

2023

SESSION LAWS

OF THE

STATE OF WASHINGTON

2023 REGULAR SESSION
SIXTY-EIGHTH LEGISLATURE
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Kathleen Buchli
Code Reviser

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WASHINGTON SESSION LAWS GENERAL INFORMATION

1. EDITIONS AVAILABLE.

- (a) *General Information.* The session laws are printed in a permanent softbound edition containing the accumulation of all laws adopted in the legislative session. The edition contains a subject index and tables indicating Revised Code of Washington sections affected.
- (b) *Where and how obtained - price.* The permanent session laws may be ordered from the Statute Law Committee, Pritchard Building, P.O. Box 40552, Olympia, Washington 98504-0552. The edition costs \$25.00 per set plus applicable state and local sales taxes and \$7.00 shipping and handling. All orders must be accompanied by payment.

2. PRINTING STYLE - INDICATION OF NEW OR DELETED MATTER.

The session laws are presented in the form in which they were enacted by the legislature. This style quickly and graphically portrays the current changes to existing law as follows:

- (a) In amendatory sections
 - (i) underlined matter is new matter.
 - (ii) deleted matter is (~~lined out and bracketed between double parentheses~~).
- (b) Complete new sections are prefaced by the words NEW SECTION.

3. PARTIAL VETOES.

- (a) Vetoed matter is ***printed in bold italics***.
- (b) Pertinent excerpts of the governor's explanation of partial vetoes are printed at the end of the chapter concerned.

4. EDITORIAL CORRECTIONS. Words and clauses inserted in the session laws under the authority of RCW 44.20.060 are enclosed in [brackets].

5. EFFECTIVE DATE OF LAWS.

- (a) The state Constitution provides that unless otherwise qualified, the laws of any session take effect ninety days after adjournment sine die. The Secretary of State has determined the effective date for the Laws of the 2023 regular session is July 23, 2023.
- (b) Laws that carry an emergency clause take effect immediately, or as otherwise specified, upon approval by the Governor.
- (c) Laws that prescribe an effective date take effect upon that date.

6. INDEX AND TABLES.

A cumulative index and tables of all 2023 laws may be found at the back of the final volume.

TABLE OF CONTENTS

Chapter No.	Bill No.	Subject	Page
2023 SESSION			
426	2SHB	1745 Diversity in clinical trials	2323
427	SHB	1756 Renewable energy generation—Taxes.	2328
428	EHB	1782 Wahkiakum county ferry service—State funding	2331
429	PV EHB	1846 State ferries—Vessel procurement.	2332
430	SHB	1850 Hospital safety net program—Various provisions	2338
431	ESHB	1853 Transportation resources—Various provisions	2361
432	SB	5004 Business corporation act—Various provisions	2378
433	2SSB	5120 23-hour crisis relief centers	2388
434	E2SSB	5144 Batteries—Environmental stewardship	2453
435	ESSB	5293 Funds and accounts—Various provisions	2476
436	E2SSB	5315 Special education—Nonpublic agencies	2488
437	SB	5316 Department of children, youth, and families—Background check and licensing fees.	2496
438	SB	5324 Defense community compatibility account—Modification.	2502
439	SB	5497 Medicaid—Program integrity.	2504
440	SSB	5504 Motor vehicle safety recalls—Notices	2507
441	ESSB	5515 Child abuse and neglect—Oversight of certain facilities and schools.	2509
442	SSB	5523 Forensic pathologist workforce—Various provisions	2515
443	PV 2SSB	5532 Certain hospitals—Acute care medicaid rates	2523
444	SSB	5581 Maternity care services—Health plan cost sharing— Report.	2526
445	ESSB	5583 Driver training and education—Various provisions	2528
446	SSB	5720 Commercial property insurance—Risk mitigation goods and services	2533
447	SSB	5742 Department of transportation—Grant programs	2535
448	SSB	5753 Department of transportation and Lummi tribe—Cooperative agreement for public road	2537
449	ESHB	1169 Legal financial obligations—Various provisions.	2538
450	SHB	1346 School districts—Purple star designation.	2572
451	SHB	1570 Employment security department—Insurance programs— Transportation network companies	2574
452	PV ESSB	5371 Vessels—Southern resident orcas	2579
453	E2SSB	5440 Forensic behavioral health—Competency evaluations and restoration services—Various provisions	2587
454	E2SHB	1134 988 behavioral health crisis response and suicide prevention system—Implementation.	2621
455	SHB	1047 Cosmetic products—Toxic chemicals	2654
456	2SHB	1477 Working families’ tax credit—Modification	2659
457	ESHB	1498 Wildland fires—Aviation use—Department of natural resources	2664
458	ESHB	1533 Personal information of certain public employees—Public records act exemption	2666
459	SHB	1638 State trooper expedited recruitment incentive program	2669
460	ESHB	1678 Dental therapy	2670
461	HB	1696 Crime of stalking—Modification.	2692

TABLE OF CONTENTS

Chapter No.	Bill No.	Subject	Page		
462	E2SHB	1715	Domestic violence—Various provisions	2695	
463	PV	ESHB	1791	Commercial aviation work group.	2724
464		EHB	1797	Real estate appraisers—Various provisions.	2729
465		SB	5104	Puget Sound marine shoreline surveys.	2732
466		E2SSB	5112	Voter registration—Various provisions	2733
467	PV	2SSB	5134	Department of corrections—Release from confinement— Money for subsistence	2754
468		ESSB	5186	Public contracts—Antidiscrimination clauses	2758
469	PV	2SSB	5555	Certified peer specialists.	2760
470	PV	HB	1066	Technical corrections	2779
471		HB	1112	Negligent driving with a vulnerable user victim	2914
472	PV	ESHB	1125	Transportation budget.	2927
473		ESHB	1148	General obligation bonds—Capital and operating budgets . .	3109
474	PV	ESSB	5200	Capital budget.	3114

CHAPTER 426

[Second Substitute House Bill 1745]

DIVERSITY IN CLINICAL TRIALS

AN ACT Relating to improving diversity in clinical trials; amending RCW 43.348.040; adding a new section to chapter 43.348 RCW; adding a new section to chapter 28B.20 RCW; adding a new section to chapter 28B.30 RCW; adding a new chapter to Title 69 RCW; creating a new section; and providing an expiration date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. (1) The legislature finds that controlled clinical trials provide a critical base of evidence for evaluating whether a medical product is safe and effective before the product is approved for marketing. The United States food and drug administration has evaluated demographic profiles of people participating in clinical trials for approved drugs and found that some groups, especially ethnic and racial groups, are not always well represented in clinical trials. Diversity in clinical trials is necessary to effectively determine how race, gender, and age impact how a person metabolizes a drug. Communities of color have been working diligently to establish a foundation of trust with government and clinical research with the goal of engaging more trial participants who are members of underrepresented demographic groups. Joining clinical trials is a difficult and complex process and the lack of trust and awareness of clinical trials and research, in addition to burdens related to transportation, geography, and access, limit trial participants. The lack of diversity in clinical trials compounds access to treatment disparities and limits our understanding of the impacts of studied interventions and conditions across the population.

(2) Therefore, it is the policy of the state to:

(a) Improve the completeness and quality of data concerning diverse demographic groups that is collected, reported, and analyzed for the purposes of clinical trials of drugs and medical devices;

(b) Identify barriers to participation in clinical trials by persons who are members of demographic groups that are underrepresented in such trials and employ strategies recognized by the United States food and drug administration to encourage greater participation in clinical trials by such persons;

(c) Make data concerning demographic groups that is collected, reported, and analyzed for the purposes of clinical trials more available and transparent; and

(d) Require certain entities conducting clinical trials to offer trial participants information in a language other than English and provide culturally specific recruitment materials alongside general enrollment materials.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Washington state review board" or "review board" means the Washington state institutional review board, established pursuant to 45 C.F.R. Part 46, which is the designated institutional review board for the department of social and health services, the department of health, the department of labor and industries, and other state agencies.

(2) "Underrepresented community" or "underrepresented demographic group" means a community or demographic group that is more likely to be

historically marginalized and less likely to be included in research and clinical trials represented by race, sex, sexual orientation, socioeconomic status, age, and geographic location.

NEW SECTION. Sec. 3. The Washington state review board shall establish a diversity in clinical trials program to encourage participation in clinical trials of drugs and medical devices by persons who are members of demographic groups that are underrepresented in clinical trials. In developing this program, the review board shall compile and share information and resources in an accessible fashion to assist entities in Washington state that conduct clinical trials of drugs and medical devices to increase participation by persons who are members of demographic groups that are underrepresented in clinical trials including, but not limited to:

(1) Information concerning methods for identifying and recruiting persons who are members of underrepresented demographic groups to participate in clinical trials;

(2) Links or copies of outside resources related to increasing participation by members of underrepresented demographic groups in clinical trials provided by community organizations or other interested agencies or parties;

(3) Contact information for community organizations or other appropriate entities which may be able to provide assistance with efforts to increase participation by underrepresented demographic groups in clinical trials; and

(4) Links to websites maintained by medical facilities, health authorities, and other local governmental entities, nonprofit organizations, and scientific investigators and institutions that are performing research relating to drugs or medical devices in this state.

NEW SECTION. Sec. 4. Any state entity or hospital that receives funding from the national institutes of health to conduct clinical trials of drugs or medical devices shall:

(1) Adopt a policy concerning the identification and recruitment of persons who are members of underrepresented demographic groups to participate in clinical trials. This policy must include requirements that investigators who are conducting clinical trials collaborate with community-based organizations and use methods recognized by the United States food and drug administration to identify and recruit such persons to participate in those clinical trials;

(2) Provide information to trial participants in languages other than English;

(3) Provide translation services or bilingual staff for trial screening;

(4) Provide culturally specific recruitment materials alongside general enrollment materials; and

(5) Provide electronic consent when not prohibited by the granting entity or federal regulations.

Sec. 5. RCW 43.348.040 and 2018 c 4 s 4 are each amended to read as follows:

(1) The Andy Hill cancer research endowment program is created. The purpose of the program is to make grants to public and private entities, including commercial entities, to fund or reimburse the entities pursuant to agreement for the promotion of cancer research to be conducted in the state. The endowment is to oversee and guide the program, including the solicitation, selection, and award of grants.

(2) The board must develop a plan for the allocation of projected amounts in the fund, which it must update annually, following at least one annual public hearing. The plan must provide for appropriate funding continuity and take into account the projected speed at which revenues will be available and amounts that can be spent during the plan period.

(3) The endowment must solicit requests for grant funding and evaluate the requests by reference to factors such as: (a) The quality of the proposed research or program; (b) its potential to improve health outcomes of persons with cancer, with particular attention to the likelihood that it will also lower health care costs, substitute for a more costly diagnostic or treatment modality, or offer a breakthrough treatment for a particular cancer or cancer-related condition or disease; (c) its potential for leveraging additional funding; (d) its potential to provide additional health care benefits or benefit other human diseases or conditions; (e) its potential to stimulate life science, health care, and biomedical employment in the state; (f) the geographic diversity of the grantees within Washington; (g) evidence of potential royalty, sales, or licensing revenue, or other commercialization-related revenue and contractual means to recapture such income for purposes of this chapter; ~~((and))~~ (h) evidence of public and private collaboration; (i) the ability to offer trial participants information in a language other than English; (j) the ability to provide culturally specific recruitment materials alongside general enrollment materials; (k) the ability to provide electronic consent when not prohibited by other granting entities or federal regulations; and (l) other evidence of outreach and engagement to increase participation of underrepresented communities in clinical trials of drugs and medical devices.

(4) The endowment may not award a grant for a proposal that was not recommended by an independent expert scientific review and advisory committee under RCW 43.348.050.

(5) The endowment must issue an annual report to the public that sets forth its activities with respect to the fund, including grants awarded, grant-funded work in progress, research accomplishments, prevention, and care activities, and future program directions with respect to cancer research, prevention, and care. Each annual report regarding activities of the program and fund must include, but not be limited to, the following: The number and dollar amounts of grants; the grantees for the prior year; the endowment's administrative expenses; an assessment of the availability of funding for cancer research, prevention, and care from sources other than the endowment; a summary of research, prevention, and care-related findings, including promising new areas for investment; and a report on the benefits to Washington of its programs to date.

(6) The endowment's first annual report must include a proposed operating plan for the design, implementation, and administration of an endowment program supporting the purposes of the endowment and program.

(7) The endowment must adopt policies to ensure that all potential conflicts have been disclosed and that all conflicts have been eliminated or mitigated.

(8) The endowment must establish standards to ensure that recipients of grants for cancer research, prevention, or care purchase goods and services from Washington suppliers to the extent reasonably possible.

NEW SECTION. Sec. 6. (1) The department of health, in consultation with the University of Washington, Washington State University, the Andy Hill

cancer research endowment, Washington community health boards and initiatives, community-based organizations, and other relevant research organizations, shall analyze and provide recommendations on the following:

(a) What demographic groups and populations are currently represented and underrepresented in clinical trials in Washington, including geographic representation;

(b) Barriers for persons who are members of underrepresented demographic groups to participate in clinical trials in Washington, including barriers related to transportation; and

(c) Approaches for how clinical trials can successfully partner with community-based organizations and others to provide outreach to underrepresented communities.

(2) By December 1, 2023, the department of health shall report to the legislature the results of the analysis and any recommendations to increase diversity and reduce barriers for participants in clinical trials.

(3) For purposes of this section, "underrepresented community" or "underrepresented demographic group" means a community or demographic group that is more likely to be historically marginalized and less likely to be included in research and clinical trials represented by race, sex, sexual orientation, socioeconomic status, age, and geographic location.

(4) This section expires December 31, 2023.

NEW SECTION. Sec. 7. A new section is added to chapter 43.348 RCW to read as follows:

(1) Beginning January 1, 2024, the University of Washington and Washington State University may partner with the Andy Hill cancer research endowment, the department of health, community-based organizations, and other entities to increase the participation of persons who are members of underrepresented demographic groups in clinical trials for drugs or medical devices. If an investigator at the University of Washington or Washington State University is conducting or planning to conduct a clinical trial on a drug or medical device and the University determines that the trial would benefit from specific community outreach and engagement to increase participation of an underrepresented community in the clinical trial, the University of Washington or Washington State University may:

(a) Request the assistance of the department of health and the Andy Hill cancer research endowment to create an outreach plan and coordinate with community-based organizations to provide outreach and engagement; and

(b) Provide the Andy Hill cancer research endowment and the department of health with the following information:

(i) A summary of the clinical trial, including a description of the drug or medical device and any condition or disease that the clinical trial is addressing or targeting;

(ii) Any information on health disparities related to the condition, disease, or related drugs or medical devices, including any demographic groups that may be disproportionately impacted; and

(iii) Any other information that may assist the Andy Hill cancer research endowment, department of health, and community-based organizations in providing outreach and engagement to specific demographic groups or communities.

(2) The requesting university, the Andy Hill cancer research endowment, and the department of health, in collaboration with community-based organizations and other appropriate entities, shall develop a specific community outreach and engagement plan to increase participation of an underrepresented demographic group or community in the clinical trial.

(3) Subject to the availability of amounts appropriated for this specific purpose, the Andy Hill cancer research endowment may administer grants to Washington state community-based organizations to implement the outreach plan and to provide meaningful and real-time community engagement with any demographic groups or communities identified in subsection (1) of this section with the goal of increasing the demographic group's or community's participation in the clinical trial. The community engagement should utilize any recommendations provided by the department of health's report required under section 6 of this act.

NEW SECTION. Sec. 8. A new section is added to chapter 28B.20 RCW to read as follows:

If at any time the University of Washington receives funding from the national institutes of health to conduct clinical trials of drugs or medical devices, the University of Washington shall adopt a policy concerning the identification and recruitment of persons who are members of underrepresented demographic groups to participate in clinical trials of drugs and medical devices. This policy must include requirements to:

(1) Adopt a policy concerning the identification and recruitment of persons who are members of underrepresented demographic groups to participate in clinical trials. This policy must include requirements that investigators who are conducting clinical trials collaborate with community-based organizations and use methods recognized by the United States food and drug administration to identify and recruit such persons to participate in those clinical trials;

(2) Provide information to trial participants in languages other than English;

(3) Provide translation services or bilingual staff for trial screening;

(4) Provide culturally specific recruitment materials alongside general enrollment materials; and

(5) Provide electronic consent when not prohibited by the granting entity or federal regulations.

NEW SECTION. Sec. 9. A new section is added to chapter 28B.30 RCW to read as follows:

If at any time Washington State University receives funding from the national institutes of health to conduct clinical trials of drugs or medical devices, Washington State University shall adopt a policy concerning the identification and recruitment of persons who are members of underrepresented demographic groups to participate in clinical trials of drugs and medical devices. This policy must include requirements to:

(1) Adopt a policy concerning the identification and recruitment of persons who are members of underrepresented demographic groups to participate in clinical trials. This policy must include requirements that investigators who are conducting clinical trials collaborate with community-based organizations and use methods recognized by the United States food and drug administration to identify and recruit such persons to participate in those clinical trials;

- (2) Provide information to trial participants in languages other than English;
- (3) Provide translation services or bilingual staff for trial screening;
- (4) Provide culturally specific recruitment materials alongside general enrollment materials; and
- (5) Provide electronic consent when not prohibited by the granting entity or federal regulations.

NEW SECTION. Sec. 10. Sections 1 through 4 of this act constitute a new chapter in Title 69 RCW.

Passed by the House April 19, 2023.

Passed by the Senate April 12, 2023.

Approved by the Governor May 11, 2023.

Filed in Office of Secretary of State May 11, 2023.

CHAPTER 427

[Substitute House Bill 1756]

RENEWABLE ENERGY GENERATION—TAXES

AN ACT Relating to supporting clean energy through tax changes that increase revenue to local governments, schools, and impacted communities; adding a new section to chapter 84.36 RCW; adding a new chapter to Title 82 RCW; and creating new sections.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. A new section is added to chapter 84.36 RCW to read as follows:

(1) Provided the taxpayer fulfills the requirements of this section, all qualified personal property owned by a taxpayer is exempt from property taxes levied for any state purpose.

(2)(a) Unless a taxpayer is assessed under chapter 84.12 RCW, a claim for an exemption under this section from taxes payable the following year must be filed by March 31st with the county assessor together with the statement required under RCW 84.40.190 and a statement attesting that the taxpayer meets the requirements of subsection (3) of this section. The claim must be made upon forms as prescribed and furnished by the department. The application must indicate if the taxpayer is applying for a 10 or 15-year exemption.

(b) If a taxpayer is assessed under chapter 84.12 RCW, a claim for an exemption under this section from taxes payable the following year must be filed by March 31st with the department together with the annual report required under RCW 84.12.230 and a statement attesting that the taxpayer meets the requirements of subsection (3) of this section. The claim must be made upon forms as prescribed and furnished by the department. The application must indicate if the taxpayer is applying for a 10 or 15-year exemption.

(c) The taxpayer claiming an exemption under this subsection (2) and paying the production excise tax under section 2 of this act must file an annual attestation in the manner and form prescribed by the department.

(3) The taxpayer must register with the department to pay the production excise tax authorized in section 2 of this act.

(4) An exemption granted pursuant to this section to a taxpayer compliant with requirements of this section is granted for 10 or 15 years following the date

on which the facility where the qualified personal property is located first becomes operational.

(5) The department must apportion personal property assessed under chapter 84.12 RCW that is granted an exemption under this section pursuant to RCW 84.12.360.

(6)(a) If a taxpayer fails to meet the annual attestation requirement in subsection (2)(c) of this section or fails to pay the production excise tax required in section 2 of this act, the department shall send a notice to the taxpayer to comply or forfeit the exemption. The taxpayer must come into compliance within 60 days from the date of the notice.

(b) Failure to comply with the requirements of this section results in the personal property taxes previously exempted becoming immediately due and payable with interest. The rate of interest must be the same as provided for delinquent taxes in RCW 84.56.020(5). No additional penalties may be assessed; however, credit for production excise taxes paid pursuant to section 2 of this act may not be given in calculating the total amount due under this subsection (6). In addition, the qualified personal property no longer qualifies for a personal property tax exemption under this section.

(7) The definitions in this subsection apply throughout this section unless the context clearly indicates otherwise.

(a) "Personal property" has the same meaning as in RCW 84.04.080.

(b) "Qualified personal property" means personal property that is used exclusively for the generation or storage of renewable energy in a facility, the construction of which began on or after July 1, 2023.

(c) "Renewable energy" means energy produced by a solar or wind facility with nameplate capacity sufficient to generate at least 10 megawatts of nameplate capacity of alternating current power.

NEW SECTION. Sec. 2. (1)(a) For taxpayers granted an exemption under section 1 of this act, an excise tax is imposed on the privilege of using qualified renewable energy generating systems used as an electric power source in the state. The rate of the tax is as follows:

(i) \$80 per month per megawatt of nameplate capacity of alternating current power for a qualified renewable energy generating system that uses solar energy to generate electricity and that was granted an exemption under section 1 of this act for 10 years;

(ii) \$75 per month per megawatt of nameplate capacity of alternating current power for a qualified renewable energy generating system that uses solar energy to generate electricity and that was granted an exemption under section 1 of this act for 15 years;

(iii) \$150 per month per megawatt of nameplate capacity of alternating current power for a qualified renewable energy generating system that uses wind energy to generate electricity and that was granted an exemption under section 1 of this act for 10 years;

(iv) \$130 per month per megawatt of nameplate capacity of alternating current power for a qualified renewable energy generating system that uses wind energy to generate electricity and that was granted an exemption under section 1 of this act for 15 years.

(b) For taxpayers granted an exemption under section 1 of this act, a tax is imposed on the capacity of the renewable energy storage system of a qualified renewable energy generating system.

(i) The rate of the tax is \$19 per month per megawatt hour of renewable energy storage capacity for exemptions granted under section 1 of this act for 10 years.

(ii) The rate of the tax is \$14 per month per megawatt hour of renewable energy storage capacity for exemptions granted under section 1 of this act for 15 years.

(2) To ensure the rate structures reflect changes in technology, capacity, markets incentives, and inflation, the department may recommend to the legislature changes to the production excise tax rates in subsection (1) of this section to ensure a balance between the value of the exemptions granted pursuant to section 1 of this act and the production excise tax rate imposed pursuant to this section. The goal is to optimize revenues for local communities while maintaining a rate and tax incentive program that is attractive to project developers.

(3) For taxpayers not assessed under chapter 84.12 RCW, the county assessor must provide a list of taxpayers granted an exemption under section 1 of this act for the following year, along with any other information required, to the department by August 1st each year.

(4) A taxpayer applying for an exemption under section 1 of this act for the following year must register with the department prior to submitting an application under section 1 of this act. If the application for an exemption under section 1 of this act is granted for any calendar year, payment of the taxes imposed under this section are due.

(5) The taxpayer claiming an exemption under section 1 of this act and paying the production excise tax under this section must file an annual attestation in the manner and form prescribed by the department.

(6) The definitions in this subsection apply throughout this section unless the context clearly indicates otherwise.

(a) "Qualified renewable energy generating system" means a set of devices whose primary purpose is to produce electricity by means of any combination of collecting, transferring, or converting renewable energy and that is receiving an exemption under section 1 of this act.

(b) "Renewable energy" means energy produced by a solar or wind facility with nameplate capacity sufficient to generate at least 10 megawatts of nameplate capacity of alternating current power.

(c) "Renewable energy storage capacity" means the battery storage capacity per megawatt hour.

(d) "Renewable energy storage system" means battery storage or battery energy storage system that can store renewable energy when production exceeds demand and release energy when energy demand increases.

NEW SECTION. Sec. 3. (1) The renewable energy local benefit account is created in the state treasury. All receipts from the production excise tax in section 2 of this act must be deposited in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used for qualified local counties and qualified school districts.

(2) The total amount appropriated to qualified counties and the qualified school districts within those counties must be in proportion to the amount of production excise tax paid by renewable energy systems located in those counties and must be distributed as follows:

(a) Each qualified county must receive an appropriation equal to 42.5 percent of the production excise tax paid by a renewable energy system located in the county.

(b) Qualified federally recognized Indian tribes must receive an appropriation totaling 15 percent of the production excise tax paid by a renewable energy system impacting the tribes' resources or rights.

(c) Each qualified school district must receive an appropriation from the remaining 42.5 percent of the production excise tax paid by a renewable energy system located in the same county in proportion to the number of students being served by that district.

(3) For the purposes of this section, the definitions in this subsection apply unless the context clearly requires otherwise.

(a) "Qualified county" means a county that has a renewable energy system that receives a tax exemption under section 1 of this act and pays the production excise tax under section 2 of this act.

(b) "Qualified federally recognized Indian tribe" means a federally recognized Indian tribe with rights or lands reserved or protected by federal treaty, statute, or executive order that are potentially impacted by a renewable energy system that receives a tax exemption under section 1 of this act and pays the production excise tax under section 2 of this act.

(c) "Qualified school district" means a school district that is located in a county that has a renewable energy system that receives a tax exemption under section 1 of this act and pays the production excise tax under section 2 of this act.

NEW SECTION. Sec. 4. All of the provisions contained in chapter 82.32 RCW not inconsistent with the provisions of this chapter have full force and application with respect to taxes imposed under the provisions of this chapter.

NEW SECTION. Sec. 5. RCW 82.32.805 and 82.32.808 do not apply to this act.

NEW SECTION. Sec. 6. Sections 2 through 4 of this act constitute a new chapter in Title 82 RCW.

NEW SECTION. Sec. 7. This act applies to taxes levied for collection in 2025 and thereafter.

Passed by the House March 16, 2023.

Passed by the Senate April 19, 2023.

Approved by the Governor May 11, 2023.

Filed in Office of Secretary of State May 11, 2023.

CHAPTER 428

[Engrossed House Bill 1782]

WAHKIAKUM COUNTY FERRY SERVICE—STATE FUNDING

AN ACT Relating to the operating and maintenance deficit of the Wahkiakum county ferry; and amending RCW 47.56.720.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 47.56.720 and 1992 c 82 s 1 are each amended to read as follows:

(1) The legislature finds that the ferry operated by Wahkiakum county between Puget Island and Westport on the Columbia river provides ~~((service which is primarily local in nature with secondary benefits to the state highway system in providing a bypass for state route 4 and providing))~~ an important transportation bypass for state route 4 and provides the only crossing of the Columbia river between the Astoria-Megler bridge and the Longview bridge.

(2) The department is hereby authorized to enter into a continuing agreement with Wahkiakum county pursuant to which the department shall pay to Wahkiakum county from moneys appropriated for such purpose monthly amounts not to exceed ~~((eighty))~~ 85 percent of the operating and maintenance deficit with a maximum not to exceed the amount appropriated for that biennium to be used in the operation and maintenance of the Puget Island ferry, commencing July 1, 1992.

(3) The annual deficit, if any, incurred in the operation and maintenance of the ferry shall be determined by Wahkiakum county subject to the approval of the department. If ~~((eighty))~~ 85 percent of the deficit for the preceding fiscal year exceeds the total amount paid to the county for that year, the additional amount shall be paid to the county by the department upon the receipt of a properly executed voucher. ~~((The total of all payments to the county in any biennium shall not exceed the amount appropriated for that biennium.))~~ The fares established by the county shall be comparable to those used for similar runs on the state ferry system.

(4) Whenever, subsequent to June 9, 1977, state route 4 between Cathlamet and Longview is closed to traffic pursuant to chapter 47.48 RCW due to actual or potential slide conditions and there is no suitable, reasonably short alternate state route provided, Wahkiakum county is authorized to operate the Puget Island ferry on a toll-free basis during the entire period of such closure. The state's share of the ferry operations and maintenance deficit during such period shall be ~~((one hundred))~~ 100 percent.

(5) Whenever state route 4 between Cathlamet and Longview is closed to traffic, as mentioned in subsection (4) hereof, the state of Washington shall provide temporary rest room facilities at the Washington ferry landing terminal.

Passed by the House April 14, 2023.

Passed by the Senate March 31, 2023.

Approved by the Governor May 11, 2023.

Filed in Office of Secretary of State May 11, 2023.

CHAPTER 429

[Engrossed House Bill 1846]

STATE FERRIES—VESSEL PROCUREMENT

AN ACT Relating to addressing vessel procurement at the Washington state ferries; amending RCW 47.60.810, 47.60.835, 47.60.010, and 47.56.030; adding a new section to chapter 47.60 RCW; creating a new section; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

****NEW SECTION. Sec. 1. Washington's marine highways provide vital transportation links between communities. Citizens, businesses, and visitors depend on the state's ferry system to provide safe, dependable auto and passenger service in order to conduct daily life and commerce activities. To maintain the integrity of this vital transportation link and to preserve the everyday conduct of individual and commercial activities, the state must act immediately to procure new hybrid-electric vessels in a timely and efficient manner.***

Washington state values strong environmental and workplace standards, including surface water management, and the legislature intends that any contracts awarded through the vessel procurement process align with these values.

****Sec. 1 was vetoed. See message at end of chapter.***

NEW SECTION. Sec. 2. A new section is added to chapter 47.60 RCW to read as follows:

(1)(a) The department shall contract for the acquisition of up to five new hybrid diesel-electric ferry vessels that can carry up to 144 vehicles, using a one or two contract procurement approach to potentially accelerate vessel delivery.

(b) The Washington state ferries shall make available the design for the 144 vehicle hybrid electric Olympic class vessel to potential bidders. Incentives may be awarded by the department to bidders who offer design modifications that:

(i) Lower the minimum number of crew needed to staff the vessel in accordance with United States coast guard requirements;

(ii) Incorporate materials, technologies, or other features that lower life-cycle maintenance and operations costs;

(iii) Accelerate the proposed delivery schedule; or

(iv) Make other improvements determined to be beneficial by the department. The Washington state ferries may allow for exceptions of the 144 vehicle capacity of the vessel design in cases where efficiencies outlined in (b)(i) or (ii) of this subsection are met.

(2)(a) The contract or contracts must be for a minimum of two vessels, with options for up to five vessels in total, and are exempt from the requirements set forth in RCW 47.60.810 through 47.60.824.

(b) The contract or contracts may employ the following procurement methods:

(i) Design-build procedure as authorized under chapter 39.10 RCW;

(ii) Design-bid-build as authorized under chapter 39.04 RCW or an equivalent process allowed in statute as determined by the department; or

(iii) Lease with an option to buy in accordance with RCW 47.60.010. The terms of any plan to pursue a lease with an option to buy agreement must be approved by the governor and appropriate committees of the legislature and are subject to the availability of amounts appropriated for this specific purpose.

(c) To the extent possible, the department shall establish and apply evaluation criteria beyond low price to meet best value objectives.

(d) The department must award a credit of 13 percent of the bid price for bid proposals for vessels constructed in the state of Washington, which must be adjusted to reflect the proportion of the construction of the vessels that occurs within the state. This credit represents the:

(i) Amount of economic and revenue loss to the state of Washington from constructing vessels outside the state of Washington, as indicated by the Washington institute for public policy study regarding Washington state ferry vessel procurement dated December 2016; and

(ii) Additional costs of transport, potential delay, and owner oversight incurred for construction at shipyards located outside the state of Washington.

(e) The department must require that contractors meet the requirements of RCW 39.04.320 regarding apprenticeships or other state law or federal law equivalents, where such equivalents exist.

(f) The department must require that contractors meet the requirements of chapter 90.48 RCW regarding water pollution control or other state law or federal law equivalents, where such equivalents exist.

(3) For contracts eligible for the use of federal funds, contractors must comply with federal disadvantaged business enterprise targets as outlined by the federal agency awarding funds.

(4) Contractors located in the state of Washington must meet the requirements of RCW 47.60.835, the small business enterprise enforceable goals program.

(5) The department shall employ third-party experts that report to the Washington state ferries to serve as a supplementary resource. The third-party experts contracted by the Washington state ferries shall:

(a) Perform project quality oversight and report to the transportation committees of the legislature and the office of financial management on a semiannual basis on project schedule, risks, and project budget;

(b) Assist with the management of change order requests;

(c) Advise on contract and technical matters; and

(d) Possess knowledge of and experience with inland waterways, Puget Sound vessel operations, the propulsion system of the new vessels, and Washington state ferries operations.

Sec. 3. RCW 47.60.810 and 2019 c 431 s 1 are each amended to read as follows:

(1) ~~((The))~~ Except as otherwise provided in section 2 of this act, the department shall use a modified request for proposals process when purchasing new auto ferries, except for new 144-auto ferries purchased through an option on a contract executed before July 6, 2015, whereby the prevailing shipbuilder and the department engage in a design and build partnership for the design and construction of the auto ferries. The process consists of the three phases described in subsection (3) of this section.

(2) Throughout the three phases described in subsection (3) of this section, the department shall employ an independent owner's representative to serve as a third-party intermediary between the department and the proposers, and subsequently the successful proposer. However, this representative shall serve only during the development and construction of the first vessel constructed as part of a new class of vessels developed after July 6, 2015. The independent owner's representative shall:

(a) Serve as the department's primary advocate and communicator with the proposers and successful proposer;

(b) Perform project quality oversight;

(c) Manage any change order requests;

(d) Ensure that the contract is adhered to and the department's best interests are considered in all decisions; and

(e) Possess knowledge of and experience with inland waterways, Puget Sound vessel operations, the propulsion system of the new vessels, and Washington state ferries operations.

(3) The definitions in this subsection apply throughout RCW 47.60.812 through 47.60.822.

(a) "Phase one" means the evaluation and selection of proposers to participate in development of technical proposals in phase two.

(b) "Phase two" means the preparation of technical proposals by the selected proposers in consultation with the department.

(c) "Phase three" means the submittal and evaluation of bids, the award of the contract to the successful proposer, and the design and construction of the auto ferries.

(4) The department may modify an existing option contract executed prior to July 6, 2015, to allow for the purchase of up to five additional 144-auto ferries, for a total of nine 144-auto ferries. The department must execute a new modification to an existing option contract for each of the additional five ferries.

Sec. 4. RCW 47.60.835 and 2019 c 431 s 2 are each amended to read as follows:

(1) ~~((To increase small business participation in ferry vessel procurement))~~ In the absence of federal funding and the applicability of the disadvantaged business enterprise program, to increase race and gender-neutral participation of small and diverse businesses in ferry procurement, the Washington state department of transportation's office of equal opportunity and civil rights shall develop and monitor a state small business enterprise enforceable goals program. Pursuant to this program, the office shall establish contract goals for ferry vessel procurement. The contract goal is defined as a percentage of the contract award amount that the prime contractor must meet by subcontracting with small business enterprises. The enforceable goal for all ferry vessel procurement contracts will be set by the office. Prime contractors unable to meet the enforceable ~~((goal))~~ goals must submit evidence of good faith efforts to meet the contract ~~((goal))~~ goals to the small business enterprise enforceable goals program. The department, in collaboration with the office of equal opportunities and civil rights will develop contractual remedies should the contractor not make good faith efforts.

(2) Small business enterprises intending to benefit from the small business enterprise enforceable goals program established in subsection (1) of this section must meet the definition of "small business" in RCW 39.26.010 and must be certified as a "small business enterprise" by the Washington state office of minority and women's business enterprises. Prime contractors will enter all subcontractor payments into the office's diversity management and compliance system. The office of equal opportunity and civil rights shall monitor program performance.

Sec. 5. RCW 47.60.010 and 2015 3rd sp.s. c 14 s 2 are each amended to read as follows:

The department is authorized to acquire by lease, charter, contract, purchase, condemnation, or construction, and partly by any or all of such means,

and to thereafter operate, improve, and extend, a system of ferries on and crossing Puget Sound and any of its tributary waters and connections thereof, and connecting with the public streets and highways in the state. However, any new vessel planning, construction, purchase, analysis, or design work must be consistent with RCW 47.60.810, except as otherwise provided in section 2 of this act. The system of ferries shall include such boats, vessels, wharves, docks, approaches, landings, franchises, licenses, and appurtenances as shall be determined by the department to be necessary or desirable for efficient operation of the ferry system and best serve the public. Subject to RCW 47.56.820, the department may in like manner acquire by purchase, condemnation, or construction and include in the ferry system such toll bridges, approaches, and connecting roadways as may be deemed by the department advantageous in channeling traffic to points served by the ferry system. In addition to the powers of acquisition granted by this section, the department is empowered to enter into any contracts, agreements, or leases with any person, firm, or corporation and to thereby provide, on such terms and conditions as it shall determine, for the operation of any ferry or ferries or system thereof, whether acquired by the department or not.

The authority of the department to sell and lease back any state ferry, for federal tax purposes only, as authorized by 26 U.S.C., Sec. 168(f)(8) is confirmed. Legal title and all incidents of legal title to any ferry sold and leased back (except for the federal tax benefits attributable to the ownership thereof) shall remain in the state of Washington.

Sec. 6. RCW 47.56.030 and 2015 3rd sp.s. c 14 s 7 are each amended to read as follows:

(1) Except as permitted under chapter 47.29 or 47.46 RCW:

(a) Unless otherwise delegated, and subject to RCW 47.56.820, the department of transportation shall have full charge of the planning, analysis, and construction of all toll bridges and other toll facilities including the Washington state ferries, and the operation and maintenance thereof.

(b) The transportation commission shall determine and establish the tolls and charges thereon.

(c) Unless otherwise delegated, and subject to RCW 47.56.820, the department shall have full charge of planning, analysis, and design of all toll facilities. The department may conduct the planning, analysis, and design of toll facilities as necessary to support the legislature's consideration of toll authorization.

(d) The department shall utilize and administer toll collection systems that are simple, unified, and interoperable. To the extent practicable, the department shall avoid the use of toll booths. The department shall set the statewide standards and protocols for all toll facilities within the state, including those authorized by local authorities.

(e) Except as provided in this section, the department shall proceed with the construction of such toll bridges and other facilities and the approaches thereto by contract in the manner of state highway construction immediately upon there being made available funds for such work and shall prosecute such work to completion as rapidly as practicable. The department is authorized to negotiate contracts for any amount without bid under (e)(i) and (ii) of this subsection:

(i) Emergency contracts, in order to make repairs to ferries or ferry terminal facilities or removal of such facilities whenever continued use of ferries or ferry terminal facilities constitutes a real or immediate danger to the traveling public or precludes prudent use of such ferries or facilities; and

(ii) Single source contracts for vessel dry dockings, when there is clearly and legitimately only one available bidder to conduct dry dock-related work for a specific class or classes of vessels. The contracts may be entered into for a single vessel dry docking or for multiple vessel dry dockings for a period not to exceed two years.

(f) Any new vessel planning, construction, purchase, analysis, or design work must be consistent with RCW 47.60.810, except as otherwise provided in section 2 of this act.

(2) The department shall proceed with the procurement of materials, supplies, services, and equipment needed for the support, maintenance, and use of a ferry, ferry terminal, or other facility operated by Washington state ferries, in accordance with chapter 43.19 RCW except as follows:

(a) When the secretary of the department of transportation determines in writing that the use of invitation for bid is either not practicable or not advantageous to the state and it may be necessary to make competitive evaluations, including technical or performance evaluations among acceptable proposals to complete the contract award, a contract may be entered into by use of a competitive sealed proposals method, and a formal request for proposals solicitation. Such formal request for proposals solicitation shall include a functional description of the needs and requirements of the state and the significant factors.

