaluation criteria and a prioritization process, and identification of early action priority projects that address safety or resiliency, or both, along the corridor; and

(iv) A report to the transportation committees of the legislature by December 1, 2024, with recommendations for future phases and a detailed funding request for work planned through 2029.

(c) Of the amounts provided in this subsection, \$300,000 is provided solely for the department to conduct a Seattle Interstate 5 ramp reconfiguration study. The study must be conducted in coordination and partnership with the city of Seattle's department of transportation, informed by the input of Interstate 5 lid stakeholders, and coordinated with work under (a) and (b) of this subsection. The department must provide a study report,

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including recommendations, to the city of Seattle's department of transportation and the transportation committees of the legislature by December 1, 2024. The study must include an analysis of:

(i) Options and opportunities to reconfigure, relocate, or remove Interstate 5 ramps within and between Chinatown-International District and the University District for the purpose of improving through-traffic operations, enhancing multimodal transportation safety, and enabling more efficient air rights development;

(ii) Potential mitigation needs and cost estimates of ramp changes and demolitions;

(iii) Benefits of ramp changes and demolitions to pedestrian and bicycle travel, transit operations, and future lid design;

(iv) Ramps for the mainline, collector-distributor lanes and express lanes including, at a minimum, ramps connecting to and from James Street, Cherry Street, 6th Avenue, Madison Street, Seneca Street, Spring Street, University Street, Union Street, Olive Way, Yale Avenue, NE 45th Street, and NE 50th Street;

(v) Removal of the existing ramps at Seneca Street, Spring Street, and University Street; and

(vi) Removal and consolidation options of the existing NE 45th Street and NE 50th Street ramps.

(d) The department shall work with the emergency management division of the military department to identify strategic transportation corridors, opportunities to improve resilience and reinforce the corridors against natural disasters, and opportunities to secure federal funding for investments in the resilience of the transportation network. The department shall provide a report to the transportation committees of the legislature by December 1, 2023, on:

(i) Strategic transportation corridors and opportunities to improve their resilience;

(ii) Federal funding opportunities the state should pursue; and

(iii) Recommendations for actions to maximize federal funding for the state of Washington.

~~((40))~~ (9) The department shall continue to coordinate planning work focused on the transportation system in western Washington across modes with the goal of maximizing system performance toward the policy goals in RCW 47.04.280 in the most cost-effective manner. This coordination must include, but is not limited to: The Interstate 5 highway corridor, existing rail infrastructure and future high-speed rail alignment, and commercial aviation capacity. The department must report to the joint transportation committee through existing reporting mechanisms on the status of these planning efforts including, but not limited to, a long-term strategy for addressing resilience of the transportation system in western Washington through consideration of changing demand, modal integration, and preservation needs. The coordinated work must include an analysis of different alternatives to promote system resilience, including performance and cost of each scenario.

~~((43))~~ (10) \$3,000,000 of the carbon emissions reduction account—state appropriation is provided solely for the department, in coordination with the department's HEAL act team and environmental services office, to develop and implement a community outreach, education, and technical assistance program for overburdened communities and their community partners in order to develop community-centered carbon reduction strategies to make meaningful impacts in a community, and to provide assistance in gaining access to available funding to implement these strategies, where applicable. The department may provide appropriate compensation to members of overburdened communities who provide solicited community participation and input needed by the department to implement and administer the program established in this subsection. By June 1, 2024, and by

June 1, 2025, the department must submit a report to the transportation committees of the legislature and to the governor that provides an update on the department's community outreach, education, and technical assistance program development and implementation efforts.

(11) \$500,000 of the multimodal transportation account—state appropriation is provided solely for the city of Seattle department of transportation to create a digital conflict area awareness management program to provide machine-readable information for transportation operators, such as autonomous vehicle fleet operators, to be aware of conflict areas, such as emergency response zones, work zones, schools, pick up and drop off locations, and other areas where vulnerable road users may be present.

(a) Program work must include:

(i) The city of Seattle engaging with first responders and transportation management officials and other relevant stakeholders, to determine program implementation needs and processes; and

(ii) A feasibility study of implementing the program's mobility and curb data specifications, to include, but not be limited to, necessary partners, data platforms, ability to integrate real-time 911 dispatch, emergency vehicles, work zones, and other areas to reduce conflicts for transportation operators of autonomous vehicle fleets on public roads and in the right-of-way.

(b) Program work must also be conducted in coordination and partnership with city of Seattle departments, the nonprofit steward of the program's mobility and curb data specifications, the Washington state department of transportation, and other entities potentially impacted by the implementation of the program.

(c) As feasible, the city of Seattle shall prepare an implementation pilot of the program to make a standardized data feed available publicly for transportation operator use.

(d) The city of Seattle must provide a report on any findings and recommendations of the program and any implementation needs and process mapping for use by other jurisdictions to the Washington state department of transportation and the transportation committees of the legislature by June 30, 2025.

(12) \$200,000 of the motor vehicle account—state appropriation is provided solely for planning and intersection improvements along state route number 904 and improvements to the local network that would feed intersections with state route number 904. This work must include, but is not limited to, the Medical Lake/Four Lakes Road/West 3rd Ave intersection and feeding local network. The department must collaborate with Spokane county and the city of Cheney on this work and other improvement ideas along the corridor.

(13)(a) \$500,000 of the motor vehicle account—state appropriation is provided solely for planning and preliminary engineering necessary to complete cost estimates and structure designs associated with construction of wildlife crossings at the top two statewide priority locations to enhance habitat connectivity.

(b) The department shall submit a report to the appropriate committees of the legislature by December 1, 2024, including at a minimum:

(i) Identification of statewide priority locations for habitat connectivity;

(ii) The basis for the determination of the locations included on the identification list; and

(iii) Estimates of costs necessary to complete remaining design, permitting, right-of-way acquisition, and construction of wildlife crossing structures at the locations identified.

(c) The legislature intends to use the information collected to

consider the allocation of fund matching in future biennia for federal grants to construct wildlife crossings at the statewide priority locations.

(14) \$150,000 of the motor vehicle account—state appropriation is provided solely for the department to fund one full-time equivalent liaison position within the local program multiagency permit program. Within the amounts provided in this section, the department shall work to enhance its multiagency permit program capabilities, with an emphasis on multiagency agreements that streamline, prioritize, and expedite project-level and programmatic permits and approvals. The department shall review current multiagency permit program practices and provide a report with recommendations on the enhancement of the program to the transportation committees of the legislature by December 1, 2024.

(15) Beginning January 1, 2025, \$1,000,000 of the carbon emissions reduction account—state appropriation is provided solely for the department to contract with a world cup organizing committee based in Seattle to undertake low carbon transportation planning efforts that will help prepare for the increase in visitors due to the 2026 FIFA world cup soccer matches in Seattle and other venues in the state. The planning, to be developed in coordination with the department and local mobility agencies, must identify critical infrastructure and operational improvements that will support active transportation and reliability of transit, making it easier for the public to choose options other than single-occupancy vehicles. A progress report including best practices for future events must be delivered to the department, office of the governor, and transportation committees of the legislature by June 30, 2025.

Sec. 220. 2023 c 472 s 220 (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.....	(\$29,000)
	<u>\$56,000</u>
Motor Vehicle Account—State Appropriation	(\$105,197,000)
	<u>\$110,703,000</u>
Puget Sound Ferry Operations Account—State Appropriation.....	\$244,000
State Route Number 520 Corridor Account—State Appropriation.....	\$69,000
Connecting Washington Account—State Appropriation	(\$233,000)
	<u>\$452,000</u>
Multimodal Transportation Account—State Appropriation.....	(\$5,585,000)
	<u>\$6,315,000</u>
Tacoma Narrows Toll Bridge Account—State Appropriation.....	\$43,000
Alaskan Way Viaduct Replacement Project Account— State Appropriation.....	\$38,000
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation	(\$40,000)
	<u>\$43,000</u>
TOTAL APPROPRIATION.....	(\$111,479,000)
	<u>\$117,964,000</u>

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 \$5,000,000, 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) On August 1, 2023, 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) On August 1, 2023, 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. 221. 2023 c 472 s 221 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
PUBLIC TRANSPORTATION—PROGRAM V**

Carbon Emissions Reduction Account—State Appropriation	(\$500,000)
	<u>\$10,500,000</u>
Climate Transit Programs Account—State Appropriation	(\$406,287,000)
	<u>\$410,545,000</u>
State Vehicle Parking Account—State Appropriation	\$784,000
Regional Mobility Grant Program Account—State Appropriation	(\$115,060,000)
	<u>\$126,275,000</u>
Rural Mobility Grant Program Account—State Appropriation	(\$32,774,000)
	<u>\$33,077,000</u>
Multimodal Transportation Account—State Appropriation	(\$118,255,000)
	<u>\$125,737,000</u>
Multimodal Transportation Account—Federal Appropriation	\$4,374,000
Multimodal Transportation Account—Private/Local Appropriation	\$100,000
TOTAL APPROPRIATION	(\$678,134,000)
	<u>\$711,392,000</u>

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

(1) ~~(\$64,354,000)~~ \$64,906,000 of the multimodal transportation account—state appropriation and ~~(\$78,100,000)~~ \$78,325,000 of the climate transit programs account—state appropriation are provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation. Of this amount:

(a) \$14,420,000 of the multimodal transportation account—

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state appropriation and \$17,963,000 of the climate transit programs account—state appropriation are 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.

(b) \$48,278,000 of the multimodal transportation account—state appropriation and \$60,137,000 of the climate transit programs account—state appropriation are 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 2021 as reported in the "2021 Summary of Public Transportation" published by the department of transportation. No transit agency may receive more than 30 percent of these distributions. Fuel type may not be a factor in the grant selection process.

(c) (~~(\$1,656,000)~~) \$2,208,000 of the multimodal transportation account—state appropriation (~~(is)~~) and \$225,000 of the climate transit programs account—state appropriation are provided solely for the reappropriation of amounts provided for this purpose in the 2021-2023 fiscal biennium.

(2) (~~(\$32,774,000)~~) \$33,077,000 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) (~~(\$11,382,000)~~) \$11,598,000 of the multimodal transportation account—state appropriation is provided solely for a public transit rideshare grant program for: (a) Public transit agencies to add or replace rideshare vehicles; and (b) incentives and outreach to increase rideshare use. The grant program for public transit agencies may cover capital costs only, and costs for operating vanpools at public transit agencies are not eligible for funding under this grant program. Awards from the grant program must not be used to supplant transit funds currently funding ride share programs, or to hire additional employees. Fuel type may not be a factor in the grant selection process. Of the amounts provided in this subsection, (~~(\$1,092,000)~~) \$1,308,000 is for the reappropriation of amounts provided for this purpose in the 2021-2023 fiscal biennium.

(4) (~~(\$37,382,000)~~) \$48,597,000 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 (~~(2023-2)~~) 2024-2 ALL PROJECTS as developed (~~(April 21, 2023)~~) February 20, 2024, 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 (~~(2023-2)~~) 2024-2 ALL PROJECTS as developed (~~(April 21, 2023)~~) February 20, 2024, 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, 2023, and December 15, 2024, 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 25 percent of the amount appropriated in this subsection unless all other funding is awarded. Additionally, when allocating funding for the 2023-2025 fiscal biennium, no more than 30 percent of the total grant program may directly benefit or support one grantee unless all other funding is awarded. 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 2023-2025 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.

(c) \$1,500,000 of the amount appropriated in this subsection is provided solely for a contingency fund to assist current regional mobility grantees with cost escalations and overages. The department shall create a system for grantees to request funds, and set a cap of contingency funds per grantee to ensure an equitable distribution among requesters.

(d) During the 2023-2025 fiscal biennium, the department shall consider applications submitted by regional transportation planning organizations and metropolitan planning organizations for the regional mobility grant program funding in the 2025-2027 fiscal biennium.

(6) \$6,195,000 of the multimodal transportation account—state appropriation, \$3,300,000 of the climate transit programs 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, \$495,000 of the multimodal transportation account—state appropriation is reappropriated and provided solely for continuation of previously approved projects under the first mile/last mile connections grant program.

(7) (~~(\$11,914,000)~~) \$16,318,000 of the multimodal transportation account—state appropriation is provided solely for connecting Washington transit projects identified in LEAP Transportation Document (~~(2023-2)~~) 2024-2 ALL PROJECTS as developed (~~(April 21, 2023)~~) February 20, 2024. It is the intent of the legislature that entities identified to receive funding in the LEAP transportation 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 transportation 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.

(8) The department shall not require more than a 10 percent match from nonprofit transportation providers for state grants.

(9) \$12,000,000 of the multimodal transportation account—state appropriation and \$39,400,000 of the climate transit

programs account—state appropriation are provided solely for the green transportation capital projects identified in LEAP Transportation Document ((2023-2)) 2024-2 ALL PROJECTS as developed ((April 21, 2023)) February 20, 2024, Program - Public Transportation Program (V). Of the amount of climate transit program account funds appropriated in this subsection, up to one percent may be used for program administration and staffing.

(10) ((~~\$4,407,000~~)) \$5,950,000 of the multimodal transportation account—state appropriation ((is)) and \$1,249,000 of the climate transit programs account—state appropriation are reappropriated and provided solely for the green transportation capital grant projects identified in LEAP Transportation Document ((2023-2)) 2024-2 ALL PROJECTS as developed ((April 21, 2023)) February 20, 2024, Program - Public Transportation Program (V).

(11) ((~~\$10,000,000~~)) \$10,167,000 of the climate transit programs account—state appropriation is provided solely for tribal transit grants. Up to one percent of the amount provided in this subsection may be used for program administration and staffing.

(a) The department must establish a tribal transit competitive grant program ((to be administered as part of the department's consolidated grant program)). Grants to federally recognized tribes may be for any transit purpose, including planning, operating costs, maintenance, and capital costs. The department shall report to the transportation committees of the legislature and the office of financial management with a list of projects recommended for funding by September 1, ((2023)) 2024, along with recommendations on how to remove barriers for tribes to access grant funds, including removal of grant match requirements, and recommendations for how the department can provide technical assistance.

(b) Within the amount provided in this subsection, ((~~\$5,038,000~~)) \$10,167,000 is provided solely for move ahead Washington tribal transit grant projects as listed in LEAP Transportation Document ((2023-2)) 2024-2 ALL PROJECTS as developed ((April 21, 2023)) February 20, 2024. Of this amount, \$529,000 is for the Sauk-Suiattle Commuter project (L1000318).

(12) ((~~\$188,900,000~~)) \$188,930,000 of the climate transit programs account—state appropriation is provided solely for transit support grants for public transit agencies that have adopted a zero-fare policy for youth 18 years of age and under by October 1, 2022. The department must confirm zero-fare policies are in effect at transit agencies to be eligible for biennial distributions.

(13) \$38,000,000 of the climate transit programs account—state appropriation is provided solely for the bus and bus facility grant program for replacement, rehabilitation, and purchase of transit rolling stock, or construction, modification, or rehabilitation of transit facilities.

(14) \$2,000,000 of the climate transit programs account—state appropriation is provided solely for newly selected transit coordination grants. The department shall prioritize grant proposals that promote the formation of joint partnerships between transit agencies or merge service delivery across entities.

(15) \$46,587,000 of the climate transit programs account—state appropriation is provided solely for move ahead Washington transit projects as listed in LEAP Transportation Document ((2023-2)) 2024-2 ALL PROJECTS as developed ((April 21, 2023)) February 20, 2024, Move Ahead WA - Transit Projects.

(a) For projects funded as part of this subsection, if the department expects to have substantial reappropriations for the 2023-2025 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that is unable to be used within the 2023-2025 fiscal biennium to advance one or more of the projects listed, prioritizing projects first by tier then by project readiness.

(b) In instances when projects listed in the LEAP transportation document referenced in this subsection (15) are no longer viable or have been completed, the department may recommend in its next budget submittal alternative project proposals from the local jurisdictions if the project is similar in type and scope and consistent with limitations on certain funds provided. In the event that the listed project has been completed, the local jurisdictions may, rather than submitting an alternative project, be reimbursed in the year in which it was scheduled for documented costs incurred implementing the listed project, not in excess of the amount awarded from the funding program.

(c) At least 10 business days before advancing or swapping a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2023-2025 fiscal biennium.

(16) ((~~\$580,000~~)) \$702,000 of the multimodal transportation account—state appropriation is provided solely for the department to provide a statewide vanpool benefit for all state employees. For department employees working in remote job sites, such as mountain passes, the department must ensure employees are able to access job sites via a subsidized vanpool or provide a modal alternative for the "last mile" to ensure employees can access the job site without additional charge.

(17) \$200,000 of the multimodal transportation account—state appropriation is provided solely for the department to update the 2019 feasibility study to add a fifth travel Washington intercity bus line in the Yakima Valley. The department must provide a summary report of the updated feasibility and cost estimates to the transportation committees of the legislature by December 1, 2024.

((~~19~~)) (18) \$555,000 of the multimodal transportation account—state appropriation and \$500,000 of the carbon emissions reduction account—state appropriation are provided solely for an interagency transfer to the Washington State University extension energy program to 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 submit this report to the transportation committees of the legislature by November 15, 2023.

((~~20~~)) (19)(a) \$400,000 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 consist of individuals trained in deescalation and outreach. Team functions 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, 2024, 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.

((~~21~~)) (20) \$500,000 of the multimodal transportation account—state appropriation is provided solely for planning to move Grays Harbor transit operation and administration facilities from the current location.

(21) As part of the department's 2025-2027 biennial budget request, the department must submit budget materials for the public transportation division separated into operating and capital

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budgeted programs.

(22) Beginning January 1, 2025, \$2,000,000 of the carbon emissions reduction account—state appropriation is provided solely for new transit coordination grants, prioritizing projects that coordinate transit service to and from Washington state ferry terminals. Program eligibility must be expanded to include proposals from transit agencies in counties with fewer than 700,000 that coordinate service to and from Washington state ferry terminals.

(23) Beginning January 1, 2025, \$1,200,000 of the carbon emissions reduction account—state appropriation is provided solely for the department to continue research on level of and access to transit service. The department shall define levels and types of demand-response service and measure access to these services within the state. The department shall also collect data and develop systems to achieve more accurate and precise analysis of disparities in access to transit service focusing on accessibility and inclusion of people with disabilities, vulnerable populations in overburdened communities, and other underserved communities. The department must also establish a financial model to fund transit at a statewide standard that is calibrated for geography, population density, and financial constraints of the existing transit agencies across the state. The department shall submit a report to the transportation committees of the legislature and the office of financial management by June 30, 2025.

(24) Beginning January 1, 2025, \$6,800,000 of the carbon emissions reduction account—state appropriation is provided solely for the following projects identified in LEAP Transportation Document 2024-2 ALL PROJECTS as developed February 20, 2024:

(a) Base Refurbish & Expansion for Growth/Columbia County Public Transportation (L4000182);

(b) Kitsap Transit: Design & Shore Power (G2000115); and

(c) Pierce Transit - Meridian (L2021197).

Sec. 222. 2023 c 472 s 222 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—MARINE—PROGRAM X

Puget Sound Ferry Operations Account—State	
Appropriation.....	(\$575,986,000)
	\$573,666,000
Puget Sound Ferry Operations Account—Federal	
Appropriation.....	(\$163,791,000)
	\$198,650,000
Puget Sound Ferry Operations Account—Private/Local	
Appropriation.....	\$121,000
TOTAL APPROPRIATION.....	(\$739,898,000)
	\$772,437,000

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 2023-2025 supplemental and 2025-2027 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) ~~(\$90,014,000)~~ \$97,060,000 of the Puget Sound ferry operations account—federal appropriation and ~~(\$50,067,000)~~ \$51,450,000 of the Puget Sound ferry operations account—state appropriation are provided solely for auto ferry vessel operating fuel in the 2023-2025 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)),~~ chapter 472, Laws of 2023. 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.

(3) \$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.

(4) 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.

(5) \$175,000 of the Puget Sound ferry operations account—state appropriation is provided solely for the department to continue a study of passenger demographics. The study may be included as part of a larger origin and destination study. The department shall report study results to the transportation committees of the legislature by December 1, 2023. Following completion of the study, the department must compare study results to the composition of groups outlined in RCW 47.60.310, both by overall representation of ferry riders and by route. A summary is due to the office of the governor and transportation committees of the legislature by December 1, 2024.

(6) The department shall continue 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 is due to the transportation committees of the legislature by December 1, 2023. By December 1, 2024, any feasible near to medium term solutions identified from the study must be reported to the office of the governor and transportation committees of the legislature and include cost estimates for implementation.

(7) ~~(\$11,842,000)~~ \$15,985,000 of the Puget Sound ferry operations account—state appropriation is provided solely for Washington state ferries to:

(a) Provide scholarships, coursework fees, and stipends for candidates to become licensed deck officers (mates);

(b) Improve the process for unlicensed candidates who have achieved able-bodied sailor (AB) status to earn their mate's license;

(c) Annually hire, orient, train, and develop entry level engine room staff at the wiper classification with the intention of successfully promoting to oiler classification;

(d) Create an operations project management office; ~~(and)~~

(e) Increase human resources capacity and add a workforce ombuds; and

(f) Hire additional dispatch staff.

(8) \$988,000 of the Puget Sound ferry operations account—state appropriation is provided solely for expansion of the wiper to oiler program to develop engine room workforce.

(9) \$169,000 of the Puget Sound ferry operations account—state appropriation is provided solely for hiring an additional service planner.

(10)(a) During negotiations of the 2025-2027 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 incorporate, to the extent practicable, the findings and recommendations from the December 2022 joint transportation committee study on Washington state ferries' workforce, and must also 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) For future negotiations or modifications of the collective bargaining agreements, it is the intent of the legislature that the collective bargaining representatives for the state and ferry employee organizations may 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.

~~((9)) \$1,500,000 of the Puget Sound ferry operations account—state appropriation is provided solely for the restoration of service to Sidney, British Columbia. Funds must be held in unallotted status pending completion of the assessment referenced in subsection (12) of this section.~~

~~((10))~~ (11) \$1,504,000 of the Puget Sound ferry operations account—state appropriation is provided solely for the implementation of chapter 188, Laws of 2023 (state ferry workforce development issues). If chapter 188, Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

~~((11)) \$1,000,000~~ (12) \$5,000,000 of the Puget Sound ferry operations account—state appropriation is provided solely for support of the Kitsap transit passenger ferry to supplement service on the Seattle-Bremerton route.

~~((12))~~ (13) \$100,000 of the Puget Sound ferry operations account—state appropriation is provided solely to assess temporary service restoration options for the Sidney, British Columbia route until Washington state ferries can resume its service. Washington state ferries must provide service options and recommendations to the office of financial management and the transportation committees of the legislature by December 15, 2023.

~~((13)) \$2,100,000~~ (14) \$2,549,000 of the Puget Sound ferry operations account—state appropriation is provided solely for security services at Colman Dock.

~~((14)) \$9,000,000~~ (15) \$13,856,000 of the Puget Sound ferry operations account—state appropriation is provided solely for overtime and familiarization expenses incurred by engine, deck, and terminal staff. The department must provide updated staffing cost estimates for fiscal years 2024 and 2025 with its annual budget submittal and updated estimates by January 1, 2024.

~~((15))~~ (16) \$1,064,000 of the Puget Sound ferry operations account—state appropriation is provided solely for traffic control at ferry terminals at Seattle, Fauntleroy, Kingston, Edmonds, Mukilteo, and Bainbridge Island, during peak ferry travel times, with a particular focus on Sundays and holiday weekends.

~~((16))~~ (17) \$93,000 of the Puget Sound ferry operations account—state appropriation is provided solely for the Washington state ferries to secure housing for workforce training sessions and to pay in advance for the costs of transportation worker identification credentials, merchant mariner credentials, and medical examinations for incoming ferry system employees and trainees.

~~((17))~~ (18) \$10,417,000 of the Puget Sound ferry operations account—state appropriation is provided solely for vessel maintenance initiatives to:

- (a) Add a second shift at the Eagle Harbor maintenance facility;
- (b) Establish maintenance management project controls to maximize vessel maintenance work at the Eagle Harbor facility;
- (c) Expand the existing Washington state ferries Eagle Harbor

apprenticeship program from two to eight apprentices; and

(d) Maintain assets in a state of good repair by investing in enterprise asset management operating capacity.

~~((18))~~ (19)(a) \$855,000 of the Puget Sound ferry operations account—state appropriation is provided solely for Washington state ferries to provide to Seattle Central Community College for a pilot with the Seattle Maritime Academy for the 2023-2025 fiscal biennium. Funding may not be expended until Washington state ferries certifies to the office of financial management that a memorandum of agreement with Seattle Central Community College has been executed, and the office of financial management determines that funds provided in this subsection are utilized for programs that are a benefit to the Washington state ferries or the prospective workforce pipeline of the Washington state ferries. The memorandum of agreement with Seattle Central Community College must address:

(i) Prioritized use of training and other facilities and implementation of joint training opportunities for Washington state ferries' employees and trainees;

(ii) Development of a joint recruitment plan with Seattle Central Community College aimed at increasing enrollment of women and people of color, with specific strategies to recruit existing community and technical college students, maritime skills center students, high school students from maritime programs, including maritime skills center students, foster care graduates, and former juvenile rehabilitation and adult incarcerated individuals; and

(iii) Consultation between the parties on the development of the training program, recruitment plan and operational plan, with an emphasis on increasing enrollment of women and people of color.

(b) The joint training and recruitment plan must be submitted to the appropriate policy and fiscal committees of the legislature by December 1, 2023. The Washington state ferries must submit findings of program effectiveness and recommendations for continuation of the pilot, to the appropriate committees of the legislature by December 1, 2024.

~~((19))~~ (20) \$420,000 of the Puget Sound ferry operations account appropriation—state is provided solely for a contract with an organization with experience evaluating and developing recommendations for the Washington state ferries' workforce to provide expertise on short-term strategies including, but not limited to, addressing recruitment, retention, diversity, training needs, leadership development, and succession planning. The consultant shall provide additional assistance as deemed necessary by the Washington state ferries to implement recommendations from the joint transportation committee 2022 workforce study. Periodic updates must be given to the joint transportation committee and the governor.

~~((20))~~ (21) By December 31st of each year, as part of the annual ferries division performance report, the department must report on the status of efforts to increase the staff available for maintaining the customary level of ferry service, including staff for deck, engine, and terminals. The report must include data for a 12-month period up to the most recent data available, by staff group, showing the number of employees at the beginning of the 12-month period, the number of new employees hired, the number of employees separating from service, and the number of employees at the end of the 12-month period. The department report on additional performance measures must include:

(a) Numbers of trip cancellations due to crew availability or vessel mechanical issues; ~~((and))~~

(b) Current level of service compared to the full-service schedules in effect in 2019; and

(c) Retention rates of employees who have completed on the job workforce development programs and overall employee retention rates.

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(22) \$10,000,000 of the Puget Sound ferry operations account—state appropriation is provided solely for the department to increase deck and engine positions across the system, prioritizing positions that will mitigate crew related cancellations and reduce overtime expenditures. The department must include an update on the number of positions hired by job class as part of the annual performance report. The legislature intends to provide \$16,000,000 on an ongoing basis to support additional crew efforts.

(23)(a) \$600,000 of the Puget Sound ferry operations account—state appropriation is provided solely for the department to evaluate the feasibility of passenger-only ferry service to support existing ferry service routes in the San Juan Islands. The department must contract with a third-party entity to:

(i) Prioritize evaluating options and provide recommendations for a San Juan county interisland passenger-only ferry to include, but not be limited to, an analysis of estimated ridership, availability of passenger-only vessels that align with existing ferry terminals or nearby dock facilities, options and cost estimates for purchasing or leasing a ferry vessel, options for contracting with an existing passenger-only ferry service, and operating costs including labor and fuel; and

(ii) Evaluate governance structures for any viable passenger-only ferry routes and recommend entities or organizations best suited to deliver services. The analysis must include a cost-benefit analysis of public versus private operators for viable routes, and public engagement for identified areas, including the San Juan county council.

(b) A progress report is due to the governor and transportation committees of the legislature by December 31, 2024. A final report is due to the office of the governor and transportation committees of the legislature by June 30, 2025.

(24) \$100,000 of the Puget Sound ferry operations account—state appropriation is provided solely for the department to reimburse walk-on customers for emergency expenses incurred as a result of a cancellation of the last sailing of the day. In consideration for receiving the reimbursement, an applicant must sign a release of claims drafted by the department. The department shall create a process for reimbursement and set a per diem limit for reimbursement per individual.

(25) \$2,000,000 of the Puget Sound ferry operations account—state appropriation is provided solely for the temporary extension, due to extraordinary circumstances, of multiuse passes from 90 days to 120 days through June 30, 2025.

(26) \$3,170,000 of the Puget Sound ferry operations account—state appropriation is provided solely for temporary expanded weekday midday King county water taxi service support to and from Vashon Island.

Sec. 223. 2023 c 472 s 223 (uncodified) is amended to read as follows:

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

Carbon Emissions Reduction Account—State	
Appropriation.....	\$2,250,000
Multimodal Transportation Account—State	
Appropriation.....	(\$90,565,000)
	\$85,842,000
Multimodal Transportation Account—Federal	
Appropriation.....	\$13,122,000
Multimodal Transportation Account—Private/Local	
Appropriation.....	\$46,000
Transportation Infrastructure Account—State	
Appropriation.....	\$2,000,000
TOTAL APPROPRIATION.....	(\$92,861,000)
	\$103,260,000

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

(1) The department shall continue to pursue restoring Amtrak Cascades service to pre-COVID service levels, and to the service levels committed to through the department's obligation of funding from the federal American recovery and reinvestment act. A status report must be provided to the transportation committees of the legislature and the office of financial management by September 1, 2023.

(2)(a) \$2,250,000 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 state, Oregon state, and British Columbia, and is a reappropriation of funds appropriated in the 2021-2023 fiscal biennium. For purposes of this subsection, "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 states, and the premier of the province of British Columbia in November 2021. The department shall establish a policy committee with participation from Washington state, Oregon state, 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 and recommended next steps for establishment of the coordinating entity. Project development processes must include consideration of negative and positive impacts on communities of color, low-income households, indigenous peoples, and other disadvantaged communities.

(b) By June 30, 2024, the department shall provide to the governor and the transportation committees of the legislature a high-level status update that includes, but is not limited to, the status of the items included in (a)(i) through (v) of this subsection.

(c) By June 30, 2025, the department shall provide to the governor and the transportation committees of the legislature a report detailing the work conducted by the policy committee and recommendations for establishing a coordinating entity. The report must also include an assessment of 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 state and appropriate government bodies in the province of British Columbia.

((4)) (3) \$1,800,000 of the multimodal transportation

account—state appropriation ~~((is))~~ and \$12,000,000 of the multimodal transportation account—federal appropriation are provided solely for the department ~~((to pursue federal grant opportunities))~~ to develop and implement a technology-based truck parking availability system along the Interstate 5 Corridor in partnership with Oregon state and California state to maximize utilization of existing truck parking capacity and deliver real-time parking availability information to truck drivers. The department may use a portion of the appropriation in this subsection for grant proposal development and as state match funding for technology-based truck parking availability system federal grant applications. The department must update the transportation committees of the legislature on agency activities and their status by December 1, 2023, and to provide a final report to the transportation committees of the legislature by December 1, 2024.

~~((5) \$5,950,000))~~ (4)(a) \$1,000,000 of the multimodal transportation account—state appropriation is provided solely for ~~((implementation of truck parking improvements recommended by the freight mobility strategic investment board in consultation with the department under section 206(4) of this act. The office of financial management must place this amount in unallotted status))~~ the design on the I-5 Fort Lewis weigh station and SR 906 Phase 3 truck parking improvements.

(b) The legislature intends to provide \$4,950,000 in the 2025-2027 fiscal biennium for additional truck parking improvements. As part of the department's 2025-2027 budget submittal, the department and the freight mobility strategic investment board, after consulting with appropriate entities, must provide a list of specific truck parking solutions within the amounts provided in this subsection (4)(b). The list may also include additional funding recommendations beyond this amount for more immediate expansion of truck parking capacity.

(5) Consistent with the ongoing planning and service improvement for the intercity passenger rail program, \$335,000 of the multimodal transportation account—federal appropriation is provided solely for the Cascades service development plan, 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.

(6) The department shall continue to provide high quality intercity passenger rail service, align planning efforts for continued growth and on-time performance improvements consistent with federally recognized corridor development programs, and implement improvements consistent with planning efforts through leveraging federal funding opportunities. New passenger rail equipment is essential to service enhancements. The department shall make every effort to coordinate with service partners to prepare for the arrival of new trainsets and implementation of service enhancements. A status report must be provided to the transportation committees of the legislature and the office of financial management by December 1, 2024.

(7) \$500,000 of the multimodal transportation account—federal appropriation is provided solely for the Cascades corridor planning as part of the corridor identification and development program, in coordination with the Oregon state department of transportation. The department must continue to pursue funding opportunities for the Cascades corridor through the corridor identification and development program and the federal-state partnership programs at the federal rail administration. The department must notify the office of the governor and the

transportation committees of the legislature of funding opportunities from the programs and any corresponding state match needs.

(8) \$2,000,000 of the transportation infrastructure account—state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 6302), Laws of 2024 (supply chain competitiveness infrastructure program). Of the amount provided in this subsection, \$1,000,000 of the transportation infrastructure account—state appropriation must be held in unallotted status pending completion of the stakeholder process and establishment of the grant and loan programs. If chapter . . . (Substitute Senate Bill No. 6302), Laws of 2024 is not enacted by June 30, 2024, the amount in this subsection lapses.

(9) \$50,000 of the multimodal transportation account—state appropriation is provided solely for the department to coordinate with partners on Amtrak long distance rail service.

Sec. 224. 2023 c 472 s 224 (uncodified) is amended to read as follows:

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

Carbon Emissions Reduction Account—State	
Appropriation	\$275,000
Motor Vehicle Account—State Appropriation ((13,569,000))	\$14,129,000
Motor Vehicle Account—Federal Appropriation...	\$2,567,000
Multituse Roadway Safety Account—State Appropriation	\$1,230,000
Multimodal Transportation Account—State Appropriation	((1,450,000))
	\$1,500,000
TOTAL APPROPRIATION	((18,816,000))
	\$19,701,000

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

(1) \$500,000 of the motor vehicle account—state appropriation is provided solely for development, administration, program management, and evaluation of the federal fund exchange pilot program.

(2) \$1,063,000 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) Contract with the department of fish and wildlife to identify, inventory, and prioritize county-owned fish passage barriers;

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

(c) Commission a study to develop guidance for county public works departments conducting environmental justice assessments in their communities and recommend best practices for community engagement plans to address environmental health disparities for identified overburdened communities;

(d) Contract for a study to identify best practices within public works for the recruitment and retention of employees, including: Recommendations for improving outreach and recruitment to underrepresented populations, methods to partner with local community colleges and universities, methods to expand apprenticeship and internship programs, strategies to increase training and development opportunities, and recommendations for career advancement programs and better work-life balance outcomes;

(e) Update the 2020 county transportation revenue study; and

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(f) By December 15, 2024, report to the office of financial management and the appropriate committees of the legislature the deliverables from and the amounts expended on the purposes enumerated in this subsection.

~~((5))~~ (4)(a) \$200,000 of the multimodal transportation account—state appropriation is provided solely for the department to develop the preliminary phase of an action plan for the establishment of cycle highways in locations that connect population centers and support mode shift.

(b) The action plan may complement and incorporate existing resources, including the state trails database maintained by the recreation and conservation office, local and regional plans, and the state active transportation plan.

(c) The action plan may also include, but is not limited to:

(i) Recommended design; geometric and operational criteria and typologies appropriate to urban, suburban, and rural settings; settings that include shared use; and incremental approaches to achieve desired facility types;

(ii) A model or methodology to project potential demand and carrying capacity based on facility quality, level of traffic stress, location, directness, land use, and other key attributes;

(iii) Examination of the feasibility of developing high-capacity infrastructure for bicycle and micromobility device use within a variety of contexts and recommendations for pilot projects;

(iv) Identification of key gaps in regional networks, including planned and aspirational routes and locations within three miles of high-capacity transit or existing shared-use paths and trails suitable for transportation;

(v) Identification of legal, regulatory, financial, collaboration, and practical barriers to development and community acceptance and support of such facilities; and

(vi) Recommended strategies to consider and address issues to avoid unintended consequences such as displacement, and to ensure equity in long-term development of such facilities.

(d) The department must provide a report with its initial findings, and recommendations for next steps, to the transportation committees of the legislature by June 30, 2025.

~~((6))~~ ~~\$140,000 of the motor vehicle account state appropriation is provided solely for the Pierce county ferry to eliminate fares for passengers 18 years of age and younger.~~

~~(7))~~ (5) \$750,000 of the multimodal transportation account—state appropriation is provided solely for a grant program to support local initiatives that expand or establish civilian intervention programs for nonmoving violations, focusing on nonpunitive interventions such as helmet voucher programs, fee offset programs, fix-it tickets, and repair vouchers that provide solutions for vehicle equipment failures for low-income road users.

(a) Grants must be awarded to local jurisdictions based on locally developed proposals to establish or expand existing programs, including programs with community led organizations. Eligible jurisdictions under the grant program include cities, counties, tribal government entities, tribal organizations, law enforcement agencies, or nonprofit organizations.

(b) The department shall report on its website by December 1st of each year on the recipients, locations, and types of projects funded under this subsection.

~~((8))~~ (6) \$146,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 428, Laws of 2023 (Wahkiakum ferry). If chapter 428, Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(7)(a) \$50,000 of the multimodal transportation account—state appropriation is provided solely for the department to examine the feasibility of creating a new budget program for the active

transportation division, including, but not limited to, examining:

(i) Estimated cost, new staffing needs, and time frame to establish the program;

(ii) A proposed budget structure, and whether both operating and capital components should be established; and

(iii) Identification of staff, capital projects, and other resources that would need to be transferred from other existing programs.

(b) By December 1, 2024, the department shall report examination findings and recommendations to the office of financial management and the transportation committees of the legislature.

(8) Beginning January 1, 2025, \$275,000 of the carbon emissions reduction account—state appropriation is provided solely to support Pierce, Skagit, Whatcom, and Wahkiakum county ferries with youth zero-fare policies.

TRANSPORTATION AGENCIES—CAPITAL

Sec. 301. 2023 c 472 s 301 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

State Patrol Highway Account—State Appropriation
..... ~~((7,700,000))~~
\$7,800,000

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

(1) ~~((7,700,000))~~ \$7,800,000 of the state patrol highway account—state appropriation is provided solely for the following projects:

- (a) \$250,000 is for emergency repairs;
- (b) \$2,000,000 is for roof replacements;
- (c) \$350,000 is for fuel tank decommissioning;
- (d) \$500,000 is for generator and electrical replacement;
- (e) \$500,000 is for the exterior envelope of the Yakima office;
- (f) \$2,000,000 is for energy efficiency projects;
- (g) \$1,000,000 is for pavement surface improvements;
- (h) \$300,000 is for fire alarm panel replacement;
- (i) \$100,000 is for repairs at the Bellevue district office;
- (j) \$200,000 is for an academy master plan. As part of the academy master plan, the Washington state patrol must review and provide an analysis on the potential to colocate some training programs with other state agencies, including the department of corrections, the department fish and wildlife, the liquor and cannabis board, and the criminal justice training commission. The Washington state patrol must consult with the other state agencies to determine where cost efficiencies and mutually beneficial shared arrangements for training delivery could occur. The funding for this academy master plan is not a commitment to fund any components related to the expansion of the academy in the future;

~~((j))~~ (k) \$500,000 reappropriation is for the Tacoma district office generator replacement project; and

~~((k))~~ (l) \$100,000 reappropriation is for the energy improvement project at the SeaTac northbound facility.

(2) The Washington state patrol may transfer funds between projects specified in subsection (1) of this section to address cash flow requirements.

(3) If a project specified in subsection (1) of this section is completed for less than the amount provided, the remainder may be transferred to another project specified in subsection (1) of this section not to exceed the total appropriation provided in subsection (1) of this section after notifying the office of financial management and the transportation committees of the legislature 20 days before any transfers.

(4) By December 1, 2023, the Washington state patrol shall provide a report to the transportation committees of the legislature detailing utility incentives that will reduce the cost of heating,

ventilating, and air conditioning systems funded in this section.

(5) By December 1, 2023, the Washington state patrol shall provide its capital improvement and preservation plan for agency facilities to the appropriate committees of the legislature.

Sec. 302. 2023 c 472 s 302 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Move Ahead WA Account—State Appropriation ..	\$9,333,000
Rural Arterial Trust Account—State Appropriation	(\$58,000,000)
	<u>\$62,487,000</u>
Motor Vehicle Account—State Appropriation	\$2,456,000
County Arterial Preservation Account—State Appropriation.....	\$35,500,000
TOTAL APPROPRIATION.....	(\$105,289,000)
	<u>\$109,776,000</u>

Sec. 303. 2023 c 472 s 304 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—FACILITIES—PROGRAM D—(DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)—CAPITAL

Connecting Washington Account—State Appropriation	\$3,000
Motor Vehicle Account—State Appropriation (\$29,173,000)	
	<u>\$29,810,000</u>
Move Ahead WA Account—State Appropriation	\$12,011,000
Multimodal Transportation Account—State Appropriation.....	\$1,200,000
TOTAL APPROPRIATION.....	(\$42,384,000)
	<u>\$43,024,000</u>

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

(1) \$4,025,000 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. All payments from the department of ecology pursuant to the agreement with the department to pay a share of the financing contract for this facility must be deposited into the motor vehicle account.

(2)(a) \$10,011,000 of the move ahead WA account—state appropriation is provided solely for the department to improve its ability to keep facility assets in a state of good repair. In using the funds appropriated in this subsection, the department, with periodic reporting to the joint transportation committee, must develop and implement a prioritization of facility capital preservation needs and repair projects. The legislature intends these to be reasonable, forward-thinking investments that consider potential future space efficiency measures and consolidations, including those assessed as having high commercial value and potential returns to state transportation funds associated with the sale of the property. Prioritization must be based on, but not limited to, the following criteria: (i) Employee safety and facility security; (ii) state and federal regulatory and statutory requirements and compliance issues, including clean buildings requirements; (iii) quality of work issues; (iv) facility condition assessment evaluations and scoring; (v) asset preservation; and (vi) amount of operational support provided by the facility to the achievement of the department's performance measures and outcomes, including facility utilization based on field operations work supported at the location. "Field operations" include maintenance, transportation operations, materials testing, and construction.

(b) By October 15, 2024, covering the first 15 months of the 2023-2025 fiscal biennium, the department must provide a report based on the prioritization of facility preservation needs and

repair projects developed pursuant to (a) of this subsection to the office of financial management and the transportation committees of the legislature. The report must include: (i) A by facility ranking based on the criteria implemented; (ii) detailed information on the actions taken in the previous period to address the identified issues and deficiencies; and (iii) the plan, by facility, to address issues and deficiencies for the remainder of the 2023-2025 fiscal biennium and the 2025-2027 fiscal biennium.

(c) The by facility ranking developed under (b) of this subsection must be the basis of an agency budget submittal for the 2025-2027 fiscal biennium.

(3)(a) \$1,200,000 of the multimodal transportation account—state appropriation is provided solely for the department to evaluate safety rest areas along Interstate 5 and Interstate 90 for potential truck parking expansion opportunities. The department shall also evaluate commercial vehicle inspection locations, in coordination with the Washington state patrol, for potential truck parking expansion opportunities.

(b) These evaluations must include assessments of opportunities to provide additional truck parking through rest stop and inspection location reconfiguration, expansion, and conversion, as well as evaluation of potential improvements to restroom facilities at weigh stations with truck parking. The department shall consider opportunities to expand rest stop footprints onto additional department-owned property, as well as opportunities to acquire property for rest stop expansion. Opportunities to convert a rest stop to a commercial vehicle-only rest stop must be considered if property is available to develop a new light-duty vehicle rest stop within a reasonable distance. The department shall include an evaluation of a potential truck parking site at John Hill Rest Area along the Interstate 90 corridor identified in the joint transportation committee's "Truck Parking Action Plan." Evaluations must include cost estimates for reconfiguration, expansion, and conversion, as well as other recommendations for the development of these sites.

(c) The department should consult with the federal highway administration, the Washington state patrol, the Washington trucking association, the freight mobility strategic investment board, and local communities.

(d) The department must update the transportation committees of the legislature on agency activities and their status by December 1, 2023, and to provide a final report to the transportation committees of the legislature by December 1, 2024.

(4) \$15,457,000 of the motor vehicle account—state appropriation is provided solely for making improvements to the department facility located at 11018 NE 51st Cir in Vancouver to meet the Washington state clean buildings performance standard.

(5)(a) \$4,100,000 of the move ahead WA account—state appropriation is provided solely for preliminary engineering and design associated with the demolition and replacement of the department's vehicle repair and parts building at 6431 Corson Avenue South in Seattle. The department must include any requested construction costs of the facility as a separate project as part of its agency budget submittal for the 2025-2027 fiscal biennium utilizing form C-100 for capital projects. The design information must also include detailed information on square footage, components of the facility, and cost comparisons with similar maintenance facilities.

(b) By September 1, 2024, the office of financial management, in consultation with the department, must develop criteria for preservation and improvement minor works lists for the department's facilities program. The criteria must incorporate, adjusted where appropriate, provisions already in use in the omnibus capital budget act for minor works, including: (i) The dollar limitation for each project to be included in the list; (ii) the types of projects appropriate to be included in the list; (iii) the

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project length limitation appropriate to be included in the list; and (iv) a recommended initial allotment, revision request approval, and revision notification process associated with the list. The criteria must be the basis of the preservation and improvement minor works list included in the agency budget submittal beginning with the 2025-2027 fiscal biennium.