(b) When purchases are made through a formal request for proposals solicitation the contract shall be awarded to the responsible proposer whose competitive sealed proposal is determined in writing to be the most advantageous to the state taking into consideration price and other evaluation factors set forth in the request for proposals. No significant factors may be used in evaluating a proposal that are not specified in the request for proposals. Factors that may be considered in evaluating proposals include but are not limited to: Price; maintainability; reliability; commonality; performance levels; life-cycle cost if applicable under this section; cost of transportation or delivery; delivery schedule offered; installation cost; cost of spare parts; availability of parts and service offered; and the following:

(i) The ability, capacity, and skill of the proposer to perform the contract or provide the service required;

(ii) The character, integrity, reputation, judgment, experience, and efficiency of the proposer;

(iii) Whether the proposer can perform the contract within the time specified;

(iv) The quality of performance of previous contracts or services;

(v) The previous and existing compliance by the proposer with laws relating to the contract or services;

(vi) Objective, measurable criteria defined in the request for proposal. These criteria may include but are not limited to items such as discounts, delivery costs, maintenance services costs, installation costs, and transportation costs; and

(vii) Such other information as may be secured having a bearing on the decision to award the contract.

(c) When purchases are made through a request for proposal process, proposals received shall be evaluated based on the evaluation factors set forth in the request for proposal. When issuing a request for proposal for the procurement of propulsion equipment or systems that include an engine, the request for proposal must specify the use of a life-cycle cost analysis that includes an evaluation of fuel efficiency. When a life-cycle cost analysis is used, the life-cycle cost of a proposal shall be given at least the same relative importance as the initial price element specified in the request of proposal documents. The department may reject any and all proposals received. If the proposals are not rejected, the award shall be made to the proposer whose proposal is most advantageous to the department, considering price and the other evaluation factors set forth in the request for proposal.

NEW SECTION. Sec. 7. 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.

Passed by the House April 18, 2023.

Passed by the Senate April 14, 2023.

Approved by the Governor May 11, 2023, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State May 15, 2023.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Section 1, Engrossed House Bill No. 1846 entitled:

"AN ACT Relating to addressing vessel procurement at the Washington state ferries."

Section 1 is an intent section that expresses the environmental and labor values of our state. The bill includes a 13 percent in-state credit which is designed to reflect the environmental and labor values of our state in the procurement process. As a result, Section 1 is not necessary.

For these reasons I have vetoed Section 1 of Engrossed House Bill No. 1846.

With the exception of Section 1, Engrossed House Bill No. 1846 is approved."

CHAPTER 430

[Substitute House Bill 1850]

HOSPITAL SAFETY NET PROGRAM—VARIOUS PROVISIONS

AN ACT Relating to the hospital safety net program; amending RCW 74.60.005, 74.60.010, 74.60.020, 74.60.030, 74.60.040, 74.60.050, 74.60.080, 74.60.090, 74.60.100, 74.60.110, 74.60.120, 74.60.130, 74.60.150, 74.60.160, 74.60.170, and 74.60.900; repealing RCW 74.60.901 and 74.60.903; and providing contingent effective dates.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 74.60.005 and 2021 c 255 s 1 are each amended to read as follows:

(1) The purpose of this chapter is to ~~((provide for a safety net assessment on certain Washington hospitals, which will be used solely to augment funding~~

from all other sources and thereby support additional payments to hospitals for medicaid services as specified in this chapter.

(2) ~~The legislature finds that federal health care reform will result in an expansion of medicaid enrollment in this state and an increase in federal financial participation.~~

(3) ~~In adopting this chapter, it is the intent of the legislature:~~

~~(a) To impose a hospital safety net assessment to be used solely for the purposes specified in this chapter;~~

~~(b) To generate approximately one billion dollars per state fiscal biennium in new state and federal funds by disbursing all of that amount to pay for medicaid hospital services and grants to certified public expenditure and critical access hospitals, except costs of administration as specified in this chapter, in the form of additional payments to hospitals and managed care plans, which may not be a substitute for payments from other sources, but which include quality improvement incentive payments under RCW 74.09.611;~~

~~(c) To generate two hundred ninety-two million dollars per biennium during the 2021-2023 and 2023-2025 biennia in new funds to be used in lieu of state general fund payments for medicaid hospital services;~~

~~(d) That the total amount assessed not exceed the amount needed, in combination with all other available funds, to support the payments authorized by this chapter;~~

~~(e) To condition the assessment on receiving federal approval for receipt of additional federal financial participation and on continuation of other funding sufficient to maintain aggregate payment levels to hospitals for inpatient and outpatient services covered by medicaid, including fee-for-service and managed care, at least at the rates the state paid for those services on July 1, 2015, as adjusted for current enrollment and utilization; and~~

~~(f) For each of the two biennia starting with fiscal year 2022 to generate:~~

~~(i) Four million dollars for new integrated evidence-based psychiatry residency program slots that did not receive state funding prior to 2016 at the integrated psychiatry residency program at the University of Washington; and~~

~~(ii) Eight million two hundred thousand dollars for family medicine residency program slots that did not receive state funding prior to 2016, as directed through the family medicine residency network at the University of Washington, for slots where residents are employed by hospitals.)) establish a safety net program, including an assessment on certain nongovernmental medicaid prospective payment system hospitals and critical access hospitals and an allowance for intergovernmental transfers for designated public hospitals, which will be used solely as specified in this chapter to maintain and improve equity of access to and quality of care of hospital services for medicaid clients, including those served by managed care organizations.~~

(2) The legislature finds that the program established by this chapter will allow the state to more fully realize the benefits of increased federal financial participation in the medicaid program and to address expanded medicaid enrollment resulting from federal health care reform, thereby benefiting medicaid clients.

(3) In adopting this chapter, it is the intent of the legislature:

(a) To condition the assessment as specified in RCW 74.60.150, including:

(i) Receipt and continuation of federal approval for payment of additional

federal financial participation to support the payments provided for in RCW 74.60.100 through 74.60.130; and (ii) continuation of funding from the state general fund sufficient to maintain aggregate payment levels to hospitals for inpatient and outpatient services covered by medicaid, including fee-for-service and managed care, at least at the rates the state paid for those services on July 1, 2022, as adjusted for current enrollment and utilization;

(b) That funds generated by the assessment will be matched with federal dollars whenever possible to achieve the maximum level of benefits, and that the total amount assessed under this chapter not exceed the amount needed, in combination with all other available funds, to support the payments authorized by this chapter;

(c) That upon satisfaction of the applicable conditions in RCW 74.60.090, the designated public hospitals will be able to receive additional federal matching funds, used only for the purposes specified in this chapter.

Sec. 2. RCW 74.60.010 and 2019 c 318 s 2 are each amended to read as follows:

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

(1) "Authority" means the health care authority.

(2) "Base year" for medicaid fee-for-service payments for state fiscal year ~~((2017))~~ 2024 is state fiscal year ~~((2014))~~ 2021. For each following year's calculations, the base year must be updated to the next following year.

(3) ~~((Bordering city))~~ Border hospital" means, for the purposes of the fee-for-service program under RCW 74.60.120, a hospital as defined in WAC 182-550-1050 and bordering cities as described in WAC 182-501-0175, or successor rules.

~~(4) ("Certified public expenditure hospital" means a hospital participating in the authority's certified public expenditure payment program as described in WAC 182-550-4650 or successor rule. The eligibility of such hospitals to receive grants under RCW 74.60.090 solely from funds generated under this chapter must remain in effect through the date specified in RCW 74.60.901 and must not be affected by any modification or termination of the federal certified public expenditure program, or reduced by the amount of any federal funds no longer available for that purpose.~~

~~(5))~~ "Cancer hospital" means a hospital classified as involved extensively in treatment for or research on cancer under section 1886(d)(1)(B)(v) of the social security act.

(5) "Children's hospital" means a hospital primarily serving children, as defined in WAC 182-550-1050 or successor rule.

(6) "Critical access hospital" means a hospital as described in RCW 74.09.5225.

~~((6))~~ (7) "Designated public hospital" means a hospital operated by a public hospital district in the state of Washington, not certified by the department of health as a critical access hospital, that:

(a) Has not opted out of the certified public expenditure payment program described in WAC 182-550-4650 or successor rule by June 1, 2023, or in future years by June 1st of the preceding year; or

(b) Is an affiliate of a system of state and county-owned hospitals and is not participating in that system's intergovernmental transfer directed payment

program as of June 1, 2023, or in future years by June 1st of the preceding calendar year.

(8) "Director" means the director of the health care authority.

~~((7))~~ "Eligible new prospective payment hospital" means a prospective payment hospital opened after January 1, 2009, for which a full year of cost report data as described in RCW 74.60.030(2) and a full year of medicaid base year data required for the calculations in RCW 74.60.120(3) are available.

~~(8))~~ (9) "Fund" means the hospital safety net assessment fund established under RCW 74.60.020.

~~((9))~~ (10) "High government payer independent hospital" means a prospective payment system hospital which is nonprofit, provides acute care to adults and children, is not governmentally owned or owned or operated by a health system that owns or operates three or more acute care hospitals, and provides services to patients covered by medicare, medicaid, or other governmental payers as well as the uninsured.

(11) "Hospital" means a facility licensed under chapter 70.41 RCW.

~~((10))~~ (12) "Inflation factor" means the centers for medicare and medicaid services inpatient hospital market basket inflation factor using the four quarter rolling average as calculated and available by April 30th of each year or an alternative source required by the centers for medicare and medicaid services.

(13) "Long-term acute care hospital" means a hospital which has an average inpatient length of stay of greater than twenty-five days as determined by the department of health.

~~((11))~~ (14) "Managed care organization" means an organization having a certificate of authority or certificate of registration from the office of the insurance commissioner that contracts with the authority under a comprehensive risk contract to provide prepaid health care services to eligible clients under the authority's medicaid managed care programs, including the healthy options program.

~~((12))~~ (15) "Medicaid" means the medical assistance program as established in Title XIX of the social security act and as administered in the state of Washington by the authority.

~~((13))~~ (16) "Medicaid managed care inpatient discharge" means an inpatient discharge for a medicaid patient, excluding normal newborns, based upon the grouper methodology used by the authority, where the medicaid managed care organization was the primary payer of the patient claim.

(17) "Medicaid managed care outpatient payments" means outpatient services provided to a medicaid patient where a medicaid managed care organization was the primary payer of the patient claim.

(18) "Medicare cost report" means the medicare cost report, form 2552, or successor document.

~~((14))~~ "Nonmedicare hospital inpatient day" means total hospital inpatient days less medicare inpatient days, including medicare days reported for medicare managed care plans, as reported on the medicare cost report, form 2552, or successor forms, excluding all skilled and nonskilled nursing facility days, skilled and nonskilled swing bed days, nursery days, observation bed days, hospice days, home health agency days, and other days not typically associated with an acute care inpatient hospital stay.

~~(15))~~ (19) "Nonmedicare net patient revenue" means all net patient revenue, less a deduction only of fee-for-service medicare revenue and includes medicare managed care revenue.

(20) "Outpatient services" means services that are provided (~~(classified)~~) as ambulatory payment classification services or successor payment methodologies as defined in WAC (~~(182-550-7050)~~) 182-550-1050 or successor rule and applies to fee-for-service payments and managed care encounter data.

~~((16) "Prospective"))~~ (21) "Medicaid prospective payment system hospital" means a hospital reimbursed for inpatient and outpatient services provided to medicaid beneficiaries under the inpatient prospective payment system and the outpatient prospective payment system as defined in WAC 182-550-1050 or successor rule (~~(- For purposes of this chapter, prospective payment system hospital does not include a hospital participating in the certified public expenditure program or a bordering city)~~), excluding any designated public hospital, any state or county-owned hospital, or any hospital located outside of the state of Washington and in one of the bordering cities listed in WAC 182-501-0175 or successor rule(-

~~(17))~~, or any hospital owned or operated by a health maintenance organization as defined in RCW 48.46.020. "Medicaid prospective payment system" refers solely to a reimbursement under the state medicaid program and has no bearing on or reference to a hospital's reimbursement classification under federal health care or other payment programs.

(22) "Psychiatric hospital" means a hospital facility licensed as a psychiatric hospital under chapter 71.12 RCW.

~~((18))~~ (23) "Rehabilitation hospital" means a medicare-certified freestanding inpatient rehabilitation facility.

~~((19))~~ (24) "Small rural disproportionate share hospital payment" means a payment made in accordance with WAC 182-550-5200 or successor rule.

~~((20))~~ (25) "Upper payment limit" means the aggregate federal upper payment limit on the amount of the medicaid payment for which federal financial participation is available for a class of service and a class of health care providers, as specified in 42 C.F.R. Part 47, as separately determined for inpatient and outpatient hospital services.

Sec. 3. RCW 74.60.020 and 2021 c 255 s 2 are each amended to read as follows:

(1) A dedicated fund is hereby established within the state treasury to be known as the hospital safety net assessment fund. The purpose and use of the fund shall be to receive and disburse funds, together with accrued interest, in accordance with this chapter. Moneys in the fund, including interest earned, shall not be used or disbursed for any purposes other than those specified in this chapter. Any amounts expended from the fund that are later recouped by the authority on audit or otherwise shall be returned to the fund.

(a) Any unexpended balance in the fund at the end of a fiscal year shall carry over into the following fiscal year or that fiscal year and the following fiscal year and shall be applied to reduce the amount of the assessment under RCW 74.60.050(1)(c).

(b) ~~(Any)~~ If the program is discontinued, any amounts remaining in the fund ~~(after July 1, 2025,)~~ shall be refunded to hospitals, pro rata according to

the amount paid by the hospital since July 1, (~~(2013)~~) 2018, subject to the limitations of federal law.

(2) All assessments, interest, and penalties collected by the authority under RCW 74.60.030 and 74.60.050 shall be deposited into the fund.

(3) Disbursements from the fund are conditioned upon appropriation and the continued availability of other funds sufficient to maintain aggregate payment levels to hospitals for inpatient and outpatient services covered by medicaid, including fee-for-service and managed care, at least at the levels the state paid for those services on July 1, (~~(2015)~~) 2022, as adjusted for current enrollment and utilization.

(4) Disbursements from the fund may be made only:

(a) To make payments to hospitals and managed care (~~(plans)~~) organizations as specified in this chapter;

(b) To refund erroneous or excessive payments made by hospitals pursuant to this chapter;

(c) For (~~(one million dollars)~~) up to \$2,000,000 per biennium for payment of administrative expenses incurred by the authority in performing the activities authorized by this chapter;

(d) For (~~(two hundred ninety-two million dollars)~~) \$452,000,000 per biennium, to be used in lieu of state general fund payments for medicaid hospital services of which \$160,000,000 per biennium shall be used for appropriation by the legislature for postacute hospital transitions, provided that if the full amount of the payments required under RCW 74.60.120 and 74.60.130 cannot be distributed in a given fiscal year, this total amount must be reduced proportionately;

(e) To repay the federal government for any excess payments made to hospitals from the fund if the assessments or payment increases set forth in this chapter are deemed out of compliance with federal statutes and regulations in a final determination by a court of competent jurisdiction with all appeals exhausted. In such a case, the authority may require hospitals receiving excess payments to refund the payments in question to the fund. The state in turn shall return funds to the federal government in the same proportion as the original financing. If a hospital is unable to refund payments, the state shall develop either a payment plan, or deduct moneys from future medicaid payments, or both;

(f) To pay an amount sufficient, when combined with the maximum available amount of federal funds necessary to provide a one percent increase in medicaid hospital inpatient rates (~~(to hospitals eligible for quality improvement incentives under RCW 74.09.611. By May 16, 2018, and by each May 16 thereafter, the authority, in cooperation with the department of health, must verify that each hospital eligible to receive quality improvement incentives under the terms of this chapter is in substantial compliance with the reporting requirements in RCW 43.70.052 and 70.01.040 for the prior period. For the purposes of this subsection, "substantial compliance" means, in the prior period, the hospital has submitted at least nine of the twelve monthly reports by the due date. The authority must distribute quality improvement incentives to hospitals that have met these requirements beginning July 1 of 2018 and each July)) for medicaid prospective payment system hospitals and designated public hospitals that are eligible for quality improvement incentives under RCW 74.09.611. Only~~

funds collected under RCW 74.60.030 shall be used to generate payments to medicaid prospective payment hospitals. Only funds received under RCW 74.60.090 shall be used to generate payments to designated public hospitals. By May 16, 2018, and by each May 16th thereafter, the authority, in cooperation with the department of health, must verify that all medicaid prospective payment system hospitals and all designated public hospitals are in substantial compliance with the reporting requirements in RCW 43.70.052 and 70.01.040 for the prior period. Safety net assessment funds shall not be used to pay quality improvement incentives to any other hospitals. For the purposes of this subsection, "substantial compliance" means, in the prior period, the hospital has submitted at least 75 percent of the required reports by the due date. The authority shall distribute quality improvement incentives to hospitals that have met these requirements beginning upon implementation of the programs authorized in this act and each January 1st thereafter; and

(g) For each state fiscal year (~~2022 through 2025~~) to (~~generate~~) pay:

(i) Two million dollars for integrated evidence-based psychiatry residency program slots that did not receive state funding prior to 2016 at the integrated psychiatry residency program at the University of Washington; and

(ii) Four million one hundred thousand dollars for family medicine residency program slots that did not receive state funding prior to 2016, as directed through the family medicine residency network at the University of Washington, for slots where residents are employed by hospitals.

Sec. 4. RCW 74.60.030 and 2019 c 318 s 4 are each amended to read as follows:

(1)(~~(a)~~) Upon satisfaction of the conditions in RCW 74.60.150(1), and so long as the conditions in RCW 74.60.150(2) have not occurred, an annual assessment is imposed as set forth in this subsection(~~Assessment notices must be sent on or about thirty days prior to the end of each quarter and payment is due thirty days thereafter.~~

(b) Effective July 1, 2015, and except as provided in RCW 74.60.050:

(i) ~~Each prospective payment system hospital, except psychiatric and rehabilitation hospitals, shall pay a quarterly assessment. Each quarterly assessment shall be no more than one quarter of three hundred eighty dollars for each annual nonmedicare hospital inpatient day, up to a maximum of fifty four thousand days per year. For each nonmedicare hospital inpatient day in excess of fifty four thousand days, each prospective payment system hospital shall pay a quarterly assessment of one quarter of seven dollars for each such day, unless such assessment amount or threshold needs to be modified to comply with applicable federal regulations;~~

(ii) ~~Each critical access hospital shall pay a quarterly assessment of one quarter of ten dollars for each annual nonmedicare hospital inpatient day;~~

(iii) ~~Each psychiatric hospital shall pay a quarterly assessment of no more than one quarter of seventy four dollars for each annual nonmedicare hospital inpatient day; and~~

(iv) ~~Each rehabilitation hospital shall pay a quarterly assessment of no more than one quarter of seventy four dollars for each annual nonmedicare hospital inpatient day.~~

(2) ~~The authority shall determine each hospital's annual nonmedicare hospital inpatient days by summing the total reported nonmedicare hospital~~

~~inpatient days for each hospital that is not exempt from the assessment under RCW 74.60.040. The authority shall obtain inpatient data from the hospital's 2552 cost report data file or successor data file available through the centers for medicare and medicaid services, as of a date to be determined by the authority. For state fiscal year 2021, the authority shall use cost report data for hospitals' fiscal years ending in 2017. For subsequent years, the hospitals' next succeeding fiscal year cost report data must be used.~~

~~(a) With the exception of a prospective payment system hospital commencing operations after January 1, 2009, for any hospital without a cost report for the relevant fiscal year, the authority shall work with the affected hospital to identify appropriate supplemental information that may be used to determine annual nonmedicare hospital inpatient days.~~

~~(b) A prospective payment system hospital commencing operations after January 1, 2009, must be assessed in accordance with this section after becoming an eligible new prospective payment system hospital as defined in RCW 74.60.010)), which shall be paid in equal quarterly installments. For calendar year 2024, the first assessment notice shall be sent on or before February 7th unless the conditions in RCW 74.60.150(1) are not satisfied by January 1, 2024, in which case the first assessment notice shall be sent 21 calendar days following satisfaction of those conditions. So long as none of the conditions specified in RCW 74.60.150(2) have occurred, subsequent assessment notices must be sent on or before 45 calendar days prior to the end of each quarter. Hospitals shall pay their assessments within 30 calendar days of receiving any notice.~~

~~(2) For calendar year 2024, unless adjusted as provided for in this chapter, the authority, after consultation with the Washington state hospital association, shall determine inpatient and outpatient assessment rates that, when applied as set forth below, will produce \$510,000,000 from the inpatient assessment and \$386,400,000 from the outpatient assessment. For subsequent years, the authority, in consultation with the Washington state hospital association, shall adjust the assessment amounts to fund adjustments in directed payments under RCW 74.60.130 and quality incentive payments under RCW 74.09.611.~~

~~(3) The authority shall determine standard assessment rates for hospital inpatient and outpatient assessments that are sufficient, when applied to net nonmedicare inpatient and outpatient revenue, to produce the inpatient and outpatient assessment amounts needed to fund the payments in RCW 74.60.020(4). The standard inpatient and outpatient rates must comply with applicable federal law and regulations. If the categories of hospitals described in this section for assessment purposes do not meet federal approval requirements, they may be modified by the mutual agreement of the authority and the Washington state hospital association so that approval may be obtained.~~

~~(a) For medicaid prospective payment system hospitals that are rehabilitation hospitals, the assessment rate to be applied to net nonmedicare inpatient revenue shall be 50 percent of the standard inpatient assessment and 50 percent of the standard outpatient assessment;~~

~~(b) For medicaid prospective payment system hospitals that are psychiatric hospitals, the assessment rate to be applied to net nonmedicare inpatient revenue shall be 100 percent of the standard inpatient assessment and 50 percent of the standard outpatient assessment;~~

(c) For medicaid prospective payment system hospitals that are cancer hospitals, the assessment rate to be applied to net nonmedicare revenue shall be 100 percent of the standard rate for inpatient revenue and 40 percent of the standard rate for outpatient revenue;

(d) For medicaid prospective payment system hospitals that are children's hospitals, the assessment rate to be applied to net nonmedicare revenue shall be five percent of the standard rate for inpatient revenue and 20 percent of the standard rate for outpatient revenue;

(e) For medicaid prospective payment system hospitals that are high government payer independent hospitals, the assessment rate to be applied to net nonmedicare revenue shall be 20 percent of the standard rate for inpatient revenue and 90 percent of the standard rate for outpatient revenue;

(f) For any other medicaid prospective payment system hospitals, the assessment rate to be applied to net nonmedicare revenue is 100 percent of the standard rate for inpatient revenue and 100 percent of the standard rate for outpatient revenue;

(g) For each critical access hospital, the assessment rate to be applied to net nonmedicare revenue shall be five percent of the inpatient standard rate and 40 percent of the outpatient standard assessment.

(4) If federal assessment demonstration requirements are not met for either the inpatient or outpatient assessment, the authority shall revise the other assessment in consultation with the Washington state hospital association so as to raise the same total amount of assessments. If the assessment fails federal distributional tests, the authority will work with the Washington state hospital association to develop a threshold to enable passage of the test.

(5) The authority shall determine each nonexempt hospital's annual net nonmedicare revenue from the hospital's cost report data file available through the centers for medicare and medicaid services. For calendar year 2024, the authority shall use cost report data for hospitals' fiscal years ending in 2021. For subsequent years, the cost report for the next succeeding fiscal year data must be used. For any hospital without a cost report for the relevant year, including any recently opened hospital, the authority shall use the most recently available cost report or an annualized partial cost report available by June 1st reflecting at least six months of information, for annual nonmedicare net inpatient and outpatient revenue. For purposes of this subsection, annualized means the total amount divided by actual months, multiplied by 12 months.

Sec. 5. RCW 74.60.040 and 2010 1st sp.s. c 30 s 5 are each amended to read as follows:

The following hospitals are exempt from any assessment under this chapter provided that if and to the extent any exemption is held invalid by a court of competent jurisdiction or by the centers for medicare and medicaid services, hospitals previously exempted shall be liable for assessments due after the date of final invalidation:

(1) Hospitals owned or operated by an agency of federal ((~~or~~), state, or county government, including but not limited to western state hospital and eastern state hospital;

(2) ((~~Washington public hospitals that participate in the certified public expenditure program~~)) Designated public hospitals;

(3) Hospitals (~~(that do not charge directly or indirectly for hospital services)~~) owned or operated by health maintenance organizations under chapter 48.46 RCW; and

(4) Long-term acute care hospitals.

Sec. 6. RCW 74.60.050 and 2019 c 318 s 5 are each amended to read as follows:

(1) The authority, in cooperation with the office of financial management, shall develop rules for determining the amount to be assessed to individual hospitals, notifying individual hospitals of the assessed amount, and collecting the amounts due. Such rule making shall specifically include provision for:

(a) Transmittal of notices of assessment by the authority to each hospital informing the hospital of its inpatient and outpatient nonmedicare (~~(hospital inpatient days)~~) net patient revenue and the assessment amount due and payable;

(b) Interest on delinquent assessments at the rate specified in RCW 82.32.050; and

(c) Adjustment of the assessment amounts in accordance with subsection (3) of this section.

(2) For any hospital failing to make an assessment payment within (~~(ninety)~~) 60 calendar days of its due date, the authority (~~(may)~~) shall offset an amount from payments scheduled to be made by the authority to the hospital, reflecting the assessment payments owed by the hospital plus any interest. The authority shall deposit these offset funds into the dedicated hospital safety net assessment fund.

(3) For each state (~~(fiscal)~~) calendar year, the assessment amounts established under RCW 74.60.030 must be adjusted as follows:

(a) If sufficient other funds, including federal funds, are available to make the payments required under this chapter and fund the state portion of the quality incentive payments under RCW 74.09.611 and 74.60.020(4)(f) without utilizing the full assessment under RCW 74.60.030, the authority shall reduce the amount of the assessment to the minimum levels necessary to support those payments;

(b) If the total amount of inpatient and outpatient supplemental payments under RCW 74.60.120 is in excess of the (~~(upper payment limits)~~) federal limitations to aggregate maximum payment amounts and the entire excess amount cannot be disbursed by additional payments to managed care organizations under RCW 74.60.130, the authority shall proportionately reduce future assessments on medicaid prospective payment hospitals to the level necessary to generate additional payments to hospitals that are consistent with the upper payment limit plus the maximum permissible amount of additional payments to managed care organizations under RCW 74.60.130;

(c) If the amount of payments to managed care organizations under RCW 74.60.130 cannot be distributed because of failure to meet federal actuarial soundness or utilization requirements or other federal requirements, the authority shall apply the amount that cannot be distributed to reduce (~~(future)~~) assessments beginning from the time when that determination is made, to the level necessary to generate additional payments to managed care organizations that are consistent with federal actuarial soundness or utilization requirements or other federal requirements; and

(d) (~~(If required in order to obtain federal matching funds, the maximum number of nonmedicare inpatient days at the higher rate provided under RCW~~

~~74.60.030(1)(b)(i) may be adjusted in order to comply with federal requirements;~~

~~(e) If the number of nonmedicare inpatient days applied to the rates provided in RCW 74.60.030 will not produce sufficient funds to support the payments required under this chapter and the state portion of the quality incentive payments under RCW 74.09.611 and 74.60.020(4)(f), the assessment rates provided in RCW 74.60.030 may be increased proportionately by category of hospital to amounts no greater than necessary in order to produce the required level of funds needed to make the payments specified in this chapter and the state portion of the quality incentive payments under RCW 74.09.611 and 74.60.020(4)(f); and~~

~~(f) Any) After sharing information about the amount in the fund with the Washington state hospital association, any actual or estimated surplus remaining in the fund at the end of the fiscal year ((must)) may be applied by the authority to reduce the assessment amount for the subsequent ((fiscal)) calendar year or that ((fiscal)) calendar year and the following ((fiscal)) calendar years prior to and including ((fiscal)) calendar year 2023.~~

(4)(a) Any adjustment to the assessment amounts pursuant to this section, and the data supporting such adjustment, including, but not limited to, relevant data listed in (b) of this subsection, must be submitted to the Washington state hospital association for review and comment at least ((sixty)) 60 calendar days prior to implementation of such adjusted assessment amounts. Any review and comment provided by the Washington state hospital association does not limit the ability of the Washington state hospital association or its members to challenge an adjustment or other action by the authority that is not made in accordance with this chapter.

(b) The authority shall provide the following data to the Washington state hospital association ((sixty)) annually and also 60 calendar days before implementing any revised assessment levels, detailed by ((fiscal year, beginning with fiscal year 2011 and extending to the most recent fiscal year, except in connection with the initial assessment under this chapter)) calendar year:

(i) The fund balance and the balances remaining for distressed hospitals and designated public hospitals;

(ii) The amount of assessment paid by each hospital and the amount transferred by each designated public hospital;

(iii) The state share, federal share, and total annual medicaid fee-for-service payments for inpatient hospital services made to each hospital under RCW 74.60.120, and the data used to calculate the payments to individual hospitals under that section;

(iv) The state share, federal share, and total annual medicaid fee-for-service payments for outpatient hospital services made to each hospital under RCW 74.60.120, and the data used to calculate annual payments to individual hospitals under that section; and

(v) The annual state share, federal share, and total payments made to each hospital under ((each of the following programs: Grants to certified public expenditure hospitals under RCW 74.60.090, for critical access hospital payments)) grants to distressed hospitals under RCW 74.60.100(§) and disproportionate share programs under RCW 74.60.110(§);

~~(vi) The data used to calculate annual payments to individual hospitals under (b)(v) of this subsection; and~~

~~(vii) The amount of payments made to managed care plans under RCW 74.60.130, including the amount representing additional premium tax, and the data used to calculate those payments)).~~

(c) On a ~~((monthly))~~ quarterly basis, and for the full calendar year, the authority shall provide the Washington state hospital association the amount of payments made to managed care ~~((plans))~~ organizations and directed distribution to hospitals under RCW 74.60.130, including the amount representing additional premium tax, and the data used to calculate those payments.

Sec. 7. RCW 74.60.080 and 2013 2nd sp.s. c 17 s 7 are each amended to read as follows:

In each ~~((fiscal))~~ calendar year and upon satisfaction of the conditions in RCW 74.60.150(1), and so long as none of the conditions in RCW 74.60.150(2) occur, after deducting or reserving amounts authorized to be disbursed under RCW 74.60.020(4) (d), (e), ~~(f), and ((f))~~ (g), disbursements from the fund must be made as follows:

(1) ~~((For grants to certified public expenditure hospitals in accordance with RCW 74.60.090))~~ \$1,000,000 for payments to financially distressed hospitals in accordance with RCW 74.60.100;

(2) For payments to ~~((critical access hospitals in accordance with RCW 74.60.100;~~

~~(3) For))~~ small rural disproportionate share hospitals payments in accordance with RCW 74.60.110;

~~((4))~~ (3) For payments to hospitals under RCW 74.60.120; ~~((and (5)))~~ (4) For payments to managed care organizations under RCW 74.60.130 for the provision of hospital services; and

(5) For support of payments under RCW 74.09.611 for medicaid prospective payment hospitals and designated public hospitals.

Sec. 8. RCW 74.60.090 and 2021 c 255 s 3 are each amended to read as follows:

(1) In ~~((each fiscal year commencing upon satisfaction of the applicable conditions in RCW 74.60.150(1), funds must be disbursed from the fund and the authority shall make grants to certified public expenditure hospitals, which shall not be considered payments for hospital services, as follows:~~

~~(a) University of Washington medical center: Up to twelve million fifty five thousand dollars in state fiscal year 2022 through 2025 paid as follows, except if the full amount of the payments required under RCW 74.60.120(1) and 74.60.130 cannot be distributed in a given fiscal year, the amounts in this subsection must be reduced proportionately:~~

~~(i) Five million nine hundred fifty five thousand dollars in state fiscal years 2022 through 2025;~~

~~(ii) Two million dollars to integrated, evidence-based psychiatry residency program slots that did not receive state funding prior to 2016, at the integrated psychiatry residency program at the University of Washington; and~~

~~(iii) Four million one hundred thousand dollars to family medicine residency program slots that did not receive state funding prior to 2016, as~~

~~directed through the family medicine residency network at the University of Washington, for slots where residents are employed by hospitals;~~

~~(b) Harborview medical center: Ten million two hundred sixty thousand dollars in each state fiscal year 2022 through 2025, except if the full amount of the payments required under RCW 74.60.120(1) and 74.60.130 cannot be distributed in a given fiscal year, the amounts in this subsection must be reduced proportionately;~~

~~(c) All other certified public expenditure hospitals: Five million six hundred fifteen thousand dollars in each state fiscal year 2022 through 2025, except if the full amount of the payments required under RCW 74.60.120(1) and 74.60.130 cannot be distributed in a given fiscal year, the amounts in this subsection must be reduced proportionately. The amount of payments to individual hospitals under this subsection must be determined using a methodology that provides each hospital with a proportional allocation of the group's total amount of medicaid and state children's health insurance program payments determined from claims and encounter data using the same general methodology set forth in RCW 74.60.120(3) and (4).~~

~~(2) Payments must be made quarterly, before the end of each quarter, taking the total disbursement amount and dividing by four to calculate the quarterly amount. The authority shall provide a quarterly report of such payments to the Washington state hospital association)) consultation with the Washington state hospital association, the authority shall design and implement a medicaid directed payment program, consistent with 42 C.F.R. Sec. 438.6(c), intended to promote access to high quality inpatient and outpatient care provided by designated public hospitals to medicaid beneficiaries enrolled in managed care organizations.~~

~~(2) The directed payment program described in subsection (1) of this section shall promote access and improve the equitable distribution of care to underserved populations by increasing payments to managed care organizations for the purpose of increasing reimbursement of designated public hospitals for inpatient and outpatient services provided to managed care enrollees, to 95 percent of the centers for medicare and medicaid services allowable limit, plus an estimated amount to support each eligible hospital's participation in the quality incentive program under RCW 74.09.611, which shall be allocated solely to eligible designated public hospitals pursuant to RCW 74.60.020(4)(f). The authority shall share its federal limit calculations with the Washington state hospital association.~~

~~(3) Payments to individual managed care organizations shall be determined by the authority based on each managed care organization's payments made to designated public hospitals for medicaid inpatient and outpatient services. The authority shall make this determination in consultation with the Washington state hospital association.~~

~~(4) Managed care organizations shall make directed payments described in this section to designated public hospitals within 21 calendar days of receiving the full amount of funds from the authority.~~

~~(5) The managed care organization payments made pursuant to this section shall be derived from intergovernmental transfers voluntarily made by, and accepted from, designated public hospitals.~~

(a) Participation in the intergovernmental transfers used to fund the program described by this section is voluntary on the part of transferring entities for the purposes of all applicable federal laws.

(b) All funds associated with intergovernmental transfers made and accepted pursuant to this section must be used either to fund additional managed care organization payments under this section to benefit designated public hospitals or, for those designated public hospitals determined to be eligible for payment under RCW 74.09.611, for deposit into the hospital safety net assessment fund established under RCW 74.60.020 solely for the purpose of providing funding, under RCW 74.60.020(4)(f), for payments to designated public hospitals eligible for payment under RCW 74.09.611.

(c) Medicaid managed care organizations shall pay on a quarterly basis 100 percent of any payments made pursuant to this section to designated public hospitals, less an allowance for premium taxes the organization is required to pay under Title 48 RCW, for the purpose of promoting access and increasing the quality of care delivered to medicaid enrollees.

(6) The intergovernmental transfers associated with the direct payments described in this section shall be collected by the authority within a reasonable time frame in relation to the date on which the state is required to furnish each hospital's nonfederal share of expenditures pursuant to the program described by this section and approved by the centers for medicare and medicaid services or after a determination of eligibility is made, for the program described under RCW 74.09.611.

(7) As a condition of participation under this section, medicaid managed care organizations and designated public hospitals shall:

(a) Agree to comply with any requests for information or similar data requirements imposed by the authority for purposes of obtaining supporting documentation necessary to claim federal funds or to obtain federal approvals; and

(b) Agree to participate in and provide requested data associated with payment arrangement quality strategy goals and objectives identified by the approved program.

(8) This section shall be implemented only if and to the extent federal financial participation is available and is not otherwise jeopardized, and any necessary federal approvals have been obtained.

(9) To the extent that the director determines that the payments made pursuant to this section do not comply with federal medicaid requirements, the director retains the discretion to return or not accept all or a portion of an intergovernmental transfer, and may adjust payments pursuant to this section as necessary to comply with federal medicaid requirements.

(10) Conditioned upon required federal approvals, the directed payments under this section shall commence January 1, 2024. If federal approval is obtained after January 1, 2024, the payments shall commence within 30 calendar days following the approval.

Sec. 9. RCW 74.60.100 and 2017 c 228 s 7 are each amended to read as follows:

(1) In each ((fiscal)) calendar year commencing upon satisfaction of the conditions in RCW 74.60.150(1), the authority ((shall)) may make ((access payments to critical access hospitals that do not qualify for or receive a small

~~rural disproportionate share hospital payment in a given fiscal year in the total amount of two million thirty-eight thousand dollars from the fund. The amount of payments to individual hospitals under this section must be determined using a methodology that provides each hospital with a proportional allocation of the group's total amount of medicaid and state children's health insurance program payments determined from claims and encounter data using the same general methodology set forth in RCW 74.60.120 (3) and (4). Payments must be made after the authority determines a hospital's payments under RCW 74.60.110. These payments shall be in addition to any other amount payable with respect to services provided by critical access hospitals and shall not reduce any other payments to critical access hospitals. The authority shall provide a report of such payments to the Washington state hospital association within thirty days after payments are made.)~~ grants to financially distressed hospitals.

(2) To qualify for a grant, a hospital must:

(a) Be located in Washington, and not be part of a system of three or more hospitals;

(b) Serve individuals enrolled in state and federal medical assistance programs;

(c) Continue to provide services to a medicaid population;

(d) Demonstrate a plan for long-term financial sustainability;

(e) Meet one or more of the following criteria at the time of application:

(i) Have 60 or fewer days cash on hand;

(ii) Have negative net income during the prior or current hospital fiscal year;

or

(iii) Be at risk of bankruptcy; and

(f) Not have received funds under this section for a period of more than five consecutive years.

(3) The authority shall create an application process that identifies the amount of the request, how the moneys will be used, and includes a brief written response to the items listed in subsections (2)(a) through (d) of this section and documentation evidencing one or more of the criteria in subsection (2)(e) of this section.

(4) The authority shall allocate the funds so as to give proportionately more money to eligible hospitals with more severe financial distress as measured by days cash on hand and that serve a higher proportion of medicaid patients.

(5) If the total of qualified applications from financially distressed hospitals for these funds in a biennium is less than \$10,000,000, the balance will be retained in the fund to be used in subsequent years for these purposes.

Sec. 10. RCW 74.60.110 and 2013 2nd sp.s. c 17 s 10 are each amended to read as follows:

In each fiscal year commencing upon satisfaction of the applicable conditions in RCW 74.60.150(1), (~~one million nine hundred nine thousand dollars~~) \$2,040,000 must be distributed from the fund and, with available federal matching funds, paid to hospitals eligible for small rural disproportionate share payments under WAC 182-550-4900 or successor rule. Payments must be made directly to hospitals by the authority in accordance with that regulation. The authority shall provide a report of such payments to the Washington state hospital association within (~~thirty~~) 30 calendar days after payments are made.