(c) By September 1, 2024, the office of financial management, in consultation with the department, must also develop criteria for providing building related capital requests in a comparable format, adjusted where appropriate, to provisions already in use in the omnibus capital appropriations act for building projects, including the C-100 capital request form and other detail requirements for omnibus capital appropriations act building submissions.

Sec. 304. 2023 c 472 s 305 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—IMPROVEMENTS—PROGRAM I

Table listing various transportation accounts and their appropriations, including Alaskan Way Viaduct Replacement Project, Climate Active Transportation, State Route Number 520 Civil Penalties, and others.

State

Summary table of appropriations: Appropriation \$52,000,000; Model Toxics Control Stormwater Account \$15,000,000; TOTAL APPROPRIATION (\$4,593,514,000) \$4,832,695,000.

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, the entire move ahead WA account—federal appropriation, the entire move ahead WA 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 ((2023-4) 2024-1 as developed ((April 21, 2023)) February 20, 2024, 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 472, Laws of 2023.

(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 ((2023-2) 2024-2 ALL PROJECTS as developed ((April 21, 2023)) February 20, 2024, 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.

(3) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer appropriation authority between programs I and P, except for appropriation authority that is otherwise restricted in this act, as follows:

(a) 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.

(b) The director of the office of financial management must first provide written authorization for such transfer to the department and the transportation committees of the legislature.

(c) The department shall submit a report on appropriation authority transferred in the prior fiscal year using this subsection as part of the department's annual budget submittal.

(4) The connecting Washington account—state appropriation includes up to (((\$1,737,009,000)) \$1,350,479,000 in proceeds from the sale of bonds authorized in RCW 47.10.889.

(5) The special category C account—state appropriation includes up to \$118,773,000 in proceeds from the sale of bonds authorized in RCW 47.10.812.

(6) The transportation partnership account—state appropriation includes up to \$32,643,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(7) The appropriations in this section include savings due to anticipated project underruns; however, it is unknown which projects will provide savings. The legislature intends to provide sufficient flexibility for the department to manage to this savings target. To provide this flexibility, the office of financial management may authorize, through an allotment modification, reductions in the amounts that are provided solely for a particular purpose within this section subject to the following conditions and limitations:

(a) The department must confirm that any modification

requested under this subsection of amounts provided solely for a specific purpose are not expected to be used for that purpose in this fiscal biennium;

(b) Allotment modifications authorized under this subsection may not result in increased funding for any project beyond the amount provided for that project in the 2023-2025 fiscal biennium in LEAP Transportation Document ~~((2023-2))~~ 2024-2 ALL PROJECTS as developed ((April 21, 2023)) February 20, 2024;

(c) Allotment modifications authorized under this subsection apply only to amounts appropriated in this section from the following accounts: Connecting Washington account—state, and move ahead WA account—state; and

(d) The office of financial management must provide notice of allotment modifications authorized under this subsection within 10 working days to the transportation committees of the legislature. By December 1, 2023, and December 1, 2024, the department must submit a report to the transportation committees of the legislature regarding the actions taken to date under this subsection.

(8) 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.

(9) 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 70A.205.700, 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.

(10) By June 30, 2025, to the extent practicable, the department shall decommission the facilities for the Lacey project engineering office and the Tumwater project engineering office at the end of their lease terms and consolidate the Lacey project engineering office and the Tumwater project engineering office into the department's Olympic regional headquarters.

(11) The legislature intends that any savings realized on the following projects will not be attributable to the application of practical design, retired risk, or unused contingency funding for the purposes of RCW 47.01.480:

- (a) I-5/Marvin Road/SR 510 Interchange (L1100110); and
- (b) I-82/EB WB On and Off Ramps (L2000123).

(12)(a) ~~((300,000,000))~~ \$337,114,000 of the coronavirus state fiscal recovery fund—federal appropriation, ~~((312,653,000))~~ \$110,439,000 of the motor vehicle account—federal appropriation, ~~((427,459,000))~~ \$576,827,000 of the move ahead WA account—state appropriation, and ~~((1,293,000))~~ \$8,329,000 of the motor vehicle account—state 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.

(b) The fish passage barrier removal program, in consultation with the office of innovative partnerships, shall explore opportunities to employ innovative delivery methods to ensure compliance with the court injunction including, but not limited to, public-private partnerships and batched contracts. It is the intent of the legislature that appropriations for this purpose may be used to jointly leverage state and local funds for match requirements in applying for competitive federal aid grants provided in the infrastructure investment and jobs act for removals of fish passage barriers under the national culvert removal, replacement,

and restoration program. State funds used for the purpose described in this subsection must not compromise full compliance with the court injunction by 2030.

(c) 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, 2023, and June 1, 2024.

(d) 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.

(e) During the 2023-2025 fiscal biennium, the department shall provide reports of the amounts of federal funding received for this project to the governor and transportation committees of the legislature by November 1, 2023, and semiannually thereafter.

(13)(a) ~~((6,000,000 of the move ahead WA account—state appropriation))~~ \$15,000,000 of the model toxics control stormwater account—state appropriation is provided solely for the Stormwater Retrofits and Improvements project (L4000040). It is the intent of the legislature, over the 16-year move ahead WA investment program, to provide \$500,000,000 for this program.

(b) ~~((The appropriation in this subsection))~~ Of the amounts provided in this subsection, \$6,000,000 is provided solely for the Urban Stormwater Partnership - I-5 Ship-Canal Bridge Pilot (Seattle) project.

(c) The funding provided for stormwater retrofits and improvements must enhance stormwater runoff treatment from existing roads and infrastructure with an emphasis on green infrastructure retrofits. Projects must be prioritized based on benefits to salmon recovery and ecosystem health, reducing toxic pollution, addressing health disparities, and cost-effectiveness. The department of transportation must submit progress reports on its efforts to reduce the toxicity of stormwater runoff from existing infrastructure, recommendations for addressing barriers to innovative solutions, and anticipated demand for funding each fiscal biennium.

(14)(a) ~~((35,465,000))~~ \$25,067,000 of the connecting Washington account—state appropriation is provided solely for the SR 3 Freight Corridor (T30400R) project. The legislature intends to provide a total of \$78,910,000 for this project, including an increase of \$12,000,000 in future biennia to safeguard against inflation and supply/labor interruptions and ensure that:

(i) The northern terminus remains at Lake Flora Road and the southern terminus at the intersection of SR 3/SR 302;

(ii) Multimodal safety improvements at the southern terminus remain in the project to provide connections to North Mason school district and provide safe routes to schools; and

(iii) Intersections on the freight corridor are constructed at Romance Hill and Log Yard road.

(b) With respect to right-of-way acquisition and the construction of the SR 3 Freight Corridor project (T30400R), tribal consultation with the Suquamish tribe shall begin at the earliest stage of planning, including without limitation on all funding decisions and funding programs, to provide a government-to-government mechanism for the tribe to evaluate, identify, and expressly notify governmental entities of any potential impacts to tribal cultural resources, archaeological sites,

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sacred sites, fisheries, or other rights and interests in tribal lands and lands within which the tribe possesses rights reserved or protected by federal treaty, statute, or executive order. The consultation is independent of, and in addition to, any public participation process required under state law, or by a state agency, including the requirements of Executive Order 21-02 related to archaeological and cultural resources, and regardless of whether the agency receives a request for consultation from the Suquamish tribe. Regularly scheduled tribal consultation meetings with the Suquamish tribe shall continue throughout the duration of any funding or program decisions and proposed project approval.

(15) \$6,000,000 of the move ahead WA account—state appropriation and \$10,000,000 of the move ahead WA account—federal appropriation are provided solely for the SR 3/Gorst Area - Widening project (L4000017). Tribal consultation with the Suquamish tribe must begin at the earliest stage of planning, including, without limitation, all funding decisions and funding programs, to provide a government-to-government mechanism for the tribe to evaluate, identify, and expressly notify governmental entities of any potential impacts to tribal cultural resources, archaeological sites, sacred sites, fisheries, or other rights and interests in tribal lands and lands within which the tribe possesses rights reserved or protected by federal treaty, statute, or executive order. The consultation is independent of, and in addition to, any public participation process required under state law, or by a state agency, including the requirements of Executive Order 21-02 related to archaeological and cultural resources, and regardless of whether the agency receives a request for consultation from the Suquamish tribe. Regularly scheduled tribal consultation meetings with the Suquamish tribe must continue throughout the duration of any funding program and proposed project approval.

(16)(a) ~~(\$84,500,000)~~ \$94,500,000 of the move ahead WA account—federal appropriation, \$137,500,000 of the move ahead WA account—private/local appropriation, and ~~(\$53,000,000)~~ \$43,000,000 of the move ahead WA account—state appropriation are provided solely for the I-5 Columbia river bridge project (L4000054). The legislature finds that the replacement of the I-5 Columbia river bridge is a project of national significance and is critical for the movement of freight. One span is now 105 years old, at risk for collapse in the event of a major earthquake, and no longer satisfies the needs of commerce and travel. Replacing the aging interstate bridge with a modern, seismically resilient, multimodal structure that provides improved mobility for people, goods, and services is a high priority. Therefore, the legislature intends to support the replacement of the I-5 Columbia river bridge with an investment of \$1,000,000,000 over the 16-year move ahead WA investment program.

(b) The legislature recognizes the importance of the I-5/Mill Plain Boulevard project (L2000099) and intends to provide funding for reconstruction of the existing interchange in coordination with construction of the Interstate 5 bridge over the Columbia river.

(c) The department shall provide regular updates on the status of ongoing coordination with the state of Oregon on any bistate agreements regarding sharing of revenues, use of revenues, and fiscal responsibilities of each state. Prior to finalizing any such agreement, the department shall provide a draft of the agreement to the transportation committees of the legislature for review and input. Additionally, the department shall advise on the status of any bistate agreements to the joint transportation committee beginning in September 2023 and quarterly thereafter until any agreements are finalized.

(17) The legislature recognizes the importance of the US-

12/Walla Walla Corridor Improvements project (T20900R) and intends to advance funding to provide matching funds if competitive federal funding is awarded for the final remaining four-lane section between Wallula and Nine Mile Hill. The department, in consultation with local governments in the vicinity, must pursue any federal funding available.

(18) \$2,642,000 of the move ahead WA account—state appropriation is provided solely for the US 101/Simdars Bypass project (L4000013).

(19) ~~(\$570,842,000)~~ \$338,512,000 of the connecting Washington account—state appropriation, ~~(\$155,000)~~ \$3,109,000 of the multimodal transportation account—state appropriation, ~~(\$26,537,000)~~ \$27,201,000 of the motor vehicle account—private/local appropriation, ~~(\$200,800,000)~~ \$178,543,000 of the move ahead WA account—federal appropriation, ~~(\$68,191,000)~~ \$36,370,000 of the move ahead WA account—state appropriation, and ~~(\$6,980,000)~~ \$211,131,000 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) The entire multimodal transportation account—state appropriation in this subsection is for:

(i) The design phase of the Puyallup to Tacoma multiuse trail along the state route number 167 right-of-way acquired for the project to connect a network of new and existing trails from Mount Rainier to Point Defiance Park; and

(ii) 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.

(20) \$2,213,000 of the connecting Washington account—state appropriation is provided solely for the SR 224/Red Mountain Vicinity Improvement project (L1000291). The department shall provide funding to the city of West Richland to complete the project within the project scope identified by the legislature and within the total amount provided by the legislature. The department shall not amend the project's scope of work to add pavement preservation on state route number 224 from the West Richland city limits to Antinori Road.

(21)(a) ~~(\$394,963,000)~~ \$409,667,000 of the connecting Washington account—state appropriation, ~~(\$400,000)~~ \$500,000 of the state route number 520 corridor account—state appropriation, and ~~(\$4,496,000)~~ \$5,592,000 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 or transfer that portion of the property not ~~(used)~~ necessary for ~~(permanent)~~ transportation (improvements) purposes, and shall initiate a process to convey ~~(that)~~ or transfer such portion of the surplus property to a

subsequent owner.

(c) Of the amounts provided in this subsection, \$400,000 of the state route number 520 corridor account—state appropriation is provided solely for noise mitigation activities. It is the intent of the legislature to provide an additional \$600,000 for noise mitigation activities.

(d) Pursuant to section 2, chapter . . . (Senate Bill No. 6316), Laws of 2024, the department shall apply for a sales tax deferral for construction work on the SR 520 Seattle Corridor Improvements - West End project (M00400R).

(22)(a) \$750,000 of the transportation partnership account—state appropriation is provided solely for the state route number 520 bridge replacement and HOV (8B11003) to implement signage for the state route number 520 interchange with Montlake Boulevard as a result of public engagement.

(b) The amounts appropriated in this subsection must be used for the following:

(i) Removal of an existing sign bridge on Montlake Boulevard, located immediately south of the Lake Washington Boulevard intersection;

(ii) Replacement of the sign bridge with a pole with mast arm structure bearing appropriate directional signs for northbound motorists, and installation of a similar, advance-notice sign pole and mast arm for northbound motorists on Montlake Blvd at 24th Avenue;

(iii) Repainting, as necessary, an existing sign bridge on the newly constructed Montlake lid with a color decided upon through a public process; and

(iv) Fabrication and installation of a third pole with mast arm structure on southbound Montlake Boulevard immediately north of the west bound state route number 520 bridge onramp with signs directing southbound motorists.

((24)) (23) \$450,000 of the motor vehicle account—state appropriation is provided solely for the SR 900 Safety Improvements project (L2021118). The department must: (a) Work in collaboration with King county and the Skyway coalition to align community assets, transportation infrastructure needs, and initial design for safety improvements along state route number 900; and (b) work with the Skyway coalition to lead community planning engagement and active transportation activities.

((22)) (24) \$25,000,000 of the motor vehicle account—federal appropriation is provided solely for a federal fund exchange pilot program. The pilot program must allow exchanges of federal surface transportation block grant population funding and state funds at an exchange rate of 95 cents in state funds per \$1.00 in federal funds. The projects receiving the exchanged federal funds must adhere to all federal requirements, including the applicable disadvantaged business enterprise goals. The entirety of the appropriation in this subsection must be held in unallotted status until surface transportation block grant population funding has been offered to the state, and the department determines that a federalized project or projects funded in this section is eligible to spend the surface transportation block grant population funding. ~~(\$22,500,000)~~ \$23,750,000 from existing state appropriations identified elsewhere within this section are available to be used as part of the exchange. Upon determination that a project or projects funded in this section is eligible to spend the offered surface transportation block grant population funding, state funds appropriated in this section for the eligible state project or projects in an amount equal to 100 percent of the offered surface transportation block grant population funding must be placed in unallotted status. The legislature intends to evaluate the utility and efficacy of the pilot program in the 2025 legislative session while reappropriating any remaining funds into the 2025-2027 fiscal

biennium. Therefore, the department may issue additional calls for projects with any remaining funds provided in this subsection.

((23) ~~\$5,000,000~~) (25) \$9,593,000 of the motor vehicle account—state appropriation, ~~(\$5,000,000)~~ \$552,000 of the connecting Washington account—state appropriation, and ~~(\$5,000,000)~~ \$209,000 of the move ahead WA account—state appropriation are provided solely for the SR 522/Paradise Lk Rd Interchange & Widening on SR 522 (Design/Engineering) project (NPARADI), specifically for design of, preliminary engineering, and right-of-way acquisition for the interchange and widening as a single project. The department must consider reserving portions of state route number 522, including designated lanes or ramps, for the exclusive or preferential use of public transportation vehicles, privately owned buses, motorcycles, private motor vehicles carrying not less than a specified number of passengers, or private transportation provider vehicles pursuant to RCW 47.52.025.

(26) Prior to initiating new requests for qualifications for projects N00900R, N52600R, M00800R, L1000199, 0BP2001, and M00600R, the department shall convene an expert review panel to review the planned procurement methods for these projects. The panel must consist of up to five representatives of the contracting community with expertise in multiple procurement methods. The panel shall provide recommendations on procurement methods to the office of financial management, the department, and the transportation committees of the legislature for each project stated in this subsection. After the panel's recommendations have been provided, the department may initiate new requests for qualifications incorporating the recommendations as appropriate.

(27) \$750,000 of the motor vehicle account—state appropriation is provided solely for the Grady Way Overpass at Rainier Avenue South I-405 BRT Access study (L1000333).

(28) \$2,972,000 of the connecting Washington account—state appropriation is provided solely for the I-5/North Lewis County Interchange project (L2000204) in the 2023-2025 fiscal biennium. It is the intent of the legislature that the total amounts provided for this project on the list in subsection (1) of this section be reduced in future biennia by \$2,500,000.

Sec. 305. 2023 c 472 s 306 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—PRESERVATION—PROGRAM P

<u>Carbon Emissions Reduction Account—State</u>			
<u>Appropriation</u>	.....		<u>\$50,000,000</u>
<u>Move Ahead WA Account—State Appropriation</u>	.....	<u>(\$13,291,000)</u>	
			<u>\$105,219,000</u>
<u>Recreational Vehicle Account—State Appropriation</u>	.....	<u>(\$793,000)</u>	
			<u>\$769,000</u>
<u>Transportation 2003 Account (Nickel Account)—State Appropriation</u>	.....	<u>(\$48,759,000)</u>	
			<u>\$70,411,000</u>
<u>Motor Vehicle Account—State Appropriation</u>	.....	<u>(\$135,073,000)</u>	
			<u>\$154,960,000</u>
<u>Motor Vehicle Account—Federal Appropriation</u>	.....	<u>(\$534,350,000)</u>	
			<u>\$577,602,000</u>
<u>Motor Vehicle Account—Private/Local Appropriation</u>	.....	<u>(\$12,000,000)</u>	
			<u>\$17,010,000</u>
<u>Connecting Washington Account—State Appropriation</u>	<u>(\$37,078,000)</u>	
			<u>\$48,726,000</u>

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State Route Number 520 Corridor Account—State	
Appropriation.....	(\$5,481,000)
	<u>\$7,434,000</u>
Tacoma Narrows Toll Bridge Account—State	
Appropriation.....	(\$10,892,000)
	<u>\$12,202,000</u>
Alaskan Way Viaduct Replacement Project Account—	
State Appropriation.....	(\$12,000)
	<u>\$1,662,000</u>
Interstate 405 and State Route Number 167 Express	
Toll Lanes Account—State Appropriation	(\$27,026,000)
	<u>\$15,183,000</u>
Transportation Partnership Account—State	
Appropriation.....	(\$10,000,000)
	<u>\$12,036,000</u>
TOTAL APPROPRIATION.....	(\$834,755,000)
	<u>\$1,073,214,000</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, the entire move ahead WA account—federal appropriation, the entire move ahead WA 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 ((~~2023-4~~) 2024-1 as developed ((~~April 21, 2023~~) February 20, 2024, 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 472, Laws of 2023.

(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 ((~~2023-2~~) 2024-2 ALL PROJECTS as developed ((~~April 21, 2023~~) February 20, 2024, 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.

(3) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer appropriation authority between programs I and P, except for appropriation authority that is otherwise restricted in this act, as follows:

(a) 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.

(b) The director of the office of financial management must first provide written authorization for such transfer to the department and the transportation committees of the legislature.

(c) The department shall submit a report on appropriation authority transferred in the prior fiscal year using this subsection as part of the department's annual budget submittal.

(4) The transportation partnership account—state appropriation includes up to \$10,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(5) \$22,000,000 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 dispute mitigation activities have been exhausted.

(6) 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.

(7) By June 30, 2025, to the extent practicable, the department shall decommission the facilities for the Lacey project engineering office and the Tumwater project engineering office at the end of their lease terms and consolidate the Lacey project engineering office and the Tumwater project engineering office into the department's Olympic regional headquarters.

(8) The appropriations in this section include 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.

(9) \$25,000,000 of the motor vehicle account—federal appropriation is provided solely for a federal fund exchange pilot program. The pilot program must allow exchanges of federal surface transportation block grant population funding and state funds at an exchange rate of 95 cents in state funds per \$1.00 in federal funds. The projects receiving the exchanged federal funds must adhere to all federal requirements, including the applicable disadvantaged business enterprise goals. The entirety of the appropriation in this subsection must be held in unallotted status until surface transportation block grant population funding has been offered to the state and the department determines that a federalized project or projects funded in this section is eligible to spend the surface transportation block grant population funding. (~~(\$22,500,000)~~ \$23,750,000 from existing state appropriations identified elsewhere within this section are available to be used as part of the exchange. Upon determination that a project or projects funded in this section is eligible to spend the offered surface transportation block grant population funding, state funds appropriated in this section for the eligible state project or projects in an amount equal to 100 percent of the offered surface transportation block grant population funding must be placed in unallotted status. The legislature intends to evaluate the utility and efficacy of the pilot program in the 2025 legislative session while reappropriating any remaining funds into the 2025-2027 fiscal biennium. Therefore, the department may issue additional calls for projects with any remaining funds provided in this subsection.

(10) \$21,000 of motor vehicle account—state appropriation is provided solely for the implementation of chapter 54, Laws of 2023 (bridge jumping signs) (G2000114). (~~If chapter 54, Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.~~)

(11) \$154,500 of the move ahead Washington account—state appropriation is provided solely for SR 525 Bridge Replacement - Mukilteo (L2021084). The amount in this subsection must be transferred to the city of Mukilteo for purposes of community planning and business engagement.

(12) Beginning January 1, 2025, \$50,000,000 of the carbon emissions reduction account—state appropriation is provided solely for the department to construct active transportation components on preservation projects (L4000057), consistent with the complete streets requirements under RCW 47.04.035. The

department must provide a report that identifies the active transportation components funded with this appropriation to the transportation committees of the legislature by December 1, 2024. (13) \$100,000,000 of the Move Ahead WA account—state appropriation is provided solely for additional preservation activities (L4000057).

Sec. 306. 2023 c 472 s 307 (uncodified) is amended to read as follows:

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

Motor Vehicle Account—State Appropriation ..	(\$9,738,000))
	<u>\$10,605,000</u>
Motor Vehicle Account—Federal Appropriation	(((\$5,100,000))
	<u>\$12,226,000</u>
Motor Vehicle Account—Private/Local Appropriation	\$500,000
<u>Move Ahead WA Account—State Appropriation</u>	<u>\$611,000</u>
TOTAL APPROPRIATION.....	(((\$15,338,000))
	<u>\$23,942,000</u>

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

(1) ~~(((\$4,918,000))~~ \$5,547,000 of the motor vehicle account—state appropriation ~~((is)),~~ \$8,830,000 of the motor vehicle account—federal appropriation, and \$500,000 of the motor vehicle account—private/local appropriation are provided solely for Programmatic Investment for Traffic Operations Capital projects (000005Q). By December 15th of each odd-numbered year, the department shall provide a report to the legislature listing all traffic operations capital project investments completed in the prior fiscal biennium.