Any unused funds remaining under this section shall be retained in the fund described under RCW 74.60.020 and used to reduce future assessments.

Sec. 11. RCW 74.60.120 and 2019 c 318 s 7 are each amended to read as follows:

(1) ~~((In))~~ For each ~~((state fiscal))~~ calendar year, ~~((commencing))~~ beginning January 1, 2024, or upon satisfaction of the applicable conditions in RCW 74.60.150(1), whichever is later, the authority shall make supplemental payments directly to Washington hospitals, separately for inpatient and outpatient fee-for-service medicaid services, as follows unless there are federal restrictions on doing so. If there are federal restrictions, to the extent allowed, funds that cannot be paid under (a) of this subsection, should be paid under (b) of this subsection, and funds that cannot be paid under (b) of this subsection, shall be paid under (a) of this subsection:

(a) For inpatient fee-for-service payments for medicaid prospective payment hospitals other than psychiatric or rehabilitation hospitals, ~~((twenty-nine million eight hundred ninety-two thousand five hundred dollars))~~ \$21,800,000 per ~~((state fiscal))~~ calendar year plus federal matching funds;

(b) For outpatient fee-for-service payments for medicaid prospective payment hospitals other than psychiatric or rehabilitation hospitals, ~~((thirty million dollars))~~ \$12,400,000 per ~~((state fiscal))~~ calendar year plus federal matching funds;

(c) For inpatient fee-for-service payments for psychiatric hospitals, ~~((eight hundred seventy-five thousand dollars))~~ \$875,000 per ~~((state fiscal))~~ calendar year plus federal matching funds;

(d) For inpatient fee-for-service payments for rehabilitation hospitals, ~~((two hundred twenty-five thousand dollars))~~ \$225,000 per ~~((state fiscal))~~ calendar year plus federal matching funds;

(e) For inpatient fee-for-service payments for border hospitals, ~~((two hundred fifty thousand dollars))~~ \$250,000 per ~~((state fiscal))~~ calendar year plus federal matching funds; and

(f) For outpatient fee-for-service payments for border hospitals, ~~((two hundred fifty thousand dollars))~~ \$250,000 per ~~((state fiscal))~~ calendar year plus federal matching funds.

(2) If the amount of inpatient or outpatient payments under subsection (1) of this section, when combined with federal matching funds, exceeds the upper payment limit, payments to each category of hospital in subsection (1)(a) through (f) of this section must be reduced proportionately to a level where the total payment amount is consistent with the upper payment limit. If funds in excess of the upper payment limit cannot be paid under RCW 74.60.130 and if the payment amount in excess of the upper payment limit exceeds ~~((fifteen million dollars))~~ \$15,000,000, the authority shall increase the medicaid prospective payment system hospital outpatient hospital payment rate, for hospitals using the safety net funding and federal matching funds that would otherwise have been used to fund the payments under subsection (1) of this section that exceed the upper payment limit. By January 1st of each year, annually, the authority shall provide to the Washington state hospital association an upper payment limit analysis using the latest available claims data for the historic periods in the calculation. If the analysis shows the payments are projected to exceed the upper payment limit by at least ~~((fifteen million dollars))~~

\$15,000,000, the authority shall initiate an outpatient rate increase effective July 1st of that year.

(3) The amount of such fee-for-service inpatient payments to individual hospitals within each of the categories identified in subsection (1)(a), (c), (d), and (e) of this section must be determined by:

(a) Totaling the inpatient fee-for-service claims payments and inpatient managed care encounter rate payments for each hospital during the base year;

(b) Totaling the inpatient fee-for-service claims payments and inpatient managed care encounter rate payments for all hospitals during the base year; and

(c) Using the amounts calculated under (a) and (b) of this subsection to determine an individual hospital's percentage of the total amount to be distributed to each category of hospital.

(4) The amount of such fee-for-service outpatient payments to individual hospitals within each of the categories identified in subsection (1)(b) and (f) of this section must be determined by:

(a) Totaling the outpatient fee-for-service claims payments and outpatient managed care encounter rate payments for each hospital during the base year;

(b) Totaling the outpatient fee-for-service claims payments and outpatient managed care encounter rate payments for all hospitals during the base year; and

(c) Using the amounts calculated under (a) and (b) of this subsection to determine an individual hospital's percentage of the total amount to be distributed to each category of hospital.

(5) Sixty calendar days before the first payment in each subsequent (~~fiscal~~) calendar year, the authority shall provide each hospital and the Washington state hospital association with an explanation of how the amounts due to each hospital under this section were calculated.

(6) Payments must be made in quarterly installments on or about the last day of every quarter, provided that if initial payments are delayed due to federal approval, the initial payment shall include all amounts due from January 1, 2024.

~~(7) (A prospective payment system hospital commencing operations after January 1, 2009, is eligible to receive payments in accordance with this section after becoming an eligible new prospective payment system hospital as defined in RCW 74.60.010.~~

~~(8))~~ Payments under this section are supplemental to all other payments and do not reduce any other payments to hospitals.

Sec. 12. RCW 74.60.130 and 2017 c 228 s 9 are each amended to read as follows:

~~(1) (For state fiscal year 2016 and for each subsequent fiscal year, commencing within thirty days after satisfaction of the conditions in RCW 74.60.150(1) and subsection (5) of this section, the authority shall increase capitation payments in a manner consistent with federal contracting requirements to managed care organizations by an amount at least equal to the amount available from the fund after deducting disbursements authorized by RCW 74.60.020(4) (e) through (f) and payments required by RCW 74.60.080 through 74.60.120. When combined with applicable federal matching funds, the capitation payment under this subsection must be at least three hundred sixty million dollars per year. The initial payment following satisfaction of the conditions in RCW 74.60.150(1) must include all amounts due from July 1,~~

2015, to the end of the calendar month during which the conditions in RCW 74.60.150(1) are satisfied. Subsequent payments shall be made monthly:

(2) Payments to individual managed care organizations shall be determined by the authority based on each organization's or network's enrollment relative to the anticipated total enrollment in each program for the fiscal year in question, the anticipated utilization of hospital services by an organization's or network's medicaid enrollees, and such other factors as are reasonable and appropriate to ensure that purposes of this chapter are met.

(3) If the federal government determines that total payments to managed care organizations under this section exceed what is permitted under applicable medicaid laws and regulations, payments must be reduced to levels that meet such requirements, and the balance remaining must be applied as provided in RCW 74.60.050. Further, in the event a managed care organization is legally obligated to repay amounts distributed to hospitals under this section to the state or federal government, a managed care organization may recoup the amount it is obligated to repay under the medicaid program from individual hospitals by not more than the amount of overpayment each hospital received from that managed care organization.

(4) Payments under this section do not reduce the amounts that otherwise would be paid to managed care organizations: PROVIDED, That such payments are consistent with actuarial soundness certification and enrollment.

(5) Before making such payments, the authority shall require medicaid managed care organizations to comply with the following requirements:

(a) All payments to managed care organizations under this chapter must be expended for hospital services provided by Washington hospitals, which for purposes of this section includes psychiatric and rehabilitation hospitals, in a manner consistent with the purposes and provisions of this chapter, and must be equal to all increased capitation payments under this section received by the organization or network, consistent with actuarial certification and enrollment, less an allowance for any estimated premium taxes the organization is required to pay under Title 48 RCW associated with the payments under this chapter;

(b) Managed care organizations shall expend the increased capitation payments under this section in a manner consistent with the purposes of this chapter, with the initial expenditures to hospitals to be made within thirty days of receipt of payment from the authority. Subsequent expenditures by the managed care plans are to be made before the end of the quarter in which funds are received from the authority;

(c) Providing that any delegation or attempted delegation of an organization's or network's obligations under agreements with the authority do not relieve the organization or network of its obligations under this section and related contract provisions.

(6)) Beginning on the later of January 1, 2024, or 30 calendar days after satisfaction of the conditions in RCW 74.60.150(1) and subsection (3) of this section, and for each subsequent calendar year so long as none of the conditions stated in RCW 74.60.150(2) have occurred, the authority shall make quarterly payments to medicaid managed care organizations as specified herein in a manner consistent with federal contracting requirements. The authority may delay payments under this section as needed if the collection of hospital assessments under RCW 74.60.050 is delayed. The authority shall direct

payments from managed care organizations to hospitals and the payments shall support access to hospitals and quality improvement of hospital services.

(a) For the first six months of calendar year 2024, \$158,700,000, and for the second six months, \$182,500,000 from the fund, plus federal matching funds to medicaid managed care organizations for directed inpatient payments to medicaid prospective payment system hospitals. For calendar year 2025, \$365,000,000 from the fund, plus federal matching funds to medicaid managed care organizations for directed inpatient payments to medicaid prospective payment system hospitals;

(b) For the first six months of calendar year 2024, \$99,000,000, and for the second six months \$114,000,000 from the fund, plus federal matching funds to medicaid managed care organizations for directed outpatient payments to medicaid prospective payment system hospitals. For calendar year 2025, \$228,000,000 from the fund, plus federal matching funds to medicaid managed care organizations for directed outpatient payments to medicaid prospective payment system hospitals;

(c) For calendar years 2024 and 2025, \$400,000 plus federal matching funds to medicaid managed care organizations for directed inpatient payments to critical access hospitals;

(d) For the first six months of calendar year 2024, \$8,100,000, and for the second six months \$9,300,000 from the fund, plus federal matching funds to medicaid managed care organizations for directed outpatient payments to critical access hospitals. For calendar year 2025, \$18,600,000 from the fund, plus federal matching funds to medicaid managed care organizations for directed outpatient payments to critical access hospitals;

(e) For subsequent calendar years, including 2025, the authority shall adjust the payments under (a) through (d) of this subsection based on the inflation factor;

(f) The initial payment following satisfaction of the conditions in RCW 74.60.150(1) must include all amounts due from January 1, 2024, to the end of the calendar month during which the conditions in RCW 74.60.150(1) are satisfied. Subsequent payments shall be made quarterly.

(2) The amounts paid to individual managed care organizations under this section shall be determined by the authority based on each organization's payments made for medicaid inpatient and outpatient services as determined under subsection (4)(a) and (b) of this section. These payments do not reduce the amounts that otherwise would be paid to managed care organizations, provided that such payments are consistent with actuarial certification and enrollment. For purposes of this section, medicaid includes both Titles XIX and XXI of the social security act.

(3) Before making such payments, the authority shall modify its contracts with managed care organizations or otherwise require:

(a) Payment of the entire amount payable to hospitals as directed by the authority under subsection (4) of this section, less an allowance for premium taxes the organization is required to pay under Title 48 RCW;

(b) That payments to hospitals be made within 21 calendar days of receipt of payment in full from the authority;

(c) That any delegation or attempted delegation of an organization's obligations under agreements with the authority does not relieve the organization of its obligations under this section and related contract provisions; and

(d) That if funds cannot be paid to hospitals, the managed care organization shall return the funds to the authority, which shall return them to the hospital safety net assessment fund.

(4) The authority shall direct each managed care organization to make quarterly payments to eligible hospitals. Directed inpatient payments shall be a fixed amount per medicaid inpatient discharge, excluding normal newborns, and directed outpatient payments shall be a percentage of medicaid managed care outpatient payments, which the authority shall set so as to pay hospitals the amounts stated in subsection (1) of this section, less premium taxes on the managed care organizations.

(a) Quarterly interim payments shall be made using the authority's encounter data to determine volumes of medicaid discharges and medicaid outpatient payments. The interim payments will be based on volumes of services for each hospital within each medicaid managed care organization for the equivalent period beginning nine months prior to the start of the payment period. Before providing direction to the medicaid managed care organizations the authority shall share the hospital specific data on volumes, proposed payments, and other supporting documentation with the Washington state hospital association.

(b) The authority shall perform an annual reconciliation of amounts paid to each hospital based on its annual encounter data, and direct managed care organizations to make adjusted payments in the subsequent quarter or quarters based on such reconciliation. Before the annual reconciliation, the authority shall send the medicaid managed care inpatient discharges and medicaid managed care outpatient payments data to each hospital and the Washington state hospital association for verification.

(c) Managed care organizations shall make payments to hospitals within 21 calendar days of receipt of payment in full from the authority.

(d) Any delegation or attempted delegation of an organization's or network's obligations under agreements with the authority does not relieve the organization or network of its obligations under this section and related contract provisions.

(5) If federal restrictions prevent the full amount of payments under this section from being delivered to any class or classes of hospital, the authority, in consultation with the Washington state hospital association, will alter payment rates per medicaid managed care inpatient discharge and per dollar of medicaid managed care outpatient payments in a manner so that in the aggregate each class of hospital receives the same total net benefit as would have otherwise been achieved. If the combined aggregate amount for inpatient and outpatient payments under this section for each class of hospital cannot be paid due to federal requirements, then the payment rates described in this section will be reduced to meet the limitations.

(6) If a managed care organization is legally obligated to repay the state or federal government amounts distributed to hospitals under this section, it may recoup the amount it is obligated to repay from individual hospitals under the medicaid program by not more than the amount of overpayment each hospital received from that managed care organization.

(7) No hospital or managed care organizations may use the payments under this section to gain advantage in negotiations.

~~((7) No hospital has a claim or cause of action against a managed care organization for monetary compensation based on the amount of payments under subsection (5) of this section.))~~

(8) If funds cannot be used to pay for services in accordance with this chapter the managed care organization or network must return the funds to the authority which shall return them to the hospital safety net assessment fund.

Sec. 13. RCW 74.60.150 and 2017 c 228 s 10 are each amended to read as follows:

(1) The assessment, collection, and disbursement of funds under this chapter shall be conditional upon:

(a) Final approval by the centers for medicare and medicaid services (~~((of any state plan amendments or waiver requests that are necessary))~~) in order to implement the applicable sections of this chapter, except under RCW 74.60.090, including, if necessary, waiver of the broad-based or uniformity requirements as specified under section 1903(w)(3)(E) of the federal social security act and 42 C.F.R. 433.68(e);

(b) To the extent necessary, amendment of contracts between the authority and managed care organizations in order to implement this chapter; and

(c) Certification by the office of financial management that appropriations have been adopted that fully support the rates established in this chapter for the upcoming ~~((fiscal))~~ calendar year.

(2) This chapter does not take effect or ceases to be imposed, and any moneys remaining in the fund shall be refunded to hospitals in proportion to the amounts paid by such hospitals, if and to the extent that any of the following conditions occur:

(a) The federal department of health and human services and a court of competent jurisdiction makes a final determination, with all appeals exhausted, that any element of this chapter, other than RCW ~~((74.60.100))~~ 74.60.090, cannot be validly implemented; or

(b) Funds generated by the assessment for payments to medicaid prospective payment hospitals or managed care organizations are determined to be not eligible for federal matching funds in addition to those federal funds that would be received without the assessment, or the federal government replaces medicaid matching funds with a block grant or grants~~((;~~
~~((e)))~~.

(3) This chapter does not take effect or ceases to be imposed, and any moneys remaining in the fund shall be refunded to hospitals in proportion to the amounts paid by such hospitals, if and to the extent that any of the following conditions occur:

(a) Other funding sufficient to maintain aggregate payment levels to hospitals for inpatient and outpatient services covered by medicaid, including fee-for-service and managed care, at least at the rates the state paid for those services on July 1, ~~((2015))~~ 2022, as adjusted for current enrollment and utilization is not appropriated or available;

~~((d))~~ (b) Payments required by this chapter are reduced, except as specifically authorized in this chapter, or payments are not made in substantial compliance with the time frames set forth in this chapter; or

~~((e) The fund is)~~ (c) The amount of assessment funds authorized to be used in lieu of state general fund payments for medicaid hospital services is increased above the amount stated in RCW 74.60.020 or the fund is otherwise used as a substitute for or to supplant other funds~~((, except as authorized by RCW 74.60.020)).~~

Sec. 14. RCW 74.60.160 and 2017 c 228 s 11 are each amended to read as follows:

(1) The legislature intends to provide the hospitals with an opportunity to contract with the authority each fiscal biennium to protect the hospitals from future legislative action during the biennium that could result in hospitals receiving less from supplemental payments, increased managed care payments, disproportionate share hospital payments, or access payments than the hospitals expected to receive in return for the assessment based on the biennial appropriations and assessment legislation.

(2) Each odd-numbered year after enactment of the biennial omnibus operating appropriations act, the authority shall extend the existing contract for the period of the fiscal biennium beginning July 1st with a hospital that is required to pay the assessment under this chapter or shall offer to enter into a contract with any hospital subject to this chapter that has not previously been a party to a contract or whose contract has expired. The contract must include the following terms:

(a) The authority must agree not to do any of the following:

(i) Increase the assessment from the level set by the authority pursuant to this chapter on the first day of the contract period for reasons other than ~~((those))~~ as allowed under ((RCW 74.60.050(2)(e))) this chapter;

(ii) Reduce aggregate payment levels to hospitals for inpatient and outpatient services covered by medicaid, including fee-for-service and managed care, adjusting for changes in enrollment and utilization, from the levels the state paid for those services on the first day of the contract period;

(iii) For critical access hospitals only, reduce the levels of disproportionate share hospital payments under RCW 74.60.110 or access payments under RCW 74.60.100 for all critical access hospitals below the levels specified in those sections on the first day of the contract period;

(iv) For medicaid prospective payment system, psychiatric, and rehabilitation hospitals only, reduce the levels of supplemental payments under RCW 74.60.120 for all medicaid prospective payment system hospitals below the levels specified in that section on the first day of the contract period unless the supplemental payments are reduced under RCW 74.60.120(2);

(v) For medicaid prospective payment system, psychiatric, and rehabilitation hospitals only, reduce the increased ~~((capitation))~~ payments to managed care organizations under RCW 74.60.130 below the levels specified in that section on the first day of the contract period unless the managed care payments are reduced under RCW 74.60.130(3); or

(vi) Except as specified in this chapter, use assessment revenues for any other purpose than to secure federal medicaid matching funds to support payments to hospitals for medicaid services; and

(b) As long as payment levels are maintained as required under this chapter, the hospital must agree not to challenge the authority's reduction of hospital reimbursement rates to July 1, 2009, levels, which results from the elimination

of assessment supported rate restorations and increases, under 42 U.S.C. Sec. 1396a(a)(30)(a) either through administrative appeals or in court during the period of the contract.

(3) If a court finds that the authority has breached an agreement with a hospital under subsection (2)(a) of this section, the authority:

(a) Must immediately refund any assessment payments made subsequent to the breach by that hospital upon receipt; and

(b) May discontinue supplemental payments, increased managed care payments, disproportionate share hospital payments, and access payments made subsequent to the breach for the hospital that are required under this chapter.

(4) The remedies provided in this section are not exclusive of any other remedies and rights that may be available to the hospital whether provided in this chapter or otherwise in law, equity, or statute.

Sec. 15. RCW 74.60.170 and 2017 c 228 s 14 are each amended to read as follows:

(1) The estimated hospital net financial benefit under this chapter shall be determined by the authority by summing the following anticipated hospital payments, including all applicable federal matching funds(~~(, specified in RCW 74.60.090 for grants to certified public expenditure hospitals, RCW 74.60.100 for payments to critical access hospitals)),~~ RCW 74.60.110 for payments to small rural disproportionate share hospitals, RCW 74.60.120 for (~~(direct)~~) supplemental payments to hospitals, RCW 74.60.130 for (~~(managed care capitation)~~) directed payments, RCW 74.60.020(4)(f) for quality improvement incentives, minus the total assessments paid by all hospitals under RCW 74.60.030 for hospital assessments, and minus any taxes paid on RCW 74.60.130 for managed care payments.

(2) If, for any reason including reduction or elimination of federal matching funds, the estimated hospital net financial benefit falls below one hundred thirty million dollars in any state fiscal year, the office of financial management shall direct the authority to modify the assessment rates provided for in RCW 74.60.030, and the office of financial management is authorized to direct the authority to adjust the amounts disbursed from the fund, including disbursements for payments under RCW 74.60.020(4)(f) and payments to hospitals under RCW 74.60.090 through 74.60.130 and 74.60.020(4)(g), such that the estimated hospital net financial benefit is equal to the amount disbursed from the fund for use in lieu of state general fund payments. Each category of adjusted payments to hospitals under RCW 74.60.090 through 74.60.130 and payments under RCW 74.60.020(4)(g) must bear the same relationship to the total of such adjusted payments as originally provided in this chapter.

Sec. 16. RCW 74.60.900 and 2013 2nd sp.s. c 17 s 16 are each amended to read as follows:

(1) The provisions of ((this chapter are not severable: If the conditions in RCW 74.60.150(1) are not satisfied or if any of the circumstances in RCW 74.60.150(2) should occur, this entire chapter shall have no effect from that point forward)) RCW 74.60.090 is severable from the remainder of this chapter, unless the condition stated in RCW 74.60.150(3)(c) occurs. The other provisions of this chapter are not severable; if the conditions set forth in RCW 74.60.150(1) cannot be satisfied or if the conditions set forth in RCW 74.60.150 (2) or (3)

occur, this chapter, except for RCW 74.60.090, shall have no effect from that point forward.

(2) In the event that any portion of this chapter shall have been validly implemented and the entire chapter is later rendered ineffective under this section, prior assessments and payments under the validly implemented portions shall not be affected.

NEW SECTION. Sec. 17. The following acts or parts of acts are each repealed:

(1) RCW 74.60.901 (Expiration date—2010 1st sp.s. c 30) and 2021 c 255 s 4, 2019 c 318 s 8, 2017 c 228 s 12, 2015 2nd sp.s. c 5 s 11, 2013 2nd sp.s. c 17 s 19, & 2010 1st sp.s. c 30 s 21; and

(2) RCW 74.60.903 (Effective date—2010 1st sp.s. c 30) and 2010 1st sp.s. c 30 s 23.

NEW SECTION. Sec. 18. (1) Sections 1 through 7 and 9 through 16 of this act take effect when the conditions specified in RCW 74.60.150(1) are satisfied, but no earlier than January 1, 2024.

(2) Section 8 of this act takes effect when the conditions specified in that section are satisfied, but no earlier than January 1, 2024.

(3) Until the provisions of this act become effective, chapter 74.60 RCW remains in effect, provided that:

(a) Failure to satisfy the conditions specified in section 8 of this act shall not prevent the remainder of this act taking effect; and

(b) In all events, payments under RCW 74.60.090(1)(a)(i), but not RCW 74.60.090(1) (a)(ii) through (iii), and (b) shall cease December 31, 2023.

(4) The authority shall provide written notice of the effective date of each occurrence in subsection (1) of this section to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the authority.

Passed by the House April 6, 2023.

Passed by the Senate April 19, 2023.

Approved by the Governor May 11, 2023.

Filed in Office of Secretary of State May 11, 2023.

CHAPTER 431

[Engrossed Substitute House Bill 1853]

TRANSPORTATION RESOURCES—VARIOUS PROVISIONS

AN ACT Relating to making certain corrective changes resulting from the enactment of chapter 182, Laws of 2022 (transportation resources); amending RCW 46.17.015, 46.17.025, 81.104.170, 81.104.175, 47.04.380, 47.04.390, 46.68.480, 43.84.092, 43.84.092, 47.66.140, and 43.392.040; reenacting and amending RCW 47.04.010; adding a new section to chapter 70A.535 RCW; adding a new section to chapter 47.04 RCW; creating new sections; recodifying RCW 47.24.060; providing effective dates; and providing an expiration date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. During the regular legislative session of 2022, the legislature passed Engrossed Substitute Senate Bill No. 5974 (chapter 182, Laws of 2022), a significant transportation resources bill intended to provide needed transportation funding throughout the state. However, since the enactment of

that act, certain drafting errors and omissions were identified within the act resulting in some provisions being enacted contrary to legislative intent. Additionally, some corrective changes were identified that would better conform certain provisions with original legislative intent. Therefore, it is the intent of the legislature to simply correct manifest drafting errors and omissions and adopt corrective changes in order to conform certain provisions with the original legislative intent of Engrossed Substitute Senate Bill No. 5974 (chapter 182, Laws of 2022). It is not the intent of the legislature to alter the intended substantive policy enacted in Engrossed Substitute Senate Bill No. 5974 (chapter 182, Laws of 2022), but rather to make certain corrective changes.

Sec. 2. RCW 46.17.015 and 2022 c 182 s 207 are each amended to read as follows:

(1) A person who applies for a vehicle registration or for any other right to operate a vehicle on the highways of this state shall pay a 25 cent license plate technology fee in addition to any other fees and taxes required by law. The license plate technology fee must be distributed under RCW 46.68.370.

(2) A vehicle registered under RCW 46.16A.455 or 46.17.330 is not subject to the license plate technology fee, except for a vehicle (~~registered under RCW 46.16A.455(3))~~ subject to the fee under RCW 46.17.355.

(3) The revenue generated from (~~the license plate technology fee imposed on vehicles registered under RCW 46.16A.455(3))~~ subsection (2) of this section must be deposited in the move ahead WA account created in RCW 46.68.510.

Sec. 3. RCW 46.17.025 and 2022 c 182 s 208 are each amended to read as follows:

(1) A person who applies for a vehicle registration or for any other right to operate a vehicle on the highways of this state shall pay a 50 cent license service fee in addition to any other fees and taxes required by law. The license service fee must be distributed under RCW 46.68.220.

(2) A vehicle registered under RCW 46.16A.455 or 46.17.330 is not subject to the license service fee, except for a vehicle (~~registered under RCW 46.16A.455(3))~~ subject to the fee under RCW 46.17.355.

(3) The revenue generated from (~~the license service fee imposed on vehicles registered under RCW 46.16A.455(3))~~ subsection (2) of this section must be deposited in the move ahead WA account created in RCW 46.68.510.

Sec. 4. RCW 81.104.170 and 2019 c 273 s 12 are each amended to read as follows:

(1) Cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, public transportation benefit areas, high capacity transportation corridor areas, and regional transit authorities may submit an authorizing proposition to the voters and if approved by a majority of persons voting, fix and impose a sales and use tax in accordance with the terms of this chapter, solely for the purpose of providing high capacity transportation service.

(2) The tax authorized pursuant to this section is in addition to the tax authorized by RCW 82.14.030 and must be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the taxing district.

(a) Except for the tax imposed under (b) of this subsection by regional transit authorities that include a county with a population of more than ~~((one million five hundred thousand))~~ 1,500,000, the maximum rate of such tax must be approved by the voters and may not exceed one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax). The maximum rate of such tax that may be imposed may not exceed nine-tenths of one percent in any county that imposes a tax under RCW 82.14.340, or within a regional transit authority if any county within the authority imposes a tax under RCW 82.14.340.

(b) The maximum rate of such tax that may be imposed by a regional transit authority that includes a county with a population of more than ~~((one million five hundred thousand))~~ 1,500,000 must be approved by the voters and may not exceed 1.4 percent. If a regional transit authority imposes the tax authorized under this subsection (2)(b) in excess of 0.9 percent, the authority may not receive any state grant funds provided in an omnibus transportation appropriations act except transit coordination grants created in chapter 11, Laws of 2015 3rd sp. sess. and regional mobility grant program funds. To be eligible to receive regional mobility grant program funds, a regional transit authority must have adopted, at a minimum, a zero-fare policy that allows passengers 18 years of age and younger to ride free of charge on all modes provided by the authority by October 1, 2022.

(3)(a) The exemptions in RCW 82.08.820 and 82.12.820 are for the state portion of the sales and use tax and do not extend to the tax authorized in this section.

(b) The exemptions in RCW 82.08.962 and 82.12.962 are for the state and local sales and use taxes and include the tax authorized by this section.

(c) The exemptions in RCW 82.14.532 are for the local sales and use taxes and include the tax authorized by this section.

Sec. 5. RCW 81.104.175 and 2018 c 81 s 1 are each amended to read as follows:

(1) A regional transit authority that includes a county with a population of more than ~~((one million five hundred thousand))~~ 1,500,000 may impose a regular property tax levy in an amount not to exceed ~~((twenty-five))~~ 25 cents per ~~((thousand dollars))~~ \$1,000 of the assessed value of property in the regional transit authority district in accordance with the terms of this section.

(2) Any tax imposed under this section must be used for the purpose of providing high capacity transportation service, as set forth in a proposition that is approved by a majority of the registered voters that vote on the proposition.

(3) Property taxes imposed under this section may be imposed for the period of time required to pay the cost to plan, design, construct, operate, and maintain the transit facilities set forth in the approved proposition. Property taxes pledged to repay bonds may be imposed at the pledged amount until the bonds are retired. After the bonds are retired, property taxes authorized under this section must be:

(a) Reduced to the level required to operate and maintain the regional transit authority's transit facilities; or

(b) Terminated, unless the taxes have been extended by public vote.

(4) The limitations in RCW 84.52.043 do not apply to the tax authorized in this section.

(5) The limitation in RCW 84.55.010 does not apply to the first levy imposed under this section.

(6) If a regional transit authority imposes the tax authorized under subsection (1) of this section, the authority may not receive any state grant funds provided in an omnibus transportation appropriations act except transit coordination grants created in chapter 11, Laws of 2015 3rd sp. sess. and regional mobility grant program funds. To be eligible to receive regional mobility grant program funds, a regional transit authority must have adopted, at a minimum, a zero-fare policy that allows passengers 18 years of age and younger to ride free of charge on all modes provided by the authority by October 1, 2022.

(7) Property taxes imposed under this section may not be imposed on less than a whole parcel.

Sec. 6. RCW 47.04.380 and 2022 c 182 s 417 are each amended to read as follows:

(1) The legislature finds that many communities across Washington state have not equitably benefited from investments in the active transportation network. The legislature also finds that legacy state transportation facilities designed primarily for vehicle use caused disconnections in safe routes for people who walk, bike, and roll to work and to carry out other daily activities.

(2) To address these investment gaps, and to honor the legacy of community advocacy of Sandy Williams, the Sandy Williams connecting communities program is established within the department. The purpose of the program is to improve active transportation connectivity in communities by:

(a) Providing safe, continuous routes for pedestrians, bicyclists, and other nonvehicle users carrying out their daily activities;

(b) Mitigating for the health, safety, and access impacts of transportation infrastructure that bisects communities and creates obstacles in the local active transportation network;

(c) Investing in greenways providing protected routes for a wide variety of nonvehicular users; and

(d) Facilitating the planning, development, and implementation of projects and activities that will improve the connectivity and safety of the active transportation network.

(3) The department must select projects to propose to the legislature for funding. In selecting projects, the department must consider, at a minimum, the following criteria:

(a) Access to a transit facility, community facility, commercial center, or community-identified assets;

(b) The use of minority and women-owned businesses and community-based organizations in planning, community engagement, design, and construction of the project;

(c) Whether the project will serve:

(i) Overburdened communities as defined in RCW 70A.02.010 to mean a geographic area where vulnerable populations face combined, multiple environmental harms and health impacts, and includes, but is not limited to, highly impacted communities as defined in RCW 19.405.020;

(ii) Vulnerable populations as defined in RCW 70A.02.010 to mean population groups that are more likely to be at higher risk for poor health

outcomes in response to environmental harms, due to adverse socioeconomic factors, such as unemployment, high housing, and transportation costs relative to income, limited access to nutritious food and adequate health care, linguistic isolation, and other factors that negatively affect health outcomes and increase vulnerability to the effects of environmental harms; and sensitivity factors, such as low birth weight and higher rates of hospitalization. Vulnerable populations include, but are not limited to: Racial or ethnic minorities, low-income populations, populations disproportionately impacted by environmental harms, and populations of workers experiencing environmental harms;

(iii) Household incomes at or below 200 percent of the federal poverty level; and

(iv) People with disabilities;

(d) Environmental health disparities, such as those indicated by the diesel pollution burden portion of the Washington environmental health disparities map developed by the department of health, or other similar indicators;

(e) Location on or adjacent to tribal lands or locations providing essential services to tribal members;

(f) Crash experience involving pedestrians and bicyclists; and

(g) Identified need by the community, for example in the state active transportation plan or a regional, county, or community plan.

(4) It is the intent of the legislature that the Sandy Williams connecting communities program comply with the requirements of chapter 314, Laws of 2021.

(5) The department shall submit a report to the transportation committees of the legislature by December 1, 2022, and each December 1st thereafter identifying the selected connecting communities projects for funding by the legislature. The report must also include the status of previously funded projects.

(6) This section expires July 1, 2027.

Sec. 7. RCW 47.04.390 and 2022 c 182 s 419 are each amended to read as follows:

(1) The department shall establish a statewide school-based bicycle education grant program. The grant will support two programs: One for elementary and middle school; and one for junior high and high school aged youth to develop the skills and street safety knowledge to be more confident bicyclists for transportation and/or recreation. In development of the grant program, the department is encouraged to consult with the environmental justice council and the office of equity.

(2)(a) For the elementary and middle school program, the department shall contract with a nonprofit organization with relevant reach and experience, including a statewide footprint and demonstrable experience deploying bicycling and road safety education curriculum via a train the trainer model in schools. The selected nonprofit shall identify partner schools that serve target populations, based on the criteria in subsection (3) of this section. Partner schools shall receive from the nonprofit: In-school bike and pedestrian safety education curriculum, materials, equipment guidance and consultation, and physical education teacher trainings. Youth grades three through eight are eligible for the program.

(b) Selected school districts shall receive and maintain a fleet of bicycles for the youth in the program. Youth and families participating in the school-base

bicycle education grant program shall have an opportunity to receive a bike, lock, helmet, and lights free of cost.

(3) For the junior high and high school program, the department shall contract with a nonprofit organization with relevant reach and experience, including a statewide footprint; demonstrable experience developing and managing youth-based programming serving youth of color in an after-school and/or community setting; and deploying bicycling and road safety education curriculum via a train the trainer model. The selected nonprofit shall use the equity-based criteria in subsection (4) of this section to identify target populations and partner organizations including, but not limited to, schools, community-based organizations, housing authorities, and parks and recreation departments, that work with the eligible populations of youth ages 14 to 18. Partner organizations shall receive from the nonprofit: Education curriculum, materials, equipment including, but not limited to, bicycles, helmets, locks, and lights, guidance and consultation, and initial instructor/volunteer training, as well as ongoing support.

(4) In selecting schools and partner organizations for the school-based bicycle education grant program, the department and nonprofit must consider, at a minimum, the following criteria:

(a) Population impacted by poverty, as measured by free and reduced lunch population or 200 percent federal poverty level;

(b) People of color;

(c) People of Hispanic heritage;

(d) People with disabilities;

(e) Environmental health disparities, such as those indicated by the diesel pollution burden portion of the Washington environmental health disparities map developed by the department of health, or other similar indicators;

(f) Location on or adjacent to an Indian reservation;

(g) Geographic location throughout the state;

(h) Crash experience involving pedestrians and bicyclists;

(i) Access to a community facility or commercial center; and

(j) Identified need in the state active transportation plan or a regional, county, or community plan.

(5) The department shall submit a report for both programs to the transportation committees of the legislature by December 1, 2022, and each December 1st thereafter identifying the selected programs and school districts for funding by the legislature. The report must also include the status of previously funded programs.

Sec. 8. RCW 46.68.480 and 2022 c 182 s 430 are each amended to read as follows:

The Cooper Jones active transportation safety account is created in the state treasury. All receipts from penalties collected under RCW 46.63.170 shall be deposited into the account. Expenditures from the account may be used only to fund grant projects or programs for bicycle, pedestrian, and nonmotorist safety improvement administered by the Washington traffic safety commission. By December 1, 2024, and every two years thereafter, the commission shall report to the transportation committees of the legislature regarding the activities funded from the account. The account is subject to allotment procedures under chapter 43.88 RCW. Moneys in the account may be spent only after appropriation.

Sec. 9. RCW 43.84.092 and 2022 c 182 s 403 are each amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the Alaskan Way viaduct replacement project account, the ambulance transport fund, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the Chehalis basin taxable account, the cleanup settlement account, the climate active transportation account, the climate transit programs account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community services account, the diesel idle reduction account, the drinking water assistance account, the administrative subaccount of the drinking water assistance account, the early learning facilities

development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the electric vehicle account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the fair start for kids account, the ferry bond retirement fund, the fish, wildlife, and conservation account, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the state higher education construction account, the higher education construction account, the higher education retirement plan supplemental benefit fund, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the hospital safety net assessment fund, the Interstate 405 and state route number 167 express toll lanes account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the limited fish and wildlife account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the move ahead WA account, the move ahead WA flexible account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pilotage account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound Gateway facility account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state reclamation revolving account, the state route number 520 civil penalties account, the state route number 520 corridor account, the statewide broadband account, the statewide tourism marketing account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the JUDY transportation future funding program account, the transportation improvement account, the transportation

improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the University of Washington bond retirement fund, the University of Washington building account, the voluntary cleanup account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the vulnerable roadway user education account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 10. RCW 43.84.092 and 2022 c 182 s 404 are each amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the Alaskan Way viaduct replacement project account, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the Chehalis basin taxable account, the cleanup settlement account, the climate active transportation account, the climate transit programs account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community services account, the diesel idle reduction account, the drinking water assistance account, the administrative subaccount of the drinking water assistance account, the early learning facilities development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the electric vehicle account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the fair start for kids account, the ferry bond retirement fund, the fish, wildlife, and conservation account, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the state higher education construction account, the higher education construction account, the higher education retirement plan supplemental benefit fund, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the hospital safety net assessment fund, the Interstate 405 and state route number 167 express toll lanes account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the limited fish and wildlife account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the money-purchase retirement savings

administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the move ahead WA account, the move ahead WA flexible account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pilotage account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound Gateway facility account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state reclamation revolving account, the state route number 520 civil penalties account, the state route number 520 corridor account, the statewide broadband account, the statewide tourism marketing account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the JUDY transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the University of Washington bond retirement fund, the University of Washington building account, the voluntary cleanup account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the vulnerable roadway user education account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived

from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 11. RCW 47.04.010 and 2015 3rd sp.s. c 10 s 3 are each reenacted and amended to read as follows:

The following words and phrases, wherever used in this title, shall have the meaning as in this section ascribed to them, unless where used the context thereof shall clearly indicate to the contrary or unless otherwise defined in the chapter of which they are a part:

(1) "Alley." A highway within the ordinary meaning of alley not designated for general travel and primarily used as a means of access to the rear of residences and business establishments;

(2) "Arterial highway." Every highway, as herein defined, or portion thereof designated as such by proper authority;

(3) "Business district." The territory contiguous to and including a highway, as herein defined, when within any (~~six hundred~~) 600 feet along such highway there are buildings in use for business or industrial purposes(~~(7)~~) including, but not limited to, hotels, banks, or office buildings, railroad stations, and public buildings which occupy at least (~~three hundred~~) 300 feet of frontage on one side or (~~three hundred~~) 300 feet collectively on both sides of the highway;

(4) "Center line." The line, marked or unmarked parallel to and equidistant from the sides of a two-way traffic roadway of a highway except where otherwise indicated by painted lines or markers;

(5) "Center of intersection." The point of intersection of the center lines of the roadways of intersecting highways;

(6) "City street." Every highway as herein defined, or part thereof located within the limits of incorporated cities and towns, except alleys;

(7) "Combination of vehicles." Every combination of motor vehicle and motor vehicle, motor vehicle and trailer, or motor vehicle and semitrailer;

(8) "Commercial vehicle." Any vehicle the principal use of which is the transportation of commodities, merchandise, produce, freight, animals, or passengers for hire;

(9) "County road." Every highway as herein defined, or part thereof, outside the limits of incorporated cities and towns and which has not been designated as a state highway, or branch thereof;

(10) "Crosswalk." The portion of the roadway between the intersection area and a prolongation or connection of the farthest sidewalk line or in the event there are no sidewalks then between the intersection area and a line ten feet therefrom, except as modified by a marked crosswalk;

(11) "Highway." Every way, lane, road, street, boulevard, and every way or place in the state of Washington open as a matter of right to public vehicular travel both inside and outside the limits of incorporated cities and towns;

(12) "Intersection area." (a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two or more highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict;

(b) Where a highway includes two roadways (~~(thirty)~~ 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways (~~(thirty)~~ 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection;

(c) The junction of an alley with a street or highway shall not constitute an intersection;

(13) "Intersection control area." The intersection area as herein defined, together with such modification of the adjacent roadway area as results from the arc or curb corners and together with any marked or unmarked crosswalks adjacent to the intersection;

(14) "Laned highway." A highway the roadway of which is divided into clearly marked lanes for vehicular traffic;

(15) "Local authorities." Every county, municipal, or other local public board or body having authority to adopt local police regulations under the Constitution and laws of this state;

(16) "Marked crosswalk." Any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface thereof;

(17) "Metal tire." Every tire, the bearing surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material;

(18) "Motor truck." Any motor vehicle, as herein defined, designed or used for the transportation of commodities, merchandise, produce, freight, or animals;

(19) "Motor vehicle." Every vehicle, as herein defined, which is in itself a self-propelled unit;

(20) "Multiple lane highway." Any highway the roadway of which is of sufficient width to reasonably accommodate two or more separate lanes of vehicular traffic in the same direction, each lane of which shall be not less than the maximum legal vehicle width, and whether or not such lanes are marked;

(21) "Operator." Every person who drives or is in actual physical control of a vehicle as herein defined;

(22) "Peace officer." Any officer authorized by law to execute criminal process or to make arrests for the violation of the statutes generally or of any particular statute or statutes relative to the highways of this state;

(23) "Pedestrian." Any person afoot or who is using a wheelchair, power wheelchair as defined in RCW 46.04.415, or a means of conveyance propelled by human power other than a bicycle;

(24) "Person." Every natural person, firm, copartnership, corporation, association, or organization;

(25) "Personal wireless service." Any federally licensed personal wireless service;

(26) "Personal wireless service facilities." Unstaffed facilities that are used for the transmission or reception, or both, of personal wireless services including, but not necessarily limited to, antenna arrays, transmission cables, equipment shelters, and support structures;

(27) "Pneumatic tires." Every tire of rubber or other resilient material designed to be inflated with compressed air to support the load thereon;

(28) "Private road or driveway." Every way or place in private ownership and used for travel of vehicles by the owner or those having express or implied permission from the owner, but not by other persons;

(29) "Railroad." A carrier of persons or property upon vehicles, other than streetcars, operated upon stationary rails, the route of which is principally outside incorporated cities and towns;

(30) "Railroad sign or signal." Any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train;

(31) "Residence district." The territory contiguous to and including the highway, as herein defined, not comprising a business district, as herein defined, when the property on such highway for a continuous distance of (~~three hundred~~) 300 feet or more on either side thereof is in the main improved with residences or residences and buildings in use for business;

(32) "Roadway." The paved, improved, or proper driving portion of a highway designed, or ordinarily used for vehicular travel;

(33) "Safety zone." The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is marked or indicated by painted marks, signs, buttons, standards, or otherwise so as to be plainly discernible;

(34) "Sidewalk." That property between the curb lines or the lateral lines of a roadway, as herein defined, and the adjacent property, set aside and intended for the use of pedestrians or such portion of private property parallel and in proximity to a highway and dedicated to use by pedestrians;

(35) "Solid tire." Every tire of rubber or other resilient material which does not depend upon inflation with compressed air for the support of the load thereon;

(36) "State highway." Every highway as herein defined, or part thereof, which has been designated as a state highway, or branch thereof, by legislative enactment;

(37) "Streetcar." A vehicle other than a train, as herein defined, for the transporting of persons or property and operated upon stationary rails principally within incorporated cities and towns;

(38) "Structurally deficient." A state bridge that is classified as in poor condition under the state bridge condition rating system and is reported by the state to the national bridge inventory as having a deck, superstructure, or substructure rating of four or below. Structurally deficient bridges are characterized by deteriorated conditions of significant bridge elements and potentially reduced load carrying capacity. Bridges deemed structurally deficient typically require significant maintenance and repair to remain in service, and require major rehabilitation or replacement to address the underlying deficiency;

(39) "Traffic." Pedestrians, ridden or herded animals, vehicles, streetcars, and other conveyances either singly or together while using any highways for purposes of travel;

(40) "Traffic control signal." Any traffic device, as herein defined, whether manually, electrically, or mechanically operated, by which traffic alternately is directed to stop or proceed or otherwise controlled;

(41) "Traffic devices." All signs, signals, markings, and devices not inconsistent with this title placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic;

(42) "Train." A vehicle propelled by steam, electricity, or other motive power with or without cars coupled thereto, operated upon stationary rails, except streetcars;

(43) "Vehicle." Every device capable of being moved upon a highway and in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting power wheelchairs, as defined in RCW 46.04.415, or devices moved by human or animal power or used exclusively upon stationary rails or tracks;

(44) "Active transportation" includes forms of pedestrian mobility including walking or running, the use of a mobility assistive device such as a wheelchair, bicycling and cycling irrespective of the number of wheels, and the use of small personal devices such as foot scooters or skateboards. Active transportation includes both traditional and electric-assisted bicycles and other devices. Planning for active transportation must consider and address accommodation pursuant to the Americans with disabilities act and the distinct needs of each form of active transportation;

(45) "Complete streets" means an approach to planning, designing, building, operating, and maintaining streets that enable safe access along and across the street for all people, including pedestrians, bicyclists, motorists, and transit riders of all ages and abilities. It incorporates principles of a safe system approach;

(46) "Population center" includes incorporated cities and towns, including their urban growth areas, and census-designated places;

(47) "Safe system approach" means an internationally recognized holistic and proactive approach to road safety intended to systematically reduce fatal and serious injury crash potential; as described by the federal highway administration, the approach is based on the following elements: Safe roads, safe speeds, safe vehicles, safe road users, and postcrash care. The safe system approach is incorporated through policies and practices of state agencies and local governments with appropriate jurisdiction;

(48) "Shared-use path," also known as a "multiuse path," means a facility designed for active transportation use and physically separated from motorized vehicular traffic within the highway right-of-way or on an exclusive right-of-way with minimal crossflow by motor vehicles. Shared-use paths are primarily used by pedestrians and people using bicycles or micromobility devices, including those who use nonmotorized or motorized wheeled mobility or assistive devices. With appropriate design considerations, equestrians may also be accommodated by a shared-use path facility.

Words and phrases used herein in the past, present, or future tense shall include the past, present, and future tenses; words and phrases used herein in the masculine, feminine, or neuter gender shall include the masculine, feminine, and neuter genders; and words and phrases used herein in the singular or plural shall include the singular and plural; unless the context thereof shall indicate to the contrary.

Sec. 12. RCW 47.66.140 and 2022 c 182 s 422 are each amended to read as follows:

(1) The department shall establish a transit support grant program for the purpose of providing financial support to transit agencies for operating and capital expenses only. Public transit agencies must maintain or increase their local sales tax authority on or after January 1, 2022, and may not delay or suspend the collection of voter-approved sales taxes that were approved on or before January 1, 2022, in order to qualify for the grants.

(a) Grants for transit agencies must be prorated based on the amount expended for operations in the most recently published report of "Summary of Public Transportation" published by the department.

(b) No transit agency may receive more than 35 percent of these distributions.

(c) Fuel type may not be a factor in the grant selection process.

(2) To be eligible to receive a grant, the transit agency must have adopted, at a minimum, a zero-fare policy that allows passengers 18 years of age and younger to ride free of charge on all modes provided by the agency. Transit agencies must submit documentation of a zero-fare policy for 18 years of age and under by October 1, 2022, to be eligible for the 2023-2025 biennium. Transit agencies that submit such fare policy documentation following the October 1, 2022, deadline shall become eligible for the next biennial distribution. To the extent practicable, transit agencies shall align implementation of youth zero-fare policies with equity and environmental justice principles consistent with recommendations from the environmental justice council, and ensure low-barrier accessibility of the program to all youth.

(3) The department shall, for the purposes of the "Summary of Public Transportation" report, require grantees to report the number of trips that were taken under this program.

(4) For the purposes of this section, "transit agency" or "agency" means a city transit system under RCW 35.58.2721 or chapter 35.95A RCW, a county public transportation authority under chapter 36.57 RCW, a metropolitan municipal corporation transit system under chapter 36.56 RCW, a public transportation benefit area under chapter 36.57A RCW, an unincorporated transportation benefit area under RCW 36.57.100, or any special purpose district formed to operate a public transportation system.

Sec. 13. RCW 43.392.040 and 2022 c 182 s 429 are each amended to read as follows:

(1) Interagency electric vehicle coordinating council responsibilities include, but are not limited to:

(a) Development of a statewide transportation electrification strategy to ensure market and infrastructure readiness for all new vehicle sales;

(b) Identification of all electric vehicle infrastructure grant-related funding to include existing and future opportunities, including state, federal, and other funds, and also nongrant-related funding, including revenues generated by an electric utility from credits under the clean fuels program for transportation electrification programs or projects pursuant to RCW 70A.535.080(2);

(c) Coordination of grant funding criteria across agency grant programs to most efficiently distribute state and federal electric vehicle-related funding in a manner that is most beneficial to the state, advances best practices, and recommends additional criteria that could be useful in advancing transportation electrification;

(d) Development of a robust public and private outreach plan that includes engaging with:

(i) Community organizers and the environmental justice council to develop community-driven programs to address zero emissions transportation needs and priorities in overburdened communities; and

(ii) Local governments to explore procurement opportunities and work with local government and community programs to support electrification;

(e) Creation of an industry electric vehicle advisory committee; and

(f) Ensuring the statewide transportation electrification strategy, grant distribution, programs, and activities associated with advancing transportation electrification benefit vulnerable and overburdened communities.

(2) The council shall provide an annual report to the appropriate committees of the legislature summarizing electric vehicle implementation progress, gaps, and resource needs.

NEW SECTION. Sec. 14. A new section is added to chapter 70A.535 RCW to read as follows:

The clean fuels transportation investment account is created in the state treasury. All receipts to the state from clean fuel credits generated under this chapter from transportation investments, including those listed under RCW 70A.535.050(3), must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may only be used for activities and projects that reduce greenhouse gas emissions and decarbonize the transportation sector.

NEW SECTION. Sec. 15. Sections 4 and 5 of this act are remedial in nature and apply retroactively to July 1, 2022.

NEW SECTION. Sec. 16. RCW 47.24.060 is recodified as a section in chapter 47.04 RCW.

NEW SECTION. Sec. 17. Section 9 of this act expires July 1, 2024.

NEW SECTION. Sec. 18. Section 10 of this act takes effect July 1, 2024.

NEW SECTION. Sec. 19. Sections 2 and 3 of this act take effect October 1, 2023.

Passed by the House April 20, 2023.

Passed by the Senate April 20, 2023.

Approved by the Governor May 11, 2023.

Filed in Office of Secretary of State May 11, 2023.

CHAPTER 432

[Senate Bill 5004]

BUSINESS CORPORATION ACT—VARIOUS PROVISIONS

AN ACT Relating to making updates to the Washington business corporation act; amending RCW 23B.01.400, 23B.06.210, 23B.10.020, and 23B.11.030; adding a new section to chapter 23B.06 RCW; and adding a new section to chapter 23B.11 RCW.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 23B.01.400 and 2022 c 42 s 101 are each amended to read as follows:

~~((Unless the context clearly requires otherwise, the))~~ The definitions in this section apply throughout this title unless the context clearly requires otherwise.

(1) "Articles of incorporation" include amended and restated articles of incorporation and articles of merger.

(2) "Authorized shares" means the shares of all classes a domestic or foreign corporation is authorized to issue.

(3) "Conspicuous" means so prepared that a reasonable person against whom the writing is to operate should have noticed it. For example, text in italics, boldface, contrasting color, capitals, or underlined is conspicuous.

(4) "Controlling interest" means ownership of an entity's outstanding shares or interests in such number as to entitle the holder at the time to elect a majority of the entity's directors or other governors without regard to voting power which may thereafter exist upon a default, failure, or other contingency.

(5) "Corporate action" means any resolution, act, policy, contract, transaction, plan, adoption or amendment of articles of incorporation or bylaws, or other matter approved by or submitted for approval to a corporation's incorporators, board of directors or a committee thereof, or shareholders.

(6) "Corporation" or "domestic corporation" means a corporation for profit, including a social purpose corporation, which is not a foreign corporation, incorporated under or subject to the provisions of this title.

(7) "Deliver" or "delivery" means any method of delivery used in conventional commercial practice, including delivery by hand, mail, commercial delivery, and, if authorized in accordance with RCW 23B.01.410, by electronic transmission.

(8) "Distribution" means a direct or indirect transfer of money or other property, except its own shares, or incurrence of indebtedness by a corporation to or for the benefit of its shareholders in respect to any of its shares. A distribution may be in the form of a declaration or payment of a dividend; a distribution in partial or complete liquidation, or upon voluntary or involuntary dissolution; a purchase, redemption, or other acquisition of shares; a distribution of indebtedness; or otherwise.

(9) "Document" means:

(a) Any tangible medium on which information is inscribed, and includes handwritten, typed, printed, or similar instruments or copies of such instruments; and

(b) An electronic record.

(10) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(11) "Electronic mail" means an electronic transmission directed to a unique electronic mail address, which electronic mail will be deemed to include any

files attached thereto and any information hyperlinked to a website if the electronic mail includes the contact information of an officer or agent of the corporation who is available to assist with accessing such files and information.

(12) "Electronic mail address" means a destination, commonly expressed as a string of characters, consisting of a unique user name or mailbox, commonly referred to as the "local part" of the address, and a reference to an internet domain, commonly referred to as the "domain part" of the address, whether or not displayed, to which electronic mail can be sent or delivered.

(13) "Electronic record" means information that is stored in an electronic or other nontangible medium and: (a) Is retrievable in paper form by the recipient through an automated process used in conventional commercial practice; or (b) if not retrievable in paper form by the recipient through an automated process used in conventional commercial practice, is otherwise authorized in accordance with RCW 23B.01.410(10).

(14) "Electronic transmission" or "electronically transmitted" means internet transmission, telephonic transmission, electronic mail transmission, transmission of a telegram, cablegram, or datagram, the use of, or participation in, one or more electronic networks or databases including one or more distributed electronic networks or databases, or any other form or process of communication, not directly involving the physical transfer of paper or another tangible medium, which:

(a) Is suitable for the retention, retrieval, and reproduction of information by the recipient; and

(b) Is retrievable in paper form by the recipient through an automated process used in conventional commercial practice, or, if not retrievable in paper form by the recipient through an automated process used in conventional commercial practice, is otherwise authorized in accordance with RCW 23B.01.410(10).

(15) "Employee" includes an officer but not a director. A director may accept duties that make the director also an employee.

(16) "Entity" includes a corporation and foreign corporation, not-for-profit corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, two or more persons having a joint or common economic interest, the state, United States, and a foreign governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(17) "Execute," "executes," or "executed" means, with present intent to authenticate or adopt a document:

(a) To sign or adopt a tangible symbol to the document, and includes any manual, facsimile, or conformed signature;

(b) To attach or logically associate with an electronic transmission an electronic sound, symbol, or process, and includes an electronic signature; or

(c) With respect to a document to be filed with the secretary of state, in compliance with the standards for filing with the office of the secretary of state as prescribed by the secretary of state.

(18) "Foreign corporation" means a corporation for profit incorporated under a law other than the law of this state.

(19) "Foreign limited partnership" means a partnership formed under laws other than of this state and having as partners one or more general partners and one or more limited partners.

(20) "General social purpose" means the general social purpose for which a social purpose corporation is organized as set forth in the articles of incorporation of the corporation in accordance with RCW 23B.25.040(1)(c).

(21) "Governmental subdivision" includes authority, county, district, and municipality.

(22) "Governor" has the meaning given that term in RCW 23.95.105.

(23) "Includes" denotes a partial definition.

(24) "Individual" includes the estate of an incompetent or deceased individual.

(25) "Limited partnership" or "domestic limited partnership" means a partnership formed by two or more persons under the laws of this state and having one or more general partners and one or more limited partners.

(26) "Means" denotes an exhaustive definition.

(27) "Notice" has the meaning provided in RCW 23B.01.410.

(28) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(29) "Principal office" means the office, in or out of this state, so designated in the annual report where the principal executive offices of a domestic or foreign corporation are located.

(30) "Proceeding" includes civil suit and criminal, administrative, and investigatory action.

(31) "Public company" means a corporation that has a class of shares registered with the federal securities and exchange commission pursuant to section 12 or 15 of the securities exchange act of 1934, or section 8 of the investment company act of 1940, or any successor statute.

(32) "Qualified director" means (a) with respect to a director's conflicting interest transaction as defined in RCW 23B.08.700, any director who does not have either (i) a conflicting interest respecting the transaction, or (ii) a familial, financial, professional, or employment relationship with a second director who does have a conflicting interest respecting the transaction, which relationship would, in the circumstances, reasonably be expected to exert an influence on the first director's judgment when voting on the transaction; (b) with respect to RCW 23B.08.735, a qualified director under (a) of this subsection if the business opportunity were a director's conflicting interest transaction; and (c) with respect to RCW 23B.02.020(2)(g), a director who is not a director (i) to whom the limitation or elimination of the duty of an officer to offer potential business opportunities to the corporation would apply, or (ii) who has a familial, financial, professional, or employment relationship with another officer to whom the limitation or elimination would apply, which relationship would, in the circumstances, reasonably be expected to exert an influence on the director's judgment when voting on the limitation or elimination.

(33) "Record date" means the date fixed for determining the identity of a corporation's shareholders and their shareholdings for purposes of this title. The determinations shall be made as of the close of business on the record date unless another time for doing so is specified when the record date is fixed.

(34) "Registered office" means the address of the corporation's registered agent.

(35) "Secretary" means the corporate officer to whom the board of directors has delegated responsibility under RCW 23B.08.400(3) for custody of the minutes of the meetings of the board of directors and of the shareholders and for authenticating records of the corporation.

(36) "Shareholder" means the person in whose name shares are registered in the records of a corporation or the beneficial owner of shares to the extent of the rights granted by a nominee certificate on file with a corporation.

(37) "Shares" means the units into which the proprietary interests in a corporation are divided.

(38) "Social purpose" includes any general social purpose and any specific social purpose.

(39) "Social purpose corporation" means a corporation that has elected to be governed as a social purpose corporation under chapter 23B.25 RCW.

(40) "Specific social purpose" means the specific social purpose or purposes for which a social purpose corporation is organized as set forth in the articles of incorporation of the corporation in accordance with RCW 23B.25.040(2)(a).

(41) "State," when referring to a part of the United States, includes a state and commonwealth, and their agencies and governmental subdivisions, and a territory and insular possession, and their agencies and governmental subdivisions, of the United States.

(42) "Subscriber" means a person who subscribes for shares in a corporation, whether before or after incorporation.

(43) "Subsidiary" means an entity in which the corporation has, directly or indirectly, a controlling interest.

(44) "United States" includes a district, authority, bureau, commission, department, and any other agency of the United States.

(45) "Voting group" means all shares of one or more classes or series that under the articles of incorporation or this title are entitled to vote and be counted together collectively on a matter at a meeting of shareholders. All shares entitled by the articles of incorporation or this title to vote generally on the matter are for that purpose a single voting group.

(46) "Writing" or "written" means any information in the form of a document.

(47) "Forward stock split" means the pro rata division of all the outstanding shares of a class of stock into a greater number of shares of the same class, whether or not the authorized shares of such a class are increased in the same proportion, but does not include a share dividend under RCW 23B.06.230.

(48) "Reverse stock split" means the pro rata combination of all the outstanding shares of a class of stock into a smaller number of shares of the same class, whether or not the authorized shares of such a class are reduced in the same proportion.

(49) "Stock split" means a forward stock split or a reverse stock split.

Sec. 2. RCW 23B.06.210 and 2009 c 189 s 8 are each amended to read as follows:

(1) The powers granted in this section to the board of directors may be reserved to the shareholders by the articles of incorporation.

(2) Any issuance of shares must be approved by the board of directors. Shares may be issued ((for));

(a) For consideration determined by the board of directors from time to time consisting of any tangible or intangible property or benefit to the corporation, including cash, promissory notes, services performed, contracts for services to be performed, or other securities of the corporation; or

(b) As a share dividend or upon a stock split, reclassification of outstanding shares into shares of another class or series, or conversion of outstanding shares into shares of another class or series.

(3) A good faith determination by the board of directors that the consideration received or to be received for the shares to be issued is adequate is conclusive insofar as the adequacy of consideration relates to whether the shares are validly issued, fully paid and nonassessable. When the board of directors has made such a determination and the corporation has received the consideration, the shares issued therefor are fully paid and nonassessable. Shares issued as a share dividend or upon a stock split, reclassification of outstanding shares into shares of another class or series, or conversion of outstanding shares into shares of another class or series are fully paid and nonassessable.

(4) The corporation may place in escrow shares issued for a contract for future services or benefits or a promissory note, or make other arrangements to restrict the transfer of the shares, and may credit distributions in respect to the shares against their purchase price, until the services are performed, the benefits are received, or the note is paid. If the services are not performed, the benefits are not received, or the note is not paid, the shares escrowed or restricted and the distributions credited may be canceled in whole or part.

(5) Where it cannot be determined that outstanding shares are fully paid and nonassessable, there shall be a conclusive presumption that such shares are fully paid and nonassessable if the board of directors makes a good faith determination that there is no substantial evidence that the full consideration for such shares has not been paid.

NEW SECTION. Sec. 3. A new section is added to chapter 23B.06 RCW to read as follows:

(1) A corporation may effect a stock split by means of an amendment to the articles of incorporation stating the effect of the stock split on the outstanding shares of the affected class.

(2) An amendment to the articles of incorporation to effect a stock split may, but is not required to, include a change in the authorized shares of the affected class.

(3) Except for a forward stock split that complies with RCW 23B.10.020(4)(a) or a reverse stock split that complies with RCW 23B.10.020(4)(b), an amendment to the articles of incorporation to effect a stock split must be approved in accordance with RCW 23B.10.030 and, if applicable, RCW 23B.10.040.

(4) The board of directors may fix the record date for determining shareholders affected by a stock split, which date may not precede the date on which the amendment to the articles of incorporation effecting the stock split becomes effective in accordance with RCW 23.95.210. If the board of directors does not fix the record date for determining shareholders affected by a stock split, the record date is the date on which the amendment to the articles of incorporation effecting the stock split becomes effective in accordance with RCW 23.95.210.

Sec. 4. RCW 23B.10.020 and 2009 c 189 s 31 are each amended to read as follows:

Unless the articles of incorporation provide otherwise, a corporation's board of directors may adopt one or more amendments to the corporation's articles of incorporation without shareholder approval:

(1) If the corporation has only one class of shares outstanding, to provide, change, or eliminate any provision with respect to the par value of any class of shares;

(2) To delete the names and addresses of the initial directors;

(3) To delete the name and address of the initial registered agent or registered office, if a statement of change is on file with the secretary of state;

(4) If the corporation has only one class of shares outstanding, solely to:

(a) Effect a forward stock split of, or change the number of authorized shares of that class in proportion to a forward stock split of, or ~~((stock))~~ share dividend in, the corporation's outstanding shares; or

(b) Effect a reverse stock split of the corporation's outstanding shares ~~((and))~~ if the number of authorized shares of that class ((in the same proportions)) is proportionately reduced by the amendment;

(5) To change the corporate name; or

(6) To make any other change expressly permitted by this title to be made without shareholder approval.

Sec. 5. RCW 23B.11.030 and 2022 c 42 s 108 are each amended to read as follows:

(1) After ~~((adopting))~~ a plan of merger or share exchange has been adopted in accordance with RCW 23B.11.020 or 23B.11.040, the board of directors of each corporation party to the merger, ~~((and))~~ or the board of directors of the corporation whose shares will be acquired in the share exchange, shall submit the plan ~~((of merger))~~ for approval by the shareholders, except as provided in subsection (7) or (9) of this section, ~~(, or share exchange for approval by its shareholders)~~ or as provided in RCW 23B.11.040 or section 6 of this act.

(2) For a plan of merger or share exchange to be approved by shareholders:

(a) The board of directors must recommend that the shareholders approve the plan of merger or share exchange ~~((to the shareholders))~~, unless (i) the board of directors determines that because of conflict of interest or other special circumstances it should not make ~~((no))~~ such a recommendation or (ii) RCW 23B.08.245 applies, and in either case the board of directors communicates the basis for so proceeding to the shareholders; and

(b) The shareholders entitled to vote must approve the plan ~~((, except as provided in subsection (7) of this section))~~.

(3) The board of directors may condition its submission of the proposed plan of merger or share exchange on any basis, including the affirmative vote of holders of a specified percentage of shares held by any group of shareholders not otherwise entitled under this title or the articles of incorporation to vote as a separate voting group on the proposed plan of merger or share exchange.

(4) The corporation shall notify each shareholder, whether or not entitled to vote, of the proposed shareholders' meeting in accordance with RCW 23B.07.050. The notice must also state that the purpose, or one of the purposes, of the meeting is to consider the plan of merger or share exchange and must contain or be accompanied by a copy of the plan or a summary of the material

terms and conditions of the proposed merger or share exchange and the consideration to be received by shareholders.

(5) ~~((#))~~ If the plan of merger is required to be approved by the shareholders, in addition to any other voting conditions imposed by the board of directors under subsection (3) of this section, the plan of merger must be approved by two-thirds of the voting group comprising all the votes entitled to be cast on the plan, and of each other voting group entitled under RCW 23B.11.035 or the articles of incorporation to vote separately on the plan~~((; unless shareholder approval is not required under subsection (7) of this section))~~. The articles of incorporation may require a greater or lesser vote than that provided in this subsection, or a greater or lesser vote by separate voting groups, so long as the required vote is not less than a majority of all the votes entitled to be cast on the plan of merger and of each other voting group entitled to vote separately on the plan. Separate voting by additional voting groups is required on a plan of merger under the circumstances described in RCW 23B.11.035.

(6) In addition to any other voting conditions imposed by the board of directors under subsection (3) of this section, the plan of share exchange must be approved by two-thirds of the voting group comprising all the votes entitled to be cast on the plan, and of each other voting group entitled under RCW 23B.11.035 or the articles of incorporation to vote separately on the plan. The articles of incorporation may require a greater or lesser vote than that provided in this subsection, or a greater or lesser vote by separate voting groups, so long as the required vote is not less than a majority of all the votes entitled to be cast on the plan of share exchange and of each other voting group entitled to vote separately on the plan. Separate voting by additional voting groups is required on a plan of share exchange under the circumstances described in RCW 23B.11.035.

(7) Approval by the shareholders of the surviving corporation on a plan of merger is not required if:

(a) The articles of incorporation of the surviving corporation will not differ, except for amendments enumerated in RCW 23B.10.020, from its articles of incorporation before the merger;

(b) Each shareholder of the surviving corporation whose shares were outstanding immediately before the effective date of the merger will hold the same number of shares, with identical designations, preferences, limitations, and relative rights, immediately after the merger;

(c) The number of voting shares outstanding immediately after the merger, plus the number of voting shares issuable as a result of the merger, either by the conversion of securities issued pursuant to the merger or the exercise of rights and warrants issued pursuant to the merger, will not exceed the total number of voting shares of the surviving corporation authorized by its articles of incorporation immediately before the merger; and

(d) The number of participating shares outstanding immediately after the merger, plus the number of participating shares issuable as a result of the merger, either by the conversion of securities issued pursuant to the merger or the exercise of rights and warrants issued pursuant to the merger, will not exceed the total number of participating shares authorized by its articles of incorporation immediately before the merger.

(8) As used in subsection (7) of this section:

(a) "Participating shares" means shares that entitle their holders to participate without limitation in distributions.

(b) "Voting shares" means shares that entitle their holders to vote unconditionally in elections of directors.

(9) Unless the articles of incorporation provide otherwise, approval by the shareholders of a public company is not required for a plan of merger if:

(a) The plan of merger expressly: (i) Permits or requires the merger to be effected under this subsection; and (ii) provides that, if the merger is to be effected under this subsection, the merger will be effected as soon as practicable following the satisfaction of the requirements of (f) of this subsection;

(b) Another party to the merger or a parent of another party to the merger makes an offer to purchase, on the terms stated in the plan of merger, any and all of the outstanding shares of the corporation that, absent this subsection, would be entitled to vote on the plan of merger, except that the offer may exclude shares of the corporation that are owned at the commencement of the offer by the corporation, the offeror, or any parent of the offeror, or by any wholly owned subsidiary of any of the foregoing;

(c) The offer discloses that the plan of merger states that the merger will be effected as soon as practicable following the satisfaction of the requirements of (f) of this subsection and that the shares of the corporation that are not tendered in response to the offer will be treated as provided in (h) of this subsection;

(d) The offer remains open for at least 10 days;

(e) The offeror purchases all shares properly tendered in response to the offer and not properly withdrawn;

(f) The: (i) Shares purchased by the offeror in accordance with the offer; (ii) shares otherwise owned by the offeror or by any parent of the offeror or any wholly owned subsidiary of any of the foregoing; and (iii) shares subject to an agreement that they are to be transferred, contributed, or delivered to the offeror, any parent of the offeror, or any wholly owned subsidiary of any of the foregoing in exchange for shares or other interests in that offeror, parent, or subsidiary, are collectively entitled to cast at least the minimum number of votes on the merger that, absent this subsection, would be required by this chapter for the approval of the merger by the shareholders entitled to vote on the merger at a meeting at which all shares entitled to vote on the approval were present and voted;

(g) The offeror or a wholly owned subsidiary of the offeror merges with or into the corporation; and

(h) Each outstanding share of each class or series of shares of the corporation that the offeror is offering to purchase in accordance with the offer, and which is not purchased in accordance with the offer, is to be converted in the merger into, or into the right to receive, the same amount and kind of securities, eligible interests, obligations, rights, cash, or other property to be paid or exchanged in accordance with the offer for each share of that class or series of shares that is tendered in response to the offer, except that shares of the corporation that are owned by the corporation or that are described in (f)(ii) or (iii) of this subsection need not be converted into or exchanged for the consideration described in this subsection (9)(h).

(10) As used in subsection (9) of this section:

(a) "Offer" means the offer referred to in subsection (9)(b) of this section.

(b) "Offeror" means the person making the offer.

(c) "Parent" of an entity means a person that owns, directly or indirectly, through one or more wholly owned subsidiaries, all of the outstanding shares of or other interests in that entity.

(d) Shares tendered in response to the offer will be deemed to have been "purchased" in accordance with the offer at the earlier time as of which:

(i) The offeror has irrevocably accepted those shares for payment; and

(ii) Either: (A) In the case of shares represented by certificates, the offeror, or the offeror's designated depository or other agent, has physically received the certificates representing those shares; or (B) in the case of shares without certificates, those shares have been transferred into the account of the offeror or its designated depository or other agent, or an agent's message relating to those shares has been received by the offeror or its designated depository or other agent.

(e) "Wholly owned subsidiary" of a person means an entity of or in which that person owns, directly or indirectly, through one or more wholly owned subsidiaries, all of the outstanding shares or other interests.

(11) After a merger or share exchange is approved, and at any time before articles of merger or share exchange are filed, the planned merger or share exchange may be abandoned, subject to any contractual rights, without further shareholder approval, in accordance with the procedure set forth in the plan of merger or share exchange or, if none is set forth, in the manner determined by the board of directors.

NEW SECTION. Sec. 6. A new section is added to chapter 23B.11 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Holding company" means the corporation that is or becomes the direct parent of the surviving corporation of a merger accomplished under this section and whose capital stock is issued in that merger.

(b) "Parent constituent corporation" means the parent corporation that merges with or into the subsidiary constituent corporation in the merger.

(c) "Subsidiary constituent corporation" means the subsidiary corporation with or into which the parent constituent corporation merges in the merger.

(2) Unless the articles of incorporation provide otherwise, a parent constituent corporation may merge with or into a single indirect wholly owned subsidiary of the parent constituent corporation without the approval of the plan of merger by the shareholders of the parent constituent corporation if:

(a) The plan expressly permits or requires the merger to be effected under this subsection;

(b) The holding company and the constituent corporations to the merger are each organized under this title;

(c) At all times from its incorporation until consummation of a merger under this section, the holding company was a direct wholly owned subsidiary of the parent constituent corporation;

(d) Immediately before consummation of a merger under this section, the subsidiary constituent corporation is a direct wholly owned subsidiary of the holding company and an indirect wholly owned subsidiary of the parent constituent corporation;

(e) The parent constituent corporation and the subsidiary constituent corporation are the only constituent entities to the merger;

(f) Immediately after the merger becomes effective, the surviving corporation of the merger becomes or remains a direct wholly owned subsidiary of the holding company;

(g) Each share or fraction of a share of the parent constituent corporation outstanding immediately before the merger becomes effective is converted in the merger into a share or equal fraction of a share of the holding company having the same designations and relative preferences, rights, and limitations as the share or fraction of a share of the parent constituent corporation being converted in the merger;

(h) The articles of incorporation and bylaws of the holding company immediately after the merger becomes effective contain provisions identical to the articles of incorporation and bylaws of the parent constituent corporation immediately before the merger becomes effective, other than any provisions regarding the incorporator or incorporators, the corporate name, the registered office and agent, the initial board of directors and the initial subscribers for shares, and the provisions contained in any amendment to the articles of incorporation of the parent constituent corporation that were necessary to effect an exchange, reclassification, or cancellation of shares if the exchange, reclassification, or cancellation has become effective;

(i) The articles of incorporation and bylaws of the surviving corporation immediately after the merger becomes effective contain provisions by specific reference to this subsection requiring that any corporate action by or involving the surviving corporation, other than the election or removal of directors of the surviving corporation, must be approved by the shareholders of the holding company, or any successor by merger, by the same vote as is required by this title or under the articles of incorporation or bylaws of the parent constituent corporation immediately before the merger becomes effective, if that corporate action would have required the approval of the shareholders of the parent constituent corporation under this title or under the articles of incorporation or bylaws of the parent constituent corporation immediately before the merger becomes effective;

(j) The directors of the parent constituent corporation immediately before the merger becomes effective become or remain the directors of the holding company immediately after the merger becomes effective; and

(k) The shareholders of the parent constituent corporation will not recognize gain or loss for United States federal income tax purposes as a result of the merger, as determined by the board of directors of the parent constituent corporation.

(3) The holding company must, promptly after the effective date of a merger effected under subsection (2) of this section, notify each person who was a shareholder of the parent constituent corporation as of the date the board of directors approves the merger that the merger has become effective. The notice must contain or be accompanied by a copy of the plan of merger or a summary of the material terms and conditions of the merger and the consideration to be received by those shareholders.

(4) To the extent restrictions under chapter 23B.19 RCW applied to the parent constituent corporation or any of its shareholders at the effective time of

the merger, those restrictions apply to the holding company and its shareholders immediately after the merger becomes effective as though the holding company were the parent constituent corporation, and all shares of stock of the holding company acquired in the merger will, for the purposes of chapter 23B.19 RCW, be deemed to have been acquired at the time that the corresponding shares of stock of the parent constituent corporation were acquired. No shareholder who, immediately before the merger becomes effective, was not an acquiring person of the parent constituent corporation under chapter 23B.19 RCW will, solely by reason of the merger, become an acquiring person of the holding company under chapter 23B.19 RCW.

(5) To the extent a shareholder of the parent constituent corporation immediately before the merger was eligible to commence a proceeding in the right of the parent constituent corporation in accordance with RCW 23B.07.400, nothing in this section is deemed to limit or extinguish that eligibility.

(6) Except as provided in subsections (2), (3), (4), and (5) of this section, a merger between a parent constituent corporation and a subsidiary constituent corporation is governed by the provisions of this chapter applicable to mergers generally.

Passed by the Senate April 13, 2023.

Passed by the House March 20, 2023.

Approved by the Governor May 11, 2023.

Filed in Office of Secretary of State May 11, 2023.

CHAPTER 433

[Second Substitute Senate Bill 5120]

23-HOUR CRISIS RELIEF CENTERS

AN ACT Relating to establishing crisis relief centers in Washington state; amending RCW 71.05.020, 71.05.020, 71.05.050, 71.05.150, 71.05.150, 71.05.590, 71.05.590, 71.34.020, 71.34.020, 71.34.351, 71.05.755, 71.24.890, 10.31.110, 10.77.086, and 10.77.088; amending 2022 c 210 s 31 and 2021 c 264 s 29 (uncodified); reenacting and amending RCW 71.24.025, 71.05.153, 71.05.153, and 48.43.005; adding a new section to chapter 71.24 RCW; creating new sections; repealing RCW 71.24.647; providing an effective date; providing contingent effective dates; and providing an expiration date.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 71.24.025 and 2021 c 302 s 402 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "988 crisis hotline" means the universal telephone number within the United States designated for the purpose of the national suicide prevention and mental health crisis hotline system operating through the national suicide prevention lifeline.

(2) "Acutely mentally ill" means a condition which is limited to a short-term severe crisis episode of:

(a) A mental disorder as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020;

(b) Being gravely disabled as defined in RCW 71.05.020 or, in the case of a child, a gravely disabled minor as defined in RCW 71.34.020; or

(c) Presenting a likelihood of serious harm as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

(3) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(4) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program licensed or certified by the department as meeting standards adopted under this chapter.

(5) "Authority" means the Washington state health care authority.

(6) "Available resources" means funds appropriated for the purpose of providing community behavioral health programs, federal funds, except those provided according to Title XIX of the Social Security Act, and state funds appropriated under this chapter or chapter 71.05 RCW by the legislature during any biennium for the purpose of providing residential services, resource management services, community support services, and other behavioral health services. This does not include funds appropriated for the purpose of operating and administering the state psychiatric hospitals.

(7) "Behavioral health administrative services organization" means an entity contracted with the authority to administer behavioral health services and programs under RCW 71.24.381, including crisis services and administration of chapter 71.05 RCW, the involuntary treatment act, for all individuals in a defined regional service area.

(8) "Behavioral health aide" means a counselor, health educator, and advocate who helps address individual and community-based behavioral health needs, including those related to alcohol, drug, and tobacco abuse as well as mental health problems such as grief, depression, suicide, and related issues and is certified by a community health aide program of the Indian health service or one or more tribes or tribal organizations consistent with the provisions of 25 U.S.C. Sec. 1616l and RCW 43.71B.010 (7) and (8).

(9) "Behavioral health provider" means a person licensed under chapter 18.57, 18.71, 18.71A, 18.83, 18.205, 18.225, or 18.79 RCW, as it applies to registered nurses and advanced registered nurse practitioners.