(2) \$3,080,000 of the motor vehicle account—state appropriation is provided solely to construct pedestrian signals at nine locations on state route number 7 from 124th Street South to 189th Street South (0000YYYY).

(3) \$1,463,000 of the motor vehicle account—state appropriation is provided solely for the replacement of 22 existing traffic cameras and installation of 10 new traffic cameras, including five pole installation sites, on the Interstate 90 corridor between mileposts 34 and 82 (L2021144). The department shall consult with news media organizations to explore options to allow such organizations access to traffic camera feeds.

Sec. 307. 2023 c 472 s 308 (uncodified) is amended to read as follows:

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

Carbon Emissions Reduction Account—State Appropriation.....	(((\$74,027,000))
	<u>\$335,127,000</u>
Move Ahead WA Account—State Appropriation	(((\$17,114,000))
	<u>\$32,728,000</u>
Puget Sound Capital Construction Account—State Appropriation.....	(((\$341,969,000))
	<u>\$386,196,000</u>
Puget Sound Capital Construction Account—Federal Appropriation.....	(((\$33,698,000))
	<u>\$81,826,000</u>
Puget Sound Capital Construction Account—Private/Local Appropriation	(((\$1,081,000))
	<u>\$2,150,000</u>
<u>Transportation 2003 Account (Nickel Account)—State Appropriation.....</u>	<u>\$472,000</u>
Transportation Partnership Account—State	

Appropriation	(((\$7,442,000))
	<u>\$9,705,000</u>
Connecting Washington Account—State Appropriation	(((\$10,809,000))
	<u>\$21,883,000</u>
Capital Vessel Replacement Account—State Appropriation	(((\$46,818,000))
	<u>\$33,242,000</u>
TOTAL APPROPRIATION	(((\$532,958,000))
	<u>\$903,329,000</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 ((2023-2)) 2024-2 ALL PROJECTS as developed ((April 21, 2023)) February 20, 2024, Program - Washington State Ferries Capital Program (W).

(2) ~~(((\$5,000,000))~~ \$24,260,000 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.

(3) ~~(((\$46,818,000))~~ \$33,242,000 of the capital vessel replacement account—state appropriation is provided solely for the acquisition of a 144-car hybrid-electric vessel (L2000329). The amounts provided in this subsection are contingent upon the enactment of chapter 429, Laws of 2023.

(4) ~~((The legislature intends that funding will be provided in the 2025-2027 fiscal biennium))~~ Beginning January 1, 2025, \$42,000,000 of the carbon emissions reduction account—state appropriation is provided solely for construction of the first hybrid electric Olympic class vessel (L2000329).

(5) \$1,500,000 of the Puget Sound capital construction account—state appropriation is provided solely for the Future Hybrid Electric Ferry Class Pre-Design study (L2021131) to advance procurement of a new class of vessel that will account for changes in technology, staffing, and system needs. The department shall initiate a vessel design to replace the aging Issaquah class ferries with a new automobile hybrid electric ferry intended to operate on the Vashon Southworth-Fauntleroy route. The ((legislature intends that part of the)) predesign study must include a review of the benefits and costs of constructing all future new vessels based on the same design. The review may also compare and contrast the benefits and costs of ((a 144 vehicle capacity vessel)) utilizing the existing hybrid electric Olympic class vessel design with a 124-vehicle capacity vessel.

~~(((\$5))~~ (6) \$8,032,000 of the Puget Sound capital construction account—state appropriation is provided solely for modernization of the ticketing and reservation system (990052C). Of this amount, \$3,032,000 must be held in unallotted status until Washington state ferries has consulted with the office of the chief information officer on the project scope and integration capabilities of the reservation system with existing Good to Go! and ORCA next generation products, and reported results to the office of financial management and the transportation committees of the legislature.

~~(((\$6))~~ (7) \$125,000 of the Puget Sound capital construction account—state appropriation and \$125,000 of the Puget sound capital construction account—federal appropriation are provided solely for development of a terminal wait times information system (998609A). Washington state ferries must consult with the office of the chief information officer on a technology solution for automated vehicle detection, and report the project scope, along with office of the chief information officer recommendations, to the office of financial management and the transportation committees of the legislature by December 1, 2024.

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((7)) (8) The transportation partnership account—state appropriation includes up to \$7,195,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

((8)) (9) For the purposes of ferry and terminal electrification, the department must apply to the department of ecology for additional competitive grant funds available from Volkswagen settlement funds, and report on the status of the grant application by December 1, 2023.

((9)) (10) For the 2023-2025 fiscal biennium, the marine division shall provide to the office of financial management and the transportation committees of the legislature a report for ferry capital projects in a manner consistent with past practices as specified in section 308, chapter 186, Laws of 2022.

(11) Beginning January 1, 2025, \$30,145,000 of the carbon emissions reduction account—state appropriation is provided solely for Electric Ferry - Conversion (G2000084).

(12) Beginning January 1, 2025, \$125,000,000 of the carbon emissions reduction account—state appropriation is provided solely for construction of hybrid electric vessels (L2021073).

(13) Beginning January 1, 2025, \$21,100,000 of the carbon emissions reduction account—state appropriation is provided solely for Seattle Bainbridge terminal electrification (L2021087).

(14) Beginning January 1, 2025, \$40,000,000 of the carbon emissions reduction account—state appropriation is provided solely for hybrid vessel conversions (L1000339).

(15) Beginning January 1, 2025, \$2,855,000 of the carbon emissions reduction account—state appropriation is provided solely for terminal electrification (L1000341).

Sec. 308. 2023 c 472 s 309 (uncodified) is amended to read as follows:

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

Carbon Emissions Reduction Account—State Appropriation.....	(\$104,300,000)	<u>\$87,800,000</u>
Essential Rail Assistance Account—State Appropriation.....	(\$676,000)	<u>\$762,000</u>
Motor Vehicle Account—State Appropriation		<u>\$697,000</u>
Move Ahead WA Account—State Appropriation ..		<u>\$1,500,000</u>
Move Ahead WA Flexible Account—State Appropriation	(\$35,000,000)	<u>\$33,500,000</u>
Multimodal Transportation Account—Private/Local Appropriation.....		<u>\$12,000</u>
Transportation Infrastructure Account—State Appropriation.....	(\$10,369,000)	<u>\$11,271,000</u>
Multimodal Transportation Account—State Appropriation.....	(\$63,334,000)	<u>\$101,403,000</u>
Multimodal Transportation Account—Federal Appropriation.....	(\$18,882,000)	<u>\$25,903,000</u>
TOTAL APPROPRIATION.....	(\$232,561,000)	<u>\$262,848,000</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 ((2023-2)) 2024-2 ALL PROJECTS as developed ((April 21, 2023)) February 20, 2024, Program - Rail Program (Y).

(2)(a) \$2,030,000 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 15 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.

(b) (~~\$7,970,000~~) \$5,650,000 of the transportation infrastructure account—state appropriation is provided solely for new FRIB program loans recommended by the department for 2024 supplemental transportation appropriations. 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, 2023.

(c) The department may change the terms of existing loans in the essential rail assistance account for repayment of loans, including the repayment schedule and rate of interest, for a period of up to 15 years for any recipient with a total loan value in the program of over 10 percent as of June 30, 2023.

(3) (~~\$7,566,836~~) \$7,567,000 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) \$369,000 of the transportation infrastructure account—state appropriation and \$1,100,000 of the multimodal transportation account—state appropriation are provided solely for final reimbursement to 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.

(5) 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, 2024, the department shall submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature.

(6) \$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 federal grant opportunities for a new ultra high-speed ground transportation corridor. These funds are to remain in unallotted status and are available only upon award of federal funds. The department must provide periodic grant application updates to the transportation committees of the legislature, as well as anticipated state match estimates for successful grants.

(7) (~~\$33,500,000~~) \$29,500,000 of the move ahead WA flexible account—state appropriation is provided solely for rehabilitation of the Palouse River and Coulee City Railroad (L4000079). Up to \$433,000 of the amount in this subsection may be used for management and oversight of operation and maintenance activities.

(8) (~~\$15,000,000~~) \$19,990,000 of the multimodal transportation account—federal appropriation is provided solely for the rehabilitation of the Salmon Bay drawbridge (752010A) to ensure the efficient movement of freight and passenger trains.

(9) \$6,300,000 of the carbon emissions reduction account—state appropriation is provided solely to fund a zero emission drayage truck demonstration project (L1000324) at Northwest Seaport Alliance facilities.

(10) \$14,000,000 of the carbon emissions reduction account—

state appropriation is provided solely to fund a zero emission shore power infrastructure demonstration project at Northwest Seaport Alliance facilities (L1000325). Local funds sufficient to fully fund this project must be contributed to the project, and any agreements required for the project must be secured.

(11) \$5,000,000 of the carbon emissions reduction account—state appropriation is provided solely to fund the replacement of two Tacoma rail diesel-electric switcher locomotives with zero emission battery-electric switcher locomotives and to install on-site charging equipment at a Tacoma rail facility (L1000327). Local funds sufficient to fully fund this project must be contributed to the project, and any agreements required for the project must be secured.

(12) \$150,000 of the multimodal transportation account—state appropriation is provided solely for the application of durable markings along state route number 906 to create up to 20 parking spaces for larger vehicles, including trucks (L1000336).

(13) \$26,500,000 of the carbon emissions reduction account—state appropriation is provided solely for port electrification competitive grants (L2021182). ~~((To be eligible to receive state funds under this section, a))~~ All public ports are eligible to receive funds under this subsection. A port seeking to use funds under this subsection to install shore power must ((first)) adopt a policy that requires vessels that dock at the port facility to use shore power if such vessel is capable of using such power and when such power is available at the port facility. Of the amounts provided in this subsection, \$11,500,000 is for Puyallup tribal port electrification projects, which are exempt from the shore power policy requirements under this subsection.

(14) Beginning January 1, 2025, \$8,500,000 of the carbon emissions reduction account—state appropriation is provided solely for Puyallup tribal port electrification projects, which are exempt from the shore power policy requirements under this subsection.

(15) \$2,000,000 of the carbon emissions reduction account—state appropriation is provided solely for port electrification at the port of Bremerton (L1000337), which may include the purchase and installation of zero emission port shore power systems and other zero emission infrastructure, equipment, and technology.

~~((45))~~ (16) \$500,000 of the carbon emissions reduction account—state appropriation is provided solely for port electrification at the port of Anacortes (L1000338), which may include the purchase and installation of zero emission port shore power systems and other zero emission infrastructure, equipment, and technology.

(17) \$25,000,000 of the carbon emissions reduction account—state appropriation is provided solely for ultra high speed rail (L2021074). The legislature intends to provide \$50,000,000 for the project in the 2025-2027 fiscal biennium, and that it be changed accordingly on the LEAP transportation documents referenced in this section.

Sec. 309. 2023 c 472 s 310 (uncodified) is amended to read as follows:

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

Carbon Emissions Reduction Account—State Appropriation.....	(\$21,000,000)) \$50,162,000
Climate Active Transportation Account—State Appropriation.....	(\$157,463,000)) \$169,442,000
Freight Mobility Investment Account—State Appropriation.....	(\$21,098,000)) \$21,847,000
Freight Mobility Multimodal Account—State Appropriation.....	(\$22,728,000))

Highway Infrastructure Account—State Appropriation.....	\$27,216,000 (\$793,000)) \$1,060,000
Highway Infrastructure Account—Federal Appropriation.....	(\$1,600,000)) \$1,500,000
Move Ahead WA Account—State Appropriation.....	(\$106,707,000)) \$112,540,000
(Move Ahead WA Account Federal Appropriation.....	(\$10,000,000))
Move Ahead WA Flexible Account—State Appropriation.....	(\$29,000,000)) \$34,500,000
(Transportation Partnership Account—State Appropriation.....	\$500,000))
Motor Vehicle Account—State Appropriation.....	(\$36,785,000)) \$47,410,000
Motor Vehicle Account—Federal Appropriation.....	(\$103,553,000)) \$129,698,000
Connecting Washington Account—State Appropriation.....	(\$99,032,000)) \$117,410,000
Multimodal Transportation Account—State Appropriation.....	(\$73,818,000)) \$101,552,000
TOTAL APPROPRIATION	(\$684,077,000)) \$814,337,000

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 ~~((2023-2))~~ 2024-2 ALL PROJECTS as developed ~~((April 21, 2023))~~ February 20, 2024, 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) ~~((34,673,000))~~ \$47,707,000 of the multimodal transportation account—state appropriation and ~~((37,563,000))~~ \$43,058,000 of the climate active transportation account—state appropriation are provided solely for pedestrian and bicycle safety program projects (L2000188 and L1000335). Of the amount of climate active transportation account funds appropriated in this subsection, up to one percent may be used for program administration and staffing.

(b) ~~((19,137,000))~~ \$31,553,000 of the motor vehicle account—federal appropriation, ~~((38,915,000))~~ \$45,399,000 of the climate active transportation account—state appropriation, and ~~((12,844,000))~~ \$21,157,000 of the multimodal transportation account—state appropriation are provided solely for safe routes to school projects (L2000189 and L1000334). Of the amount of climate active transportation account funds appropriated in this subsection, up to one percent may be used for program administration and staffing.

(c) For future rounds of grant selection, the department must reevaluate the criteria to increase geographic diversity of jurisdictions consistent with the requirements of the healthy environment for all (HEAL) act.

(3) The department shall submit a report to the transportation committees of the legislature by December 1, 2023, and December 1, 2024, on the status of projects funded as part of the pedestrian safety/safe routes to school grant program and the

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Sandy Williams connecting communities grant program.

(4) (~~(\$6,875,000)~~) \$10,906,000 of the multimodal transportation account—state appropriation is provided solely for connecting Washington bicycle and pedestrian projects listed in the LEAP transportation document referenced in subsection (1) of this section.

(5) (~~(\$36,640,000)~~) \$46,580,000 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 select projects as part of its update of the state freight plan, in consultation with the freight mobility strategic investment board and other stakeholders.

(6) \$23,750,000 of the motor vehicle account—state appropriation is provided solely for a federal fund exchange pilot program. The pilot program will allow exchanges of federal surface transportation block grant population funding and state funds at an exchange rate of 95 cents in state funds per \$1.00 in federal funds. The entirety of the appropriation in this subsection must be held in unallotted status until: Surface transportation block grant population funding has been offered to the state, the department determines that a federalized project or projects funded in section 305 or 306 (~~(of this act)~~), chapter 472, Laws of 2023 is eligible to spend the surface transportation block grant population funding, and state funds appropriated in section 305 or 306 for the eligible state project or projects in an amount equal to 100 percent of the offered surface transportation block grant population funding have been placed in unallotted status. A report on the effectiveness of the exchange program, the total estimated cost of program administration, and recommendations for continuing the pilot program is due to the governor and transportation committees of the legislature by December 1, 2024. The legislature intends to evaluate the utility and efficacy of the pilot program in the 2025 legislative session while reappropriating any remaining funds into the 2025-2027 fiscal biennium. Therefore, the department may issue additional calls for projects with any remaining funds provided in this subsection.

(7) (~~(\$128,400,000)~~) \$132,400,000 of the move ahead WA account—state appropriation and (~~(\$19,500,000)~~) \$25,000,000 of the move ahead WA flexible account—state appropriation are provided solely for new move ahead WA road and highway projects listed in LEAP Transportation Document (~~(2023-2)~~) 2024-2 ALL PROJECTS as developed (~~(April 21, 2023)~~) February 20, 2024, Program - Local Programs Program (Z).

(a) For projects funded in this subsection, the department expects to have substantial reappropriations for the 2023-2025 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that is unable to be used in the 2023-2025 fiscal biennium to advance one or more of the projects listed in LEAP Transportation Document (~~(2023-2)~~) 2024-2 ALL PROJECTS as developed (~~(April 21, 2023)~~) February 20, 2024, Program - Local Programs Program (Z), prioritizing projects first by project readiness.

(i) In instances when projects listed in the LEAP transportation documents referenced in (a) of this subsection are no longer viable or have been completed, the department may recommend in its next budget submittal alternative project proposals from the local jurisdictions if the project is similar in type and scope and consistent with limitations of certain funds provided. In the event that the listed project has been completed the local jurisdictions may, rather than submitting an alternative project, instead be reimbursed in the year in which it was scheduled for documented costs incurred implementing the listed project, not in excess of the amount awarded from the funding program.

(ii) At least 10 business days before advancing or swapping a

project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2023-2025 fiscal biennium.

(b) Of the amounts provided in this subsection, \$21,000,000 of the move ahead WA account—state appropriation is provided solely for three roundabouts to be constructed on state route number 507 in partnership with local authorities. The roundabout at Vail is with Thurston county, the roundabout at Bald Hills is with the city of Yelm, and the roundabout at state route number 702 is with Pierce county. The department is to work cooperatively with each local jurisdiction to construct these facilities within department rights-of-way. The department must provide all project predesign and design information developed to date to the local jurisdictions and have a project implementation agreement in place with each local jurisdiction within 180 calendar days of the effective date of this act. The implementation agreement may provide full control for the local authority to construct the project. Once the roundabouts are completed, the operations and maintenance of the roundabouts are the responsibility of the department.

(8) \$39,185,000 of the climate active transportation account—state appropriation and \$3,000,000 of the move ahead WA flexible account—state appropriation are provided solely for move ahead WA pedestrian and bike projects listed in LEAP Transportation Document (~~(2023-2)~~) 2024-2 ALL PROJECTS as developed (~~(April 21, 2023)~~) February 20, 2024, Program - Local Programs Program (Z). For projects funded in this subsection, if the department expects to have substantial reappropriations for the 2023-2025 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that is unable to be used in the 2023-2025 fiscal biennium to advance one or more of the projects listed in LEAP Transportation Document (~~(2023-2)~~) 2024-2 ALL PROJECTS as developed (~~(April 21, 2023)~~) February 20, 2024, Program - Local Programs Program (Z), prioritizing projects first by tier then by project readiness.

(a) In instances when projects listed in the LEAP transportation document referenced in this subsection (8) of this section are no longer viable or have been completed, the department may recommend in its next budget submittal alternative project proposals from the local jurisdictions if the project is similar in type and scope and consistent with limitations of certain funds provided. In the event that the listed project has been completed the local jurisdictions may, rather than submitting an alternative project, instead be reimbursed in the year in which it was scheduled for documented costs incurred implementing the listed project, not in excess of the amount awarded from the funding program.

(b) At least 10 business days before advancing or swapping a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2023-2025 fiscal biennium.

(9) \$16,800,000 of the climate active transportation account—state appropriation is provided solely for the statewide school-based bicycle education grant program (L1000309). The department may partner with a statewide nonprofit to deliver programs.

(10) \$25,000,000 of the climate active transportation account—state appropriation is provided solely for the Sandy Williams connecting communities pilot program (L1000308) to deliver projects to reconnect communities that have been

bifurcated by state highways. Priority must be given to historically marginalized or overburdened communities. The department may consult with the Cooper Jones active transportation safety council to identify geographic locations where there are high incidences of serious injuries and fatalities of active transportation users among vulnerable populations.

(11) \$14,000,000 of the carbon emissions reduction account—state appropriation is provided solely for the Guemes Ferry Boat Replacement project (L4000124).

(12) \$6,500,000 of the move ahead WA flexible account—state appropriation is provided solely for development of an applied sustainable aviation evaluation center (L2021135). Snohomish county, in partnership with Washington State University, shall plan and establish facilities to evaluate, qualify or certify, and research technologies that can minimize the impact of aviation on human health and the environment. Funds may be used for, but are not limited to, planning, construction, and land acquisition for sustainable aviation fuel (SAF) qualification testing (ASTM D4054), research on the impact of SAF on the environment and human health, and SAF storage for the purpose of advancing sustainable aviation. At a minimum, three sustainable aviation platforms must be considered:

- (a) Sustainable aviation fuel (SAF);
- (b) Hydrogen; and
- (c) Battery electric energy storage mechanisms.

(13) The legislature intends to fund the Ballard and Magnolia Bridge project (L4000123) ~~((and the Aurora Avenue North Safety Improvements project (L4000154))~~), as described in section 911(18) and (19) ~~((of this act))~~, chapter 472, Laws of 2023.

(14) \$200,000 of the multimodal transportation account—state appropriation is provided solely for the Seattle office of planning and community development to update and add to the 2020 I-5 Lid Feasibility Study with additional test cases with ramp changes and removals in downtown Seattle and alternative assumptions with regards to parking, expansion of Freeway Park, affordable housing, and commercial real estate (L2021140). The Seattle office of planning and community development shall conduct ongoing community engagement with underrepresented constituencies to support the technical work of this study and raise public awareness of opportunities of I-5 lids. Focus should be given to low-income households living and working in the I-5 lid study areas in central Seattle.

(15) \$1,000,000 of the multimodal transportation account—state appropriation is provided solely for the department to award grants to local jurisdictions to implement network-wide traffic conflict screening programs using video analytics in controlled intersections with a disproportionate number of traffic violations and injuries to active transportation users (L2021149). Grants must be awarded proportionally across the state and include controlled intersections in both urban and rural environments and along state highways and county roads. Grant recipients must report back to the department all traffic violation and active transportation facility data acquired during the grant period and provide the department with appropriate next steps for the state and the local jurisdiction to improve traffic safety for active transportation users in such intersections. The department must report such findings and recommendations to the transportation committees of the legislature by December 1, 2024.

(16)(a)(i) \$5,000,000 of the carbon emissions reduction account—state appropriation is provided solely for the department to establish a program for providing rebates to qualifying persons who purchase e-bikes and qualifying equipment and services from a qualifying retailer. Of this amount, \$3,000,000 is for rebate amounts as described under (a)(iii)(A) of this subsection, and \$2,000,000 is for rebate amounts as described under (a)(iii)(B) of this subsection.

(ii) To qualify for and use the rebate under this subsection, a person must be a resident of Washington state and purchase an e-bike and qualifying equipment and services, if any, from a qualifying retailer in this state. Qualifying equipment and services must be purchased as part of the same transaction as the e-bike.

(iii)(A) For persons who are at least 16 years of age and reside in households with incomes at or below 80 percent of the county area median income, the amount of the rebate is up to \$1,200 on the sale of an e-bike and any qualifying equipment and services.

(B) For all other persons who are at least 16 years of age, the amount of the rebate is up to \$300 on the sale of an e-bike and any qualifying equipment and services.

(C) No more than one rebate may be awarded per household.

(iv)(A) The department must establish application procedures for e-bike retailers to participate in the rebate program, and application and award procedures for applicants to participate in the program. If an applicant qualifies for a rebate amount and there is sufficient funds to award the applicant with the appropriate rebate amount, the department must provide the qualifying individual the rebate amount in a format that can be redeemed at the time of purchase at a qualifying retailer.

(B) An applicant must provide contact information, including a physical address, email address, and phone number, and demographic information, including the applicant's age, gender, race, and ethnicity, to the department on a form provided by the department at the time of applying for the rebate. The department may share or provide access to such information with the University of Washington to provide the University of Washington an opportunity to ask program applicants and recipients to fill out a survey collecting information only to the extent to inform its report described under (d) of this subsection.

(v) A qualifying retailer must register with the department before participating in the rebate program. A qualifying retailer must:

(A) Verify the identity of the qualifying individual at the time of purchase; and

(B) Calculate and apply the rebate at the time of purchase.

(vi) The department must reimburse a qualifying retailer that accepts a rebate from a qualifying individual no later than 30 days after the rebate is redeemed.

(vii) For purposes of this subsection (16)(a):

(A) "E-bike" means an electric assisted bicycle as defined in RCW 46.04.169, but does not include mountain bikes.

(B) "Qualifying equipment and services" means a bicycle helmet, safety vest, bicycle light, or bicycle lock, and any maintenance or other services agreed upon by the qualifying retailer and qualifying individual at the time of purchase.

(C) "Qualifying retailer" means a retail business establishment with one or more physical retail locations in this state that provides on-site e-bike sales, service, and repair and has registered with the department to participate in the rebate program established under this subsection.

(b) For fiscal year 2025, \$2,000,000 of the carbon emissions reduction account—state appropriation is provided solely for the department to establish an e-bike lending library and ownership grant program. The department may accept grant applications from other state entities, local governments, and tribes that administer or plan to administer an e-bike lending library or ownership program for their employees for commute trip reduction purposes. The department may also accept grant applications from nonprofit organizations or tribal governments that serve persons who are low-income or reside in overburdened communities and that administer or plan to administer an e-bike lending library or ownership program for qualifying persons. Grant recipients must report program information and participation data to the University of Washington to inform its

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report described under (d) of this subsection.

(c) It is the intent of the legislature that funding provided in (a) and (b) of this subsection continue to be appropriated in the 2025-2027 and 2027-2029 fiscal biennia.

(d) Of the amounts provided in this subsection (16), \$90,000 is for the department to contract with the University of Washington's sustainable transportation lab to publish a general policy brief that provides innovative e-bike rebate and lending library or ownership grant program models and recommendations, a report on survey results based on data and demographic information collected under the e-bike rebate program established in (a) of this subsection, and a report on program information and data collected under the e-bike lending library and ownership grant program established in (b) of this subsection. An initial brief and report must be submitted to the transportation committees of the legislature by July 1, 2024, with the final policy brief and report due to the transportation committees of the legislature by July 1, 2025.

(e) The department may not collect more than five percent of appropriated amounts to administer the programs under (a) and (b) of this subsection.

(17) (~~(\$21,098,000)~~) \$21,847,000 of the freight mobility investment account—state appropriation and (~~(\$22,728,000)~~) \$27,216,000 of the freight mobility multimodal account—state appropriation are provided solely for freight mobility strategic investment board projects listed in the LEAP transportation document referenced in subsection (1) of this section.

(18) \$4,150,000 of the motor vehicle account—state appropriation is provided solely for matching funds for federal funds to reconstruct Grant county and Adams county bridges as part of the Odessa groundwater replacement program (L1000322).

(19) \$9,240,000 of the connecting Washington account—state appropriation is provided solely for the Aberdeen US 12 Highway-Rail Separation project (L1000331).

(20) (~~(\$750,000 of the motor vehicle account state appropriation is provided solely for the Grady Way overpass at Rainier Avenue South I-405 BRT Access study (L1000333).~~

~~(21))~~ The appropriations in this section include savings due to anticipated project underruns; however, it is unknown which projects will provide savings. The legislature intends to provide sufficient flexibility for the department to manage to this savings target. To provide this flexibility, the office of financial management may authorize, through an allotment modification, reductions in the amounts that are provided solely for a particular purpose within this section subject to the following conditions and limitations:

(a) The department must confirm that any modification requested under this subsection of amounts provided solely for a specific purpose are not expected to be used for that purpose in this fiscal biennium;

(b) Allotment modifications authorized under this subsection may not result in increased funding for any project beyond the amount provided for that project in the 2023-2025 fiscal biennium in LEAP Transportation Document (~~(2023-2)~~) 2024-2 ALL PROJECTS as developed (~~(April 21, 2023)~~) February 20, 2024;

(c) Allotment modifications authorized under this subsection apply only to amounts appropriated in this section from the following accounts: Connecting Washington account—state, and move ahead WA account—state; and

(d) The office of financial management must provide notice of allotment modifications authorized under this subsection within 10 working days to the transportation committees of the legislature. By December 1, 2023, and December 1, 2024, the department must submit a report to the transportation committees

of the legislature regarding the actions taken to date under this subsection.

(21) \$5,000,000 of the multimodal transportation account—state appropriation is provided solely for the department to assist local jurisdictions in addressing emergent issues related to safety for pedestrians and bicyclists (LXXXPBF). Funds may only be spent after approval from the office of financial management. By December 15th of each odd-numbered year, the department shall provide a report to the legislature listing all emergent issues addressed in the prior fiscal biennium. Reporting may be done in conjunction with the transportation operations division.

(22) Beginning January 1, 2025, \$29,162,000 of the carbon emissions reduction account—state appropriation is provided solely for the following projects identified in LEAP Transportation Document 2024-2 ALL PROJECTS as developed February 20, 2024:

- (a) North Aurora Safety Improvements (L4000154);
- (b) Maple Valley Pedestrian Bridge Over SR 169 (L2021093);
- (c) North Broadway Pedestrian Bridge (L2021082);
- (d) State Route 547 Pedestrian and Bicycle Safety Trail (Kendall Trail) (L4000144);
- (e) Mountains to Sound Greenway "Bellevue Gap" (L4000152);
- (f) Olympic Discovery Trail/US 101 Safety (L2021192);
- (g) 72nd Ave & Washington Ave Active Transportation Components (L2021194);
- (h) Bluff Trail Hood River to White Salmon (L2021199);
- (i) Columbia Heights Safety Improvements (L2021195);
- (j) Eustis Hunt and 216th Sidewalks (L2021083);
- (k) La Center Pac. Hwy Shared Use Path (L2021196);
- (l) SR 240/Aaron Dr Complete Streets Improvements (L2021193);
- (m) Wallace Kneeland Blvd Active Transportation (L2021198);
- (n) Wide Hollow Creek Active Transportation Improvements (L2021200);
- (o) Yakima Greenway Active Transportation (L2021201); and
- (p) Cowiche Canyon Trail (G2000010).

TRANSFERS AND DISTRIBUTIONS

Sec. 401. 2023 c 472 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	(\$1,101,000)	<u>\$225,000</u>
Connecting Washington Account—State Appropriation	(\$11,951,000)	<u>\$3,463,000</u>
Special Category C Account—State Appropriation	(\$922,000)	<u>\$452,000</u>
Highway Bond Retirement Account—State Appropriation	(\$1,470,291,000)	<u>\$1,413,786,000</u>
Ferry Bond Retirement Account—State Appropriation		<u>\$4,616,000</u>
Transportation Improvement Board Bond Retirement Account—State Appropriation	(\$10,895,000)	<u>\$10,305,000</u>
Nondebt-Limit Reimbursable Bond Retirement Account—		

State Appropriation.....	(\$28,606,000)
	<u>\$28,262,000</u>
Toll Facility Bond Retirement Account—State Appropriation.....	\$76,372,000
TOTAL APPROPRIATION.....	(\$1,604,754,000)
	<u>\$1,537,481,000</u>

Sec. 402. 2023 c 472 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.....	(\$220,000)
	<u>\$47,000</u>
((Transportation Improvement Account—State Appropriation.....	\$20,000)
Connecting Washington Account—State Appropriation.....	(\$2,391,000)
	<u>\$686,000</u>
Special Category C Account—State Appropriation.....	(\$183,000)
	<u>\$89,000</u>
TOTAL APPROPRIATION.....	(\$2,814,000)
	<u>\$822,000</u>

Sec. 403. 2023 c 472 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.....	(\$465,354,000)
	<u>\$461,954,000</u>
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
TOTAL APPROPRIATION.....	(\$515,578,000)
	<u>\$512,178,000</u>

Sec. 404. 2023 c 472 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	(\$1,969,182,000)
	<u>\$1,955,782,000</u>

Sec. 405. 2023 c 472 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	(\$246,480,000)
	<u>\$253,180,000</u>

Sec. 406. 2023 c 472 s 406 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—ADMINISTRATIVE TRANSFERS

(1)((a) Pilotage Account—State Appropriation: For transfer to the Multimodal Transportation Account—State	\$200,000
(b) The amount transferred in this subsection represents partial repayment of prior biennium transfers to cover self insurance liability premiums.	
(2)) Transportation Partnership Account—State	

Appropriation: For transfer to the Motor Vehicle Account—State	\$175,000,000
((3) Connecting Washington Account—State Appropriation: For transfer to the Move Ahead WA Account—State	\$200,000,000
(4)) (2) Electric Vehicle Account—State appropriation: For transfer to the Move Ahead WA Flexible Account—State	\$29,200,000
((5)) (3) Electric Vehicle Account—State Appropriation: For transfer to the Multimodal Transportation Account—State	\$23,330,000
((6)) (4) Washington State Aviation Account—State Appropriation: For transfer to the Aeronautics Account—State	\$150,000
((7)) (5) Carbon Emissions Reduction Account—State Appropriation: For transfer to the Climate Active Transportation Account—State	\$178,885,000
((8)) (6) Carbon Emissions Reduction Account—State Appropriation: For transfer to the Climate Transit Programs Account—State	\$408,000,000
((9)) (7) Carbon Emissions Reduction Account—State Appropriation: For transfer to the Puget Sound Ferry Operations Account—State	\$4,200,000
((10)) (8) Move Ahead WA Flexible Account—State Appropriation: For transfer to the Move Ahead WA Account—State	\$100,000,000
((11)) (9) Alaskan Way Viaduct Replacement Project Account—State Appropriation: For transfer to the Motor Vehicle Account—State	\$25,000,000
((12)) (10) Highway Safety Account—State Appropriation: For transfer to the State Patrol Highway Account—State	(\$77,000,000)
((13)) (11)(a) Transportation Partnership Account—State Appropriation: For transfer to the Tacoma Narrows Toll Bridge Account—State.....	\$6,611,000
(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.	
((14) Motor Vehicle Account—State Appropriation: For transfer to the State Patrol Highway Account—State	\$1,500,000
(15)) (12) Motor Vehicle Account—State Appropriation: For transfer to the County Arterial Preservation Account—State	\$4,844,000
((16)) (13) Motor Vehicle Account—State Appropriation: For transfer to the Freight Mobility Investment Account—State	\$8,511,000
((17)) (14) Motor Vehicle Account—State Appropriation: For transfer to the Rural Arterial Trust Account—State	\$4,844,000
((18)) (15) Motor Vehicle Account—State Appropriation: For transfer to the Transportation Improvement Account—State	\$9,688,000
((19)) (16)(a) State Route Number 520 Civil Penalties Account—State Appropriation: For transfer to the Motor Vehicle Account—State	\$1,000,000
(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.	
((20)) (17) State Route Number 520 Civil Penalties Account—State Appropriation: For transfer to the State Route Number 520 Corridor Account—State... 	\$560,000

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~~((24))~~ (18)(a) Capital Vessel Replacement Account—State Appropriation: For transfer to the Connecting Washington Account—State \$29,000,000
 (b) It is the intent of the legislature that this transfer is temporary, for the purpose of minimizing the use of bonding in the connecting Washington account.

~~((22))~~ (19) Multimodal Transportation Account—State Appropriation: For transfer to the Complete Streets Grant Program Account—State \$14,670,000

~~((23))~~ (20) Multimodal Transportation Account—State Appropriation: For transfer to the Highway Safety Account—State..... \$3,000,000

~~((24))~~ (21) Multimodal Transportation Account—State Appropriation: For transfer to the Motor Vehicle Account—State.....~~((15,000,000))~~ \$30,000,000

~~((25))~~ (22) Multimodal Transportation Account—State Appropriation: For transfer to the Freight Mobility Multimodal Account—State..... \$8,511,000

~~((26))~~ (23) Multimodal Transportation Account—State Appropriation: For transfer to the Move Ahead WA Flexible Account—State..... \$11,790,000

~~((27))~~ (24) Multimodal Transportation Account—State Appropriation: For transfer to the Puget Sound Capital Construction Account—State~~((175,000,000))~~ \$173,000,000

~~((28))~~ (25) Multimodal Transportation Account—State Appropriation: For transfer to the Puget Sound Ferry Operations Account—State.....~~((38,500,000))~~ \$88,500,000

~~((29))~~ (26) Multimodal Transportation Account—State Appropriation: For transfer to the Regional Mobility Grant Program Account—State \$27,679,000

~~((30))~~ (27) Multimodal Transportation Account—State Appropriation: For transfer to the Rural Mobility Grant Program Account—State \$12,223,000

~~((31))~~ (28) Multimodal Transportation Account—State Appropriation: For transfer to the State Patrol Highway Account—State..... \$59,000,000

~~((32))~~ (29)(a) Alaskan Way Viaduct Replacement Project Account—State Appropriation: For transfer to the Transportation Partnership Account—State.... \$47,899,000

(b) \$22,899,000 of 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).

~~((33))~~ (30) Tacoma Narrows Toll Bridge Account—State Appropriation: For transfer to the Motor Vehicle Account—State..... \$543,000

~~((34))~~ (31)(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 ~~((of this act))~~, chapter 472, Laws of 2023.

~~((35))~~ (32) Puget Sound Ferry Operations Account—State Appropriation: For transfer to the Puget Sound Capital Construction Account—State \$121,828,000

~~((36))~~ (33) Move Ahead WA Account—State Appropriation: For transfer to the Puget Sound Ferry Operations Account—State \$120,000,000

(34) Highway Safety Account—State Appropriation: For transfer to the Motor Vehicle Account—State..... \$1,000,000

(35) Recreational Vehicle Account—State Appropriation: For transfer to the Motor Vehicle Account—State . \$3,000,000

(36) Motor Vehicle Account—State Appropriation: For transfer to the Puget Sound Ferry Operations Account—State \$3,500,000

(37) Multimodal Transportation Account—State Appropriation: For transfer to the Pilotage Account—State \$190,000

(38) Advance Right-Of-Way Revolving Fund—State Appropriation: For transfer to the JUDY Transportation Future Funding Program Account—State \$40,000,000

Sec. 407. 2023 c 472 s 407 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY STATUTORILY PRESCRIBED REVENUE

Toll Facility Bond Retirement Account—Federal Appropriation ~~((194,241,000))~~ \$157,240,000

Toll Facility Bond Retirement Account—State Appropriation ~~((25,372,000))~~ \$26,562,000

TOTAL APPROPRIATION ~~((219,613,000))~~ \$183,802,000

The appropriations in this section are subject to the following conditions and limitations: \$35,250,000 of the toll facility bond retirement account—federal appropriation may be used to prepay certain outstanding bonds if sufficient debt service savings can be obtained.

IMPLEMENTING PROVISIONS

Sec. 501. 2023 c 472 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 ~~((2023-1))~~ 2024-1 as developed ~~((April 21, 2023))~~ February 20, 2024, which consists of a list of specific projects by fund source and amount over multiple biennia. Current fiscal biennium funding for each project is a line-item appropriation, while the outer year funding allocations represent a 16-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 2023-2025 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 2024;

(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 fiscal 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 \$250,000 or 10 percent of the total project per fiscal 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 fiscal 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 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 10 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 fiscal biennium.

Sec. 502. 2023 c 472 s 606 (uncodified) is amended to read as follows:

TRANSIT, BICYCLE, AND PEDESTRIAN ELEMENTS REPORTING

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 ((2023-2)) 2024-2 ALL PROJECTS as developed ((April 21, 2023)) February 20, 2024, in a manner consistent with past practices as specified in section 602, chapter 186, Laws of 2022.

Sec. 503. 2023 c 472 s 609 (uncodified) is amended to read as follows:

LOCAL PARTNER COOPERATIVE AGREEMENTS

(1) If a transportation project, where the Washington state department of transportation is the lead and the project is scheduled to be delivered or completed in the 2023-2025 fiscal biennium as shown on the LEAP Transportation Document ((2023-2)) 2024-2 ALL PROJECTS as developed ((April 21, 2023)) February 20, 2024, is in jeopardy of being delayed because the department is unable to deliver or complete the project within the 2023-2025 fiscal biennium and other local jurisdictions are able to deliver or complete the work, the department must coordinate with the appropriate local jurisdictions to determine if a potential local partner is ready, willing, and able to execute delivery and completion of the project within the 2023-2025 fiscal biennium.

(2) The department must compile a list of projects under this section, including the timing under which the local partner agency can deliver or complete the projects within the 2023-2025 and 2025-2027 fiscal biennia. The department must submit the compiled list of projects to the governor and the transportation committees of the legislature by November 1, 2023.

MISCELLANEOUS 2023-2025 FISCAL BIENNIUM

Sec. 601. RCW 46.68.060 and 2023 c 472 s 705 are each amended to read as follows:

There is hereby created in the state treasury a fund to be known as the highway safety fund to the credit of which must be deposited all moneys directed by law to be deposited therein. This fund must be used for carrying out the provisions of law relating to driver licensing, driver improvement, financial responsibility, cost of furnishing abstracts of driving records and maintaining such case records, and to carry out the purposes set forth in RCW 43.59.010, chapters 46.72 and 46.72A RCW, and RCW 47.04.410. During the 2021-2023 and 2023-2025 fiscal biennia, the legislature may direct the state treasurer to make transfers of moneys in the highway safety fund to the multimodal transportation account, the motor vehicle fund, and the state patrol highway account.

Sec. 602. RCW 46.68.300 and 2023 c 472 s 708 and 2023 c 167 s 8 are each reenacted and amended to read as follows:

The freight mobility investment account is hereby created in the state treasury. Money in the account may be spent only after appropriation. Expenditures from the account may be used only for freight mobility projects that have been ((approved)) recommended by the freight mobility strategic investment board in RCW 47.06A.020 and may include any principal and interest on bonds authorized for the projects or improvements. During the ((2019-2021 and)) 2021-2023 and 2023-2025 fiscal biennia, the expenditures from the account may also be used for the administrative expenses of the freight mobility strategic investment board.

Sec. 603. RCW 36.79.020 and 1997 c 81 s 2 are each amended to read as follows:

There is created in the motor vehicle fund the rural arterial trust account. All moneys deposited in the motor vehicle fund to be credited to the rural arterial trust account shall be expended for (1) the construction and improvement of county rural arterials and collectors, (2) the construction of replacement bridges funded by the federal bridge replacement program on access roads in rural areas, and (3) those expenses of the board associated with the administration of the rural arterial program. During the 2023-2025 fiscal biennium, account funds may also be used for staffing and other administrative expenses related to assisting local governments individually and collectively in qualifying for additional federal funds.

Sec. 604. RCW 82.70.020 and 2015 3rd sp.s. c 44 s 413 are

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each amended to read as follows:

(1) Employers in this state who are taxable under chapter 82.04 or 82.16 RCW and provide financial incentives to their own or other employees for ride sharing, for using public transportation, for using car sharing, or for using nonmotorized commuting before January 1, ~~((2024))~~ 2025, are allowed a credit against taxes payable under chapters 82.04 and 82.16 RCW for amounts paid to or on behalf of employees for ride sharing in vehicles carrying two or more persons, for using public transportation, for using car sharing, or for using nonmotorized commuting, not to exceed ~~((sixty dollars))~~ \$60 per employee per fiscal year.

(2) Property managers who are taxable under chapter 82.04 or 82.16 RCW and provide financial incentives to persons employed at a worksite in this state managed by the property manager for ride sharing, for using public transportation, for using car sharing, or for using nonmotorized commuting before January 1, 2024, are allowed a credit against taxes payable under chapters 82.04 and 82.16 RCW for amounts paid to or on behalf of these persons for ride sharing in vehicles carrying two or more persons, for using public transportation, for using car sharing, or for using nonmotorized commuting, not to exceed ~~((sixty dollars))~~ \$60 per person per fiscal year.

(3) The credit under this section is equal to the amount paid to or on behalf of each employee multiplied by ~~((fifty))~~ 50 percent, but may not exceed ~~((sixty dollars))~~ \$60 per employee per fiscal year. No refunds may be granted for credits under this section.

(4) A person may not receive credit under this section for amounts paid to or on behalf of the same employee under both chapters 82.04 and 82.16 RCW.

(5) A person may not take a credit under this section for amounts claimed for credit by other persons.

Sec. 605. RCW 82.70.040 and 2022 c 182 s 311 are each amended to read as follows:

(1)(a) The department must keep a running total of all credits allowed under RCW 82.70.020 during each fiscal year. The department may not allow any credits that would cause the total amount allowed to exceed \$2,750,000 in any fiscal year.

(b) If the total amount of credit applied for by all applicants in any year exceeds the limit in this subsection, the department must ratably reduce the amount of credit allowed for all applicants so that the limit in this subsection is not exceeded. If a credit is reduced under this subsection, the amount of the reduction may not be carried forward and claimed in subsequent fiscal years.

(2)(a) Tax credits under RCW 82.70.020 may not be claimed in excess of the amount of tax otherwise due under chapter 82.04 or 82.16 RCW.

(b) Through June 30, 2005, a person with taxes equal to or in excess of the credit under RCW 82.70.020, and therefore not subject to the limitation in (a) of this subsection, may elect to defer tax credits for a period of not more than three years after the year in which the credits accrue. For credits approved by the department through June 30, 2015, the approved credit may be carried forward and used for tax reporting periods through December 31, 2016. Credits approved after June 30, 2015, must be used for tax reporting periods within the calendar year for which they are approved by the department and may not be carried forward to subsequent tax reporting periods. Credits carried forward as authorized by this subsection are subject to the limitation in subsection (1)(a) of this section for the fiscal year for which the credits were originally approved.

(3) No person may be approved for tax credits under RCW 82.70.020 in excess of \$100,000 in any fiscal year. This limitation does not apply to credits carried forward from prior years under subsection (2)(b) of this section.

(4) No person may claim tax credits after June 30, ~~((2024))~~

2025.

Sec. 606. RCW 82.70.900 and 2023 c 374 s 18 are each amended to read as follows:

This chapter expires July 1, ~~((2024))~~ 2025.

NEW SECTION. Sec. 607. (1) This section is the tax preference performance statement for section 604, chapter . . . , Laws of 2024 (section 604 of this act). This performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or be used to determine eligibility for the preferential tax treatment.

(2) The tax preference performance statement in section 413, chapter 44, Laws of 2015 3rd sp. sess. applies to the expansion of the tax preference in section 604 of this act.

Sec. 608. 2022 c 182 s 503 (uncodified) is amended to read as follows:

~~((Sections 311 and))~~ Section 403 of this act ~~((expire))~~ expires July 1, 2024.