(10) "Behavioral health services" means mental health services, substance use disorder treatment services, and co-occurring disorder treatment services as described in this chapter and chapter 71.36 RCW (~~and substance use disorder treatment services as described in this chapter~~) that, depending on the type of service, are provided by licensed or certified behavioral health agencies, behavioral health providers, or integrated into other health care providers.

(11) "Child" means a person under the age of eighteen years.

(12) "Chronically mentally ill adult" or "adult who is chronically mentally ill" means an adult who has a mental disorder and meets at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years; or

(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year; or

(c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months. "Substantial gainful activity" shall be defined by the authority by rule consistent with Public Law 92-603, as amended.

(13) "Clubhouse" means a community-based program that provides rehabilitation services and is licensed or certified by the department.

(14) "Community behavioral health program" means all expenditures, services, activities, or programs, including reasonable administration and overhead, designed and conducted to prevent or treat substance use disorder, mental illness, or both in the community behavioral health system.

(15) "Community behavioral health service delivery system" means public, private, or tribal agencies that provide services specifically to persons with mental disorders, substance use disorders, or both, as defined under RCW 71.05.020 and receive funding from public sources.

(16) "Community support services" means services authorized, planned, and coordinated through resource management services including, at a minimum, assessment, diagnosis, emergency crisis intervention available twenty-four hours, seven days a week, prescreening determinations for persons who are mentally ill being considered for placement in nursing homes as required by federal law, screening for patients being considered for admission to residential services, diagnosis and treatment for children who are acutely mentally ill or severely emotionally or behaviorally disturbed discovered under screening through the federal Title XIX early and periodic screening, diagnosis, and treatment program, investigation, legal, and other nonresidential services under chapter 71.05 RCW, case management services, psychiatric treatment including medication supervision, counseling, psychotherapy, assuring transfer of relevant patient information between service providers, recovery services, and other services determined by behavioral health administrative services organizations.

(17) "Consensus-based" means a program or practice that has general support among treatment providers and experts, based on experience or professional literature, and may have anecdotal or case study support, or that is agreed but not possible to perform studies with random assignment and controlled groups.

(18) "County authority" means the board of county commissioners, county council, or county executive having authority to establish a behavioral health administrative services organization, or two or more of the county authorities specified in this subsection which have entered into an agreement to establish a behavioral health administrative services organization.

(19) "Crisis call center hub" means a state-designated center participating in the national suicide prevention lifeline network to respond to statewide or regional 988 calls that meets the requirements of RCW 71.24.890.

(20) "Crisis stabilization services" means services such as 23-hour crisis ~~(stabilization units based on the living room model)~~ relief centers, crisis stabilization units ~~((as provided in RCW 71.05.020, triage facilities as provided in RCW 71.05.020))~~, short-term respite facilities, peer-run respite services, and same-day walk-in behavioral health services, including within the overall crisis system components that operate like hospital emergency departments that accept all walk-ins, and ambulance, fire, and police drop-offs, or determine the need for involuntary hospitalization of an individual.

(21) "Department" means the department of health.

(22) "Designated crisis responder" has the same meaning as in RCW 71.05.020.

(23) "Director" means the director of the authority.

(24) "Drug addiction" means a disease characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(25) "Early adopter" means a regional service area for which all of the county authorities have requested that the authority purchase medical and behavioral health services through a managed care health system as defined under RCW 71.24.380(~~((6))~~) (7).

(26) "Emerging best practice" or "promising practice" means a program or practice that, based on statistical analyses or a well established theory of change, shows potential for meeting the evidence-based or research-based criteria, which may include the use of a program that is evidence-based for outcomes other than those listed in subsection (27) of this section.

(27) "Evidence-based" means a program or practice that has been tested in heterogeneous or intended populations with multiple randomized, or statistically controlled evaluations, or both; or one large multiple site randomized, or statistically controlled evaluation, or both, where the weight of the evidence from a systemic review demonstrates sustained improvements in at least one outcome. "Evidence-based" also means a program or practice that can be implemented with a set of procedures to allow successful replication in Washington and, when possible, is determined to be cost-beneficial.

(28) "Indian health care provider" means a health care program operated by the Indian health service or by a tribe, tribal organization, or urban Indian organization as those terms are defined in the Indian health care improvement act (25 U.S.C. Sec. 1603).

(29) "Intensive behavioral health treatment facility" means a community-based specialized residential treatment facility for individuals with behavioral health conditions, including individuals discharging from or being diverted from state and local hospitals, whose impairment or behaviors do not meet, or no longer meet, criteria for involuntary inpatient commitment under chapter 71.05 RCW, but whose care needs cannot be met in other community-based placement settings.

(30) "Licensed or certified behavioral health agency" means:

(a) An entity licensed or certified according to this chapter or chapter 71.05 RCW;

(b) An entity deemed to meet state minimum standards as a result of accreditation by a recognized behavioral health accrediting body recognized and having a current agreement with the department; or

(c) An entity with a tribal attestation that it meets state minimum standards for a licensed or certified behavioral health agency.

(31) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

(32) "Long-term inpatient care" means inpatient services for persons committed for, or voluntarily receiving intensive treatment for, periods of ninety

days or greater under chapter 71.05 RCW. "Long-term inpatient care" as used in this chapter does not include: (a) Services for individuals committed under chapter 71.05 RCW who are receiving services pursuant to a conditional release or a court-ordered less restrictive alternative to detention; or (b) services for individuals voluntarily receiving less restrictive alternative treatment on the grounds of the state hospital.

(33) "Managed care organization" means an organization, having a certificate of authority or certificate of registration from the office of the insurance commissioner, that contracts with the authority under a comprehensive risk contract to provide prepaid health care services to enrollees under the authority's managed care programs under chapter 74.09 RCW.

(34) "Mental health peer-run respite center" means a peer-run program to serve individuals in need of voluntary, short-term, noncrisis services that focus on recovery and wellness.

(35) Mental health "treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department of social and health services or the authority, by behavioral health administrative services organizations and their staffs, by managed care organizations and their staffs, or by treatment facilities. "Treatment records" do not include notes or records maintained for personal use by a person providing treatment services for the entities listed in this subsection, or a treatment facility if the notes or records are not available to others.

(36) "Mentally ill persons," "persons who are mentally ill," and "the mentally ill" mean persons and conditions defined in subsections (2), (12), (44), and (45) of this section.

(37) "Mobile rapid response crisis team" means a team that provides professional on-site community-based intervention such as outreach, de-escalation, stabilization, resource connection, and follow-up support for individuals who are experiencing a behavioral health crisis, that shall include certified peer counselors as a best practice to the extent practicable based on workforce availability, and that meets standards for response times established by the authority.

(38) "Recovery" means a process of change through which individuals improve their health and wellness, live a self-directed life, and strive to reach their full potential.

(39) "Research-based" means a program or practice that has been tested with a single randomized, or statistically controlled evaluation, or both, demonstrating sustained desirable outcomes; or where the weight of the evidence from a systemic review supports sustained outcomes as described in subsection (27) of this section but does not meet the full criteria for evidence-based.

(40) "Residential services" means a complete range of residences and supports authorized by resource management services and which may involve a facility, a distinct part thereof, or services which support community living, for persons who are acutely mentally ill, adults who are chronically mentally ill, children who are severely emotionally disturbed, or adults who are seriously disturbed and determined by the behavioral health administrative services organization or managed care organization to be at risk of becoming acutely or

chronically mentally ill. The services shall include at least evaluation and treatment services as defined in chapter 71.05 RCW, acute crisis respite care, long-term adaptive and rehabilitative care, and supervised and supported living services, and shall also include any residential services developed to service persons who are mentally ill in nursing homes, residential treatment facilities, assisted living facilities, and adult family homes, and may include outpatient services provided as an element in a package of services in a supported housing model. Residential services for children in out-of-home placements related to their mental disorder shall not include the costs of food and shelter, except for children's long-term residential facilities existing prior to January 1, 1991.

(41) "Resilience" means the personal and community qualities that enable individuals to rebound from adversity, trauma, tragedy, threats, or other stresses, and to live productive lives.

(42) "Resource management services" mean the planning, coordination, and authorization of residential services and community support services administered pursuant to an individual service plan for: (a) Adults and children who are acutely mentally ill; (b) adults who are chronically mentally ill; (c) children who are severely emotionally disturbed; or (d) adults who are seriously disturbed and determined by a behavioral health administrative services organization or managed care organization to be at risk of becoming acutely or chronically mentally ill. Such planning, coordination, and authorization shall include mental health screening for children eligible under the federal Title XIX early and periodic screening, diagnosis, and treatment program. Resource management services include seven day a week, twenty-four hour a day availability of information regarding enrollment of adults and children who are mentally ill in services and their individual service plan to designated crisis responders, evaluation and treatment facilities, and others as determined by the behavioral health administrative services organization or managed care organization, as applicable.

(43) "Secretary" means the secretary of the department of health.

(44) "Seriously disturbed person" means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to himself or herself or others, or to the property of others, as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status, or under a less restrictive alternative order, at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder which causes major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a child diagnosed by a mental health professional, as defined in chapter 71.34 RCW, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with the child's personality development and learning.

(45) "Severely emotionally disturbed child" or "child who is severely emotionally disturbed" means a child who has been determined by the behavioral health administrative services organization or managed care organization, if applicable, to be experiencing a mental disorder as defined in chapter 71.34 RCW, including those mental disorders that result in a behavioral

or conduct disorder, that is clearly interfering with the child's functioning in family or school or with peers and who meets at least one of the following criteria:

(a) Has undergone inpatient treatment or placement outside of the home related to a mental disorder within the last two years;

(b) Has undergone involuntary treatment under chapter 71.34 RCW within the last two years;

(c) Is currently served by at least one of the following child-serving systems: Juvenile justice, child-protection/welfare, special education, or developmental disabilities;

(d) Is at risk of escalating maladjustment due to:

(i) Chronic family dysfunction involving a caretaker who is mentally ill or inadequate;

(ii) Changes in custodial adult;

(iii) Going to, residing in, or returning from any placement outside of the home, for example, psychiatric hospital, short-term inpatient, residential treatment, group or foster home, or a correctional facility;

(iv) Subject to repeated physical abuse or neglect;

(v) Drug or alcohol abuse; or

(vi) Homelessness.

(46) "State minimum standards" means minimum requirements established by rules adopted and necessary to implement this chapter by:

(a) The authority for:

(i) Delivery of mental health and substance use disorder services; and

(ii) Community support services and resource management services;

(b) The department of health for:

(i) Licensed or certified behavioral health agencies for the purpose of providing mental health or substance use disorder programs and services, or both;

(ii) Licensed behavioral health providers for the provision of mental health or substance use disorder services, or both; and

(iii) Residential services.

(47) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances.

(48) "Tribe," for the purposes of this section, means a federally recognized Indian tribe.

(49) "23-hour crisis relief center" means a community-based facility or portion of a facility serving adults, which is licensed or certified by the department of health and open 24 hours a day, seven days a week, offering access to mental health and substance use care for no more than 23 hours and 59 minutes at a time per patient, and which accepts all behavioral health crisis walk-ins drop-offs from first responders, and individuals referred through the 988 system regardless of behavioral health acuity, and meets the requirements under section 2 of this act.

(50) "Crisis stabilization unit" has the same meaning as under RCW 71.05.020.

(51) "First responders" includes ambulance, fire, mobile rapid response crisis team, coresponder team, designated crisis responder, fire department mobile integrated health team, community assistance referral and education services program under RCW 35.21.930, and law enforcement personnel.

NEW SECTION. Sec. 2. A new section is added to chapter 71.24 RCW to read as follows:

(1) The secretary shall license or certify 23-hour crisis relief centers that meet state minimum standards. The department shall create rules in consultation with the authority by January 1, 2024, to develop standards for licensure or certification of 23-hour crisis relief centers.

(2) The rules, at a minimum, must require the 23-hour crisis relief center to:

(a) Offer walk-in options and drop-off options for first responders and persons referred through the 988 system, without a requirement for medical clearance for these individuals. The facility must be structured to have the capacity to accept admissions 90 percent of the time when the facility is not at its full capacity, and to have a no-refusal policy for law enforcement, with instances of declined admission and the reasons for the declines tracked and made available to the department;

(b) Provide services to address mental health and substance use crisis issues;

(c) Maintain capacity to screen for physical health needs, deliver minor wound care for nonlife-threatening wounds, and provide care for most minor physical or basic health needs that can be addressed without need for medical diagnosis or health care prescriber orders, with an identified pathway to transfer the person to more medically appropriate services if needed;

(d) Be staffed 24 hours a day, seven days a week, with a multidisciplinary team capable of meeting the needs of individuals experiencing all levels of crisis in the community, which includes access to a prescriber and the ability to dispense medications appropriate for 23-hour crisis relief center clients;

(e) Screen all individuals for suicide risk and engage in comprehensive suicide risk assessment and planning when clinically indicated;

(f) Screen all individuals for violence risk and engage in comprehensive violence risk assessment and planning when clinically indicated;

(g) Limit patient stays to a maximum of 23 hours and 59 minutes except for patients waiting on a designated crisis responder evaluation or making an imminent transition to another setting as part of an established aftercare plan. Exceptions to the time limit made under this subsection shall not cause a 23-hour crisis relief center to be classified as a residential treatment facility under RCW 71.12.455;

(h) Maintain relationships with entities capable of providing for reasonably anticipated ongoing service needs of clients, unless the licensee itself provides sufficient services; and

(i) When appropriate, coordinate connection to ongoing care.

(3) The rules, at a minimum, must develop standards for determining medical stability before an emergency medical services drop-off.

(4) The rules must include standards for the number of recliner chairs that may be licensed or certified in a 23-hour crisis relief center and the appropriate variance for temporarily exceeding that number in order to provide the no-refusal policy for law enforcement.

(5) The department shall specify physical environment standards for the construction review process that are responsive to the unique characteristics of the types of interventions used to provide care for all levels of acuity in facilities operating under the 23-hour crisis relief center model.

(6) The department shall coordinate with the authority and department of social and health services to establish rules that prohibit facilities that are licensed or required to be licensed under chapter 18.51, 18.20, 70.97, 72.36, or 70.128 RCW from discharging or transferring a resident to a 23-hour crisis relief center.

(7) The department shall coordinate with the authority to establish rules that prohibit a hospital that is licensed under chapter 70.41 RCW from discharging or transferring a patient to a 23-hour crisis relief center unless the hospital has a formal relationship with the 23-hour crisis relief center.

(8) The authority shall take steps necessary to make 23-hour crisis relief center services, including on-site physical health care, eligible for medicaid billing to the maximum extent allowed by federal law.

Sec. 3. RCW 71.05.020 and 2022 c 210 s 1 are each amended to read as follows:

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

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(3) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(4) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program certified by the department as meeting standards adopted under chapter 71.24 RCW;

(5) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(6) "Authority" means the Washington state health care authority;

(7) "Behavioral health disorder" means either a mental disorder as defined in this section, a substance use disorder as defined in this section, or a co-occurring mental disorder and substance use disorder;

(8) "Behavioral health service provider" means a public or private agency that provides mental health, substance use disorder, or co-occurring disorder services to persons with behavioral health disorders as defined under this section and receives funding from public sources. This includes, but is not limited to: Hospitals licensed under chapter 70.41 RCW; evaluation and treatment facilities as defined in this section; community mental health service delivery systems or community behavioral health programs as defined in RCW 71.24.025; licensed or certified behavioral health agencies under RCW 71.24.037; facilities

conducting competency evaluations and restoration under chapter 10.77 RCW; approved substance use disorder treatment programs as defined in this section; secure withdrawal management and stabilization facilities as defined in this section; and correctional facilities operated by state and local governments;

(9) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105;

(10) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(11) "Community behavioral health agency" has the same meaning as "licensed or certified behavioral health agency" defined in RCW 71.24.025;

(12) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(13) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization, or to determine the need for involuntary commitment of an individual;

(14) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(15) "Department" means the department of health;

(16) "Designated crisis responder" means a mental health professional appointed by the county, by an entity appointed by the county, or by the authority in consultation with a federally recognized Indian tribe or after meeting and conferring with an Indian health care provider, to perform the duties specified in this chapter;

(17) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(18) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department of social and health services;

(19) "Developmental disability" means that condition defined in RCW 71A.10.020(~~(5)~~) (6);

(20) "Director" means the director of the authority;

(21) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(22) "Drug addiction" means a disease, characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both,

if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(23) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is licensed or certified as such by the department. The authority may certify single beds as temporary evaluation and treatment beds under RCW 71.05.745. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department of social and health services or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(24) "Gravely disabled" means a condition in which a person, as a result of a behavioral health disorder: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(25) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct;

(26) "Hearing" means any proceeding conducted in open court that conforms to the requirements of RCW 71.05.820;

(27) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a behavioral health facility, or in confinement as a result of a criminal conviction;

(28) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(29) "In need of assisted outpatient treatment" refers to a person who meets the criteria for assisted outpatient treatment established under RCW 71.05.148;

(30) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

(31) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals;

(32) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(33) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public behavioral health service providers under RCW 71.05.130;

(34) "Less restrictive alternative treatment" means a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.05.585. This term includes: Treatment pursuant to a less restrictive alternative treatment order under RCW 71.05.240 or 71.05.320; treatment pursuant to a conditional release under RCW 71.05.340; and treatment pursuant to an assisted outpatient treatment order under RCW 71.05.148;

(35) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington;

(36) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

(37) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder;

(38) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

(39) "Mental health professional" means a psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(40) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(41) "Physician assistant" means a person licensed as a physician assistant under chapter 18.71A RCW;

(42) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders;

(43) "Professional person" means a mental health professional, substance use disorder professional, or designated crisis responder and shall also mean a physician, physician assistant, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(44) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

(45) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

(46) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(47) "Public agency" means any evaluation and treatment facility or institution, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments;

(48) "Release" means legal termination of the commitment under the provisions of this chapter;

(49) "Resource management services" has the meaning given in chapter 71.24 RCW;

(50) "Secretary" means the secretary of the department of health, or his or her designee;

(51) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals;

and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Include security measures sufficient to protect the patients, staff, and community; and

(c) Be licensed or certified as such by the department of health;

(52) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010;

(53) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances;

(54) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW;

(55) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

(56) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for behavioral health disorders, which are maintained by the department of social and health services, the department, the authority, behavioral health administrative services organizations and their staffs, managed care organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department of social and health services, the department, the authority, behavioral health administrative services organizations, managed care organizations, or a treatment facility if the notes or records are not available to others;

~~(57) ("Triage facility" means a short term facility or a portion of a facility licensed or certified by the department, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility;~~

~~(58))~~ "Video," unless the context clearly indicates otherwise, means the delivery of behavioral health services through the use of interactive audio and video technology, permitting real-time communication between a person and a designated crisis responder, for the purpose of evaluation. "Video" does not include the use of audio-only telephone, facsimile, email, or store and forward technology. "Store and forward technology" means use of an asynchronous

transmission of a person's medical information from a mental health service provider to the designated crisis responder which results in medical diagnosis, consultation, or treatment;

~~((59))~~ (58) "Violent act" means behavior that resulted in homicide, attempted suicide, injury, or substantial loss or damage to property;

(59) "23-hour crisis relief center" has the same meaning as under RCW 71.24.025.

Sec. 4. RCW 71.05.020 and 2022 c 210 s 2 are each amended to read as follows:

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

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(3) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(4) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program certified by the department as meeting standards adopted under chapter 71.24 RCW;

(5) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(6) "Authority" means the Washington state health care authority;

(7) "Behavioral health disorder" means either a mental disorder as defined in this section, a substance use disorder as defined in this section, or a co-occurring mental disorder and substance use disorder;

(8) "Behavioral health service provider" means a public or private agency that provides mental health, substance use disorder, or co-occurring disorder services to persons with behavioral health disorders as defined under this section and receives funding from public sources. This includes, but is not limited to: Hospitals licensed under chapter 70.41 RCW; evaluation and treatment facilities as defined in this section; community mental health service delivery systems or community behavioral health programs as defined in RCW 71.24.025; licensed or certified behavioral health agencies under RCW 71.24.037; facilities conducting competency evaluations and restoration under chapter 10.77 RCW; approved substance use disorder treatment programs as defined in this section; secure withdrawal management and stabilization facilities as defined in this section; and correctional facilities operated by state and local governments;

(9) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105;

(10) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(11) "Community behavioral health agency" has the same meaning as "licensed or certified behavioral health agency" defined in RCW 71.24.025;

(12) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(13) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization, or to determine the need for involuntary commitment of an individual;

(14) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(15) "Department" means the department of health;

(16) "Designated crisis responder" means a mental health professional appointed by the county, by an entity appointed by the county, or by the authority in consultation with a federally recognized Indian tribe or after meeting and conferring with an Indian health care provider, to perform the duties specified in this chapter;

(17) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(18) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department of social and health services;

(19) "Developmental disability" means that condition defined in RCW 71A.10.020(~~(5))~~ (6);

(20) "Director" means the director of the authority;

(21) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(22) "Drug addiction" means a disease, characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(23) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is licensed or certified as such by the department. The authority may certify single beds as temporary evaluation and treatment beds under RCW 71.05.745. A physically separate and separately operated portion of a state hospital may be designated as

an evaluation and treatment facility. A facility which is part of, or operated by, the department of social and health services or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(24) "Gravely disabled" means a condition in which a person, as a result of a behavioral health disorder: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration from safe behavior evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(25) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct;

(26) "Hearing" means any proceeding conducted in open court that conforms to the requirements of RCW 71.05.820;

(27) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a behavioral health facility, or in confinement as a result of a criminal conviction;

(28) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(29) "In need of assisted outpatient treatment" refers to a person who meets the criteria for assisted outpatient treatment established under RCW 71.05.148;

(30) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

(31) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals;

(32) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(33) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public behavioral health service providers under RCW 71.05.130;

(34) "Less restrictive alternative treatment" means a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.05.585. This term includes: Treatment pursuant to a less restrictive alternative treatment order under RCW 71.05.240 or 71.05.320; treatment pursuant to a conditional release under RCW 71.05.340; and treatment pursuant to an assisted outpatient treatment order under RCW 71.05.148;

(35) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington;

(36) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused harm, substantial pain, or which places another person or persons in reasonable fear of harm to themselves or others; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

(37) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder;

(38) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

(39) "Mental health professional" means a psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(40) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(41) "Physician assistant" means a person licensed as a physician assistant under chapter 18.71A RCW;

(42) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders;

(43) "Professional person" means a mental health professional, substance use disorder professional, or designated crisis responder and shall also mean a physician, physician assistant, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(44) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

(45) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

(46) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(47) "Public agency" means any evaluation and treatment facility or institution, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments;

(48) "Release" means legal termination of the commitment under the provisions of this chapter;

(49) "Resource management services" has the meaning given in chapter 71.24 RCW;

(50) "Secretary" means the secretary of the department of health, or his or her designee;

(51) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals; and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Include security measures sufficient to protect the patients, staff, and community; and

(c) Be licensed or certified as such by the department of health;

(52) "Severe deterioration from safe behavior" means that a person will, if not treated, suffer or continue to suffer severe and abnormal mental, emotional, or physical distress, and this distress is associated with significant impairment of judgment, reason, or behavior;

(53) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010;

(54) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances;

(55) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW;

(56) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

(57) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for behavioral health disorders, which are maintained by the department of social and health services, the department, the authority, behavioral health administrative services organizations and their staffs, managed care organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department of social and health services, the department, the authority, behavioral health administrative services organizations, managed care organizations, or a treatment facility if the notes or records are not available to others;

(58) (~~"Triage facility" means a short-term facility or a portion of a facility licensed or certified by the department, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility;~~

(59)) "Video," unless the context clearly indicates otherwise, means the delivery of behavioral health services through the use of interactive audio and video technology, permitting real-time communication between a person and a designated crisis responder, for the purpose of evaluation. "Video" does not include the use of audio-only telephone, facsimile, email, or store and forward technology. "Store and forward technology" means use of an asynchronous transmission of a person's medical information from a mental health service provider to the designated crisis responder which results in medical diagnosis, consultation, or treatment;

~~((60))~~ (59) "Violent act" means behavior that resulted in homicide, attempted suicide, injury, or substantial loss or damage to property;

(60) "23-hour crisis relief center" has the same meaning as under RCW 71.24.025.

Sec. 5. RCW 71.05.050 and 2020 c 302 s 9 are each amended to read as follows:

(1) Nothing in this chapter shall be construed to limit the right of any person to apply voluntarily to any public or private agency or practitioner for treatment of a behavioral health disorder, either by direct application or by referral. Any person voluntarily admitted for inpatient treatment to any public or private agency shall be released immediately upon his or her request. Any person voluntarily admitted for inpatient treatment to any public or private agency shall orally be advised of the right to immediate discharge, and further advised of such rights in writing as are secured to them pursuant to this chapter and their rights of access to attorneys, courts, and other legal redress. Their condition and status shall be reviewed at least once each one hundred eighty days for evaluation as to the need for further treatment or possible discharge, at which time they shall again be advised of their right to discharge upon request.

(2) If the professional staff of any public or private agency or hospital regards a person voluntarily admitted who requests discharge as presenting, as a result of a behavioral health disorder, an imminent likelihood of serious harm, or is gravely disabled, they may detain such person for sufficient time to notify the designated crisis responder of such person's condition to enable the designated crisis responder to authorize such person being further held in custody or transported to an evaluation and treatment center, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program pursuant to the provisions of this chapter, which shall in ordinary circumstances be no later than the next judicial day.

(3) If a person is brought to the emergency room of a public or private agency or hospital for observation or treatment, the person refuses voluntary admission, and the professional staff of the public or private agency or hospital regard such person as presenting as a result of a behavioral health disorder an imminent likelihood of serious harm, or as presenting an imminent danger because of grave disability, they may detain such person for sufficient time to notify the designated crisis responder of such person's condition to enable the designated crisis responder to authorize such person being further held in custody or transported to an evaluation treatment center, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program pursuant to the conditions in this chapter, but which time shall be no more than six hours from the time the professional staff notify the designated crisis responder of the need for evaluation, not counting time periods prior to medical clearance.

(4) If a person is brought to or accepted at a 23-hour crisis relief center and thereafter refuses to stay voluntarily, and the professional staff of the 23-hour crisis relief center regard the person as presenting as a result of a behavioral health disorder an imminent likelihood of serious harm, or presenting as an imminent danger because of grave disability, they may detain the person for sufficient time to enable the designated crisis responder to complete an evaluation, and, if involuntary commitment criteria are met, authorize the person

being further held in custody or transported to a hospital emergency department, evaluation and treatment center, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program pursuant to the provisions of this chapter, but which time shall be no more than 12 hours from the time the professional staff notify the designated crisis responder of the need for evaluation.

(5) Dismissal of a commitment petition is not the appropriate remedy for a violation of the timeliness requirements of this section based on the intent of this chapter under RCW 71.05.010 except in the few cases where the facility staff or designated crisis responder has totally disregarded the requirements of this section.

Sec. 6. RCW 71.05.150 and 2022 c 210 s 5 are each amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as a result of a behavioral health disorder, presents a likelihood of serious harm or is gravely disabled, the designated crisis responder may, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of any person providing information to initiate detention, if satisfied that the allegations are true and that the person will not voluntarily seek appropriate treatment, file a petition for initial detention under this section. Before filing the petition, the designated crisis responder must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at an evaluation and treatment facility, crisis stabilization unit, ~~((triage facility))~~ 23-hour crisis relief center, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. As part of the assessment, the designated crisis responder must attempt to ascertain if the person has executed a mental health advance directive under chapter 71.32 RCW. The interview performed by the designated crisis responder may be conducted by video provided that a licensed health care professional or professional person who can adequately and accurately assist with obtaining any necessary information is present with the person at the time of the interview.

(2)(a) A superior court judge may issue a warrant to detain a person with a behavioral health disorder to a designated evaluation and treatment facility, a secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program, for a period of not more than one hundred twenty hours for evaluation and treatment upon request of a designated crisis responder, subject to (d) of this subsection, whenever it appears to the satisfaction of the judge that:

- (i) There is probable cause to support the petition; and
 - (ii) The person has refused or failed to accept appropriate evaluation and treatment voluntarily.
- (b) The petition for initial detention, signed under penalty of perjury, or sworn telephonic testimony may be considered by the court in determining whether there are sufficient grounds for issuing the order.

(c) The order shall designate retained counsel or, if counsel is appointed from a list provided by the court, the name, business address, and telephone number of the attorney appointed to represent the person.

(d) A court may not issue an order to detain a person to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program unless there is an available secure withdrawal management and stabilization facility or approved substance use disorder treatment program that has adequate space for the person.

(e) If the court does not issue an order to detain a person pursuant to this subsection (2), the court shall issue an order to dismiss the initial petition.

(3) The designated crisis responder shall then serve or cause to be served on such person and his or her guardian, if any, a copy of the order together with a notice of rights, and a petition for initial detention. After service on such person the designated crisis responder shall file the return of service in court and provide copies of all papers in the court file to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, and the designated attorney. The designated crisis responder shall notify the court and the prosecuting attorney that a probable cause hearing will be held within one hundred twenty hours of the date and time of outpatient evaluation or admission to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. The person shall be permitted to be accompanied by one or more of his or her relatives, friends, an attorney, a personal physician, or other professional or religious advisor to the place of evaluation. An attorney accompanying the person to the place of evaluation shall be permitted to be present during the admission evaluation. Any other individual accompanying the person may be present during the admission evaluation. The facility may exclude the individual if his or her presence would present a safety risk, delay the proceedings, or otherwise interfere with the evaluation.

(4) The designated crisis responder may notify a peace officer to take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. At the time such person is taken into custody there shall commence to be served on such person, his or her guardian, and conservator, if any, a copy of the original order together with a notice of rights and a petition for initial detention.

(5) Tribal court orders for involuntary commitment shall be recognized and enforced in accordance with superior court civil rule 82.5.

(6) In any investigation and evaluation of an individual under this section or RCW 71.05.153 in which the designated crisis responder knows, or has reason to know, that the individual is an American Indian or Alaska Native who receives medical or behavioral health services from a tribe within this state, the designated crisis responder shall notify the tribe and Indian health care provider regarding whether or not a petition for initial detention or involuntary outpatient treatment will be filed. Notification shall be made in person or by telephonic or electronic communication to the tribal contact listed in the authority's tribal crisis coordination plan as soon as possible but no later than three hours subject to the requirements in RCW 70.02.230(2)(ee) and (3). A designated crisis responder may restrict the release of information as necessary to comply with 42 C.F.R. Part 2.

Sec. 7. RCW 71.05.150 and 2022 c 210 s 6 are each amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as a result of a behavioral health disorder, presents a likelihood of serious harm or is gravely disabled, the designated crisis responder may, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of any person providing information to initiate detention, if satisfied that the allegations are true and that the person will not voluntarily seek appropriate treatment, file a petition for initial detention under this section. Before filing the petition, the designated crisis responder must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at an evaluation and treatment facility, crisis stabilization unit, ~~((triage facility))~~ 23-hour crisis relief center, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. As part of the assessment, the designated crisis responder must attempt to ascertain if the person has executed a mental health advance directive under chapter 71.32 RCW. The interview performed by the designated crisis responder may be conducted by video provided that a licensed health care professional or professional person who can adequately and accurately assist with obtaining any necessary information is present with the person at the time of the interview.

(2)(a) A superior court judge may issue a warrant to detain a person with a behavioral health disorder to a designated evaluation and treatment facility, a secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program, for a period of not more than one hundred twenty hours for evaluation and treatment upon request of a designated crisis responder whenever it appears to the satisfaction of the judge that:

(i) There is probable cause to support the petition; and

(ii) The person has refused or failed to accept appropriate evaluation and treatment voluntarily.

(b) The petition for initial detention, signed under penalty of perjury, or sworn telephonic testimony may be considered by the court in determining whether there are sufficient grounds for issuing the order.

(c) The order shall designate retained counsel or, if counsel is appointed from a list provided by the court, the name, business address, and telephone number of the attorney appointed to represent the person.

(d) If the court does not issue an order to detain a person pursuant to this subsection (2), the court shall issue an order to dismiss the initial petition.

(3) The designated crisis responder shall then serve or cause to be served on such person and his or her guardian, if any, a copy of the order together with a notice of rights, and a petition for initial detention. After service on such person the designated crisis responder shall file the return of service in court and provide copies of all papers in the court file to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, and the designated attorney. The designated crisis responder shall notify the court and the prosecuting attorney that a probable cause hearing will be held within one hundred twenty hours of the date and time of outpatient evaluation or admission to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or

approved substance use disorder treatment program. The person shall be permitted to be accompanied by one or more of his or her relatives, friends, an attorney, a personal physician, or other professional or religious advisor to the place of evaluation. An attorney accompanying the person to the place of evaluation shall be permitted to be present during the admission evaluation. Any other individual accompanying the person may be present during the admission evaluation. The facility may exclude the individual if his or her presence would present a safety risk, delay the proceedings, or otherwise interfere with the evaluation.

(4) The designated crisis responder may notify a peace officer to take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. At the time such person is taken into custody there shall commence to be served on such person, his or her guardian, and conservator, if any, a copy of the original order together with a notice of rights and a petition for initial detention.

(5) Tribal court orders for involuntary commitment shall be recognized and enforced in accordance with superior court civil rule 82.5.

(6) In any investigation and evaluation of an individual under this section or RCW 71.05.153 in which the designated crisis responder knows, or has reason to know, that the individual is an American Indian or Alaska Native who receives medical or behavioral health services from a tribe within this state, the designated crisis responder shall notify the tribe and Indian health care provider regarding whether or not a petition for initial detention or involuntary outpatient treatment will be filed. Notification shall be made in person or by telephonic or electronic communication to the tribal contact listed in the authority's tribal crisis coordination plan as soon as possible but no later than three hours subject to the requirements in RCW 70.02.230(2)(ee) and (3). A designated crisis responder may restrict the release of information as necessary to comply with 42 C.F.R. Part 2.

Sec. 8. RCW 71.05.153 and 2021 c 264 s 3 and 2021 c 125 s 1 are each reenacted and amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as the result of a behavioral health disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the designated crisis responder may take such person, or cause by oral or written order such person to be taken into emergency custody in an emergency department, evaluation and treatment facility, secure withdrawal management and stabilization facility if available with adequate space for the person, or approved substance use disorder treatment program if available with adequate space for the person, for not more than one hundred twenty hours as described in RCW 71.05.180.

(2)(a) Subject to (b) of this subsection, a peace officer may take or cause such person to be taken into custody and immediately delivered to a (~~triage facility~~) crisis stabilization unit, 23-hour crisis relief center, evaluation and treatment facility, secure withdrawal management and stabilization facility,

approved substance use disorder treatment program, or the emergency department of a local hospital under ~~((the following circumstances:~~

~~(i) Pursuant to))~~ subsection (1) of this section ~~((;))~~ or

~~((ii) When))~~ when he or she has reasonable cause to believe that such person is suffering from a behavioral health disorder and presents an imminent likelihood of serious harm or is in imminent danger because of being gravely disabled.

(b) A peace officer's delivery of a person, to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program is subject to the availability of a secure withdrawal management and stabilization facility or approved substance use disorder treatment program with adequate space for the person.

(3) Persons delivered to a crisis stabilization unit, 23-hour crisis relief center, evaluation and treatment facility, emergency department of a local hospital, ~~((triage facility that has elected to operate as an involuntary facility,))~~ secure withdrawal management and stabilization facility, or approved substance use disorder treatment program by peace officers pursuant to subsection (2) of this section may be held by the facility for a period of up to twelve hours, not counting time periods prior to medical clearance.

(4) Within three hours after arrival at an emergency department, not counting time periods prior to medical clearance, the person must be examined by a mental health professional or substance use disorder professional. Within twelve hours of notice of the need for evaluation, not counting time periods prior to medical clearance, the designated crisis responder must determine whether the individual meets detention criteria. In conjunction with this evaluation, the facility where the patient is located must inquire as to a person's veteran status or eligibility for veterans benefits and, if the person appears to be potentially eligible for these benefits, inquire whether the person would be amenable to treatment by the veterans health administration compared to other relevant treatment options. This information must be shared with the designated crisis responder. If the person has been identified as being potentially eligible for veterans health administration services and as being amenable for those services, and if appropriate in light of all reasonably available information about the person's circumstances, the designated crisis responder must first refer the person to the veterans health administration for mental health or substance use disorder treatment at a facility capable of meeting the needs of the person including, but not limited to, the involuntary treatment options available at the Seattle division of the VA Puget Sound health care system. If the person is accepted for treatment by the veterans health administration, and is willing to accept treatment by the veterans health administration as an alternative to other available treatment options, the designated crisis responder, the veterans health administration, and the facility where the patient is located will work to make arrangements to have the person transported to a veterans health administration facility. As part of the assessment, the designated crisis responder must attempt to ascertain if the person has executed a mental health advance directive under chapter 71.32 RCW. The interview performed by the designated crisis responder may be conducted by video provided that a licensed health care professional or professional person who can adequately and accurately assist with obtaining any necessary information is present with the person at the time of the interview. If

the individual is detained, the designated crisis responder shall file a petition for detention or a supplemental petition as appropriate and commence service on the designated attorney for the detained person. If the individual is released to the community, the behavioral health service provider shall inform the peace officer of the release within a reasonable period of time after the release if the peace officer has specifically requested notification and provided contact information to the provider.

(5) Dismissal of a commitment petition is not the appropriate remedy for a violation of the timeliness requirements of this section based on the intent of this chapter under RCW 71.05.010 except in the few cases where the facility staff or designated crisis responder has totally disregarded the requirements of this section.

Sec. 9. RCW 71.05.153 and 2021 c 264 s 4 and 2021 c 125 s 2 are each reenacted and amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as the result of a behavioral health disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the designated crisis responder may take such person, or cause by oral or written order such person to be taken into emergency custody in an emergency department, evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, for not more than one hundred twenty hours as described in RCW 71.05.180.

(2) A peace officer may take or cause such person to be taken into custody and immediately delivered to a (~~triage facility~~) crisis stabilization unit, 23-hour crisis relief center, evaluation and treatment facility, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or the emergency department of a local hospital under (~~the following circumstances~~:

~~(a) Pursuant to~~) subsection (1) of this section(~~;~~) or
~~((b) When)~~ when he or she has reasonable cause to believe that such person is suffering from a behavioral health disorder and presents an imminent likelihood of serious harm or is in imminent danger because of being gravely disabled.

(3) Persons delivered to a crisis stabilization unit, 23-hour crisis relief center, evaluation and treatment facility, emergency department of a local hospital, (~~triage facility that has elected to operate as an involuntary facility~~), secure withdrawal management and stabilization facility, or approved substance use disorder treatment program by peace officers pursuant to subsection (2) of this section may be held by the facility for a period of up to twelve hours, not counting time periods prior to medical clearance.