Sec. 609. RCW 46.68.170 and 2013 c 306 s 705 are each amended to read as follows:

There is hereby created in the motor vehicle fund the RV account. All moneys hereafter deposited in said account shall be used by the department of transportation for the construction, maintenance, and operation of recreational vehicle sanitary disposal systems at safety rest areas in accordance with the department's highway system plan as prescribed in chapter 47.06 RCW. During the ~~((2011-2013 and 2013-2015 fiscal biennia, the legislature may transfer from the RV account to the motor vehicle fund such amounts as reflect the excess fund balance of the RV account to accomplish the purposes identified in this section))~~ 2023-2025 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys from the RV account to the motor vehicle fund.

Sec. 610. RCW 47.12.244 and 2013 c 306 s 714 are each amended to read as follows:

There is created the "advance right-of-way revolving fund" in the custody of the treasurer, into which the department is authorized to deposit directly and expend without appropriation:

(1) An initial deposit of ~~((ten million dollars))~~ \$10,000,000 from the motor vehicle fund included in the department of transportation's 1991-93 budget;

(2) All moneys received by the department as rental income from real properties that are not subject to federal aid reimbursement, except moneys received from rental of capital facilities properties as defined in chapter 47.13 RCW; and

(3) Any federal moneys available for acquisition of right-of-way for future construction under the provisions of section 108 of Title 23, United States Code.

During the ~~((2011-2013 and 2013-2015 fiscal biennia, the legislature may transfer from the advance right-of-way revolving fund to the motor vehicle account [fund] amounts as reflect the excess fund balance of the advance right-of-way revolving fund))~~ 2023-2025 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys from the advance right-of-way revolving fund to the JUDY transportation future funding program account.

NEW SECTION. Sec. 611. A new section is added to 2023 c 472 (uncodified) to read as follows:

(1) The transportation carbon emissions reduction account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account are intended to affect reductions in transportation sector carbon emissions through a variety of carbon reducing investments. Such investments may include, but are not limited to: Transportation alternatives to single occupancy passenger vehicles; reductions in

single occupancy passenger vehicle miles traveled; reductions in per mile emissions in vehicles, including through the funding of alternative fuel infrastructure and incentive programs; and emissions reduction programs for freight transportation, including motor vehicles and rail, as well as for ferries and other maritime and port activities. Expenditures from the account may be made only for transportation carbon emissions reducing purposes and may not be made for highway purposes authorized under the 18th Amendment of the Washington state Constitution, other than as specified in this section, and must be made in accordance with subsection (2) of this section. It is the legislature's intent that expenditures from the account used to reduce carbon emissions be made with the goal of achieving equity for communities that historically have been omitted or adversely impacted by past transportation policies and practices.

(2) Appropriations in an omnibus transportation appropriations act from the transportation carbon emissions reduction account must be made exclusively to fund the following activities:

- (i) Active transportation;
- (ii) Transit programs and projects;
- (iii) Alternative fuel and electrification;
- (iv) Ferries; and
- (v) Rail.

(3) Unspent appropriations in the 2023-2025 omnibus transportation appropriations act, chapter 472, Laws of 2023, and chapter . . . , Laws of 2024 (this act), which are appropriated from the carbon emissions reduction account before January 1, 2025, must thereafter be paid from the transportation carbon emissions reduction account as if they were appropriated from that account.

(4) Any appropriations from the carbon emissions reduction account beginning January 1, 2025, must lapse.

(5) Any residual balance of funds remaining in the carbon emissions reduction account on or after December 5, 2024, must be transferred by the state treasurer to the transportation carbon emissions reduction account created in this section.

(6) This section expires July 1, 2025.

NEW SECTION. Sec. 612. Section 611 of this act takes effect only if the carbon emissions reduction account is abolished on or after December 5, 2024.

MISCELLANEOUS

NEW SECTION. Sec. 701. 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. 702. Except for section 611 of this act, 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 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending RCW 46.68.060, 36.79.020, 82.70.020, 82.70.040, 82.70.900, 46.68.170, and 47.12.244; amending 2023 c 472 ss 105, 108, 109, 111, 114, 110, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 301, 302, 304, 305, 306, 307, 308, 309, 310, 401, 402, 403, 404, 405, 406, 407, 601, 606, and 609 (uncodified); amending 2022 c 182 s 503 (uncodified); reenacting and amending RCW 46.68.300; adding new sections to 2023 c 472 (uncodified); creating a new section; making appropriations and authorizing expenditures for capital improvements; providing a contingent effective date; providing expiration dates; and declaring an emergency."

MOTION

Senator Liias moved that the following floor amendment no. 737 by Senator Liias be adopted:

Beginning on page 10, line 30, strike all of section 111 and insert the following:

"**Sec. 111.** 2023 c 472 s 110 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE GOVERNOR

State Patrol Highway Account—State Appropriation \$750,000

The appropriation in this section is subject to the following conditions and limitations: \$750,000 of the state patrol highway account—state appropriation is provided solely to the state office of equity to contract with an independent consultant to conduct the studies, evaluations, and reporting functions required in RCW 43.06D.060(2), and for the office to conduct the work specified in RCW 43.06D.060 (1) and (3)."

Senator Liias spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 737 by Senator Liias on page 10, line 30 to striking floor amendment no. 736.

The motion by Senator Liias carried and floor amendment no. 737 was adopted by voice vote.

MOTION

Senator Fortunato moved that the following floor amendment no. 757 by Senator Fortunato be adopted:

On page 114, line 14, strike "\$92,903,000" and insert "\$157,903,000"

On page 115, line 4, strike "\$4,832,695,000" and insert "\$4,897,695,000"

On page 125, after line 17, insert the following:

"(29) \$65,000,000 of the motor vehicle account—state appropriation is provided solely for replacement of the state route number 410 White River Bridge."

Senator Fortunato spoke in favor of adoption of the amendment to the striking amendment.

Senator Liias spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 757 by Senator Fortunato on page 114, line 14 to striking floor amendment no. 736.

The motion by Senator Fortunato did not carry and floor amendment no. 757 was not adopted by voice vote.

MOTION

Senator Fortunato moved that the following floor amendment no. 758 by Senator Fortunato be adopted:

On page 114, line 14, strike "\$92,903,000" and insert "\$93,403,000"

On page 115, line 4, strike "\$4,832,695,000" and insert "\$4,833,195,000"

On page 125, after line 17, insert the following:

"(29) \$500,000 of the motor vehicle account—state appropriation is provided solely for preliminary engineering and design for the replacement of the state route number 410 White River Bridge."

Senator Fortunato spoke in favor of adoption of the amendment to the striking amendment.

Senator Liias spoke against adoption of the amendment to the striking amendment.

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The President declared the question before the Senate to be the adoption of floor amendment no. 758 by Senator Fortunato on page 114, line 14 to striking floor amendment no. 736.

The motion by Senator Fortunato did not carry and floor amendment no. 758 was not adopted by voice vote.

MOTION

Senator Trudeau moved that the following floor amendment no. 755 by Senators Trudeau, Nobles, Conway, Kauffman and Randall be adopted:

On page 122, after line 14, insert the following:

"(d) It is the intent of the legislature that the SR 167/SR 509 Puget Sound Gateway project (M00600R): (i) Receive its current revenue assumption of \$160,000,000 from the connecting Washington account—state in the 2027-2029 fiscal biennium; (ii) maintain the existing \$180,000,000 toll revenue assumption in the 2025-2027 fiscal biennium; (iii) reduce funding in the amount of \$160,000,000 from the Puget Sound Gateway facility account—state in the 2027-2029 fiscal biennium; and (iv) as referenced in the list in subsection (1) of this section, be updated and the LEAP totals be adjusted accordingly."

Senators Trudeau, Conway, King and Liias spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 755 by Senator Trudeau on page 122, after line 14 to striking floor amendment no. 736.

The motion by Senators Trudeau, Nobles, Conway, Kauffman and Randall carried and floor amendment no. 755 was adopted by voice vote.

MOTION

Senator Mullet moved that the following floor amendment no. 734 by Senator Mullet be adopted:

On page 124, line 36, after "new" insert "advertisements or"

On page 124, line 39, after "methods" insert "and cost estimates"

On page 125, line 3, after "methods" insert "and cost estimates"

On page 125, line 5, after "legislature" insert "by July 1, 2024."

On page 125, line 7, after "new" insert "advertisements and"

Senators Mullet and King spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 734 by Senator Mullet on page 124, line 36 to striking floor amendment no. 736.

The motion by Senator Mullet carried and floor amendment no. 734 was adopted by voice vote.

MOTION

Senator Liias moved that the following floor amendment no. 738 by Senator Liias be adopted:

On page 131, line 21, after "~~biennium~~" insert "It is the intent of the legislature, that if bids and cash flow permit, the department shall pursue construction of three vessels simultaneously for the initial delivery of hybrid electric Olympic class vessels. In the event that bids are higher than the engineer's estimate, the legislature intends that the department proceed with the best value bid, or bids, for two vessels in the initial delivery."

(5)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Senators Liias and King spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 738 by Senator Liias on page 131, line 21 to striking floor amendment no. 736.

The motion by Senator Liias carried and floor amendment no. 738 was adopted by voice vote.

MOTION

Senator MacEwen moved that the following floor amendment no. 747 by Senator MacEwen be adopted:

On page 147, after line 23, insert the following:

"(23) It is the intent of the legislature that \$500,000 of the motor vehicle account—state appropriation be provided for the Log Yard Road Connector in a future fiscal biennium, and that \$500,000 of the motor vehicle account—state appropriation be provided for Romance Hill Connector project in a future fiscal biennium, and that the list referenced in subsection (1) of this section be updated accordingly."

Senators MacEwen and Liias spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 747 by Senator MacEwen on page 147, after line 23 to striking floor amendment no. 736.

The motion by Senator MacEwen carried and floor amendment no. 747 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 736 by Senators Liias and King as amended to Engrossed Substitute House Bill No. 2134.

The motion by Senator Pedersen carried and striking floor amendment no. 736 as amended was adopted by voice vote.

MOTION

On motion of Senator Liias, the rules were suspended, Engrossed Substitute House Bill No. 2134 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 King 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. 2134 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2134 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford,

Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senator Padden

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2134, 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. 1889, by House Committee on Consumer Protection & Business (originally sponsored by Representatives Walen, Taylor, Leavitt, Slatter, Ramel, Duerr, Ryu, Ramos, Bateman, Reeves, Reed, Ormsby, Callan, Peterson, Kloba, Macri, Street, Doglio, Bergquist, Mena, Goodman, Thai, Santos, Hackney, Pollet, Fosse, Davis, and Senn)

Allowing persons to receive professional licenses and certifications regardless of immigration or citizenship status.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 1889 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, King and Torres 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. 1889.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1889 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Frame, Gildon, Hansen, Hasegawa, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Lias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Stanford, Torres, Trudeau, Valdez, Van De Wege, Warnick, Wellman, Wilson, C. and Wilson, J.

Voting nay: Senators Fortunato, Hawkins, MacEwen, McCune, Padden, Short, Wagoner and Wilson, L.

SUBSTITUTE HOUSE BILL NO. 1889, 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

SECOND SUBSTITUTE HOUSE BILL NO. 2071, by House Committee on Appropriations (originally sponsored by Representatives Duerr, Bateman, Fitzgibbon, Berry, Reed, Ormsby, Ramel, Pollet, and Kloba)

Concerning residential housing regulations.

The measure was read the second time.

MOTION

Senator Lovelett moved that the following committee striking amendment by the Committee on Local Government, Land Use & 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 19.27 RCW to read as follows:

(1) The legislature finds that lowering the cost of middle and multiplex housing construction will increase the housing supply and help address the state's shortage of affordable housing. It further finds that home builders and residentially focused architects are more familiar with the provisions of the international residential code. Allowing middle and multiplex housing to be built according to the standards of the international residential code will result in housing being easier to build and more affordable without sacrificing quality and safety. Therefore, the legislature intends to simplify the production of middle and multiplex housing by allowing more types of housing to use provisions of the international residential code.

(2) The state building code council shall convene a technical advisory group for the purpose of recommending the additions or amendments to rules or codes that are necessary for the council to apply the Washington state residential code to multiplex housing. The technical advisory group shall determine the most efficient mechanism to implement these changes in the Washington state residential code. These recommendations must include those code changes necessary to ensure public health and safety in multifamily housing under the international residential code and must consider the life safety systems and accessibility requirements for multiplex housing from the Washington state building code.

(3) The advisory group shall provide its recommendations to the council in time for the council to adopt or amend rules or codes as necessary for implementation in the 2024 international building code. The council shall take action to adopt additions and amendments to rules or codes as necessary to apply the international residential code to multiplex housing by November 1, 2026.

(4) For the purposes of this section, "multiplex housing" means a building with up to six dwelling units consolidated into a single structure with common walls and floors and a functional primary street entrance, or a building of up to three stories containing up to six dwelling units consolidated into a single structure.

NEW SECTION. **Sec. 2.** A new section is added to chapter 19.27 RCW to read as follows:

(1) The state building code council shall convene a technical advisory group for the purpose of recommending amendments to the international building code that would allow for a minimum dwelling unit size that is less than the requirements for an efficiency dwelling unit in the international building code. The technical advisory group shall consider aligning the state building code sections related to interior environment with the relevant sections of the national healthy housing standard published by the national center for healthy housing. When developing the recommendations, the technical advisory group must review the differences between the state building code and the national healthy housing standard and allow experts in public health and fire safety to comment during the process.

(2) The technical advisory group shall provide its recommendations to the council in time for the council to adopt or amend rules or codes as necessary for implementation in the 2024 international building code. The council shall take action to adopt additions and amendments to rules or codes as necessary by

November 1, 2026.

NEW SECTION. Sec. 3. The office of regulatory innovation and assistance shall contract with a qualified external consultant or entity to develop a standard energy code plan set demonstrating a prescriptive compliance pathway that will meet or exceed all energy code regulations for residential housing in the state subject to the international residential code. The standard energy code plan set may be used, but is not required, by local governments and building industries. In developing the standard energy code plan set, the consultant shall, at a minimum, seek feedback from cities, counties, building industries, and building officials. The standard energy code plan set must be completed by June 30, 2025."

On page 1, line 1 of the title, after "regulations;" strike the remainder of the title and insert "adding new sections to chapter 19.27 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 Local Government, Land Use & Tribal Affairs to Second Substitute House Bill No. 2071.

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

MOTION

On motion of Senator Lovelett, the rules were suspended, Second Substitute House Bill No. 2071 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 Lovelett and Torres spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2071 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2071 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 36; Nays, 13; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Cleveland, Conway, Dhingra, Dozier, Frame, Gildon, Hansen, Hasegawa, Hunt, Kauffman, Keiser, King, Kuderer, Lias, Lovelett, Lovick, MacEwen, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Saldaña, Salomon, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Boehnke, Fortunato, Hawkins, Holy, McCune, Muzzall, Padden, Rivers, Schoesler, Wagoner, Warnick, Wilson, J. and Wilson, L.

SECOND SUBSTITUTE HOUSE BILL NO. 2071 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. 2061, by House Committee on Labor & Workplace Standards (originally sponsored by Representatives Bronoske, Ramel, Berry, Reed, Fosse, Lekanoff, Pollet, and Kloba)

Defining an employee of a health care facility for purposes of

mandatory overtime provisions.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 2061 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, King and Conway 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. 2061.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2061 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Lias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE HOUSE BILL NO. 2061, 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. 2039, by House Committee on Environment & Energy (originally sponsored by Representatives Fitzgibbon, Ramel, Reed, Ormsby, Fosse, and Duerr)

Modifying the appeals process for environmental and land use matters.

The measure was read the second time.

MOTION

Senator Nguyen moved that the following committee striking amendment by the Committee on Environment, Energy & Technology be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 34.05.518 and 2021 c 305 s 2 are each amended to read as follows:

(1)(a) The final decision of an administrative agency in an adjudicative proceeding under this chapter may be directly reviewed by the court of appeals (~~upon~~) either: (i) Upon certification by the superior court pursuant to this (~~section~~) subsection and subsections (2) and (3) of this section; or (ii) if the final decision is from an environmental board as identified in RCW 43.21B.005 and the final decision relates to a clean energy project as defined in RCW 43.158.010, pursuant to subsection (4) of this section.

~~((Transfer of cases pursuant to this section does not require the filing of a motion for discretionary review with the court of appeals.))~~ (b) The superior court may certify cases for transfer to the court of appeals upon finding that:

~~((a))~~ (i) All parties have consented to the transfer to the court of appeals and agreed that the judicial review can occur based upon the agency record developed before the administrative body without supplementing the record pursuant to RCW 34.05.562; or

~~((b))~~ (ii) One or more of the parties have not consented to the transfer, but the superior court finds that transfer would serve the interest of justice, would not cause substantial prejudice to any party, including any unrepresented party, and further finds that:

~~((c))~~ (A) The judicial review can occur based upon the agency record developed before the administrative body without supplementing the record pursuant to RCW 34.05.562; or

~~((d))~~ (B) The superior court has completed any necessary supplementation of the record pursuant to RCW 34.05.562, such that only issues of law remain for determination.

(2) If the superior court certifies a final decision of an administrative agency in an adjudicative proceeding, the superior court shall transfer the matter to the court of appeals as a direct appeal.

(3) A party contesting a superior court decision granting or denying certification for direct review may file a motion for discretionary review with the court of appeals.

(4)(a) For the appeal of a permit related to a clean energy project, as defined in RCW 43.158.010, that is the subject of a final adjudicative decision of an environmental board, as identified in RCW 43.21B.005, upon a motion filed by any party to the appeal, the superior court shall certify a case for transfer to the court of appeals upon a finding that:

(i) The judicial review can occur based upon the agency record developed before the administrative body without supplementing the record pursuant to RCW 34.05.562; or

(ii) The superior court has completed any necessary supplementation of the record pursuant to RCW 34.05.562.

(b) If the superior court certifies a final decision of an administrative agency in an adjudicative proceeding, the superior court shall transfer the matter to the court of appeals as a direct appeal.

(c) A party contesting a superior court decision granting or denying certification for direct review may file a motion for discretionary review with the court of appeals. Where a contesting party demonstrates that substantial prejudice would result from direct review by the court of appeals, the court of appeals may remand to the superior court.

(5) Transfer of cases pursuant to this section does not require the filing of a motion for discretionary review with the court of appeals.

Sec. 2. RCW 34.05.518 and 2021 c 305 s 5 are each amended to read as follows:

(1) The final decision of an administrative agency in an adjudicative proceeding under this chapter may be directly reviewed by the court of appeals either (a) upon certification by the superior court pursuant to subsection (2) of this section ~~((a))~~; (b) if the final decision is from an environmental board as ~~((defined in))~~ identified in RCW 43.21B.005 and the final decision relates to a clean energy project as defined in RCW 43.158.010, pursuant to subsection (3) of this section ~~((upon acceptance by the court of appeals after a certificate of appealability has been filed by the environmental board that rendered the final decision))~~; or (c) if the final decision is from an environmental board identified in RCW 43.21B.005 and the final decision does not relate to a clean energy project as defined in RCW 43.158.010, pursuant to subsection (4) of this section. Transfer of a case pursuant to subsections (3) or (4) of this section

does not require the filing of a motion for discretionary review with the court of appeals.

~~(2)(a)~~ For direct review upon certification by the superior court, an application for direct review must be filed with the superior court within thirty days of the filing of the petition for review in superior court. The superior court may certify a case for direct review only if the judicial review is limited to the record of the agency proceeding and the court finds that:

~~((a))~~ (i) Fundamental and urgent issues affecting the future administrative process or the public interest are involved which require a prompt determination;

~~((b))~~ (ii) Delay in obtaining a final and prompt determination of such issues would be detrimental to any party or the public interest;

~~((c))~~ (iii) An appeal to the court of appeals would be likely regardless of the determination in superior court; and

~~((d))~~ (iv) The appellate court's determination in the proceeding would have significant precedential value.

(b) Procedures for certification shall be established by court rule.

~~(3)(a) For the~~ ~~((purposes of direct review of final decisions of environmental boards, environmental boards include those boards identified in RCW 43.21B.005 and the growth management hearings board as identified in RCW 36.70A.250.~~

~~(b) An environmental board may issue a certificate of appealability if it finds that delay in obtaining a final and prompt determination of the issues would be detrimental to any party or the public interest and either:~~

~~(i) Fundamental and urgent statewide or regional issues are raised; or~~

~~(ii) The proceeding is likely to have significant precedential value.~~

~~(4) The environmental board shall state in the certificate of appealability which criteria it applied, explain how that criteria was met, and file with the certificate a copy of the final decision.~~

~~(5) For an appellate court to accept direct review of a final decision of an environmental board, it shall consider the same criteria outlined in subsection (3) of this section.~~

~~(6) The procedures for direct review of final decisions of environmental boards include:~~

~~(a) Within thirty days after filing the petition for review with the superior court, a party may file an application for direct review with the superior court and serve the appropriate environmental board and all parties of record. The application shall request the environmental board to file a certificate of appealability.~~

~~(b) If an issue on review is the jurisdiction of the environmental board, the board may file an application for direct review on that issue.~~

~~(c) The environmental board shall have thirty days to grant or deny the request for a certificate of appealability and its decision shall be filed with the superior court and served on all parties of record.~~

~~(d) If a certificate of appealability is issued, the parties shall have fifteen days from the date of service to file a notice of discretionary review in the superior court, and the notice shall include a copy of the certificate of appealability and a copy of the final decision.~~

~~(e) If the appellate court accepts review, the certificate of appealability shall be transmitted to the court of appeals as part of the certified record.~~

(f) If a certificate of appealability is denied, review shall be by the superior court. The superior court's decision may be appealed to the court of appeals.) appeal of a permit related to a clean energy project, as defined in RCW 43.158.010, that is the subject of a final adjudicative decision of an environmental board, as identified in RCW 43.21B.005, upon a motion filed by any party

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to the appeal, the superior court shall certify a case for transfer to the court of appeals upon a finding that:

(i) The judicial review can occur based upon the agency record developed before the administrative body without supplementing the record pursuant to RCW 34.05.562; or

(ii) The superior court has completed any necessary supplementation of the record pursuant to RCW 34.05.562.

(b) If the superior court certifies a final decision of an administrative agency in an adjudicative proceeding, the superior court shall transfer the matter to the court of appeals as a direct appeal.

(c) A party contesting a superior court decision granting or denying certification for direct review may file a motion for discretionary review with the court of appeals. Where a contesting party demonstrates that substantial prejudice would result from direct review by the court of appeals, the court of appeals may remand to superior court.