(4) Within three hours after arrival at an emergency department, not counting time periods prior to medical clearance, the person must be examined by a mental health professional or substance use disorder professional. Within twelve hours of notice of the need for evaluation, not counting time periods prior to medical clearance, the designated crisis responder must determine whether the individual meets detention criteria. In conjunction with this evaluation, the facility where the patient is located must inquire as to a person's veteran status or

eligibility for veterans benefits and, if the person appears to be potentially eligible for these benefits, inquire whether the person would be amenable to treatment by the veterans health administration compared to other relevant treatment options. This information must be shared with the designated crisis responder. If the person has been identified as being potentially eligible for veterans health administration services and as being amenable for those services, and if appropriate in light of all reasonably available information about the person's circumstances, the designated crisis responder must first refer the person to the veterans health administration for mental health or substance use disorder treatment at a facility capable of meeting the needs of the person including, but not limited to, the involuntary treatment options available at the Seattle division of the VA Puget Sound health care system. If the person is accepted for treatment by the veterans health administration, and is willing to accept treatment by the veterans health administration as an alternative to other available treatment options, the designated crisis responder, the veterans health administration, and the facility where the patient is located will work to make arrangements to have the person transported to a veterans health administration facility. As part of the assessment, the designated crisis responder must attempt to ascertain if the person has executed a mental health advance directive under chapter 71.32 RCW. The interview performed by the designated crisis responder may be conducted by video provided that a licensed health care professional or professional person who can adequately and accurately assist with obtaining any necessary information is present with the person at the time of the interview. If the individual is detained, the designated crisis responder shall file a petition for detention or a supplemental petition as appropriate and commence service on the designated attorney for the detained person. If the individual is released to the community, the behavioral health service provider shall inform the peace officer of the release within a reasonable period of time after the release if the peace officer has specifically requested notification and provided contact information to the provider.

(5) Dismissal of a commitment petition is not the appropriate remedy for a violation of the timeliness requirements of this section based on the intent of this chapter under RCW 71.05.010 except in the few cases where the facility staff or designated crisis responder has totally disregarded the requirements of this section.

Sec. 10. RCW 71.05.590 and 2022 c 210 s 23 are each amended to read as follows:

(1) Either an agency or facility designated to monitor or provide services under a less restrictive alternative order or conditional release, or a designated crisis responder, may take action to enforce, modify, or revoke a less restrictive alternative treatment order or conditional release order. The agency, facility, or designated crisis responder must determine that:

- (a) The person is failing to adhere to the terms and conditions of the order;
- (b) Substantial deterioration in the person's functioning has occurred;
- (c) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further evaluation, intervention, or treatment; or
- (d) The person poses a likelihood of serious harm.

(2) Actions taken under this section must include a flexible range of responses of varying levels of intensity appropriate to the circumstances and consistent with the interests of the individual and the public in personal autonomy, safety, recovery, and compliance. Available actions may include, but are not limited to, any of the following:

(a) To counsel or advise the person as to their rights and responsibilities under the court order, and to offer incentives to motivate compliance;

(b) To increase the intensity of outpatient services provided to the person by increasing the frequency of contacts with the provider, referring the person for an assessment for assertive community services, or by other means;

(c) To request a court hearing for review and modification of the court order. The request must be directed to the court with jurisdiction over the order and specify the circumstances that give rise to the request and what modification is being sought. The county prosecutor shall assist the entity requesting the hearing and issue an appropriate summons to the person. This subsection does not limit the inherent authority of a treatment provider to alter conditions of treatment for clinical reasons, and is intended to be used only when court intervention is necessary or advisable to secure the person's compliance and prevent decompensation or deterioration;

(d) To detain the person for up to 12 hours for evaluation at an agency, facility providing services under the court order, (~~(triage facility,)~~) crisis stabilization unit, 23-hour crisis relief center, emergency department, evaluation and treatment facility, secure withdrawal management and stabilization facility with available space, or an approved substance use disorder treatment program with available space. The purpose of the evaluation is to determine whether modification, revocation, or commitment proceedings are necessary and appropriate to stabilize the person and prevent decompensation, deterioration, or physical harm. Temporary detention for evaluation under this subsection is intended to occur only following a pattern of noncompliance or the failure of reasonable attempts at outreach and engagement, and may occur only when, based on clinical judgment, temporary detention is appropriate. The agency, facility, or designated crisis responder may request assistance from a peace officer for the purposes of temporary detention under this subsection (2)(d). This subsection does not limit the ability or obligation of the agency, facility, or designated crisis responder to pursue revocation procedures under subsection (5) of this section in appropriate circumstances; and

(e) To initiate revocation procedures under subsection (5) of this section.

(3) A court may supervise a person on an order for less restrictive alternative treatment or a conditional release. While the person is under the order, the court may:

(a) Require appearance in court for periodic reviews; and

(b) Modify the order after considering input from the agency or facility designated to provide or facilitate services. The court may not remand the person into inpatient treatment except as provided under subsection (5) of this section, but may take actions under subsection (2)(a) through (d) of this section.

(4) The facility or agency designated to provide outpatient treatment shall notify the secretary of the department of social and health services or designated crisis responder when a person fails to adhere to terms and conditions of court

ordered treatment or experiences substantial deterioration in his or her condition and, as a result, presents an increased likelihood of serious harm.

(5)(a) A designated crisis responder or the secretary of the department of social and health services may, upon their own motion or upon request of the facility or agency designated to provide outpatient care, cause a person to be detained in an evaluation and treatment facility, available secure withdrawal management and stabilization facility with adequate space, or available approved substance use disorder treatment program with adequate space in or near the county in which he or she is receiving outpatient treatment for the purpose of a hearing for revocation of a less restrictive alternative treatment order or conditional release order under this chapter. The designated crisis responder or secretary of the department of social and health services shall file a petition for revocation within 24 hours and serve the person, their guardian, if any, and their attorney. A hearing for revocation of a less restrictive alternative treatment order or conditional release order may be scheduled without detention of the person.

(b) A person detained under this subsection (5) must be held until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the order for less restrictive alternative treatment or conditional release should be revoked, modified, or retained. If the person is not detained, the hearing must be scheduled within five days of service on the person. The designated crisis responder or the secretary of the department of social and health services may withdraw its petition for revocation at any time before the court hearing.

(c) A person detained under this subsection (5) has the same rights with respect to notice, hearing, and counsel as in any involuntary treatment proceeding, except as specifically set forth in this section. There is no right to jury trial. The venue for proceedings is the county where the petition is filed. Notice of the filing must be provided to the court that originally ordered commitment, if different from the court where the petition for revocation is filed, within two judicial days of the person's detention.

(d) The issues for the court to determine are whether: (i) The person adhered to the terms and conditions of the order; (ii) substantial deterioration in the person's functioning has occurred; (iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm; and, if any of the above conditions apply, whether it is appropriate for the court to reinstate or modify the person's less restrictive alternative treatment order or conditional release order or order the person's detention for inpatient treatment. The person may waive the court hearing and allow the court to enter a stipulated order upon the agreement of all parties. If the court orders detention for inpatient treatment, the treatment period must be for 14 days from the revocation hearing if the less restrictive alternative treatment order or conditional release order was based on a petition under RCW 71.05.148, 71.05.160, or 71.05.230. If the court orders detention for inpatient treatment and the less restrictive alternative treatment order or conditional release order was based on a petition under RCW 71.05.290 or 71.05.320, the number of days remaining on the order must be converted to days of inpatient treatment. A court may not detain a person for inpatient treatment to a secure withdrawal

management and stabilization facility or approved substance use disorder treatment program under this subsection unless there is a facility or program available with adequate space for the person.

(6) In determining whether or not to take action under this section the designated crisis responder, agency, or facility must consider the factors specified under RCW 71.05.212 and the court must consider the factors specified under RCW 71.05.245 as they apply to the question of whether to enforce, modify, or revoke a court order for involuntary treatment.

Sec. 11. RCW 71.05.590 and 2022 c 210 s 24 are each amended to read as follows:

(1) Either an agency or facility designated to monitor or provide services under a less restrictive alternative order or conditional release, or a designated crisis responder, may take action to enforce, modify, or revoke a less restrictive alternative treatment order or conditional release order. The agency, facility, or designated crisis responder must determine that:

- (a) The person is failing to adhere to the terms and conditions of the order;
- (b) Substantial deterioration in the person's functioning has occurred;
- (c) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further evaluation, intervention, or treatment; or
- (d) The person poses a likelihood of serious harm.

(2) Actions taken under this section must include a flexible range of responses of varying levels of intensity appropriate to the circumstances and consistent with the interests of the individual and the public in personal autonomy, safety, recovery, and compliance. Available actions may include, but are not limited to, any of the following:

(a) To counsel or advise the person as to their rights and responsibilities under the court order, and to offer incentives to motivate compliance;

(b) To increase the intensity of outpatient services provided to the person by increasing the frequency of contacts with the provider, referring the person for an assessment for assertive community services, or by other means;

(c) To request a court hearing for review and modification of the court order. The request must be directed to the court with jurisdiction over the order and specify the circumstances that give rise to the request and what modification is being sought. The county prosecutor shall assist ~~((the))~~ the entity requesting the hearing and issue an appropriate summons to the person. This subsection does not limit the inherent authority of a treatment provider to alter conditions of treatment for clinical reasons, and is intended to be used only when court intervention is necessary or advisable to secure the person's compliance and prevent decompensation or deterioration;

(d) To detain the person for up to 12 hours for evaluation at an agency, facility providing services under the court order, ~~((triage facility,))~~ crisis stabilization unit, 23-hour crisis relief center, emergency department, evaluation and treatment facility, secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program. The purpose of the evaluation is to determine whether modification, revocation, or commitment proceedings are necessary and appropriate to stabilize the person and prevent decompensation, deterioration, or physical harm. Temporary detention for evaluation under this subsection is intended to occur only following a pattern of

noncompliance or the failure of reasonable attempts at outreach and engagement, and may occur only when, based on clinical judgment, temporary detention is appropriate. The agency, facility, or designated crisis responder may request assistance from a peace officer for the purposes of temporary detention under this subsection (2)(d). This subsection does not limit the ability or obligation of the agency, facility, or designated crisis responder to pursue revocation procedures under subsection (5) of this section in appropriate circumstances; and

(e) To initiate revocation procedures under subsection (5) of this section.

(3) A court may supervise a person on an order for less restrictive alternative treatment or a conditional release. While the person is under the order, the court may:

(a) Require appearance in court for periodic reviews; and

(b) Modify the order after considering input from the agency or facility designated to provide or facilitate services. The court may not remand the person into inpatient treatment except as provided under subsection (5) of this section, but may take actions under subsection (2)(a) through (d) of this section.

(4) The facility or agency designated to provide outpatient treatment shall notify the secretary of the department of social and health services or designated crisis responder when a person fails to adhere to terms and conditions of court ordered treatment or experiences substantial deterioration in his or her condition and, as a result, presents an increased likelihood of serious harm.

(5)(a) A designated crisis responder or the secretary of the department of social and health services may, upon their own motion or upon request of the facility or agency designated to provide outpatient care, cause a person to be detained in an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program in or near the county in which he or she is receiving outpatient treatment for the purpose of a hearing for revocation of a less restrictive alternative treatment order or conditional release order under this chapter. The designated crisis responder or secretary of the department of social and health services shall file a petition for revocation within 24 hours and serve the person, their guardian, if any, and their attorney. A hearing for revocation of a less restrictive alternative treatment order or conditional release order may be scheduled without detention of the person.

(b) A person detained under this subsection (5) must be held until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the order for less restrictive alternative treatment or conditional release should be revoked, modified, or retained. If the person is not detained, the hearing must be scheduled within five days of service on the person. The designated crisis responder or the secretary of the department of social and health services may withdraw its petition for revocation at any time before the court hearing.

(c) A person detained under this subsection (5) has the same rights with respect to notice, hearing, and counsel as in any involuntary treatment proceeding, except as specifically set forth in this section. There is no right to jury trial. The venue for proceedings is the county where the petition is filed. Notice of the filing must be provided to the court that originally ordered

commitment, if different from the court where the petition for revocation is filed, within two judicial days of the person's detention.

(d) The issues for the court to determine are whether: (i) The person adhered to the terms and conditions of the order; (ii) substantial deterioration in the person's functioning has occurred; (iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm; and, if any of the above conditions apply, whether it is appropriate for the court to reinstate or modify the person's less restrictive alternative treatment order or conditional release order or order the person's detention for inpatient treatment. The person may waive the court hearing and allow the court to enter a stipulated order upon the agreement of all parties. If the court orders detention for inpatient treatment, the treatment period must be for 14 days from the revocation hearing if the less restrictive alternative treatment order or conditional release order was based on a petition under RCW 71.05.148, 71.05.160, or 71.05.230. If the court orders detention for inpatient treatment and the less restrictive alternative treatment order or conditional release order was based on a petition under RCW 71.05.290 or 71.05.320, the number of days remaining on the order must be converted to days of inpatient treatment.

(6) In determining whether or not to take action under this section the designated crisis responder, agency, or facility must consider the factors specified under RCW 71.05.212 and the court must consider the factors specified under RCW 71.05.245 as they apply to the question of whether to enforce, modify, or revoke a court order for involuntary treatment.

Sec. 12. RCW 71.34.020 and 2021 c 264 s 26 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a minor should be examined or treated as a patient in a hospital.

(2) "Adolescent" means a minor thirteen years of age or older.

(3) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(4) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to, atypical antipsychotic medications.

(5) "Approved substance use disorder treatment program" means a program for minors with substance use disorders provided by a treatment program licensed or certified by the department of health as meeting standards adopted under chapter 71.24 RCW.

(6) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a minor patient.

(7) "Authority" means the Washington state health care authority.

(8) "Behavioral health administrative services organization" has the same meaning as provided in RCW 71.24.025.

(9) "Behavioral health disorder" means either a mental disorder as defined in this section, a substance use disorder as defined in this section, or a co-occurring mental disorder and substance use disorder.

(10) "Child psychiatrist" means a person having a license as a physician and surgeon in this state, who has had graduate training in child psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and who is board eligible or board certified in child psychiatry.

(11) "Children's mental health specialist" means:

(a) A mental health professional who has completed a minimum of one hundred actual hours, not quarter or semester hours, of specialized training devoted to the study of child development and the treatment of children; and

(b) A mental health professional who has the equivalent of one year of full-time experience in the treatment of children under the supervision of a children's mental health specialist.

(12) "Commitment" means a determination by a judge or court commissioner, made after a commitment hearing, that the minor is in need of inpatient diagnosis, evaluation, or treatment or that the minor is in need of less restrictive alternative treatment.

(13) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms.

(14) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105.

(15) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department of health under RCW 71.24.035, such as a residential treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization, or to determine the need for involuntary commitment of an individual.

(16) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment.

(17) "Department" means the department of social and health services.

(18) "Designated crisis responder" has the same meaning as provided in RCW 71.05.020.

(19) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter.

(20) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department.

(21) "Developmental disability" has the same meaning as defined in RCW 71A.10.020.

(22) "Director" means the director of the authority.

(23) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order.

(24) "Evaluation and treatment facility" means a public or private facility or unit that is licensed or certified by the department of health to provide emergency, inpatient, residential, or outpatient mental health evaluation and treatment services for minors. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility for minors. A facility which is part of or operated by the state or federal agency does not require licensure or certification. No correctional institution or facility, juvenile court detention facility, or jail may be an evaluation and treatment facility within the meaning of this chapter.

(25) "Evaluation and treatment program" means the total system of services and facilities coordinated and approved by a county or combination of counties for the evaluation and treatment of minors under this chapter.

(26) "Gravely disabled minor" means a minor who, as a result of a behavioral health disorder, (a) is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety, or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety.

(27) "Habilitative services" means those services provided by program personnel to assist minors in acquiring and maintaining life skills and in raising their levels of physical, behavioral, social, and vocational functioning. Habilitative services include education, training for employment, and therapy.

(28) "Hearing" means any proceeding conducted in open court that conforms to the requirements of RCW 71.34.910.

(29) "History of one or more violent acts" refers to the period of time five years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a mental health facility, a long-term substance use disorder treatment facility, or in confinement as a result of a criminal conviction.

(30) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which states:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences.

(31)(a) "Inpatient treatment" means twenty-four-hour-per-day mental health care provided within a general hospital, psychiatric hospital, residential treatment facility licensed or certified by the department of health as an evaluation and treatment facility for minors, secure withdrawal management and stabilization facility for minors, or approved substance use disorder treatment program for minors.

(b) For purposes of family-initiated treatment under RCW 71.34.600 through 71.34.670, "inpatient treatment" has the meaning included in (a) of this subsection and any other residential treatment facility licensed under chapter 71.12 RCW.

(32) "Intoxicated minor" means a minor whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals.

(33) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter.

(34) "Kinship caregiver" has the same meaning as in RCW 74.13.031(19)(a).

(35) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public behavioral health service providers under RCW 71.05.130.

(36) "Less restrictive alternative" or "less restrictive setting" means outpatient treatment provided to a minor as a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.34.755, including residential treatment.

(37) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

(38) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a minor upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a minor upon another individual, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (iii) physical harm will be inflicted by a minor upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The minor has threatened the physical safety of another and has a history of one or more violent acts.

(39) "Managed care organization" has the same meaning as provided in RCW 71.24.025.

(40) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder.

(41) "Medical necessity" for inpatient care means a requested service which is reasonably calculated to: (a) Diagnose, correct, cure, or alleviate a mental disorder or substance use disorder; or (b) prevent the progression of a mental disorder or substance use disorder that endangers life or causes suffering and

pain, or results in illness or infirmity or threatens to cause or aggravate a disability, or causes physical deformity or malfunction, and there is no adequate less restrictive alternative available.

(42) "Mental disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on an individual's cognitive or volitional functions. The presence of alcohol abuse, drug abuse, juvenile criminal history, antisocial behavior, or intellectual disabilities alone is insufficient to justify a finding of "mental disorder" within the meaning of this section.

(43) "Mental health professional" means a psychiatrist, psychiatric advanced registered nurse practitioner, physician assistant working with a supervising psychiatrist, psychologist, psychiatric nurse, social worker, and such other mental health professionals as defined by rules adopted by the secretary of the department of health under this chapter.

(44) "Minor" means any person under the age of eighteen years.

(45) "Outpatient treatment" means any of the nonresidential services mandated under chapter 71.24 RCW and provided by licensed or certified behavioral health agencies as identified by RCW 71.24.025.

(46)(a) "Parent" has the same meaning as defined in RCW 26.26A.010, including either parent if custody is shared under a joint custody agreement, or a person or agency judicially appointed as legal guardian or custodian of the child.

(b) For purposes of family-initiated treatment under RCW 71.34.600 through 71.34.670, "parent" also includes a person to whom a parent defined in (a) of this subsection has given a signed authorization to make health care decisions for the adolescent, a stepparent who is involved in caring for the adolescent, a kinship caregiver who is involved in caring for the adolescent, or another relative who is responsible for the health care of the adolescent, who may be required to provide a declaration under penalty of perjury stating that he or she is a relative responsible for the health care of the adolescent pursuant to chapter 5.50 RCW. If a dispute arises between individuals authorized to act as a parent for the purpose of RCW 71.34.600 through 71.34.670, the disagreement must be resolved according to the priority established under RCW 7.70.065(2)(a).

(47) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment.

(48) "Physician assistant" means a person licensed as a physician assistant under chapter 18.71A RCW.

(49) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, that constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, that is conducted for, or includes a distinct unit, floor, or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders.

(50) "Professional person in charge" or "professional person" means a physician, other mental health professional, or other person empowered by an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program with authority to make admission and discharge decisions on behalf of that facility.

(51) "Psychiatric nurse" means a registered nurse who has experience in the direct treatment of persons who have a mental illness or who are emotionally disturbed, such experience gained under the supervision of a mental health professional.

(52) "Psychiatrist" means a person having a license as a physician in this state who has completed residency training in psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and is board eligible or board certified in psychiatry.

(53) "Psychologist" means a person licensed as a psychologist under chapter 18.83 RCW.

(54) "Public agency" means any evaluation and treatment facility or institution, or hospital, or approved substance use disorder treatment program that is conducted for, or includes a distinct unit, floor, or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments.

(55) "Release" means legal termination of the commitment under the provisions of this chapter.

(56) "Resource management services" has the meaning given in chapter 71.24 RCW.

(57) "Responsible other" means the minor, the minor's parent or estate, or any other person legally responsible for support of the minor.

(58) "Secretary" means the secretary of the department or secretary's designee.

(59) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals; and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Include security measures sufficient to protect the patients, staff, and community; and

(c) Be licensed or certified as such by the department of health.

(60) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

(61) "Start of initial detention" means the time of arrival of the minor at the first evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program offering inpatient treatment if the minor is being involuntarily detained at the time. With regard to voluntary patients, "start of initial detention" means the time at which the minor gives notice of intent to leave under the provisions of this chapter.

(62) "Store and forward technology" means use of an asynchronous transmission of a person's medical information from a mental health service provider to the designated crisis responder which results in medical diagnosis, consultation, or treatment.

(63) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances.

(64) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW.

(65) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties.

(66) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, the department of health, the authority, behavioral health organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, the department of health, the authority, behavioral health organizations, or a treatment facility if the notes or records are not available to others.

~~(67) ("Triage facility" means a short-term facility or a portion of a facility licensed or certified by the department of health under RCW 71.24.035, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department of health residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility.~~

~~(68))~~ "Video" means the delivery of behavioral health services through the use of interactive audio and video technology, permitting real-time communication between a person and a designated crisis responder, for the purpose of evaluation. "Video" does not include the use of audio-only telephone, facsimile, email, or store and forward technology.

~~((69))~~ (68) "Violent act" means behavior that resulted in homicide, attempted suicide, injury, or substantial loss or damage to property.

Sec. 13. RCW 71.34.020 and 2021 c 264 s 28 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a minor should be examined or treated as a patient in a hospital.

(2) "Adolescent" means a minor thirteen years of age or older.

(3) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(4) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to, atypical antipsychotic medications.

(5) "Approved substance use disorder treatment program" means a program for minors with substance use disorders provided by a treatment program licensed or certified by the department of health as meeting standards adopted under chapter 71.24 RCW.

(6) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a minor patient.

(7) "Authority" means the Washington state health care authority.

(8) "Behavioral health administrative services organization" has the same meaning as provided in RCW 71.24.025.

(9) "Behavioral health disorder" means either a mental disorder as defined in this section, a substance use disorder as defined in this section, or a co-occurring mental disorder and substance use disorder.

(10) "Child psychiatrist" means a person having a license as a physician and surgeon in this state, who has had graduate training in child psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and who is board eligible or board certified in child psychiatry.

(11) "Children's mental health specialist" means:

(a) A mental health professional who has completed a minimum of one hundred actual hours, not quarter or semester hours, of specialized training devoted to the study of child development and the treatment of children; and

(b) A mental health professional who has the equivalent of one year of full-time experience in the treatment of children under the supervision of a children's mental health specialist.

(12) "Commitment" means a determination by a judge or court commissioner, made after a commitment hearing, that the minor is in need of inpatient diagnosis, evaluation, or treatment or that the minor is in need of less restrictive alternative treatment.

(13) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms.

(14) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW

that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105.

(15) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department of health under RCW 71.24.035, such as a residential treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization, or to determine the need for involuntary commitment of an individual.

(16) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment.

(17) "Department" means the department of social and health services.

(18) "Designated crisis responder" has the same meaning as provided in RCW 71.05.020.

(19) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter.

(20) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department.

(21) "Developmental disability" has the same meaning as defined in RCW 71A.10.020.

(22) "Director" means the director of the authority.

(23) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order.

(24) "Evaluation and treatment facility" means a public or private facility or unit that is licensed or certified by the department of health to provide emergency, inpatient, residential, or outpatient mental health evaluation and treatment services for minors. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility for minors. A facility which is part of or operated by the state or federal agency does not require licensure or certification. No correctional institution or facility, juvenile court detention facility, or jail may be an evaluation and treatment facility within the meaning of this chapter.

(25) "Evaluation and treatment program" means the total system of services and facilities coordinated and approved by a county or combination of counties for the evaluation and treatment of minors under this chapter.

(26) "Gravely disabled minor" means a minor who, as a result of a behavioral health disorder, (a) is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety, or (b) manifests severe deterioration from safe behavior evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety.

(27) "Habilitative services" means those services provided by program personnel to assist minors in acquiring and maintaining life skills and in raising

their levels of physical, behavioral, social, and vocational functioning. Habilitative services include education, training for employment, and therapy.

(28) "Hearing" means any proceeding conducted in open court that conforms to the requirements of RCW 71.34.910.

(29) "History of one or more violent acts" refers to the period of time five years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a mental health facility, a long-term substance use disorder treatment facility, or in confinement as a result of a criminal conviction.

(30) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which states:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences.

(31)(a) "Inpatient treatment" means twenty-four-hour-per-day mental health care provided within a general hospital, psychiatric hospital, residential treatment facility licensed or certified by the department of health as an evaluation and treatment facility for minors, secure withdrawal management and stabilization facility for minors, or approved substance use disorder treatment program for minors.

(b) For purposes of family-initiated treatment under RCW 71.34.600 through 71.34.670, "inpatient treatment" has the meaning included in (a) of this subsection and any other residential treatment facility licensed under chapter 71.12 RCW.

(32) "Intoxicated minor" means a minor whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals.

(33) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter.

(34) "Kinship caregiver" has the same meaning as in RCW 74.13.031(19)(a).

(35) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public behavioral health service providers under RCW 71.05.130.

(36) "Less restrictive alternative" or "less restrictive setting" means outpatient treatment provided to a minor as a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.34.755, including residential treatment.

(37) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

(38) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a minor upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a minor upon another individual, as evidenced by behavior which has caused harm, substantial pain, or which places another person or persons in reasonable fear of harm to themselves or others; or (iii) physical harm will be inflicted by a minor upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The minor has threatened the physical safety of another and has a history of one or more violent acts.

(39) "Managed care organization" has the same meaning as provided in RCW 71.24.025.

(40) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder.

(41) "Medical necessity" for inpatient care means a requested service which is reasonably calculated to: (a) Diagnose, correct, cure, or alleviate a mental disorder or substance use disorder; or (b) prevent the progression of a mental disorder or substance use disorder that endangers life or causes suffering and pain, or results in illness or infirmity or threatens to cause or aggravate a disability, or causes physical deformity or malfunction, and there is no adequate less restrictive alternative available.

(42) "Mental disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on an individual's cognitive or volitional functions. The presence of alcohol abuse, drug abuse, juvenile criminal history, antisocial behavior, or intellectual disabilities alone is insufficient to justify a finding of "mental disorder" within the meaning of this section.

(43) "Mental health professional" means a psychiatrist, psychiatric advanced registered nurse practitioner, physician assistant working with a supervising psychiatrist, psychologist, psychiatric nurse, social worker, and such other mental health professionals as defined by rules adopted by the secretary of the department of health under this chapter.

(44) "Minor" means any person under the age of eighteen years.

(45) "Outpatient treatment" means any of the nonresidential services mandated under chapter 71.24 RCW and provided by licensed or certified behavioral health agencies as identified by RCW 71.24.025.

(46)(a) "Parent" has the same meaning as defined in RCW 26.26A.010, including either parent if custody is shared under a joint custody agreement, or a person or agency judicially appointed as legal guardian or custodian of the child.

(b) For purposes of family-initiated treatment under RCW 71.34.600 through 71.34.670, "parent" also includes a person to whom a parent defined in (a) of this subsection has given a signed authorization to make health care

decisions for the adolescent, a stepparent who is involved in caring for the adolescent, a kinship caregiver who is involved in caring for the adolescent, or another relative who is responsible for the health care of the adolescent, who may be required to provide a declaration under penalty of perjury stating that he or she is a relative responsible for the health care of the adolescent pursuant to chapter 5.50 RCW. If a dispute arises between individuals authorized to act as a parent for the purpose of RCW 71.34.600 through 71.34.670, the disagreement must be resolved according to the priority established under RCW 7.70.065(2)(a).

(47) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment.

(48) "Physician assistant" means a person licensed as a physician assistant under chapter 18.71A RCW.

(49) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, that constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, that is conducted for, or includes a distinct unit, floor, or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders.

(50) "Professional person in charge" or "professional person" means a physician, other mental health professional, or other person empowered by an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program with authority to make admission and discharge decisions on behalf of that facility.

(51) "Psychiatric nurse" means a registered nurse who has experience in the direct treatment of persons who have a mental illness or who are emotionally disturbed, such experience gained under the supervision of a mental health professional.

(52) "Psychiatrist" means a person having a license as a physician in this state who has completed residency training in psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and is board eligible or board certified in psychiatry.

(53) "Psychologist" means a person licensed as a psychologist under chapter 18.83 RCW.

(54) "Public agency" means any evaluation and treatment facility or institution, or hospital, or approved substance use disorder treatment program that is conducted for, or includes a distinct unit, floor, or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments.

(55) "Release" means legal termination of the commitment under the provisions of this chapter.

(56) "Resource management services" has the meaning given in chapter 71.24 RCW.

(57) "Responsible other" means the minor, the minor's parent or estate, or any other person legally responsible for support of the minor.

(58) "Secretary" means the secretary of the department or secretary's designee.

(59) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals; and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Include security measures sufficient to protect the patients, staff, and community; and

(c) Be licensed or certified as such by the department of health.

(60) "Severe deterioration from safe behavior" means that a person will, if not treated, suffer or continue to suffer severe and abnormal mental, emotional, or physical distress, and this distress is associated with significant impairment of judgment, reason, or behavior.

(61) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

(62) "Start of initial detention" means the time of arrival of the minor at the first evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program offering inpatient treatment if the minor is being involuntarily detained at the time. With regard to voluntary patients, "start of initial detention" means the time at which the minor gives notice of intent to leave under the provisions of this chapter.

(63) "Store and forward technology" means use of an asynchronous transmission of a person's medical information from a mental health service provider to the designated crisis responder which results in medical diagnosis, consultation, or treatment.

(64) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances.

(65) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW.

(66) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties.

(67) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, the department of health, the authority, behavioral health organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, the department of health, the authority, behavioral health organizations, or a treatment facility if the notes or records are not available to others.

~~(68) ("Triage facility" means a short-term facility or a portion of a facility licensed or certified by the department of health under RCW 71.24.035, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department of health residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility.~~

~~(69))~~ "Video" means the delivery of behavioral health services through the use of interactive audio and video technology, permitting real-time communication between a person and a designated crisis responder, for the purpose of evaluation. "Video" does not include the use of audio-only telephone, facsimile, email, or store and forward technology.

~~((70))~~ (69) "Violent act" means behavior that resulted in homicide, attempted suicide, injury, or substantial loss or damage to property.

Sec. 14. RCW 71.34.351 and 2020 c 302 s 67 are each amended to read as follows:

A peace officer may take or authorize a minor to be taken into custody and immediately delivered to an appropriate ~~((triage facility,))~~ crisis stabilization unit, evaluation and treatment facility, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or the emergency department of a local hospital when he or she has reasonable cause to believe that such minor is suffering from a behavioral health disorder and presents an imminent likelihood of serious harm or is gravely disabled. Until July 1, 2026, a peace officer's delivery of a minor to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program is subject to the availability of a secure withdrawal management and stabilization facility or approved substance use disorder treatment program with adequate space for the minor.

Sec. 15. RCW 71.05.755 and 2019 c 325 s 3014 are each amended to read as follows:

(1) The authority shall promptly share reports it receives under RCW 71.05.750 with the responsible behavioral health administrative services organization or managed care organization, if applicable. The behavioral health

administrative services organization or managed care organization, if applicable, receiving this notification must attempt to engage the person in appropriate services for which the person is eligible and report back within seven days to the authority.

(2) The authority shall track and analyze reports submitted under RCW 71.05.750. The authority must initiate corrective action when appropriate to ensure that each behavioral health administrative services organization or managed care organization, if applicable, has implemented an adequate plan to provide evaluation and treatment services. Corrective actions may include remedies under the authority's contract with such entity. An adequate plan may include development of less restrictive alternatives to involuntary commitment such as ((crisis triage)) crisis diversion, voluntary treatment, or prevention programs reasonably calculated to reduce demand for evaluation and treatment under this chapter.

Sec. 16. RCW 71.24.890 and 2021 c 302 s 102 are each amended to read as follows:

(1) Establishing the state crisis call center hubs and enhancing the crisis response system will require collaborative work between the department and the authority within their respective roles. The department shall have primary responsibility for establishing and designating the crisis call center hubs. The authority shall have primary responsibility for developing and implementing the crisis response system and services to support the work of the crisis call center hubs. In any instance in which one agency is identified as the lead, the expectation is that agency will be communicating and collaborating with the other to ensure seamless, continuous, and effective service delivery within the statewide crisis response system.

(2) The department shall provide adequate funding for the state's crisis call centers to meet an expected increase in the use of the call centers based on the implementation of the 988 crisis hotline. The funding level shall be established at a level anticipated to achieve an in-state call response rate of at least 90 percent by July 22, 2022. The funding level shall be determined by considering standards and cost per call predictions provided by the administrator of the national suicide prevention lifeline, call volume predictions, guidance on crisis call center performance metrics, and necessary technology upgrades.

(3) The department shall adopt rules by July 1, 2023, to establish standards for designation of crisis call centers as crisis call center hubs. The department shall collaborate with the authority and other agencies to assure coordination and availability of services, and shall consider national guidelines for behavioral health crisis care as determined by the federal substance abuse and mental health services administration, national behavioral health accrediting bodies, and national behavioral health provider associations to the extent they are appropriate, and recommendations from the crisis response improvement strategy committee created in RCW 71.24.892.

(4) The department shall designate crisis call center hubs by July 1, 2024. The crisis call center hubs shall provide crisis intervention services, triage, care coordination, referrals, and connections to individuals contacting the 988 crisis hotline from any jurisdiction within Washington 24 hours a day, seven days a week, using the system platform developed under subsection (5) of this section.

(a) To be designated as a crisis call center hub, the applicant must demonstrate to the department the ability to comply with the requirements of this section and to contract to provide crisis call center hub services. The department may revoke the designation of any crisis call center hub that fails to substantially comply with the contract.

(b) The contracts entered shall require designated crisis call center hubs to:

(i) Have an active agreement with the administrator of the national suicide prevention lifeline for participation within its network;

(ii) Meet the requirements for operational and clinical standards established by the department and based upon the national suicide prevention lifeline best practices guidelines and other recognized best practices;

(iii) Employ highly qualified, skilled, and trained clinical staff who have sufficient training and resources to provide empathy to callers in acute distress, de-escalate crises, assess behavioral health disorders and suicide risk, triage to system partners, and provide case management and documentation. Call center staff shall be trained to make every effort to resolve cases in the least restrictive environment and without law enforcement involvement whenever possible. Call center staff shall coordinate with certified peer counselors to provide follow-up and outreach to callers in distress as available. It is intended for transition planning to include a pathway for continued employment and skill advancement as needed for experienced crisis call center employees;

(iv) Collaborate with the authority, the national suicide prevention lifeline, and veterans crisis line networks to assure consistency of public messaging about the 988 crisis hotline; and

(v) Provide data and reports and participate in evaluations and related quality improvement activities, according to standards established by the department in collaboration with the authority.

(c) The department and the authority shall incorporate recommendations from the crisis response improvement strategy committee created under RCW 71.24.892 in its agreements with crisis call center hubs, as appropriate.

(5) The department and authority must coordinate to develop the technology and platforms necessary to manage and operate the behavioral health crisis response and suicide prevention system. The technologies developed must include:

(a) A new technologically advanced behavioral health and suicide prevention crisis call center system platform using technology demonstrated to be interoperable across crisis and emergency response systems used throughout the state, such as 911 systems, emergency medical services systems, and other nonbehavioral health crisis services, for use in crisis call center hubs designated by the department under subsection (4) of this section. This platform, which shall be fully funded by July 1, 2023, shall be developed by the department and must include the capacity to receive crisis assistance requests through phone calls, texts, chats, and other similar methods of communication that may be developed in the future that promote access to the behavioral health crisis system; and

(b) A behavioral health integrated client referral system capable of providing system coordination information to crisis call center hubs and the other entities involved in behavioral health care. This system shall be developed by the authority.

(6) In developing the new technologies under subsection (5) of this section, the department and the authority must coordinate to designate a primary technology system to provide each of the following:

(a) Access to real-time information relevant to the coordination of behavioral health crisis response and suicide prevention services, including:

(i) Real-time bed availability for all behavioral health bed types and recliner chairs, including but not limited to crisis stabilization services, (~~triage facilities~~;) 23-hour crisis relief centers, psychiatric inpatient, substance use disorder inpatient, withdrawal management, peer-run respite centers, and crisis respite services, inclusive of both voluntary and involuntary beds, for use by crisis response workers, first responders, health care providers, emergency departments, and individuals in crisis; and

(ii) Real-time information relevant to the coordination of behavioral health crisis response and suicide prevention services for a person, including the means to access:

(A) Information about any less restrictive alternative treatment orders or mental health advance directives related to the person; and

(B) Information necessary to enable the crisis call center hub to actively collaborate with emergency departments, primary care providers and behavioral health providers within managed care organizations, behavioral health administrative services organizations, and other health care payers to establish a safety plan for the person in accordance with best practices and provide the next steps for the person's transition to follow-up noncrisis care. To establish information-sharing guidelines that fulfill the intent of this section the authority shall consider input from the confidential information compliance and coordination subcommittee established under RCW 71.24.892;

(b) The means to request deployment of appropriate crisis response services, which may include mobile rapid response crisis teams, co-responder teams, designated crisis responders, fire department mobile integrated health teams, or community assistance referral and educational services programs under RCW 35.21.930, according to best practice guidelines established by the authority, and track local response through global positioning technology; (~~and~~)

(c) The means to track the outcome of the 988 call to enable appropriate follow up, cross-system coordination, and accountability, including as appropriate: (i) Any immediate services dispatched and reports generated from the encounter; (ii) the validation of a safety plan established for the caller in accordance with best practices; (iii) the next steps for the caller to follow in transition to noncrisis follow-up care, including a next-day appointment for callers experiencing urgent, symptomatic behavioral health care needs; and (iv) the means to verify and document whether the caller was successful in making the transition to appropriate noncrisis follow-up care indicated in the safety plan for the person, to be completed either by the care coordinator provided through the person's managed care organization, health plan, or behavioral health administrative services organization, or if such a care coordinator is not available or does not follow through, by the staff of the crisis call center hub;

(d) A means to facilitate actions to verify and document whether the person's transition to follow up noncrisis care was completed and services offered, to be performed by a care coordinator provided through the person's managed care organization, health plan, or behavioral health administrative

services organization, or if such a care coordinator is not available or does not follow through, by the staff of the crisis call center hub;

(e) The means to provide geographically, culturally, and linguistically appropriate services to persons who are part of high-risk populations or otherwise have need of specialized services or accommodations, and to document these services or accommodations; and

(f) When appropriate, consultation with tribal governments to ensure coordinated care in government-to-government relationships, and access to dedicated services to tribal members.

(7) To implement this section the department and the authority shall collaborate with the state ((enhanced)) 911 coordination office, emergency management division, and military department to develop technology that is demonstrated to be interoperable between the 988 crisis hotline system and crisis and emergency response systems used throughout the state, such as 911 systems, emergency medical services systems, and other nonbehavioral health crisis services, as well as the national suicide prevention lifeline, to assure cohesive interoperability, develop training programs and operations for both 911 public safety telecommunicators and crisis line workers, develop suicide and other behavioral health crisis assessments and intervention strategies, and establish efficient and equitable access to resources via crisis hotlines.