(4)(a) The final adjudicative decision of an environmental board, as identified in RCW 43.21B.005, that does not relate to a clean energy project as defined in RCW 43.158.010, may be directly reviewed by the court of appeals upon certification by the superior court pursuant to this subsection. The superior court shall certify cases for transfer to the court of appeals upon finding that:

(i) All parties have consented to the transfer to the court of appeals and agreed that the judicial review can occur based upon the agency record developed before the administrative body without supplementing the record pursuant to RCW 34.05.562; or

(ii) One or more of the parties have not consented to the transfer, but the superior court finds that transfer would serve the interest of justice, would not cause substantial prejudice to any party, including any unrepresented party, and further finds that:

(A) The judicial review can occur based upon the agency record developed before the administrative body without supplementing the record pursuant to RCW 34.05.562; or

(B) The superior court has completed any necessary supplementation of the record pursuant to RCW 34.05.562, such that only issues of law remain for determination.

(b) If the superior court certifies a final decision of an administrative agency in an adjudicative proceeding, the superior court shall transfer the matter to the court of appeals as a direct appeal.

(c) A party contesting a superior court decision granting or denying certification for direct review may file a motion for discretionary review with the court of appeals. Where a contesting party demonstrates that substantial prejudice would result from direct review by the court of appeals, the court of appeals may remand to the superior court.

NEW SECTION. Sec. 3. A new section is added to chapter 43.21B RCW to read as follows:

(1) Where multiple permits for the same underlying clean energy project, as defined in RCW 43.158.010, are appealed to one or more of the environmental boards, as identified in RCW 43.21B.005, the presiding officer shall consolidate the appeals for hearing when one or more of the following criteria are met:

(a) When appeals for the permits related to the same underlying project are either:

(i) Filed within 60 days of each other; or

(ii) If the permits are not filed within 60 days of each other and the environmental board issues a stay of the appeal of the permit following the applicant's request. Such a stay must include a stay of the construction of the project pending appeal pursuant to RCW 43.21B.320, to allow other anticipated appeals of permits for the same underlying project to be filed with the environmental boards to accommodate consolidation pursuant to this section, but the environmental board may set a deadline after which an appeal

may proceed in the absence of other permit appeals in order to ensure efficient resolution of appeals; or

(b) The presiding officer determines that the following three criteria have been met:

(i) Consolidation will expedite disposition of the appeals;

(ii) Consolidation will avoid duplication of testimony; and

(iii) Consolidation will not prejudice the rights of the parties.

(2) When all appeals of individual permits consolidated pursuant to this section are within the jurisdiction of the pollution control hearings board, the pollution control hearings board shall retain jurisdiction over the consolidated matter. When all appeals of individual permits consolidated pursuant to this section are within the jurisdiction of the shorelines hearings board, the shorelines hearings board shall retain jurisdiction over the consolidated matter. When appeals to the pollution control hearings board and appeals to the shorelines hearings board are consolidated pursuant to this section, the following applies:

(a) The consolidated appeals must be heard by the pollution control hearings board;

(b) The pollution control hearings board must issue its decision on the consolidated appeal within 240 days, which must be measured from the date that the last of the consolidated appeals was filed; and

(c) The time period in (b) of this subsection may be extended on motion from a party or by the pollution control hearings board upon a showing that the consolidated appeal raises issues of unique complexity and that delay is not against the public interest. In no case may the time period in (b) of this subsection be extended for a period greater than 30 days unless the time period is waived by all parties.

Sec. 4. RCW 90.58.180 and 2011 c 277 s 4 are each amended to read as follows:

(1)(a) Any person aggrieved by the granting, denying, or rescinding of a permit on shorelines of the state pursuant to RCW 90.58.140 may seek review from the shorelines hearings board by filing a petition for review within ~~((twenty one))~~ 21 days of the date of filing of the decision as defined in RCW 90.58.140(6).

(b) Within seven days of the filing of any petition for review with the board as provided in this section pertaining to a final decision of a local government, the petitioner shall serve copies of the petition on the department, the office of the attorney general, and the local government. The department and the attorney general may intervene to protect the public interest and ensure that the provisions of this chapter are complied with at any time within ~~((fifteen))~~ 15 days from the date of the receipt by the department or the attorney general of a copy of the petition for review filed pursuant to this section. The shorelines hearings board shall schedule review proceedings on the petition for review without regard as to whether the period for the department or the attorney general to intervene has or has not expired.

(2) The department or the attorney general may obtain review of any final decision granting a permit, or granting or denying an application for a permit issued by a local government by filing a written petition with the shorelines hearings board and the appropriate local government within ~~((twenty one))~~ 21 days from the date the final decision was filed as provided in RCW 90.58.140(6).

(3) The review proceedings authorized in subsections (1) and (2) of this section are subject to the provisions of chapter 34.05 RCW pertaining to procedures in adjudicative proceedings. Judicial review of such proceedings of the shorelines hearings board is governed by chapter 34.05 RCW. The board shall issue its decision on the appeal authorized under subsections (1) and (2) of this section within ~~((one hundred eighty))~~ 180 days after the date the petition is filed with the board or a petition to intervene

is filed by the department or the attorney general, whichever is later. The time period may be extended by the board for a period of ~~((thirty))~~ 30 days upon a showing of good cause or may be waived by the parties.

(4) Any person may appeal any rules, regulations, or guidelines adopted or approved by the department within ~~((thirty))~~ 30 days of the date of the adoption or approval. The board shall make a final decision within ~~((sixty))~~ 60 days following the hearing held thereon.

(5) The board shall find the rule, regulation, or guideline to be valid and enter a final decision to that effect unless it determines that the rule, regulation, or guideline:

- (a) Is clearly erroneous in light of the policy of this chapter; or
- (b) Constitutes an implementation of this chapter in violation of constitutional or statutory provisions; or
- (c) Is arbitrary and capricious; or
- (d) Was developed without fully considering and evaluating all material submitted to the department during public review and comment; or
- (e) Was not adopted in accordance with required procedures.

(6) If the board makes a determination under subsection (5)(a) through (e) of this section, it shall enter a final decision declaring the rule, regulation, or guideline invalid, remanding the rule, regulation, or guideline to the department with a statement of the reasons in support of the determination, and directing the department to adopt, after a thorough consultation with the affected local government and any other interested party, a new rule, regulation, or guideline consistent with the board's decision.

(7) A decision of the board on the validity of a rule, regulation, or guideline shall be subject to review in superior court, if authorized pursuant to chapter 34.05 RCW. A petition for review of the decision of the shorelines hearings board on a rule, regulation, or guideline shall be filed within ~~((thirty))~~ 30 days after the date of final decision by the shorelines hearings board.

(8) Where multiple permits for the same underlying clean energy project, as defined in RCW 43.158.010, have been appealed to one or more of the environmental boards, as identified in RCW 43.21B.005, the presiding officer shall consolidate the appeals, including appeals to the shorelines hearings board, pursuant to section 3 of this act.

Sec. 5. RCW 43.21B.110 and 2023 c 455 s 5, 2023 c 434 s 20, 2023 c 344 s 5, and 2023 c 135 s 6 are each reenacted and amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, the air pollution control boards or authorities as established pursuant to chapter 70A.15 RCW, local health departments, the department of natural resources, the department of fish and wildlife, the parks and recreation commission, and authorized public entities described in chapter 79.100 RCW:

(a) Civil penalties imposed pursuant to chapter 70A.230 RCW and RCW 18.104.155, 70A.15.3160, 70A.300.090, 70A.20.050, 70A.205.280, 70A.355.070, 70A.430.070, 70A.500.260, 70A.505.100, 70A.505.110, 70A.530.040, 70A.350.070, 70A.515.060, 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080, 70A.245.130, 70A.245.140, 70A.65.200, 70A.455.090, 70A.550.030, 70A.555.110, 70A.560.020, 76.09.170, 77.55.440, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 18.104.130, 43.27A.190, 70A.15.2520, 70A.15.3010, 70A.15.4530, 70A.15.6010, 70A.205.280, 70A.214.140, 70A.300.120, 70A.350.070, 70A.245.020, 70A.65.200, 70A.555.110, 70A.560.020, 86.16.020, 88.46.070, 90.03.665, 90.14.130, 90.46.250, 90.48.120, ~~((and))~~ 90.48.240, 90.56.330,

and 90.64.040.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, ~~((or))~~ a decision to approve or deny a solid waste management plan under RCW 70A.205.055, approval or denial of an application for a ~~((solid waste permit exemption))~~ beneficial use determination under RCW 70A.205.260, an application for a change under RCW 90.03.383, or a permit to distribute reclaimed water under RCW 90.46.220.

(d) Decisions of local health departments regarding the ~~((grant))~~ granting or denial of solid waste permits pursuant to chapter 70A.205 RCW, including appeals by the department as provided in RCW 70A.205.130.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70A.226.090.

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820 ~~((and decisions of the department regarding waste-derived soil amendments under RCW 70A.205.145)).~~

(g) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026 as provided in RCW 90.64.028.

(h) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(i) Decisions of the department of natural resources, the department of fish and wildlife, and the department that are reviewable under chapter 76.09 RCW, and the department of natural resources' appeals of county, city, or town objections under RCW 76.09.050(7).

(j) Forest health hazard orders issued by the commissioner of public lands under RCW 76.06.180.

(k) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit under chapter 77.55 RCW, to issue a stop work order, to issue a notice to comply, to issue a civil penalty, or to issue a notice of intent to disapprove applications.

(l) Decisions of the department of natural resources that are reviewable under RCW 78.44.270.

(m) Decisions of an authorized public entity under RCW 79.100.010 to take temporary possession or custody of a vessel or to contest the amount of reimbursement owed that are reviewable by the hearings board under RCW 79.100.120.

(n) Decisions of the department of ecology that are appealable under RCW 70A.245.020 to set recycled minimum postconsumer content for covered products or to temporarily exclude types of covered products in plastic containers from minimum postconsumer recycled content requirements.

(o) Orders by the department of ecology under RCW 70A.455.080.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW, except where appeals to the pollution control hearings board and appeals to the shorelines hearings board have been consolidated pursuant to section 3 of this act.

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(b) Hearings conducted by the department pursuant to RCW 70A.15.3010, 70A.15.3070, 70A.15.3080, 70A.15.3090, 70A.15.3100, 70A.15.3110, and 90.44.180.

(c) Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

Sec. 6. RCW 43.21B.300 and 2023 c 455 s 6, 2023 c 434 s 21, and 2023 c 135 s 7 are each reenacted and amended to read as follows:

(1) Any civil penalty provided in RCW 18.104.155, 70A.15.3160, 70A.205.280, 70A.230.080, 70A.300.090, 70A.20.050, 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080, 70A.245.130, 70A.245.140, 70A.65.200, 70A.430.070, 70A.455.090, 70A.500.260, 70A.505.110, 70A.555.110, 70A.560.020, 86.16.081, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102 and chapter 70A.355 RCW shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the penalty from the department or the local air authority, describing the violation with reasonable particularity. For penalties issued by local air authorities, within 30 days after the notice is received, the person incurring the penalty may apply in writing to the authority for the remission or mitigation of the penalty. Upon receipt of the application, the authority may remit or mitigate the penalty upon whatever terms the authority in its discretion deems proper. The authority may ascertain the facts regarding all such applications in such reasonable manner and under such rules as it may deem proper and shall remit or mitigate the penalty only upon a demonstration of extraordinary circumstances such as the presence of information or factors not considered in setting the original penalty.

(2) Any penalty imposed under this section may be appealed to the pollution control hearings board in accordance with this chapter if the appeal is filed with the hearings board and served on the department or authority 30 days after the date of receipt by the person penalized of the notice imposing the penalty or 30 days after the date of receipt of the notice of disposition by a local air authority of the application for relief from penalty.

(3) A penalty shall become due and payable on the later of:

(a) 30 days after receipt of the notice imposing the penalty;

(b) 30 days after receipt of the notice of disposition by a local air authority on application for relief from penalty, if such an application is made; or

(c) 30 days after receipt of the notice of decision of the hearings board if the penalty is appealed.

(4) If the amount of any penalty is not paid to the department within 30 days after it becomes due and payable, the attorney general, upon request of the department, shall bring an action in the name of the state of Washington in the superior court of Thurston county, or of any county in which the violator does business, to recover the penalty. If the amount of the penalty is not paid to the authority within 30 days after it becomes due and payable, the authority may bring an action to recover the penalty in the superior court of the county of the authority's main office or of any county in which the violator does business. In these actions, the procedures and rules of evidence shall be the same as in an ordinary civil action.

(5) All penalties recovered shall be paid into the state treasury and credited to the general fund except ~~((those penalties imposed pursuant to RCW 18.104.155, which shall be credited to the~~

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~~reclamation account as provided in RCW 18.104.155(7), RCW 70A.15.3160, the disposition of which shall be governed by that provision, RCW 70A.245.040 and 70A.245.050, which shall be credited to the recycling enhancement account created in RCW 70A.245.100, RCW 70A.300.090, 70A.555.110, and 70A.560.020, which shall be credited to the model toxics control operating account created in RCW 70A.305.180, RCW 70A.65.200, which shall be credited to the climate investment account created in RCW 70A.65.250, RCW 90.56.330, which shall be credited to the coastal protection fund created by RCW 90.48.390, and RCW 70A.355.070, which shall be credited to the underground storage tank account created by RCW 70A.355.090)) the following:~~

(a) Penalties imposed pursuant to RCW 18.104.155 must be credited to the reclamation account as provided in RCW 18.104.155(7);

(b) Penalties imposed pursuant to RCW 70A.15.3160 must be disposed of pursuant to RCW 70A.15.3160;

(c) Penalties imposed pursuant to RCW 70A.230.080, 70A.300.090, 70A.430.070, 70A.555.110, and 70A.560.020 must be credited to the model toxics control operating account created in RCW 70A.305.180;

(d) Penalties imposed pursuant to RCW 70A.245.040 and 70A.245.050 must be credited to the recycling enhancement account created in RCW 70A.245.100;

(e) Penalties imposed pursuant to RCW 70A.500.260 must be deposited into the electronic products recycling account created in RCW 70A.500.130;

(f) Penalties imposed pursuant to RCW 70A.65.200 must be credited to the climate investment account created in RCW 70A.65.250;

(g) Penalties imposed pursuant to RCW 90.56.330 must be credited to the coastal protection fund established in RCW 90.48.390; and

(h) Penalties imposed pursuant to RCW 70A.355.070 must be credited to the underground storage tank account created in RCW 70A.355.090.

Sec. 7. RCW 70A.230.080 and 2020 c 20 s 1245 are each amended to read as follows:

A violation of this chapter is punishable by a civil penalty not to exceed ~~((one thousand dollars))~~ \$1,000 for each violation in the case of a first violation. Repeat violators are liable for a civil penalty not to exceed ~~((five thousand dollars))~~ \$5,000 for each repeat violation. Penalties collected under this section must be deposited in the model toxics control operating account created in RCW 70A.305.180. The penalties provided in this section must be imposed pursuant to RCW 43.21B.300 and may be appealed to the pollution control hearings board.

Sec. 8. RCW 70A.300.120 and 2012 c 117 s 417 are each amended to read as follows:

(1) Whenever on the basis on any information the department determines that a person has violated or is about to violate any provision of this chapter, the department may issue an order requiring compliance either immediately or within a specified period of time. The order shall be delivered by registered mail or personally to the person against whom the order is directed.

(2) Any person who fails to take corrective action as specified in a compliance order shall be liable for a civil penalty of not more than ~~((ten thousand dollars))~~ \$10,000 for each day of continued noncompliance. In addition, the department may suspend or revoke any permits and/or certificates issued under the provisions of this chapter to a person who fails to comply with an order directed against him or her.

(3) Any order or penalty may be appealed pursuant to RCW ~~((43.21B.310))~~ 43.21B.300.

Sec. 9. RCW 70A.430.070 and 2020 c 20 s 1409 are each amended to read as follows:

(1) A manufacturer of products that are restricted under this chapter must notify persons that sell the manufacturer's products in this state about the provisions of this chapter no less than ~~((ninety))~~ 90 days prior to the effective date of the restrictions.

(2) A manufacturer that produces, sells, or distributes a product prohibited from manufacture, sale, or distribution in this state under this chapter must recall the product and reimburse the retailer or any other purchaser for the product.

(3) A manufacturer of products in violation of this chapter is subject to a civil penalty not to exceed ~~((five thousand dollars))~~ \$5,000 for each violation in the case of a first offense. Manufacturers who are repeat violators are subject to a civil penalty not to exceed ~~((ten thousand dollars))~~ \$10,000 for each repeat offense. Penalties collected under this section must be deposited in the model toxics control operating account created in RCW 70A.305.180. The penalties provided in this section must be imposed pursuant to RCW 43.21B.300 and may be appealed to the pollution control hearings board.

(4) Retailers who unknowingly sell products that are restricted from sale under this chapter are not liable under this chapter.

(5) The sale or purchase of any previously owned products containing a chemical restricted under this chapter made in casual or isolated sales as defined in RCW 82.04.040, or by a nonprofit organization, is exempt from this chapter.

Sec. 10. RCW 86.16.081 and 1995 c 403 s 634 are each amended to read as follows:

(1) Except as provided in RCW 43.05.060 through 43.05.080 and 43.05.150, the attorney general or the attorney for the local government shall bring such injunctive, declaratory, or other actions as are necessary to ensure compliance with this chapter.

(2) Any person who fails to comply with this chapter shall also be subject to a civil penalty not to exceed ~~((one thousand dollars))~~ \$1,000 for each violation. Each violation or each day of noncompliance shall constitute a separate violation.

(3) The penalty provided for in this section ~~((shall))~~ must be imposed by a notice in writing ~~((either by certified mail with return receipt requested or by personal service, to the person incurring the same from the department or local government, describing the violation with reasonable particularity and ordering))~~ and must be imposed consistent with the procedures of RCW 43.21B.300. The notice in writing must also order the act or acts constituting the violation or violations to cease and desist or, in appropriate cases, ((requiring)) must require necessary corrective action to be taken within a specific and reasonable time.

(4) Any penalty imposed pursuant to this section by the department shall be subject to review by the pollution control hearings board under chapter 43.21B RCW. Any penalty imposed pursuant to this section by local government shall be subject to review by the local government legislative authority. Any penalty jointly imposed by the department and local government shall be appealed to the pollution control hearings board under chapter 43.21B RCW.

Sec. 11. RCW 70A.500.260 and 2020 c 20 s 1259 are each amended to read as follows:

(1) No manufacturer may sell or offer for sale a covered electronic product in or into the state unless the manufacturer of the covered electronic product is participating in an approved plan. The department shall send a written warning to a manufacturer that does not have an approved plan or is not participating in an approved plan as required under RCW 70A.500.050. The written warning must inform the manufacturer that it must participate in an approved plan within ~~((thirty))~~ 30 days of the notice. Any violation after the initial written warning

shall be assessed a penalty of up to ~~((ten thousand dollars))~~ \$10,000 for each violation.

(2) If the authority or any authorized party fails to implement their approved plan, the department must assess a penalty of up to ~~((five thousand dollars))~~ \$5,000 for the first violation along with notification that the authority or authorized party must implement its plan within ~~((thirty))~~ 30 days of the violation. After ~~((thirty))~~ 30 days, the authority or any authorized party failing to implement their approved plan must be assessed a penalty of up to ~~((ten thousand dollars))~~ \$10,000 for the second and each subsequent violation.

(3) Any person that does not comply with manufacturer registration requirements under RCW 70A.500.040, education and outreach requirements under RCW 70A.500.120, reporting requirements under RCW 70A.500.140, labeling requirements under RCW 70A.500.160, retailer responsibility requirements under RCW 70A.500.170, collector or transporter registration requirements under RCW 70A.500.240, or requirements under RCW 70A.500.250, must first receive a written warning consistent with the procedures of RCW 43.21B.300, including a copy of the requirements under this chapter and ~~((thirty))~~ 30 days to correct the violation. After ~~((thirty))~~ 30 days, a person must be assessed a penalty of up to ~~((one thousand dollars))~~ \$1,000 for the first violation and up to ~~((two thousand dollars))~~ \$2,000 for the second and each subsequent violation. The penalties provided in this section must be imposed pursuant to RCW 43.21B.300 and may be appealed to the pollution control hearings board.

(4) All penalties levied under this section must be deposited into the electronic products recycling account created under RCW 70A.500.130.

(5) The department shall enforce this section.

Sec. 12. RCW 36.70C.040 and 1995 c 347 s 705 are each amended to read as follows:

(1) Proceedings for review under this chapter shall be commenced by filing a land use petition in superior court.

(2) A land use petition is barred, and the court may not grant review, unless the petition is timely filed with the court and timely served on the following persons who shall be parties to the review of the land use petition:

(a) The local jurisdiction, which for purposes of the petition shall be the jurisdiction's corporate entity and not an individual decision maker or department;

(b) Each of the following persons if the person is not the petitioner:

(i) Each person identified by name and address in the local jurisdiction's written decision as an applicant for the permit or approval at issue; and

(ii) Each person identified by name and address in the local jurisdiction's written decision as an owner of the property at issue;

(c) If no person is identified in a written decision as provided in (b) of this subsection, each person identified by name and address as a taxpayer for the property at issue in the records of the county assessor, based upon the description of the property in the application; and

(d) Each person named in the written decision who filed an appeal to a local jurisdiction quasi-judicial decision maker regarding the land use decision at issue, unless the person has abandoned the appeal or the person's claims were dismissed before the quasi-judicial decision was rendered. Persons who later intervened or joined in the appeal are not required to be made parties under this subsection.

(3) The petition is timely if it is filed and served on all parties listed in subsection (2) of this section within ~~((twenty-one))~~ 21 days of the issuance of the land use decision.

(4) For the purposes of this section, the date on which a land use decision is issued is:

(a) Three days after a written decision is mailed by the local jurisdiction or, if not mailed, the date on which the local jurisdiction provides notice that a written decision is publicly available;

(b) If the land use decision is made by ordinance or resolution by a legislative body sitting in a quasi-judicial capacity, the date the body passes the ordinance or resolution; or

(c) If neither (a) nor (b) of this subsection applies, the date the decision is entered into the public record.

(5) Service on the local jurisdiction must be by delivery of a copy of the petition to the ~~((persons))~~ office of a person identified by or pursuant to RCW 4.28.080 to receive service of process, or as otherwise designated by the local jurisdiction. Service on the local jurisdiction is effective upon delivery. Service on other parties must be in accordance with the superior court civil rules or by first-class mail to:

(a) The address stated in the written decision of the local jurisdiction for each person made a party under subsection (2)(b) of this section;

(b) The address stated in the records of the county assessor for each person made a party under subsection (2)(c) of this section; and

(c) The address stated in the appeal to the quasi-judicial decision maker for each person made a party under subsection (2)(d) of this section.

(6) Service by mail is effective on the date of mailing and proof of service shall be by affidavit or declaration under penalty of perjury.

NEW SECTION. Sec. 13. Section 1 of this act expires July 1, 2026.

NEW SECTION. Sec. 14. Section 2 of this act takes effect July 1, 2026.