(8) The authority shall:

(a) Collaborate with county authorities and behavioral health administrative services organizations to develop procedures to dispatch behavioral health crisis services in coordination with crisis call center hubs to effectuate the intent of this section;

(b) Establish formal agreements with managed care organizations and behavioral health administrative services organizations by January 1, 2023, to provide for the services, capacities, and coordination necessary to effectuate the intent of this section, which shall include a requirement to arrange next-day appointments for persons contacting the 988 crisis hotline experiencing urgent, symptomatic behavioral health care needs with geographically, culturally, and linguistically appropriate primary care or behavioral health providers within the person's provider network, or, if uninsured, through the person's behavioral health administrative services organization;

(c) Create best practices guidelines by July 1, 2023, for deployment of appropriate and available crisis response services by crisis call center hubs to assist 988 hotline callers to minimize nonessential reliance on emergency room services and the use of law enforcement, considering input from relevant stakeholders and recommendations made by the crisis response improvement strategy committee created under RCW 71.24.892;

(d) Develop procedures to allow appropriate information sharing and communication between and across crisis and emergency response systems for the purpose of real-time crisis care coordination including, but not limited to, deployment of crisis and outgoing services, follow-up care, and linked, flexible services specific to crisis response; and

(e) Establish guidelines to appropriately serve high-risk populations who request crisis services. The authority shall design these guidelines to promote behavioral health equity for all populations with attention to circumstances of race, ethnicity, gender, socioeconomic status, sexual orientation, and geographic

location, and include components such as training requirements for call response workers, policies for transferring such callers to an appropriate specialized center or subnetwork within or external to the national suicide prevention lifeline network, and procedures for referring persons who access the 988 crisis hotline to linguistically and culturally competent care.

Sec. 17. RCW 10.31.110 and 2021 c 311 s 6 are each amended to read as follows:

(1) When a police officer has reasonable cause to believe that the individual has committed acts constituting a crime, and the individual is known by history or consultation with the behavioral health administrative services organization, managed care organization, crisis hotline, local crisis services providers, or community health providers to have a mental disorder or substance use disorder, in addition to existing authority under state law or local policy, as an alternative to arrest, the arresting officer is authorized and encouraged to:

(a) Take the individual to a crisis stabilization unit as defined in RCW 71.05.020. Individuals delivered to a crisis stabilization unit pursuant to this section may be held by the facility for a period of up to twelve hours. The individual must be examined by a mental health professional or substance use disorder professional within three hours of arrival;

(b) Take the individual to a ~~((triage facility))~~ 23-hour crisis relief center as defined in RCW ~~((71.05.020))~~ 71.24.025. An individual delivered to a ~~((triage facility which has elected to operate as an involuntary facility))~~ 23-hour crisis relief center may be held up to a period of twelve hours. The individual must be examined by a mental health professional or substance use disorder professional within three hours of arrival;

(c) Refer the individual to a designated crisis responder for evaluation for initial detention and proceeding under chapter 71.05 RCW;

(d) Release the individual upon agreement to voluntary participation in outpatient treatment;

(e) Refer the individual to youth, adult, or geriatric mobile crisis response services, as appropriate; or

(f) Refer the individual to the regional entity responsible to receive referrals in lieu of legal system involvement, including the recovery navigator program described in RCW 71.24.115.

(2) If the individual is released to the community from the facilities in subsection (1)(a) through (c) of this section, the mental health provider or substance use disorder professional shall make reasonable efforts to inform the arresting officer of the planned release prior to release if the arresting officer has specifically requested notification and provided contact information to the provider.

(3) In deciding whether to refer the individual to treatment under this section, the police officer must be guided by local law enforcement diversion guidelines for behavioral health developed and mutually agreed upon with the prosecuting authority with an opportunity for consultation and comment by the defense bar and disability community. These guidelines must address, at a minimum, the length, seriousness, and recency of the known criminal history of the individual, the mental health history of the individual, if available, the substance use disorder history of the individual, if available, the opinions of a mental health professional, if available, the opinions of a substance use disorder

professional, if available, and the circumstances surrounding the commission of the alleged offense. The guidelines must include a process for clearing outstanding warrants or referring the individual for assistance in clearing outstanding warrants, if any, and issuing a new court date, if appropriate, without booking or incarcerating the individual or disqualifying the individual from referral to treatment under this section, and define the circumstances under which such action is permissible. Referrals to services, care, and treatment for substance use disorder must be made in accordance with protocols developed for the recovery navigator program described in RCW 71.24.115.

(4) Any agreement to participate in treatment or services in lieu of jail booking or referring a case for prosecution shall not require individuals to stipulate to any of the alleged facts regarding the criminal activity as a prerequisite to participation in the alternative response described in this section. Any agreement is inadmissible in any criminal or civil proceeding. Such agreements do not create immunity from prosecution for the alleged criminal activity.

(5) If there are required terms of participation in the services or treatment to which an individual was referred under this section, and if the individual violates such terms and is therefore no longer participating in services:

(a) The behavioral health or service provider shall inform the referring law enforcement agency of the violation, if consistent with the terms of the program and applicable law; and

(b) The original charges may be filed or referred to the prosecutor, as appropriate, and the matter may proceed accordingly, unless filing or referring the charges is inconsistent with the terms of a local diversion program or a recovery navigator program described in RCW 71.24.115.

(6) The police officer is immune from liability for any good faith conduct under this section.

Sec. 18. RCW 10.77.086 and 2022 c 288 s 4 are each amended to read as follows:

(1) If the defendant is charged with a felony and determined to be incompetent, until he or she has regained the competency necessary to understand the proceedings against him or her and assist in his or her own defense, but in any event for a period of no longer than 90 days, the court shall commit the defendant to the custody of the secretary for inpatient competency restoration, or may alternatively order the defendant to receive outpatient competency restoration based on a recommendation from a forensic navigator and input from the parties.

(a) To be eligible for an order for outpatient competency restoration, a defendant must be clinically appropriate and be willing to:

- (i) Adhere to medications or receive prescribed intramuscular medication;
- (ii) Abstain from alcohol and unprescribed drugs; and
- (iii) Comply with urinalysis or breathalyzer monitoring if needed.

(b) If the court orders inpatient competency restoration, the department shall place the defendant in an appropriate facility of the department for competency restoration.

(c) If the court orders outpatient competency restoration, the court shall modify conditions of release as needed to authorize the department to place the person in approved housing, which may include access to supported housing,

affiliated with a contracted outpatient competency restoration program. The department, in conjunction with the health care authority, must establish rules for conditions of participation in the outpatient competency restoration program, which must include the defendant being subject to medication management. The court may order regular urinalysis testing. The outpatient competency restoration program shall monitor the defendant during the defendant's placement in the program and report any noncompliance or significant changes with respect to the defendant to the department and, if applicable, the forensic navigator.

(d) If a defendant fails to comply with the restrictions of the outpatient restoration program such that restoration is no longer appropriate in that setting or the defendant is no longer clinically appropriate for outpatient competency restoration, the director of the outpatient competency restoration program shall notify the authority and the department of the need to terminate the outpatient competency restoration placement and intent to request placement for the defendant in an appropriate facility of the department for inpatient competency restoration. The outpatient competency restoration program shall coordinate with the authority, the department, and any law enforcement personnel under (d)(i) of this subsection to ensure that the time period between termination and admission into the inpatient facility is as minimal as possible. The time period for inpatient competency restoration shall be reduced by the time period spent in active treatment within the outpatient competency restoration program, excluding time periods in which the defendant was absent from the program and all time from notice of termination of the outpatient competency restoration period through the defendant's admission to the facility. The department shall obtain a placement for the defendant within seven days of the notice of intent to terminate the outpatient competency restoration placement.

(i) The department may authorize a peace officer to detain the defendant into emergency custody for transport to the designated inpatient competency restoration facility. If medical clearance is required by the designated competency restoration facility before admission, the peace officer must transport the defendant to a crisis stabilization unit, evaluation and treatment facility, or emergency department of a local hospital(~~(, or triage facility)~~) for medical clearance once a bed is available at the designated inpatient competency restoration facility. The signed outpatient competency restoration order of the court shall serve as authority for the detention of the defendant under this subsection. This subsection does not preclude voluntary transportation of the defendant to a facility for inpatient competency restoration or for medical clearance, or authorize admission of the defendant into jail.

(ii) The department shall notify the court and parties of the defendant's admission for inpatient competency restoration before the close of the next judicial day. The court shall schedule a hearing within five days to review the conditions of release of the defendant and anticipated release from treatment and issue appropriate orders.

(e) The court may not issue an order for outpatient competency restoration unless the department certifies that there is an available appropriate outpatient competency restoration program that has adequate space for the person at the time the order is issued or the court places the defendant under the guidance and control of a professional person identified in the court order.

(2) For a defendant whose highest charge is a class C felony, or a class B felony that is not classified as violent under RCW 9.94A.030, the maximum time allowed for the initial competency restoration period is 45 days if the defendant is referred for inpatient competency restoration, or 90 days if the defendant is referred for outpatient competency restoration, provided that if the outpatient competency restoration placement is terminated and the defendant is subsequently admitted to an inpatient facility, the period of inpatient treatment during the first competency restoration period under this subsection shall not exceed 45 days.

(3) If the court determines or the parties agree before the initial competency restoration period or at any subsequent stage of the proceedings that the defendant is unlikely to regain competency, the court may dismiss the charges without prejudice without ordering the defendant to undergo an initial or further period of competency restoration treatment, in which case the court shall order that the defendant be referred for evaluation for civil commitment in the manner provided in subsection (5) of this section.

(4) On or before expiration of the initial competency restoration period the court shall conduct a hearing to determine whether the defendant is now competent to stand trial. If the court finds by a preponderance of the evidence that the defendant is incompetent to stand trial, the court may order an extension of the competency restoration period for an additional period of 90 days, but the court must at the same time set a date for a new hearing to determine the defendant's competency to stand trial before the expiration of this second restoration period. The defendant, the defendant's attorney, and the prosecutor have the right to demand that the hearing be before a jury. No extension shall be ordered for a second or third competency restoration period if the defendant's incompetence has been determined by the secretary to be solely the result of a developmental disability which is such that competence is not reasonably likely to be regained during an extension.

(5) At the hearing upon the expiration of the second competency restoration period, or at the end of the first competency restoration period if the defendant is ineligible for a second or third competency restoration period under subsection (4) of this section, if the jury or court finds that the defendant is incompetent to stand trial, the court shall dismiss the charges without prejudice and order the defendant to be committed to a state hospital for up to 120 hours if the defendant has not undergone competency restoration services or has engaged in outpatient competency restoration services and up to 72 hours if the defendant engaged in inpatient competency restoration services starting from admission to the facility, excluding Saturdays, Sundays, and holidays, for evaluation for the purpose of filing a civil commitment petition under chapter 71.05 RCW. However, the court shall not dismiss the charges if the court or jury finds that: (a) The defendant (i) is a substantial danger to other persons; or (ii) presents a substantial likelihood of committing criminal acts jeopardizing public safety or security; and (b) there is a substantial probability that the defendant will regain competency within a reasonable period of time. If the court or jury makes such a finding, the court may extend the period of commitment for up to an additional six months.

(6) Any period of competency restoration treatment under this section includes only the time the defendant is actually at the facility or is actively

participating in an outpatient competency restoration program and is in addition to reasonable time for transport to or from the facility.

Sec. 19. RCW 10.77.088 and 2022 c 288 s 5 are each amended to read as follows:

(1) If the defendant is charged with a nonfelony crime which is a serious offense as identified in RCW 10.77.092 and found by the court to be not competent, then the court:

(a) Shall dismiss the proceedings without prejudice and detain the defendant for sufficient time to allow the designated crisis responder to evaluate the defendant and consider initial detention proceedings under chapter 71.05 RCW, unless the prosecutor objects to the dismissal and provides notice of a motion for an order for competency restoration treatment, in which case the court shall schedule a hearing within seven days.

(b) At the hearing, the prosecuting attorney must establish that there is a compelling state interest to order competency restoration treatment for the defendant. The court may consider prior criminal history, prior history in treatment, prior history of violence, the quality and severity of the pending charges, any history that suggests whether competency restoration treatment is likely to be successful, in addition to the factors listed under RCW 10.77.092. If the prosecuting attorney proves by a preponderance of the evidence that there is a compelling state interest in ordering competency restoration treatment, then the court shall issue an order in accordance with subsection (2) of this section.

(2) If a court finds pursuant to subsection (1)(b) of this section that there is a compelling state interest in pursuing competency restoration treatment, the court shall commit the defendant to the custody of the secretary for inpatient competency restoration, or may alternatively order the defendant to receive outpatient competency restoration based on a recommendation from a forensic navigator and input from the parties.

(a) To be eligible for an order for outpatient competency restoration, a defendant must be clinically appropriate and be willing to:

- (i) Adhere to medications or receive prescribed intramuscular medication;
- (ii) Abstain from alcohol and unprescribed drugs; and
- (iii) Comply with urinalysis or breathalyzer monitoring if needed.

(b) If the court orders inpatient competency restoration, the department shall place the defendant in an appropriate facility of the department for competency restoration under subsection (3) of this section.

(c) If the court orders outpatient competency restoration, the court shall modify conditions of release as needed to authorize the department to place the person in approved housing, which may include access to supported housing, affiliated with a contracted outpatient competency restoration program. The department, in conjunction with the health care authority, must establish rules for conditions of participation in the outpatient competency restoration program, which must include the defendant being subject to medication management. The court may order regular urinalysis testing. The outpatient competency restoration program shall monitor the defendant during the defendant's placement in the program and report any noncompliance or significant changes with respect to the defendant to the department and, if applicable, the forensic navigator.

(d) If a defendant fails to comply with the restrictions of the outpatient competency restoration program such that restoration is no longer appropriate in that setting or the defendant is no longer clinically appropriate for outpatient competency restoration, the director of the outpatient competency restoration program shall notify the authority and the department of the need to terminate the outpatient competency restoration placement and intent to request placement for the defendant in an appropriate facility of the department for inpatient competency restoration. The outpatient competency restoration program shall coordinate with the authority, the department, and any law enforcement personnel under (d)(i) of this subsection to ensure that the time period between termination and admission into the inpatient facility is as minimal as possible. The time period for inpatient competency restoration shall be reduced by the time period spent in active treatment within the outpatient competency restoration program, excluding time periods in which the defendant was absent from the program and all time from notice of termination of the outpatient competency restoration period through the defendant's admission to the facility. The department shall obtain a placement for the defendant within seven days of the notice of intent to terminate the outpatient competency restoration placement.

(i) The department may authorize a peace officer to detain the defendant into emergency custody for transport to the designated inpatient competency restoration facility. If medical clearance is required by the designated competency restoration facility before admission, the peace officer must transport the defendant to a crisis stabilization unit, evaluation and treatment facility, or emergency department of a local hospital(~~(, or triage facility)~~) for medical clearance once a bed is available at the designated inpatient competency restoration facility. The signed outpatient competency restoration order of the court shall serve as authority for the detention of the defendant under this subsection. This subsection does not preclude voluntary transportation of the defendant to a facility for inpatient competency restoration or for medical clearance, or authorize admission of the defendant into jail.

(ii) The department shall notify the court and parties of the defendant's admission for inpatient competency restoration before the close of the next judicial day. The court shall schedule a hearing within five days to review the conditions of release of the defendant and anticipated release from treatment and issue appropriate orders.

(e) The court may not issue an order for outpatient competency restoration unless the department certifies that there is an available appropriate outpatient restoration program that has adequate space for the person at the time the order is issued or the court places the defendant under the guidance and control of a professional person identified in the court order.

(3) The placement under subsection (2) of this section shall not exceed 29 days if the defendant is ordered to receive inpatient competency restoration, and shall not exceed 90 days if the defendant is ordered to receive outpatient competency restoration. The court may order any combination of this subsection, but the total period of inpatient competency restoration may not exceed 29 days.

(4) If the court has determined or the parties agree that the defendant is unlikely to regain competency, the court may dismiss the charges without

prejudice without ordering the defendant to undergo competency restoration treatment, in which case the court shall order that the defendant be referred for evaluation for civil commitment in the manner provided in subsection (5) of this section.

(5)(a) If the proceedings are dismissed under RCW 10.77.084 and the defendant was on conditional release at the time of dismissal, the court shall order the designated crisis responder within that county to evaluate the defendant pursuant to chapter 71.05 RCW. The evaluation may be conducted in any location chosen by the professional.

(b) If the defendant was in custody and not on conditional release at the time of dismissal, the defendant shall be detained and sent to an evaluation and treatment facility for up to 120 hours if the defendant has not undergone competency restoration services or has engaged in outpatient competency restoration services and up to 72 hours if the defendant engaged in inpatient competency restoration services, excluding Saturdays, Sundays, and holidays, for evaluation for purposes of filing a petition under chapter 71.05 RCW. The 120-hour or 72-hour period shall commence upon the next nonholiday weekday following the court order and shall run to the end of the last nonholiday weekday within the 120-hour or 72-hour period.

(6) If the defendant is charged with a nonfelony crime that is not a serious offense as defined in RCW 10.77.092 and found by the court to be not competent, the court may stay or dismiss proceedings and detain the defendant for sufficient time to allow the designated crisis responder to evaluate the defendant and consider initial detention proceedings under chapter 71.05 RCW. The court must give notice to all parties at least 24 hours before the dismissal of any proceeding under this subsection, and provide an opportunity for a hearing on whether to dismiss the proceedings.

(7) If at any time the court dismisses charges under subsections (1) through (6) of this section, the court shall make a finding as to whether the defendant has a history of one or more violent acts. If the court so finds, the defendant is barred from the possession of firearms until a court restores his or her right to possess a firearm under RCW 9.41.047. The court shall state to the defendant and provide written notice that the defendant is barred from the possession of firearms and that the prohibition remains in effect until a court restores his or her right to possess a firearm under RCW 9.41.047.

(8) Any period of competency restoration treatment under this section includes only the time the defendant is actually at the facility or is actively participating in an outpatient competency restoration program and is in addition to reasonable time for transport to or from the facility.

Sec. 20. RCW 48.43.005 and 2022 c 263 s 2 are each reenacted and amended to read as follows:

Unless otherwise specifically provided, the definitions in this section apply throughout this chapter.

(1) "Adjusted community rate" means the rating method used to establish the premium for health plans adjusted to reflect actuarially demonstrated differences in utilization or cost attributable to geographic region, age, family size, and use of wellness activities.

(2) "Adverse benefit determination" means a denial, reduction, or termination of, or a failure to provide or make payment, in whole or in part, for a

benefit, including a denial, reduction, termination, or failure to provide or make payment that is based on a determination of an enrollee's or applicant's eligibility to participate in a plan, and including, with respect to group health plans, a denial, reduction, or termination of, or a failure to provide or make payment, in whole or in part, for a benefit resulting from the application of any utilization review, as well as a failure to cover an item or service for which benefits are otherwise provided because it is determined to be experimental or investigational or not medically necessary or appropriate.

(3) "Air ambulance service" has the same meaning as defined in section 2799A-2 of the public health service act (42 U.S.C. Sec. 300gg-112) and implementing federal regulations in effect on March 31, 2022.

(4) "Allowed amount" means the maximum portion of a billed charge a health carrier will pay, including any applicable enrollee cost-sharing responsibility, for a covered health care service or item rendered by a participating provider or facility or by a nonparticipating provider or facility.

(5) "Applicant" means a person who applies for enrollment in an individual health plan as the subscriber or an enrollee, or the dependent or spouse of a subscriber or enrollee.

(6) "Balance bill" means a bill sent to an enrollee by a nonparticipating provider or facility for health care services provided to the enrollee after the provider or facility's billed amount is not fully reimbursed by the carrier, exclusive of permitted cost-sharing.

(7) "Basic health plan" means the plan described under chapter 70.47 RCW, as revised from time to time.

(8) "Basic health plan model plan" means a health plan as required in RCW 70.47.060(2)(e).

(9) "Basic health plan services" means that schedule of covered health services, including the description of how those benefits are to be administered, that are required to be delivered to an enrollee under the basic health plan, as revised from time to time.

(10) "Behavioral health emergency services provider" means emergency services provided in the following settings:

(a) A crisis stabilization unit as defined in RCW 71.05.020;

(b) A 23-hour crisis relief center as defined in RCW 71.24.025;

(c) An evaluation and treatment facility that can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is licensed or certified as such by the department of health;

~~((e))~~ (d) An agency certified by the department of health under chapter 71.24 RCW to provide outpatient crisis services;

~~((d) A triage facility as defined in RCW 71.05.020;))~~

(e) An agency certified by the department of health under chapter 71.24 RCW to provide medically managed or medically monitored withdrawal management services; or

(f) A mobile rapid response crisis team as defined in RCW 71.24.025 that is contracted with a behavioral health administrative services organization operating under RCW 71.24.045 to provide crisis response services in the behavioral health administrative services organization's service area.

(11) "Board" means the governing board of the Washington health benefit exchange established in chapter 43.71 RCW.

(12)(a) For grandfathered health benefit plans issued before January 1, 2014, and renewed thereafter, "catastrophic health plan" means:

(i) In the case of a contract, agreement, or policy covering a single enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, one thousand seven hundred fifty dollars and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least three thousand five hundred dollars, both amounts to be adjusted annually by the insurance commissioner; and

(ii) In the case of a contract, agreement, or policy covering more than one enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, three thousand five hundred dollars and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least six thousand dollars, both amounts to be adjusted annually by the insurance commissioner.

(b) In July 2008, and in each July thereafter, the insurance commissioner shall adjust the minimum deductible and out-of-pocket expense required for a plan to qualify as a catastrophic plan to reflect the percentage change in the consumer price index for medical care for a preceding twelve months, as determined by the United States department of labor. For a plan year beginning in 2014, the out-of-pocket limits must be adjusted as specified in section 1302(c)(1) of P.L. 111-148 of 2010, as amended. The adjusted amount shall apply on the following January 1st.

(c) For health benefit plans issued on or after January 1, 2014, "catastrophic health plan" means:

(i) A health benefit plan that meets the definition of catastrophic plan set forth in section 1302(e) of P.L. 111-148 of 2010, as amended; or

(ii) A health benefit plan offered outside the exchange marketplace that requires a calendar year deductible or out-of-pocket expenses under the plan, other than for premiums, for covered benefits, that meets or exceeds the commissioner's annual adjustment under (b) of this subsection.

(13) "Certification" means a determination by a review organization that an admission, extension of stay, or other health care service or procedure has been reviewed and, based on the information provided, meets the clinical requirements for medical necessity, appropriateness, level of care, or effectiveness under the auspices of the applicable health benefit plan.

(14) "Concurrent review" means utilization review conducted during a patient's hospital stay or course of treatment.

(15) "Covered person" or "enrollee" means a person covered by a health plan including an enrollee, subscriber, policyholder, beneficiary of a group plan, or individual covered by any other health plan.

(16) "Dependent" means, at a minimum, the enrollee's legal spouse and dependent children who qualify for coverage under the enrollee's health benefit plan.

(17) "Emergency medical condition" means a medical, mental health, or substance use disorder condition manifesting itself by acute symptoms of sufficient severity including, but not limited to, severe pain or emotional distress, such that a prudent layperson, who possesses an average knowledge of

health and medicine, could reasonably expect the absence of immediate medical, mental health, or substance use disorder treatment attention to result in a condition (a) placing the health of the individual, or with respect to a pregnant woman, the health of the woman or her unborn child, in serious jeopardy, (b) serious impairment to bodily functions, or (c) serious dysfunction of any bodily organ or part.

(18) "Emergency services" means:

(a)(i) A medical screening examination, as required under section 1867 of the social security act (42 U.S.C. Sec. 1395dd), that is within the capability of the emergency department of a hospital, including ancillary services routinely available to the emergency department to evaluate that emergency medical condition;

(ii) Medical examination and treatment, to the extent they are within the capabilities of the staff and facilities available at the hospital, as are required under section 1867 of the social security act (42 U.S.C. Sec. 1395dd) to stabilize the patient. Stabilize, with respect to an emergency medical condition, has the meaning given in section 1867(e)(3) of the social security act (42 U.S.C. Sec. 1395dd(e)(3)); and

(iii) Covered services provided by staff or facilities of a hospital after the enrollee is stabilized and as part of outpatient observation or an inpatient or outpatient stay with respect to the visit during which screening and stabilization services have been furnished. Poststabilization services relate to medical, mental health, or substance use disorder treatment necessary in the short term to avoid placing the health of the individual, or with respect to a pregnant woman, the health of the woman or her unborn child, in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part; or

(b)(i) A screening examination that is within the capability of a behavioral health emergency services provider including ancillary services routinely available to the behavioral health emergency services provider to evaluate that emergency medical condition;

(ii) Examination and treatment, to the extent they are within the capabilities of the staff and facilities available at the behavioral health emergency services provider, as are required under section 1867 of the social security act (42 U.S.C. Sec. 1395dd) or as would be required under such section if such section applied to behavioral health emergency services providers, to stabilize the patient. Stabilize, with respect to an emergency medical condition, has the meaning given in section 1867(e)(3) of the social security act (42 U.S.C. Sec. 1395dd(e)(3)); and

(iii) Covered behavioral health services provided by staff or facilities of a behavioral health emergency services provider after the enrollee is stabilized and as part of outpatient observation or an inpatient or outpatient stay with respect to the visit during which screening and stabilization services have been furnished. Poststabilization services relate to mental health or substance use disorder treatment necessary in the short term to avoid placing the health of the individual, or with respect to a pregnant woman, the health of the woman or her unborn child, in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part.

(19) "Employee" has the same meaning given to the term, as of January 1, 2008, under section 3(6) of the federal employee retirement income security act of 1974.

(20) "Enrollee point-of-service cost-sharing" or "cost-sharing" means amounts paid to health carriers directly providing services, health care providers, or health care facilities by enrollees and may include copayments, coinsurance, or deductibles.

(21) "Essential health benefit categories" means:

(a) Ambulatory patient services;

(b) Emergency services;

(c) Hospitalization;

(d) Maternity and newborn care;

(e) Mental health and substance use disorder services, including behavioral health treatment;

(f) Prescription drugs;

(g) Rehabilitative and habilitative services and devices;

(h) Laboratory services;

(i) Preventive and wellness services and chronic disease management; and

(j) Pediatric services, including oral and vision care.

(22) "Exchange" means the Washington health benefit exchange established under chapter 43.71 RCW.

(23) "Final external review decision" means a determination by an independent review organization at the conclusion of an external review.

(24) "Final internal adverse benefit determination" means an adverse benefit determination that has been upheld by a health plan or carrier at the completion of the internal appeals process, or an adverse benefit determination with respect to which the internal appeals process has been exhausted under the exhaustion rules described in RCW 48.43.530 and 48.43.535.

(25) "Grandfathered health plan" means a group health plan or an individual health plan that under section 1251 of the patient protection and affordable care act, P.L. 111-148 (2010) and as amended by the health care and education reconciliation act, P.L. 111-152 (2010) is not subject to subtitles A or C of the act as amended.

(26) "Grievance" means a written complaint submitted by or on behalf of a covered person regarding service delivery issues other than denial of payment for medical services or nonprovision of medical services, including dissatisfaction with medical care, waiting time for medical services, provider or staff attitude or demeanor, or dissatisfaction with service provided by the health carrier.

(27) "Health care facility" or "facility" means hospices licensed under chapter 70.127 RCW, hospitals licensed under chapter 70.41 RCW, rural health care facilities as defined in RCW 70.175.020, psychiatric hospitals licensed under chapter 71.12 RCW, nursing homes licensed under chapter 18.51 RCW, community mental health centers licensed under chapter 71.05 or 71.24 RCW, kidney disease treatment centers licensed under chapter 70.41 RCW, ambulatory diagnostic, treatment, or surgical facilities licensed under chapter 70.41 or 70.230 RCW, drug and alcohol treatment facilities licensed under chapter 70.96A RCW, and home health agencies licensed under chapter 70.127 RCW, and includes such facilities if owned and operated by a political subdivision or

instrumentality of the state and such other facilities as required by federal law and implementing regulations.

(28) "Health care provider" or "provider" means:

(a) A person regulated under Title 18 or chapter 70.127 RCW, to practice health or health-related services or otherwise practicing health care services in this state consistent with state law; or

(b) An employee or agent of a person described in (a) of this subsection, acting in the course and scope of his or her employment.

(29) "Health care service" means that service offered or provided by health care facilities and health care providers relating to the prevention, cure, or treatment of illness, injury, or disease.

(30) "Health carrier" or "carrier" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, a health care service contractor as defined in RCW 48.44.010, or a health maintenance organization as defined in RCW 48.46.020, and includes "issuers" as that term is used in the patient protection and affordable care act (P.L. 111-148).

(31) "Health plan" or "health benefit plan" means any policy, contract, or agreement offered by a health carrier to provide, arrange, reimburse, or pay for health care services except the following:

(a) Long-term care insurance governed by chapter 48.84 or 48.83 RCW;

(b) Medicare supplemental health insurance governed by chapter 48.66 RCW;

(c) Coverage supplemental to the coverage provided under chapter 55, Title 10, United States Code;

(d) Limited health care services offered by limited health care service contractors in accordance with RCW 48.44.035;

(e) Disability income;

(f) Coverage incidental to a property/casualty liability insurance policy such as automobile personal injury protection coverage and homeowner guest medical;

(g) Workers' compensation coverage;

(h) Accident only coverage;

(i) Specified disease or illness-triggered fixed payment insurance, hospital confinement fixed payment insurance, or other fixed payment insurance offered as an independent, noncoordinated benefit;

(j) Employer-sponsored self-funded health plans;

(k) Dental only and vision only coverage;

(l) Plans deemed by the insurance commissioner to have a short-term limited purpose or duration, or to be a student-only plan that is guaranteed renewable while the covered person is enrolled as a regular full-time undergraduate or graduate student at an accredited higher education institution, after a written request for such classification by the carrier and subsequent written approval by the insurance commissioner;

(m) Civilian health and medical program for the veterans affairs administration (CHAMPVA); and

(n) Stand-alone prescription drug coverage that exclusively supplements medicare part D coverage provided through an employer group waiver plan under federal social security act regulation 42 C.F.R. Sec. 423.458(c).

(32) "Individual market" means the market for health insurance coverage offered to individuals other than in connection with a group health plan.

(33) "In-network" or "participating" means a provider or facility that has contracted with a carrier or a carrier's contractor or subcontractor to provide health care services to enrollees and be reimbursed by the carrier at a contracted rate as payment in full for the health care services, including applicable cost-sharing obligations.

(34) "Material modification" means a change in the actuarial value of the health plan as modified of more than five percent but less than fifteen percent.

(35) "Nonemergency health care services performed by nonparticipating providers at certain participating facilities" means covered items or services other than emergency services with respect to a visit at a participating health care facility, as provided in section 2799A-1(b) of the public health service act (42 U.S.C. Sec. 300gg-111(b)), 45 C.F.R. Sec. 149.30, and 45 C.F.R. Sec. 149.120 as in effect on March 31, 2022.

(36) "Open enrollment" means a period of time as defined in rule to be held at the same time each year, during which applicants may enroll in a carrier's individual health benefit plan without being subject to health screening or otherwise required to provide evidence of insurability as a condition for enrollment.

(37) "Out-of-network" or "nonparticipating" means a provider or facility that has not contracted with a carrier or a carrier's contractor or subcontractor to provide health care services to enrollees.

(38) "Out-of-pocket maximum" or "maximum out-of-pocket" means the maximum amount an enrollee is required to pay in the form of cost-sharing for covered benefits in a plan year, after which the carrier covers the entirety of the allowed amount of covered benefits under the contract of coverage.

(39) "Preexisting condition" means any medical condition, illness, or injury that existed any time prior to the effective date of coverage.

(40) "Premium" means all sums charged, received, or deposited by a health carrier as consideration for a health plan or the continuance of a health plan. Any assessment or any "membership," "policy," "contract," "service," or similar fee or charge made by a health carrier in consideration for a health plan is deemed part of the premium. "Premium" shall not include amounts paid as enrollee point-of-service cost-sharing.

(41)(a) "Protected individual" means:

(i) An adult covered as a dependent on the enrollee's health benefit plan, including an individual enrolled on the health benefit plan of the individual's registered domestic partner; or

(ii) A minor who may obtain health care without the consent of a parent or legal guardian, pursuant to state or federal law.

(b) "Protected individual" does not include an individual deemed not competent to provide informed consent for care under RCW 11.88.010(1)(e).

(42) "Review organization" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, health care service contractor as defined in RCW 48.44.010, or health maintenance organization as defined in RCW 48.46.020, and entities affiliated with, under contract with, or acting on behalf of a health carrier to perform a utilization review.

(43) "Sensitive health care services" means health services related to reproductive health, sexually transmitted diseases, substance use disorder, gender dysphoria, gender affirming care, domestic violence, and mental health.

(44) "Small employer" or "small group" means any person, firm, corporation, partnership, association, political subdivision, sole proprietor, or self-employed individual that is actively engaged in business that employed an average of at least one but no more than fifty employees, during the previous calendar year and employed at least one employee on the first day of the plan year, is not formed primarily for purposes of buying health insurance, and in which a bona fide employer-employee relationship exists. In determining the number of employees, companies that are affiliated companies, or that are eligible to file a combined tax return for purposes of taxation by this state, shall be considered an employer. Subsequent to the issuance of a health plan to a small employer and for the purpose of determining eligibility, the size of a small employer shall be determined annually. Except as otherwise specifically provided, a small employer shall continue to be considered a small employer until the plan anniversary following the date the small employer no longer meets the requirements of this definition. A self-employed individual or sole proprietor who is covered as a group of one must also: (a) Have been employed by the same small employer or small group for at least twelve months prior to application for small group coverage, and (b) verify that he or she derived at least seventy-five percent of his or her income from a trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form 1040, schedule C or F, for the previous taxable year, except a self-employed individual or sole proprietor in an agricultural trade or business, must have derived at least fifty-one percent of his or her income from the trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form 1040, for the previous taxable year.

(45) "Special enrollment" means a defined period of time of not less than thirty-one days, triggered by a specific qualifying event experienced by the applicant, during which applicants may enroll in the carrier's individual health benefit plan without being subject to health screening or otherwise required to provide evidence of insurability as a condition for enrollment.

(46) "Standard health questionnaire" means the standard health questionnaire designated under chapter 48.41 RCW.

(47) "Utilization review" means the prospective, concurrent, or retrospective assessment of the necessity and appropriateness of the allocation of health care resources and services of a provider or facility, given or proposed to be given to an enrollee or group of enrollees.

(48) "Wellness activity" means an explicit program of an activity consistent with department of health guidelines, such as, smoking cessation, injury and accident prevention, reduction of alcohol misuse, appropriate weight reduction, exercise, automobile and motorcycle safety, blood cholesterol reduction, and nutrition education for the purpose of improving enrollee health status and reducing health service costs.

NEW SECTION. Sec. 21. The department of health shall convert the license or certification of any facility licensed or certified by the department to

operate as a crisis triage facility to a license or certification for the facility to operate as a crisis stabilization unit by the start of the next licensing or certification period following the effective date of this section.

NEW SECTION. Sec. 22. When making rules under section 2 of this act, the department of health shall consult with stakeholders including, but not limited to: The Washington council for behavioral health; WAADAC, the voice for Washington state addiction professionals persons with lived experience of behavioral health crisis; family members with lived experience of caring for someone in behavioral health crisis; the Washington state hospital association; the American college of emergency physicians; behavioral health administrative services organizations; the Washington association of designated crisis responders; the Washington association of sheriffs and police chiefs; and an individual or entity representing emergency medical services.

NEW SECTION. Sec. 23. RCW 71.24.647 (Standards for certification or licensure of triage facilities) and 2018 c 201 s 4056 are each repealed.

NEW SECTION. Sec. 24. Sections 6, 8, and 10 of this act expire July 1, 2026.

NEW SECTION. Sec. 25. Sections 7, 9, and 11 of this act take effect July 1, 2026.

Sec. 26. 2022 c 210 s 31 (uncodified) is amended to read as follows:

(1) Sections 4 and 28, chapter 302, Laws of 2020, sections 13 and 14, chapter 263, Laws of 2021, section 23, chapter 264, Laws of 2021, ~~((and))~~ sections 2 and 10, chapter 210, Laws of 2022, and section 4, chapter . . . , Laws of 2023 (section 4 of this act) take effect when monthly single-bed certifications authorized under RCW 71.05.745 fall below 200 reports for 3 consecutive months.

(2) The health care authority must provide written notice of the effective date of sections 4 and 28, chapter 302, Laws of 2020, sections 13 and 14, chapter 263, Laws of 2021, section 23, chapter 264, Laws of 2021, ~~((and))~~ sections 2 and 10, chapter 210, Laws of 2022, and section 4, chapter . . . , Laws of 2023 (section 4 of this act) to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the authority.

Sec. 27. 2021 c 264 s 29 (uncodified) is amended to read as follows:

(1) Sections 64 and 81, chapter 302, Laws of 2020 ~~((and, until July 1, 2022, section 27, chapter 264, Laws of 2021 and, beginning July 1, 2022))~~, section 28, chapter 264, Laws of 2021, and section 13, chapter . . . , Laws of 2023 (section 13 of this act) take effect when the average wait time for children's long-term inpatient placement admission is 30 days or less for two consecutive quarters.

(2) The health care authority must provide written notice of the effective date of sections 64 and 81, chapter 302, Laws of 2020 ~~((and sections 27 and))~~, section 28, chapter 264, Laws of 2021, and section 13, chapter . . . , Laws of 2023 (section 13 of this act) to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the authority.

Passed by the Senate March 1, 2023.

Passed by the House April 20, 2023.

Approved by the Governor May 11, 2023.
 Filed in Office of Secretary of State May 11, 2023.

CHAPTER 434

[Engrossed Second Substitute Senate Bill 5144]

BATTERIES—ENVIRONMENTAL STEWARDSHIP

AN ACT Relating to providing for responsible environmental management of batteries; amending RCW 43.21B.110 and 43.21B.300; adding a new section to chapter 82.04 RCW; adding a new chapter to Title 70A RCW; creating a new section; and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. INTENT. The legislature finds that:

(1) It is in the public interest of the citizens of Washington to encourage the recovery and reuse of materials, such as metals, that replace the output of mining and other extractive industries.

(2) Without a dedicated battery stewardship program, battery user confusion regarding proper disposal options will continue to persist.

(3) Ensuring the proper handling, recycling, and end-of-life management of used batteries prevents the release of toxic materials into the environment and removes materials from the waste stream that, if mishandled, may present safety concerns to workers, such as by igniting fires at solid waste handling facilities. For this reason, batteries should not be placed into commingled recycling containers or disposed of via traditional garbage collection containers.

(4) Jurisdictions around the world have successfully implemented battery stewardship laws that have helped address the challenges posed by the end-of-life management of batteries. Because it is difficult for customers to differentiate between types and chemistries of batteries, it is the best practice for battery stewardship programs to collect all battery types and chemistries. Furthermore, it is appropriate for larger batteries used in emerging market sectors such as electric vehicles, solar power arrays, and data centers, to be managed to ensure environmentally positive outcomes similar to those achieved by a battery stewardship program, both because of the potential economic value of large batteries used for these purposes and the anticipated profusion of these larger batteries as these market sectors mature.

NEW SECTION. Sec. 2. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1)(a) "Battery-containing product" means a product that contains or is packaged with rechargeable or primary batteries that are covered batteries.