NEW SECTION. Sec. 15. RCW 70A.205.145 (Exemption from solid waste permit requirements—Waste-derived soil amendments—Application—Revocation of exemption—Appeal) and 2020 c 20 s 1175, 2016 c 119 s 7, & 1998 c 36 s 18 are each repealed."

On page 1, line 2 of the title, after "matters;" strike the remainder of the title and insert "amending RCW 34.05.518, 34.05.518, 90.58.180, 70A.230.080, 70A.300.120, 70A.430.070, 86.16.081, 70A.500.260, and 36.70C.040; reenacting and amending RCW 43.21B.110 and 43.21B.300; adding a new section to chapter 43.21B RCW; repealing RCW 70A.205.145; providing an effective date; and providing an expiration date."

MOTION

Senator Lovelett moved that the following floor amendment no. 745 by Senator Lovelett be adopted:

On page 7, beginning on line 5, strike all of subsection (2)(c) and insert the following:

"(c) The time period in (b) of this subsection may be extended 60 days on a motion from a party or by the pollution control hearings board upon a finding of good cause. The time period in (b) of this subsection may also be waived if agreed to by all parties."

Senator Lovelett 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 floor amendment no. 745 by Senator Lovelett on page 7, line 5 to committee striking amendment.

The motion by Senator Lovelett carried and floor amendment no. 745 was 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 Environment, Energy & Technology as amended to Senate Bill No. 5242.

The motion by Senator Nguyen carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

On motion of Senator Nguyen, the rules were suspended, Engrossed Substitute House Bill No. 2039 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 Nguyen and Short 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. 2039 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2039 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Cleveland, Conway, Dhingra, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Lias, Lovelett, Lovick, MacEwen, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Boehnke, Dozier, McCune, Schoesler and Warnick

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2039 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.

PERSONAL PRIVILEGE

Senator Muzzall: "Well, thank you Mr. President. This morning as we were busy on other things, Brynlee Ann Donwen was born, which was our fifth granddaughter. Seven pounds seven ounces and about twenty inches long. Last evening, I found out that our sixth grandchild will also be a girl which means that I am the father to three daughters and the grandfather to six granddaughters. Apparently, that is the only way I can surround myself with women Mr. President. Thank you very much."

President Heck: "Congratulations."

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2048, by House Committee on Community Safety, Justice, & Reentry (originally sponsored by Representatives Mosbrucker, Goodman, Graham, Doglio, and Davis)

Concerning supervision of domestic violence in criminal sentencing.

The measure was read the second time.

MOTION

On motion of Senator Padden, the rules were suspended, Substitute House Bill No. 2048 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden and Dhingra spoke in favor of passage of the bill.

MOTION

On motion of Senator Nobles, Senator Liias was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2048.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2048 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Liias

SUBSTITUTE HOUSE BILL NO. 2048, 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. 2137, by Representatives Berg, Orcutt, Sandlin, Doglio, Dent, and Reeves

Concerning technical changes to allowable exemptions for tourism promotion area assessments.

The measure was read the second time.

MOTION

On motion of Senator Stanford, the rules were suspended, House Bill No. 2137 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Stanford 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. 2137.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2137 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen,

Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Liias

HOUSE BILL NO. 2137, 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. 2329, by House Committee on Consumer Protection & Business (originally sponsored by Representatives Macri, Peterson, Alvarado, Chopp, Bateman, Pollet, Reed, and Ramel)

Conducting a study of the insurance market for housing providers receiving housing trust fund resources.

The measure was read the second time.

MOTION

On motion of Senator Stanford, the rules were suspended, Substitute House Bill No. 2329 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Stanford and Dozier 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. 2329.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2329 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Liias

SUBSTITUTE HOUSE BILL NO. 2329, 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. 2321, by House Committee on Housing (originally sponsored by Representatives Bateman, Barkis, Duerr, Reed, and Pollet)

Modifying middle housing requirements and the definitions of transit stop.

The measure was read the second time.

MOTION

Senator Hansen moved that the following floor amendment no. 733 by Senator Hansen be adopted:

On page 14, line 14, after "(b)" insert "Areas designated as sole-source aquifers by the United States environmental protection agency on islands in the Puget Sound;

(c)"

Reletter the remaining subsections consecutively and correct any internal references accordingly.

Senators Hansen and Kuderer spoke in favor of adoption of the amendment.

Senators Fortunato and Braun spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 733 by Senator Hansen on page 14, line 14 to Engrossed Substitute House Bill No. 2321.

The motion by Senator Hansen carried and floor amendment no. 733 was adopted by rising vote.

MOTION

On motion of Senator Kuderer, the rules were suspended, Engrossed Substitute House Bill No. 2321 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.

Senator Braun spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2321.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2321 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Cleveland, Conway, Dhingra, Fortunato, Frame, Hansen, Hasegawa, Hunt, Kauffman, Keiser, Kuderer, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Robinson, Saldaña, Salomon, Shewmake, Stanford, Trudeau, Valdez, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Boehnke, Braun, Dozier, Gildon, Hawkins, Holy, King, MacEwen, McCune, Padden, Rivers, Schoesler, Short, Torres, Wagoner, Warnick, Wilson, J. and Wilson, L.

Excused: Senator Liias

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2321, 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. 1876, by Representatives Springer, McEntire, Reeves, and Thai

Concerning confidential fisheries information collected by other states and maintaining that confidentiality under the public records act.

The measure was read the second time.

MOTION

Senator Fortunato moved that the following floor amendment no. 746 by Senator Fortunato be adopted:

On page 4, line 9, after "that state" insert ", if the category of information is similarly exempted for Washington state fisheries related information under this section"

On page 6, line 9, after "that state" insert ", if the category of information is similarly exempted for Washington state fisheries related information under this section"

Senator Fortunato 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 floor amendment no. 746 by Senator Fortunato on page 4, line 9 to House Bill No. 1876.

The motion by Senator Fortunato did not carry and floor amendment no. 746 was not adopted by voice vote.

MOTION

On motion of Senator Pedersen, the rules were suspended, House Bill No. 1876 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. 1876.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1876 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Liias

HOUSE BILL NO. 1876, 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. 2213, by Representatives Cheney, Taylor, Duerr, and Graham

Concerning defects and omissions in the laws that have been identified by the justices of the supreme court or judges of the superior courts pursuant to Article IV, section 25 of the state Constitution.

The measure was read the second time.

MOTION

Senator Padden moved that the following floor amendment no. 754 by Senator Padden be adopted:

Beginning on page 1, line 10, strike all of section 1
Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 1, line 5 of the title, after "29A.80.061;" strike "reenacting and amending RCW 10.95.030;"

Senators Padden and Dhingra spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 754 by Senator Padden on page 1, line 10 to House Bill No. 2213.

The motion by Senator Padden carried and floor amendment no. 754 was adopted by voice vote.

MOTION

On motion of Senator Pedersen, the rules were suspended, House Bill No. 2213 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pedersen and Padden 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. 2213.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2213 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

HOUSE BILL NO. 2213, 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. 1905, by House Committee on Labor & Workplace Standards (originally sponsored by Representatives Mena, Senn, Berry, Cortes, Morgan, Ortiz-Self, Ramel, Ramos, Bateman, Reed, Ormsby, Callan, Kloba, Macri, Street, Gregerson, Doglio, Orwall, Bergquist, Goodman, Reeves, Lekanoff, Hackney, Fosse, Pollet, Davis, and Simmons)

Including protected classes in the Washington equal pay and opportunities act.

The measure was read the second time.

MOTION

On motion of Senator Nobles, the rules were suspended, Substitute House Bill No. 1905 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Nobles 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. 1905.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1905 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 13; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Cleveland, Conway, Dhingra, Frame, Hansen, Hasegawa, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Shewmake, Stanford, Torres, Trudeau, Valdez, Van De Wege, Warnick, Wellman, Wilson, C. and Wilson, J.

Voting nay: Senators Braun, Dozier, Fortunato, Gildon, Hawkins, Holy, MacEwen, McCune, Padden, Schoesler, Short, Wagoner and Wilson, L.

SUBSTITUTE HOUSE BILL NO. 1905, 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 HOUSE BILL NO. 2266, by Representatives Stonier, Berry, Leavitt, Davis, Alvarado, Ramel, Peterson, Doglio, Ormsby, Fosse, Morgan, Simmons, and Macri

Concerning sanitary conditions for construction workers who menstruate or express milk.

The measure was read the second time.

MOTION

Senator Keiser moved that the following striking floor amendment no. 751 by Senators Keiser and King be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. In addition to the primary safety and health hazards faced by all construction workers, there are safety and health issues specific to construction workers who menstruate and/or express milk. As an ongoing effort to address labor shortages in the construction industry, as well as to continue recruiting and retaining underrepresented workers in the construction trades, the legislature intends to address some of the basic barriers faced by these construction workers.

NEW SECTION. Sec. 2. A new section is added to chapter 49.17 RCW to read as follows:

(1) The director shall adopt rules, pursuant to this section, to address safety and health issues specific to workers performing construction activities who menstruate or express milk, or both. The rules must be included in the rules governing construction safety standards and must be applicable only to employers in the construction industry.

(2) The rules adopted pursuant to this section must require employers in the construction industry to provide workers, performing construction activities and who menstruate, with:

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(a) A minimum size bathroom, accessible on the worksite, that is equivalent to a standard sized portable chemical toilet, or access to a permanent structure with a bathroom. The bathroom must have an internal latch to be secured from inadvertent entry;

(b) Adequate time to accommodate for multiple layers of clothing while using the bathroom; and

(c) An adequate and convenient supply of menstrual hygiene products available at no cost to the workers. Menstrual hygiene products must either be located in all gender-neutral bathrooms and bathrooms designated for workers who menstruate, or provided in kits for each worker who needs such product.

(3) The rules adopted pursuant to this section must require employers in the construction industry to provide reasonable accommodations for workers performing construction activities to express milk. The department must identify minimum reasonable accommodations that include alternatives for worksites of varying numbers of employees. Reasonable accommodations means providing:

(a) Flexible work scheduling, including scheduling breaks and permitting work patterns that provide time for the expression of milk;

(b) A location, other than a bathroom, that is convenient and sanitary for the worker to express milk. The location must be private and lockable, if possible, and free from intrusion;

(c) Convenient hygienic refrigeration on the worksite for the storage of milk; and

(d) A convenient water source for the worker to clean and wash hands and milk expression equipment. The water source must be in a private location near the location where milk is expressed.

(4) On multi-employer worksites, each employer is responsible for ensuring that facilities for their own workers are provided.

(5)(a) Until thirty days after the date the department's adopted rule is filed with the code reviser, or July 1, 2025, whichever date is later, the department may not impose any monetary penalties for violations of this section. This subsection does not prohibit the department from receiving complaints, conducting inspections, issuing citations with no assessed penalty, and fixing reasonable time for abatement of the violation.

(b) When the department's final rules under this section are published by the code reviser in the State Register, the department, in partnership with relevant labor organizations and the office of minority and women's business enterprises, shall conduct educational outreach to construction employers on the rights and responsibilities established in this section."

On page 1, line 2 of the title, after "milk;" strike the remainder of the title and insert "adding a new section to chapter 49.17 RCW; and creating a new section."

Senators Keiser and King spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 751 by Senators Keiser and King to Engrossed House Bill No. 2266.

The motion by Senator Keiser carried and striking floor amendment no. 751 was adopted by voice vote.

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed House Bill No. 2266 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 Engrossed House Bill No. 2266 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2266 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

ENGROSSED HOUSE BILL NO. 2266 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

On motion of Senator Pedersen, Rule 15 was suspended for the remainder of the day for the purpose of taking only a 60-minute dinner break.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

MOTION

At 5:27 p.m., on motion of Senator Pedersen, the Senate was declared to be at ease until 6:30 p.m.

Senator Hasegawa announced a meeting of the Democratic Caucus.

Senator Muzzall announced a meeting of the Republican Caucus.

The Senate was called to order at 6:32 p.m. by President Heck.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2041, by House Committee on Health Care & Wellness (originally sponsored by Representatives Riccelli, Schmick, Simmons, Reed, Schmidt, Macri, and Lekanoff)

Concerning physician assistant collaborative practice.

The measure was read the second time.

MOTION

On motion of Senator Cleveland, the rules were suspended, Engrossed Substitute House Bill No. 2041 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland and Rivers 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. 2041.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2041 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2041, 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. 1153, by Representatives Peterson, Fitzgibbon, Berry, Walen, Bateman, Goodman, Leavitt, Macri, Gregerson, Stonier, Pollet, and Fosse

Prohibiting octopus farming.

The measure was read the second time.

MOTION

On motion of Senator Van De Wege, the rules were suspended, House Bill No. 1153 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Van De Wege spoke in favor of passage of the bill.
Senator Muzzall spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1153.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1153 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Cleveland, Conway, Dhingra, Frame, Hansen, Hasegawa, Hunt, Kauffman, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Saldaña, Salomon, Shewmake, Stanford, Trudeau, Valdez, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Boehnke, Braun, Dozier, Fortunato, Gildon, Hawkins, Holy, King, MacEwen, McCune, Muzzall, Padden, Rivers, Schoesler, Short, Torres, Wagoner, Warnick, Wilson, J. and Wilson, L.

HOUSE BILL NO. 1153, 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. 2118, by

House Committee on Civil Rights & Judiciary (originally sponsored by Representatives Walen, Berry, Senn, Reed, Ormsby, Ramel, Peterson, Macri, Farivar, Doglio, Wylie, Reeves, Hackney, Pollet, Kloba, and Davis)

Protecting the public from gun violence by establishing additional requirements for the business operations of licensed firearms dealers.

The measure was read the second time.

WITHDRAWAL OF AMENDMENT

On motion of Senator Wilson, L. and without objection, floor amendment no. 769 by Senator Wilson, L. on page 1, line 16 to Engrossed Substitute House Bill No. 2118 was withdrawn.

MOTION

Senator Fortunato moved that the following floor amendment no. 768 by Senator Fortunato be adopted:

On page 4, line 10, after "hours," insert "or while conducting business as part of a multiday gun show."

Senator Fortunato spoke in favor of adoption of the amendment.

Senator Dhingra spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 768 by Senator Fortunato on page 4, line 10 to Engrossed Substitute House Bill No. 2118.

The motion by Senator Fortunato did not carry and floor amendment no. 768 was not adopted by voice vote.

MOTION

Senator Padden moved that the following floor amendment no. 786 by Senator Padden be adopted:

On page 4, beginning on line 19, after "images" strike "and, for systems located inside the premises, audio."

On page 5, beginning on line 23, after "VIDEO" strike "AND AUDIO SURVEILLANCE. YOUR IMAGE AND CONVERSATIONS" and insert "SURVEILLANCE. YOUR IMAGE"

Senators Padden, Wagoner and Wilson, L. spoke in favor of adoption of the amendment.

Senator Dhingra spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 786 by Senator Padden on page 4, line 19 to Engrossed Substitute House Bill No. 2118.

The motion by Senator Padden did not carry and floor amendment no. 786 was not adopted by voice vote.

MOTION

Senator Short moved that the following floor amendment no. 772 by Senator Short be adopted:

On page 4, on line 21, after "be" strike "permanently"

Senator Short spoke in favor of adoption of the amendment.

Senator Dhingra spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 772 by Senator Short on page 4,

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line 21 to Engrossed Substitute House Bill No. 2118.

The motion by Senator Short did not carry and floor amendment no. 772 was not adopted by voice vote.

MOTION

Senator Mullet moved that the following floor amendment no. 750 by Senator Mullet be adopted:

On page 5, beginning on line 1, after "of" strike "two years" and insert "90 days"

Senators Mullet and Pedersen spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 750 by Senator Mullet on page 5, line 1 to Engrossed Substitute House Bill No. 2118.

The motion by Senator Mullet carried and floor amendment no. 750 was adopted by voice vote.

MOTION

Senator Boehnke moved that the following floor amendment no. 789 by Senator Boehnke be adopted:

On page 5, after line 20, insert the following:
"(iii) A court, insurer, or manufacturer in possession of recordings obtained pursuant to this section must protect all personally identifying information from unlawful and improper disclosure. There is a rebuttable presumption that all data, recordings, files, or other information obtained via recording contain personally identifying information. This presumption can be rebutted by a preponderance of the evidence that the information is not personally identifying information or is otherwise subject to lawful disclosure."

Senator Boehnke spoke in favor of adoption of the amendment. Senator Dhingra spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 789 by Senator Boehnke on page 5, after line 20 to Engrossed Substitute House Bill No. 2118.

The motion by Senator Boehnke did not carry and floor amendment no. 789 was not adopted by voice vote.

MOTION

Senator Padden moved that the following floor amendment no. 765 by Senator Padden be adopted:

On page 5, beginning on line 25, after "(d)" strike all material through "(e)" on line 29

Senators Padden and MacEwen spoke in favor of adoption of the amendment.

Senator Dhingra spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 765 by Senator Padden on page 5, line 25 to Engrossed Substitute House Bill No. 2118.

The motion by Senator Padden did not carry and floor amendment no. 765 was not adopted by voice vote.

MOTION

Senator Fortunato moved that the following floor amendment no. 782 by Senator Fortunato be adopted:

On page 5, line 30, after "inoperable" insert "or data stored in compliance with this act is hacked, corrupted, or damaged"

Senator Fortunato spoke in favor of adoption of the amendment.

Senator Dhingra spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 782 by Senator Fortunato on page 5, line 30 to Engrossed Substitute House Bill No. 2118.

The motion by Senator Fortunato did not carry and floor amendment no. 782 was not adopted by voice vote.

MOTION

Senator Wagoner moved that the following floor amendment no. 759 by Senator Wagoner be adopted:

On page 5, beginning on line 39, after "knows" strike "or should know"

Senator Wagoner spoke in favor of adoption of the amendment.

Senator Dhingra spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 759 by Senator Wagoner on page 5, line 19 to Engrossed Substitute House Bill No. 2118.

The motion by Senator Wagoner did not carry and floor amendment no. 759 was not adopted by voice vote.

MOTION

Senator Fortunato moved that the following floor amendment no. 761 by Senator Fortunato be adopted:

On page 7, line 5, after "least" strike "\$1,000,000" and insert "\$100,000"

Senators Fortunato, Dozier and Padden spoke in favor of adoption of the amendment.

Senator Dhingra spoke against adoption of the amendment.

POINT OF ORDER

Senator Pedersen: "Thank you Mr. President. I wonder if you might remind the gentleman from the 31st District about the rule against impugning motives."

RULING BY THE PRESIDENT

President Heck: "Thank you Senator Pedersen, I was actually just about to do that. Senator Fortunato, your rules do not provide an opportunity for you to impugn the motives of any member on suggestion that their motives in advocating for this legislation for that purpose is in fact impugning their motives. Please keep your remarks to the merits or demerits of the measures before us."

The President declared the question before the Senate to be the adoption of floor amendment no. 761 by Senator Fortunato on page 7, line 5 to Engrossed Substitute House Bill No. 2118.

The motion by Senator Fortunato did not carry and floor amendment no. 761 was not adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator Mullet and without objection, floor amendment no. 753 by Senator Mullet on page 8, line 4 to

Engrossed Substitute House Bill No. 2118 was withdrawn.

MOTION

Senator Padden moved that the following floor amendment no. 764 by Senator Padden be adopted:

On page 8, line 4, after "of" strike "\$1,000" and insert "\$10,000"

Senators Padden and Wilson, L. spoke in favor of adoption of the amendment.

Senator Dhingra spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 764 by Senator Padden on page 8, line 4 to Engrossed Substitute House Bill No. 2118.

The motion by Senator Padden did not carry and floor amendment no. 764 was not adopted by voice vote.

MOTION

Senator Wagoner moved that the following floor amendment no. 767 by Senator Wagoner be adopted:

On page 8, line 19, after "1," strike "2025" and insert "2027"

Senator Wagoner spoke in favor of adoption of the amendment.

Senator Dhingra spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 767 by Senator Wagoner on page 8, line 19 to Engrossed Substitute House Bill No. 2118.

The motion by Senator Wagoner did not carry and floor amendment no. 767 was not adopted by voice vote.

MOTION

On motion of Senator Pedersen, the rules were suspended, Engrossed Substitute House Bill No. 2118 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 Pedersen spoke in favor of passage of the bill.

Senators Padden, Fortunato and Muzzall spoke against passage of the bill.

POINT OF ORDER

Senator Billig: "Thank you Mr. President. I was hoping that you could remind the gentleman about speaking to the question before us."

RULING BY THE PRESIDENT

President Heck: "Thank you Senator Billig. It is the President's experience that Senator Muzzall on occasion does take a long time to get to his point, but that his particularly unique style does eventually lead to something that is germane. Almost always. Senator Muzzall, proceed."

Senators Muzzall, Wagoner, Dozier, Braun and Wilson, L. spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2118 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2118 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Cleveland, Conway, Dhingra, Frame, Hansen, Hasegawa, Hunt, Kauffman, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Saldaña, Salomon, Shewmake, Stanford, Trudeau, Valdez, Wellman and Wilson, C.

Voting nay: Senators Boehnke, Braun, Dozier, Fortunato, Gildon, Hawkins, Holy, King, MacEwen, McCune, Muzzall, Padden, Rivers, Schoesler, Short, Torres, Van De Wege, Wagoner, Warnick, Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2118 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. 2433, by Representative Orcutt

Concerning administration of the southwest Washington fair by the Lewis county board of county commissioners.

The measure was read the second time.

MOTION

On motion of Senator Torres, the rules were suspended, House Bill No. 2433 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Torres 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. 2433.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2433 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

HOUSE BILL NO. 2433, 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 7:57 p.m., on motion of Senator Pedersen, the Senate adjourned until 10 o'clock a.m. Wednesday, February 28, 2024.

DENNY HECK, President of the Senate

SARAH BANNISTER, Secretary of the Senate

Draft

1153	Second Reading	84	Second Reading	2
	Third Reading Final Passage	84	Third Reading Final Passage	2
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1300-SE	Other Action.....	8	2015-S	
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1905-S	Second Reading	82	Second Reading	73
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1947-S	Second Reading	6	Second Reading	17
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1948	Second Reading	16	2088-E	
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 9166 Castro-Woolery, Clemencia

Confirmed 2
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 Coy, Miss Anna 1
 Pedersen, Mr. Leif..... 1
 GUESTS
 Bigelow, Mr. Daniel 1
 Bigelow, Mr. George 1
 Bigelow, Ms. Pam..... 1
 Fennell, Miss Lexie, Princess, 2024 Apple
 Blossom Court 6
 Hepton, Miss Jenissa, Princess, 2024 Apple
 Blossom Court 6
 Kashuba, Miss Sophia, Pledge of Allegiance
 Members fo the Historical Society of the
 Bigelow House Museum..... 1
 Members of the Board of Trustees of the
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 Payne, Mr. Donte, Mayor of Olympia 1
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