(b) A "battery-containing product" does not include a covered electronic product under an approved plan implemented under chapter 70A.500 RCW.

(2) "Battery management hierarchy" means a management system of covered batteries prioritized in descending order as follows:

(a) Waste prevention and reduction;

(b) Reuse, when reuse is appropriate;

(c) Recycling, as defined in this chapter; and

(d) Other means of end-of-life management, which may only be utilized after demonstrating to the department that it is not feasible to manage the batteries under the higher priority options in (a) through (c) of this subsection.

(3) "Battery stewardship organization" means a producer that directly implements a battery stewardship plan required under this chapter or a nonprofit organization designated by a producer or group of producers to implement a battery stewardship plan required under this chapter.

(4) "Collection rate" means a percentage, by weight, that a battery stewardship organization collects that is calculated by dividing the total weight of primary and rechargeable batteries collected during the previous calendar year by the average annual weight of primary and rechargeable batteries that were estimated to have been sold in the state by all producers participating in an approved battery stewardship plan during the previous three calendar years.

(5)(a) "Covered battery" means a portable battery or, beginning January 1, 2029, a medium format battery.

(b) "Covered battery" does not include:

(i) A battery contained within a medical device, as specified in Title 21 U.S.C. Sec. 321(h) as it existed as of the effective date of this section, that is not designed and marketed for sale or resale principally to consumers for personal use;

(ii) A battery that contains an electrolyte as a free liquid;

(iii) A lead acid battery weighing greater than 11 pounds;

(iv) A battery subject to the provisions of RCW 70A.205.505 through 70A.205.530; and

(v) A battery in a battery-containing product that is not intended or designed to be easily removable from the battery-containing product.

(6) "Department" means the department of ecology.

(7) "Easily removable" means designed by the manufacturer to be removable by the user of the product with no more than commonly used household tools.

(8) "Environmentally sound management practices" means practices that:

(a) Comply with all applicable laws and rules to protect workers, public health, and the environment; (b) provide for adequate recordkeeping, tracking, and documenting of the fate of materials within the state and beyond; and (c) include comprehensive liability coverage for the battery stewardship organization, including environmental liability coverage that is commercially practicable.

(9) "Final disposition" means the final processing of a collected battery to produce usable end products, at the point where the battery has been reduced to its constituent parts, reusable portions made available for use, and any residues handled as wastes in accordance with applicable law.

(10) "Large format battery" means:

(a) A rechargeable battery that weighs more than 25 pounds or has a rating of more than 2,000 watt-hours; or

(b) A primary battery that weighs more than 25 pounds.

(11) "Medium format battery" means the following primary or rechargeable covered batteries:

(a) For rechargeable batteries, a battery weighing more than 11 pounds or has a rating of more than 300 watt-hours, or both, and no more than 25 pounds and has a rating of no more than 2,000 watt-hours;

(b) For primary batteries, a battery weighing more than 4.4 pounds but not more than 25 pounds.

(12) "Portable battery" means the following primary or rechargeable covered batteries:

(a) For rechargeable batteries, a battery weighing no more than 11 pounds and has a rating of no more than 300 watt-hours;

(b) For primary batteries, a battery weighing no more than 4.4 pounds.

(13) "Primary battery" means a battery that is not capable of being recharged.

(14)(a) "Producer" means the following person responsible for compliance with requirements under this chapter for a covered battery or battery-containing product sold, offered for sale, or distributed in or into this state:

(i) For covered batteries:

(A) If the battery is sold under the brand of the battery manufacturer, the producer is the person that manufactures the battery;

(B) If the battery is sold under a retail brand or under a brand owned by a person other than the manufacturer, the producer is the brand owner;

(C) If there is no person to which (a)(i)(A) or (B) of this subsection applies, the producer is the person that is the licensee of a brand or trademark under which the battery is used in a commercial enterprise, sold, offered for sale, or distributed in or into this state, whether or not the trademark is registered in this state;

(D) If there is no person described in (a)(i)(A) through (C) of this subsection within the United States, the producer is the person who is the importer of record for the battery into the United States for use in a commercial enterprise that sells, offers for sale, or distributes the battery in this state;

(E) If there is no person described in (a)(i)(A) through (D) of this subsection with a commercial presence within the state, the producer is the person who first sells, offers for sale, or distributes the battery in or into this state.

(ii) For covered battery-containing products:

(A) If the battery-containing product is sold under the brand of the product manufacturer, the producer is the person that manufactures the product;

(B) If the battery-containing product is sold under a retail brand or under a brand owned by a person other than the manufacturer, the producer is the brand owner;

(C) If there is no person to which (a)(ii)(A) or (B) of this subsection applies, the producer is the person that is the licensee of a brand or trademark under which the product is used in a commercial enterprise, sold, offered for sale, or distributed in or into this state, whether or not the trademark is registered in this state;

(D) If there is no person described in (a)(ii)(A) through (C) of this subsection within the United States, the producer is the person who is the importer of record for the product into the United States for use in a commercial enterprise that sells, offers for sale, or distributes the product in this state;

(E) If there is no person described in (a)(ii)(A) through (D) of this subsection with a commercial presence within the state, the producer is the person who first sells, offers for sale, or distributes the product in or into this state;

(F) A producer does not include any person who only manufactures, sells, offers for sale, distributes, or imports into the state a battery-containing product if the only batteries used by the battery-containing product are supplied by a

producer that has joined a registered battery stewardship organization as the producer for that covered battery under this chapter. Such a producer of covered batteries that are included in a battery-containing product must provide written certification of that membership to both the producer of the covered battery-containing product and the battery stewardship organization of which the battery producer is a member.

(b) A person is the "producer" of a covered battery or covered battery-containing product sold, offered for sale, or distributed in or into this state, as defined in (a) of this subsection, except where another party has contractually accepted responsibility as a responsible producer and has joined a registered battery stewardship organization as the producer for that covered battery or covered battery-containing product under this chapter.

(15) "Program" means a program implemented by a battery stewardship organization consistent with an approved battery stewardship plan.

(16) "Rechargeable battery" means a battery that contains one or more voltaic or galvanic cells, electrically connected to produce electric energy, designed to be recharged.

(17) "Recycling" means transforming or remanufacturing waste materials into usable or marketable materials for use other than:

(a) Combustion;

(b) Incineration;

(c) Energy generation;

(d) Fuel production; or

(e) Beneficial reuse in the construction and operation of a solid waste landfill, including use of alternative daily cover.

(18) "Recycling efficiency rate" means the ratio of the weight of covered battery components and materials recycled by a program operator from covered batteries to the weight of those covered batteries collected by the program operator.

(19) "Retailer" means a person who sells covered batteries or battery-containing products in or into this state or offers or otherwise makes available covered batteries or battery-containing products to a customer, including other businesses, for use by the customer in this state.

(20) "Urban area" means an area delineated by the United States census bureau, based on a minimum threshold of 2,000 housing units or 5,000 people, as of January 1, 2023.

NEW SECTION. Sec. 3. REQUIREMENT THAT PRODUCERS IMPLEMENT A STEWARDSHIP PLAN. Beginning January 1, 2027:

(1) Each producer selling, making available for sale, or distributing covered batteries or battery-containing products in or into the state of Washington shall participate in an approved Washington state battery stewardship plan through participation in and appropriate funding of a battery stewardship organization; and

(2) A producer that does not participate in a battery stewardship organization and battery stewardship plan may not sell covered batteries or battery-containing products covered by this chapter in or into Washington.

NEW SECTION. Sec. 4. ROLE OF RETAILERS. (1) Beginning July 1, 2027, for portable batteries, and July 1, 2029, for medium format batteries, a

retailer may not sell, offer for sale, distribute, or otherwise make available for sale a covered battery or battery-containing product unless the producer of the covered battery or battery-containing product certifies to the retailer that the producer participates in a battery stewardship organization whose plan has been approved by the department.

(2) A retailer is in compliance with the requirements of subsection (1) of this section and is not subject to penalties under section 12 of this act as long as the website made available by the department under section 11 of this act lists, as of the date a product is made available for retail sale, a producer or brand of covered battery or battery-containing product sold by the retailer as being a participant in an approved plan or the implementer of an approved plan.

(3) Retailers of covered batteries or battery-containing products are not required to make retail locations available to serve as collection sites for a stewardship program operated by a battery stewardship organization. Retailers that serve as a collection site must comply with the requirements for collection sites, consistent with section 8 of this act.

(4) A retailer may not sell, offer for sale, distribute, or otherwise make available for sale covered batteries, unless those batteries are marked consistent with the requirements of section 14 of this act. A producer of a battery-containing product containing a covered battery must certify to the retailers of their product that the battery contained in the battery-containing product is marked consistent with the requirements of section 14 of this act. A retailer may rely on this certification for purposes of compliance under this subsection.

(5) A retailer selling or offering covered batteries or battery-containing products for sale in Washington may provide information, provided to the retailer by the battery stewardship organization, regarding available end-of-life management options for covered batteries collected by the battery stewardship organization. The information that a battery stewardship organization must make available to retailers for voluntary use by retailers must include, but is not limited to, in-store signage, written materials, and other promotional materials that retailers may use to inform customers of the available end-of-life management options for covered batteries collected by the battery stewardship organization.

(6) Retailers, producers, or battery stewardship organizations may not charge a specific point-of-sale fee to consumers to cover the administrative or operational costs of the battery stewardship organization or the battery stewardship program.

NEW SECTION. Sec. 5. STEWARDSHIP PLAN COMPONENTS. (1) By July 1, 2026, or within six months of the adoption of rules under section 11 of this act, whichever comes later, each battery stewardship organization must submit a plan for covered portable batteries to the department for approval. Within 24 months of the date of the initial adoption of rules under this chapter by the department, each battery stewardship organization must submit a plan for covered medium format batteries to the department for approval. A battery stewardship organization may submit a plan at any time to the department for review and approval. The department must review and may approve a plan based on whether it contains and adequately addresses the following components:

(a) Lists and provides contact information for each producer, battery brand, and battery-containing product brand covered in the plan;

(b) Proposes performance goals, consistent with section 6 of this act, including establishing performance goals for each of the next three upcoming calendar years of program implementation;

(c) Describes how the battery stewardship organization will make retailers aware of their obligation to sell only covered batteries and battery-containing products of producers participating in an approved plan;

(d) Describes the education and communications strategy being implemented to effectively promote participation in the approved covered battery stewardship program and provide the information necessary for effective participation of consumers, retailers, and others;

(e) Describes how the battery stewardship organization will make available to retailers, for voluntary use, in-store signage, written materials, and other promotional materials that retailers may use to inform customers of the available end-of-life management options for covered batteries collected by the battery stewardship organization;

(f) Lists promotional activities to be undertaken, and the identification of consumer awareness goals and strategies that the program will employ to achieve these goals after the program begins to be implemented;

(g) Includes collection site safety training procedures related to covered battery collection activities at collection sites, including appropriate protocols to reduce risks of spills or fires and response protocols in the event of a spill or fire, and a protocol for safe management of damaged batteries that are returned to collection sites;

(h) Describes the method to establish and administer a means for fully funding the program in a manner that equitably distributes the program's costs among the producers that are part of the battery stewardship organization. For producers that elect to meet the requirements of this chapter individually, without joining a battery stewardship organization, the plan must describe the proposed method to establish and administer a means for fully funding the program;

(i) Describes the financing methods used to implement the plan, consistent with section 7 of this act, including how producer fees and fee modulation will incorporate design for recycling and resource conservation as objectives, and a template reimbursement agreement, developed in consultation with local governments and other program stakeholders;

(j) Describes how the program will collect all covered battery chemistries and brands on a free, continuous, convenient, visible, and accessible basis, and consistent with the requirements of section 8 of this act, including a description of how the statewide convenience standard will be met and a list of collection sites, including the address and latitude and longitude of collection sites;

(k) Describes the criteria to be used in the program to determine whether an entity may serve as a collection site for discarded batteries under the program;

(l) Establishes collection goals for each of the first three years of implementation of the battery stewardship plan that are based on the estimated total weight of primary and rechargeable covered batteries that have been sold in the state in the previous three calendar years by the producers participating in the battery stewardship plan;

(m) Identifies proposed brokers, transporters, processors, and facilities to be used by the program for the final disposition of batteries and how collected batteries will be managed in:

(i) An environmentally sound and socially just manner at facilities operating with human health and environmental protection standards that are broadly equivalent to or better than those required in the United States and other countries that are members of the battery stewardship organization for economic cooperation and development; and

(ii) A manner consistent with the battery management hierarchy, including how each proposed facility used for the final disposition of batteries will recycle or otherwise manage batteries;

(n) Details how the program will achieve a recycling efficiency rate, calculated consistent with section 10 of this act, of at least 60 percent for rechargeable batteries and at least 70 percent for primary batteries;

(o) Proposes goals for increasing public awareness of the program, including subgoals applicable to public awareness of the program in vulnerable populations and overburdened communities identified by the department under chapter 70A.02 RCW, and describes how the public education and outreach components of the program under section 9 of this act will be implemented; and

(p) Specifies procedures to be employed by a local government seeking to coordinate with a battery stewardship organization pursuant to section 8(4)(c) of this act.

(2) If required by the department, a battery stewardship organization must submit a new plan to the department for approval:

(a) If there are significant changes to the methods of collection, transport, or end-of-life management of covered batteries under section 8 of this act that are not provided for in the plan. The department may, by rule, identify the types of significant changes that require a new plan to be submitted to the department for approval. For purposes of this subsection, adding or removing a processor or transporter under the plan is not considered a significant change that requires a plan resubmittal;

(b) To address the novel inclusion of medium format batteries or large format batteries as covered batteries under the plan; and

(c) No less than every five years.

(3) If required by the department, a battery stewardship organization must provide plan amendments to the department for approval:

(a) When proposing changes to the performance goals under section 6 of this act based on the up-to-date experience of the program;

(b) When there is a change to the method of financing plan implementation under section 7 of this act. This does not include changes to the fees or fee structure established in the plan; or

(c) When adding or removing a processor or transporter, as part of a quarterly update submitted to the department.

(4) As part of a quarterly update, a battery stewardship organization must notify the department after a producer begins or ceases to participate in a battery stewardship organization. The quarterly update submitted to the department must also include a current list of the producers and brands participating in the plan.

(5) No earlier than five years after the initial approval of a plan, the department may require a battery stewardship organization to submit a revised plan, which may include improvements to the collection site network or increased expenditures dedicated to education and outreach if the approved plan has not met the performance goals under section 6 of this act.

NEW SECTION. Sec. 6. STEWARDSHIP PROGRAM COMPONENTS—PERFORMANCE GOALS. (1) Each battery stewardship plan must include performance goals that measure, on an annual basis, the achievements of the program. Performance goals must take into consideration technical feasibility and economic practicality in achieving continuous, meaningful progress in improving:

- (a) The rate of battery collection for recycling in Washington;
- (b) The recycling efficiency of the program; and
- (c) Public awareness of the program.

(2) The performance goals established in each battery stewardship plan must include, but are not limited to:

- (a) Target collection rates;
- (b) Target recycling efficiency rates of at least 60 percent for rechargeable batteries and at least 70 percent for primary batteries; and
- (c) Goals for public awareness, convenience, and accessibility that meet or exceed the minimum requirements established in section 8 of this act.

NEW SECTION. Sec. 7. STEWARDSHIP PROGRAM COMPONENTS—FUNDING. (1) Each battery stewardship organization must ensure adequate funding is available to fully implement approved battery stewardship plans, including the implementation of aspects of the plan addressing:

- (a) Battery collection, transporting, and processing;
- (b) Education and outreach;
- (c) Program evaluation; and
- (d) Payment of the administrative fees to the department under section 11 of this act.

(2) A battery stewardship organization implementing a battery stewardship plan on behalf of producers must develop, and continually improve over the years of program implementation, a system to collect charges from participating producers to cover the costs of plan implementation in an environmentally sound and socially just manner that encourages the use of design attributes that reduce the environmental impacts of covered batteries, such as through the use of eco-modulated fees. Examples of fee structures that meet the requirements of this subsection include using eco-modulated fees to:

- (a) Encourage designs intended to facilitate reuse and recycling;
- (b) Encourage the use of recycled content;
- (c) Discourage the use of problematic materials that increase system costs of managing covered batteries; and
- (d) Encourage other design attributes that reduce the environmental impacts of covered batteries.

(3)(a) Except for costs incurred by a local government or local government facility exercising the authority specified in section 8(4)(c) of this act, each battery stewardship organization is responsible for all costs of participating

covered battery collection, transportation, processing, education, administration, agency reimbursement, recycling, and end-of-life management in accordance with the battery management hierarchy and environmentally sound management practices.

(b) Each battery stewardship organization must meet the collection goals as specified in section 5 of this act.

(c) A battery stewardship organization is not authorized to reduce or cease collection, education and outreach, or other activities implemented under an approved plan based on achievement of program performance goals.

(4)(a) Except for costs incurred by a local government or local government facility exercising the authority granted by section 8(4)(c) of this act, a battery stewardship organization must reimburse local governments for demonstrable costs, as defined by rules adopted by the department, incurred as a result of a local government facility or solid waste handling facility serving as a collection site for a program including, but not limited to, associated labor costs and other costs associated with accessibility and collection site standards such as storage.

(b) Except as to the costs of containers and other materials and services requirements addressed by a local government or local government facility exercising the authority granted by section 8(4)(c) of this act, a battery stewardship organization shall at a minimum provide collection sites with appropriate containers for covered batteries subject to its program, training, signage, safety guidance, and educational materials, at no cost to the collection sites.

(c) A battery stewardship organization must include in its battery stewardship plan a template of the service agreement and any other forms, contracts, or other documents for use in distribution of reimbursements. The service agreement template must be developed with local government input. The entities seeking or receiving reimbursement from the battery stewardship organization are not required to use the template agreement included in the program plan and are not limited to the terms of the template agreement included in the program plan.

NEW SECTION. Sec. 8. STEWARDSHIP PROGRAM COMPONENTS—COLLECTION AND MANAGEMENT REQUIREMENTS.

(1) Battery stewardship organizations implementing a battery stewardship plan must provide for the collection of all covered batteries, including all chemistries and brands of covered batteries, on a free, continuous, convenient, visible, and accessible basis to any person, business, government agency, or nonprofit organization. Except as provided in subsection (2)(b) of this section, each battery stewardship plan must allow any person, business, government agency, or nonprofit organization to discard each chemistry and brand of covered battery at each collection site that counts towards the satisfaction of the collection site criteria in subsection (3) of this section.

(2)(a) Except for local government collection described in subsection (4)(c) of this section, for each collection site utilized by the program, each battery stewardship organization must provide suitable collection containers for covered batteries that are segregated from other solid waste or make mutually agreeable alternative arrangements for the collection of batteries at the site. The location of collection containers at each collection site used by the program must be within view of a responsible person and must be accompanied by signage made

available to the collection site by the battery stewardship organization that informs customers regarding the end-of-life management options for batteries provided by the collection site under this chapter. Each collection site must adhere to the operations manual and other safety information provided to the collection site by the battery stewardship organization.

(b) Medium format batteries may only be collected at household hazardous waste collection sites or other sites that are staffed by persons who are certified to handle and ship hazardous materials under federal regulations adopted by the United States department of transportation pipeline and hazardous materials safety administration.

(c)(i) Damaged and defective batteries are intended to be collected at collection sites staffed by persons trained to handle and ship those batteries.

(ii) Each battery stewardship organization must provide for collection of damaged and defective batteries in each county of the state, either through collection sites or collection events with qualified staff as specified in (c)(i) of this subsection. Collection events should be provided periodically throughout the year where practicable, but must be provided at least once per year at a minimum, in each county in which there are not permanent collection sites providing for the collection of damaged and defective batteries.

(iii) As used in this subsection, "damaged and defective batteries" means batteries that have been damaged or identified by the manufacturer as being defective for safety reasons, that have the potential of producing a dangerous evolution of heat, fire, or short circuit, as referred to in 49 C.F.R. Sec. 173.185(f) as of January 1, 2023, or as updated by the department by rule to maintain consistency with federal standards.

(3)(a) Each battery stewardship organization implementing a battery stewardship plan shall ensure statewide collection opportunities for all covered batteries. Battery stewardship organizations shall coordinate activities with other program operators, including covered battery collection and recycle programs and electronic waste recyclers, with regard to the proper management or recycling of collected covered batteries, for purposes of providing the efficient delivery of services and avoiding unnecessary duplication of effort and expense. Statewide collection opportunities must be determined by geographic information modeling that considers permanent collection sites. A program may rely, in part, on collection events to supplement the permanent collection services required in (a) and (b) of this subsection. However, only permanent collection services specified in (a) and (b) of this subsection qualify towards the satisfaction of the requirements of this subsection.

(b) For portable batteries, each battery stewardship organization must provide statewide collection opportunities that include, but are not limited to, the provision of:

(i) At least one permanent collection site for portable batteries within a 15 mile radius for at least 95 percent of Washington residents;

(ii) The establishment of collection sites that are accessible and convenient to overburdened communities identified by the department under chapter 70A.02 RCW, in an amount that is roughly proportional to the number and population of overburdened communities identified by the department under chapter 70A.02 RCW relative to the population or size of the state as a whole;

(iii) At least one permanent collection site for portable batteries in addition to those required in (b)(i) of this subsection for every 30,000 residents of each urban area in this state. For the purposes of compliance with this subsection (3)(b)(iii), a battery stewardship organization and the department may rely upon new or updated designations of urban locations by the United States census bureau that are determined by the department to be similar to the definition of urban areas in section 2 of this act;

(iv) Collection opportunities for portable batteries at special locations where batteries are often spent and replaced, such as supervised locations at parks with stores and campgrounds; and

(v) Service to areas without a permanent collection site, including service to island and geographically isolated communities without a permanent collection site.

(c) For medium format batteries, a battery stewardship organization must provide statewide collection opportunities that include, but are not limited to, the provision of:

(i) At least 25 permanent collection sites in Washington;

(ii) Reasonable geographic dispersion of collection sites throughout the state;

(iii) A collection site in each county of at least 200,000 persons, as determined by the most recent population estimate of the office of financial management;

(iv) The establishment of collection sites that are accessible to public transit and that are convenient to overburdened communities identified by the department under chapter 70A.02 RCW; and

(v) Service to areas without a permanent collection site, including service to island and geographically isolated communities. A battery stewardship organization must ensure that there is a collection site or annual collection event in each county of the state. Collection events should be provided periodically throughout the year where practicable, but must be provided at least once per year at a minimum in each county in which there are not permanent collection sites providing for the collection of damaged and defective batteries.

(4)(a) Battery stewardship programs must use existing public and private waste collection services and facilities, including battery collection sites that are established through other battery collection services, transporters, consolidators, processors, and retailers, where cost-effective, mutually agreeable, and otherwise practicable.

(b)(i) Battery stewardship programs must use as a collection site for covered batteries any retailer, wholesaler, municipality, solid waste management facility, or other entity that meets the criteria for collection sites in the approved plan, upon the submission of a request by the entity to the battery stewardship organization to serve as a collection site.

(ii) Battery stewardship programs must use as a site for a collection event for covered batteries any retailer, wholesaler, municipality, solid waste management facility, or other entity that meets the criteria for collection events in the approved plan, upon the submission of a request by the entity to the battery stewardship organization to serve as a site for a collection event. A signed agreement between a battery stewardship organization and the entity requesting to hold a collection event must be established at least 60 days prior to

any collection of covered batteries under a stewardship program. All costs associated with collection events initiated by an entity other than a battery stewardship organization are the sole responsibility of the entity unless otherwise agreed upon by a battery stewardship organization. A collection event under this subsection (4)(b)(ii) must allow any person to discard each chemistry and brand of covered battery at the collection event.

(c)(i) A local government facility may collect batteries at its own expense through a collection site or temporary collection event that is not a collection site or event under the program implemented by a battery stewardship organization. A local government facility that collects covered batteries under this subsection must, in accordance with procedures set forth in battery stewardship organization plans approved by the department:

(A) Notify battery stewardship organizations of the local government facility's decision to operate a collection site that is not a collection site under a program established under this chapter;

(B) Collect each chemistry and brand of covered battery at its collection site or sites;

(C) Collect, sort, and package collected materials in a manner that meets the standards established in a battery stewardship organization plan approved by the department;

(D) Either provide the collected batteries to the battery stewardship organization in lawful transportation containers for it to transfer the collected batteries at a processing facility the battery stewardship organization has approved, or transport to, or arrange for the transportation of collected batteries for processing at a facility that a battery stewardship organization has approved under a plan approved by the department.

(ii) A local government facility that collects materials at a collection site or temporary collection event operating outside of a battery stewardship program must also report, to a battery stewardship organization, information necessary for the battery stewardship organization to fulfill its reporting obligations under section 10 of this act. A battery stewardship organization may count materials collected by a local government facility under this subsection (4)(c) towards the achievement of performance requirements established in section 6 of this act.

(d) A battery stewardship organization may suspend or terminate a collection site or service that does not adhere to the collection site criteria in the approved plan or that poses an immediate health and safety concern.

(5)(a) Stewardship programs are not required to provide for the collection of battery-containing products.

(b) Stewardship programs are not required to provide for the collection of batteries that:

(i) Are not easily removable from the product other than by the manufacturer; and

(ii) Remain contained in a battery-containing product at the time of delivery to a collection site.

(c) Stewardship programs are required to provide for the collection of loose batteries.

(d) Stewardship programs are not required to provide for the collection of batteries still contained in covered electronic products under chapter 70A.500 RCW.

(6) Batteries collected by the program must be managed consistent with the battery management hierarchy. Lower priority end-of-life battery management options on the battery management hierarchy may be used by a program only when a battery stewardship organization documents to the department that all higher priority battery management options on the battery management hierarchy are not technologically feasible or economically practical.

NEW SECTION. Sec. 9. STEWARDSHIP PROGRAM COMPONENTS—EDUCATION AND OUTREACH REQUIREMENTS. (1) Each battery stewardship organization must carry out promotional activities in support of plan implementation including, but not limited to, the development:

- (a) And maintenance of a website;
- (b) And distribution of periodic press releases and articles;
- (c) And placement of advertisements for use on social media or other relevant media platforms;
- (d) Of promotional materials about the program and the restriction on the disposal of covered batteries in section 15 of this act to be used by retailers, government agencies, and nonprofit organizations;
- (e) And distribution of collection site safety training procedures that are in compliance with state law to collection sites to help ensure proper management of covered batteries at collection sites; and
- (f) And implementation of outreach and educational resources targeted to overburdened communities and vulnerable populations identified by the department under chapter 70A.02 RCW that are conceptually, linguistically, and culturally accurate for the communities served and reach the state's diverse ethnic populations, including through meaningful consultation with communities that bear disproportionately higher levels of adverse environmental and social justice impacts.

(2) Each battery stewardship organization must provide:

- (a) Consumer-focused educational promotional materials to each collection site used by the program and accessible by customers of retailers that sell covered batteries or battery-containing products; and
- (b) Safety information related to covered battery collection activities to the operator of each collection site, including appropriate protocols to reduce risks of spills or fires and response protocols in the event of a spill or fire.

(3)(a) Each battery stewardship organization must provide educational materials to the operator of each collection site for the management of recalled batteries, which are not intended to be part of collection as provided under section 8 of this act, to help facilitate transportation and processing of recalled batteries.

(b) A battery stewardship organization may seek reimbursement from the producer of the recalled battery for expenses incurred in the collection, transportation, or processing of those batteries.

(4) Upon request by a retailer, the battery stewardship organization must provide the retailer educational materials describing collection opportunities for batteries.

(5) If multiple battery stewardship organizations are implementing plans approved by the department, the battery stewardship organizations must coordinate in carrying out their education and outreach responsibilities under this section and must include in their annual reports to the department under

section 10 of this act a summary of their coordinated education and outreach efforts.

(6) During the first year of program implementation and every five years thereafter, each battery stewardship organization must carry out a survey of public awareness regarding the requirements of the program established under this chapter, including the provisions of section 15 of this act. Each battery stewardship organization must share the results of the public awareness surveys with the department.

NEW SECTION. Sec. 10. REPORTING REQUIREMENTS. (1) By June 1, 2028, and each June 1st thereafter, each battery stewardship organization must submit an annual report to the department covering the preceding calendar year of battery stewardship plan implementation. The report must include:

(a) An independent financial assessment of a program implemented by the battery stewardship organization, including a breakdown of the program's expenses, such as collection, recycling, education, and overhead, when required by the department;

(b) A summary financial statement documenting the financing of a battery stewardship organization's program and an analysis of program costs and expenditures, including an analysis of the program's expenses, such as collection, transportation, recycling, education, and administrative overhead. The summary financial statement must be sufficiently detailed to provide transparency that funds collected from producers as a result of their activities in Washington are spent on program implementation in Washington. Battery stewardship organizations implementing similar battery stewardship programs in multiple states may submit a financial statement including all covered states, as long as the statement breaks out financial information pertinent to Washington;

(c) The weight, by chemistry, of covered batteries collected under the program;

(d) The weight of materials recycled from covered batteries collected under the program, in total, and by method of battery recycling;

(e) A calculation of the recycling efficiency rates, as measured consistent with subsection (2) of this section;

(f) For each facility used for the final disposition of batteries, a description of how the facility recycled or otherwise disposed of batteries and battery components;

(g) The weight and chemistry of batteries sent to each facility used for the final disposition of batteries. The information in this subsection (1)(g) may be approximated for program operations in Washington based on extrapolations of national or regional data for programs in operation in multiple states;

(h) The collection rate achieved under the program, including a description of how this collection rate was calculated;

(i) The estimated aggregate sales, by weight and chemistry, of batteries and batteries contained in or with battery-containing products sold in Washington by participating producers for each of the previous three calendar years;

(j) A description of the manner in which the collected batteries were managed and recycled, including a discussion of best available technologies and the recycling efficiency rate;

(k) A description of education and outreach efforts supporting plan implementation including, but not limited to, a summary of education and

outreach provided to consumers, collection sites, manufacturers, distributors, and retailers by the program operator for the purpose of promoting the collection and recycling of covered batteries, a description of how that education and outreach met the requirements of section 9 of this act, samples of education and outreach materials, a summary of coordinated education and outreach efforts with any other battery stewardship organizations implementing a plan approved by the department, and a summary of any changes made during the previous calendar year to education and outreach activities;

(l) A list of all collection sites and accompanying latitude and longitude data and an address for each listed site, and an up-to-date map indicating the location of all collection sites used to implement the program, with links to appropriate websites where there are existing websites associated with a site;

(m) A description of methods used to collect, transport, and recycle covered batteries by the battery stewardship organization;

(n) A summary on progress made towards the program performance goals established under section 6 of this act, and an explanation of why performance goals were not met, if applicable; and

(o) An evaluation of the effectiveness of education and outreach activities.

(2) The weight of batteries or recovered resources from those batteries must only be counted once and may not be counted by more than one battery stewardship organization.

(3) In addition to the requirements of subsection (1) of this section, with respect to each facility used in the processing or disposition of batteries collected under the program, the battery stewardship organization must report:

(a) Whether the facility is located domestically, in an organization for economic cooperation and development country, or in a country that meets organization for economic cooperation and development operating standards; and

(b) What facilities processed the batteries, including a summary of any violations of environmental or labor laws and regulations over the previous three years at each facility.

(4) If a battery stewardship organization has disposed of covered batteries through energy recovery, incineration, or landfilling during the preceding calendar year of program implementation, the annual report must specify the steps that the battery stewardship organization will take to make the recycling of covered batteries cost-effective, where possible, or to otherwise increase battery recycling rates achieved by the battery stewardship organization.

(5) A producer or battery stewardship organization that submits information or records to the department under this chapter may request that the information or records be made available only for the confidential use of the department, the director of the department, or the appropriate division of the department. The director of the department must consider the request and if this action is not detrimental to the public interest and is otherwise in accordance with the policies and purposes of chapter 43.21A RCW, the director must grant the request for the information to remain confidential as authorized in RCW 43.21A.160.

NEW SECTION. Sec. 11. FEE AND DEPARTMENT OF ECOLOGY ROLE. (1) The department must adopt rules as necessary for the purpose of implementing, administering, and enforcing this chapter. The department must by rule establish fees, to be paid annually by a battery stewardship organization,

that are adequate to cover the department's full costs of implementing, administering, and enforcing this chapter and allocates costs between battery stewardship organizations, if applicable. All fees must be based on costs related to implementing, administering, and enforcing this chapter, not to exceed expenses incurred by the department for these activities.

(2) The responsibilities of the department in implementing, administering, and enforcing this chapter include, but are not limited to:

(a) Reviewing submitted stewardship plans and plan amendments and making determinations as to whether to approve the plan or plan amendment;

(i) The department must provide a letter of approval for the plan or plan amendment if it provides for the establishment of a stewardship program that meets the requirements of sections 3 through 9 of this act;

(ii) If a plan or plan amendment is rejected, the department must provide the reasons for rejecting the plan to the battery stewardship organization. The battery stewardship organization must submit a new plan within 60 days after receipt of the letter of disapproval; and

(iii) When a plan or an amendment to an approved plan is submitted under this section, the department shall make the proposed plan or amendment available for public review and comment for at least 30 days;

(b) Reviewing annual reports submitted under section 10 of this act within 90 days of submission to ensure compliance with that section;

(c)(i) Maintaining a website that lists producers and their brands that are participating in an approved plan, and that makes available to the public each plan, plan amendment, and annual report received by the department under this chapter;

(ii) Upon the date the first plan is approved, the department must post on its website a list of producers and their brands for which the department has approved a plan. The department must update the list of producers and brands participating under an approved program plan based on information provided to the department from battery stewardship organizations; and

(d) Providing technical assistance to producers and retailers related to the requirements of this chapter and issuing orders or imposing civil penalties authorized under section 12 of this act where the technical assistance efforts do not lead to compliance by a producer or retailer.

(3) Beginning January 1, 2032, and every five years thereafter, after consultation with battery stewardship organizations, the department may by rule increase the minimum recycling efficiency rates established in section 6 of this act based on the most economically and technically feasible processes and methodology available.

NEW SECTION. Sec. 12. PENALTIES AND CIVIL ACTION PROVISIONS. (1)(a) A battery stewardship organization implementing an approved plan may bring a civil action or actions to recover costs, damages, and fees, as specified in this section, from a producer who sells or otherwise makes available in Washington covered batteries or battery-containing products not included in an approved plan in violation of the requirements of this chapter. An action under this section may be brought against one or more defendants. An action may only be brought against a defendant producer when the stewardship program incurs costs in Washington, including reasonable incremental administrative and program promotional costs, in excess of \$1,000 to collect,

transport, and recycle or otherwise dispose of the covered batteries or battery-containing products of a nonparticipating producer.

(b) A battery stewardship organization may bring a civil action against a producer of a recalled battery to recover costs associated with handling a recalled battery.

(c) A battery stewardship organization implementing an approved stewardship plan may bring a civil action against another battery stewardship organization that under performs on its battery collection obligations under this chapter by failing to collect and provide for the end-of-life management of batteries in an amount roughly equivalent to costs imposed on the plaintiff battery stewardship organization by virtue of the failures of the defendants, plus legal fees and expenses.

(d) The remedies provided in this subsection are in addition to the enforcement authority of the department and do not limit and are not limited by a decision by the department to impose a civil penalty or issue an order under subsection (2) of this section. The department is not required to audit, participate in, or provide assistance to a battery stewardship organization pursuing a civil action authorized under this subsection.

(2)(a) The department may administratively impose a civil penalty on a person who violates this chapter in an amount of up to \$1,000 per violation per day.

(b) The department may administratively impose a civil penalty of up to \$10,000 per violation per day on a person for repeated violations of this chapter or failure to comply with an order issued under (c) of this subsection.

(c) Whenever on the basis of any information the department determines that a person has violated or is in violation of this chapter, the department may issue an order requiring compliance. A person who fails to take corrective action as specified in a compliance order is liable for a civil penalty as provided in (b) of this subsection, without receiving a written warning prescribed in (e) of this subsection.

(d) A person who is issued an order or incurs a penalty under this section may appeal the order or penalty to the pollution control hearings board established by chapter 43.21B RCW.

(e) Prior to imposing penalties under this section, the department must provide a producer, retailer, or battery stewardship organization with a written warning for the first violation by the producer, retailer, or battery stewardship organization of the requirements of this chapter. The written warning must inform a producer, retailer, or battery stewardship organization that it must participate in an approved plan or otherwise come into compliance with the requirements of this chapter within 30 days of the notice. A producer, retailer, or battery stewardship organization that violates a provision of this chapter after the initial written warning may be assessed a penalty as provided in this subsection.

(3) Penalties levied under subsection (2) of this section must be deposited in the model toxics control operating account created in RCW 70A.305.180.

(4) No penalty may be assessed on an individual or resident for the improper disposal of covered batteries as described in section 15 of this act in a noncommercial or residential setting.

NEW SECTION. Sec. 13. RESPONSIBLE BATTERY MANAGEMENT ACCOUNT. The responsible battery management account is created in the

custody of the state treasurer. All receipts from fees paid under this chapter must be deposited in the account. Only the director of the department or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. Moneys in the account may be used solely by the department for administering, implementing, and enforcing the requirements of this chapter. Funds in the account may not be diverted for any purpose or activity other than those specified in this section.

NEW SECTION. Sec. 14. MARKING REQUIREMENTS FOR BATTERIES. (1) Beginning January 1, 2028, a producer or retailer may only sell, distribute, or offer for sale in or into Washington a large format battery, covered battery, or battery-containing product that contains a battery that is designed or intended to be easily removable from the product, if the battery is:

(a) Marked with an identification of the producer of the battery, unless the battery is less than one-half inch in diameter or does not contain a surface whose length exceeds one-half inch; and

(b) Beginning January 1, 2030, marked with proper labeling to ensure proper collection and recycling, by identifying the chemistry of the battery and including an indication that the battery should not be disposed of as household waste.

(2) A producer shall certify to its customers, or to the retailer if the retailer is not the customer, that the requirements of this section have been met, as provided in section 4 of this act.

(3) The department may amend, by rule, the requirements of subsection (1) of this section to maintain consistency with the labeling requirements or voluntary standards for batteries established in federal law.

NEW SECTION. Sec. 15. GENERAL BATTERY DISPOSAL AND COLLECTION REQUIREMENTS. Effective July 1, 2027, for portable batteries and July 1, 2029, for medium format batteries, or the first date on which an approved plan begins to be implemented under this chapter by a battery stewardship organization, whichever comes first:

(1) All persons must dispose of unwanted covered batteries through one of the following disposal options:

(a) Disposal using the collection sites established by or included in the programs created by this chapter;

(b) For covered batteries generated by persons that are regulated generators of covered batteries under federal or state hazardous or solid waste laws, disposal in a manner consistent with the requirements of those laws; or

(c) Disposal using local government collection facilities that collect batteries consistent with section 8(4)(c) of this act.

(2)(a) A fee may not be charged at the time unwanted covered batteries are delivered or collected for management.

(b) All covered batteries may only be collected, transported, and processed in a manner that meets the standards established for a battery stewardship organization in a plan approved by the department, unless the batteries are being managed as described in subsection (1)(b) of this section.

(3) A person may not place covered batteries in waste containers for disposal at incinerators, waste to energy facilities, or landfills.

(4) A person may not place covered batteries in or on a container for mixed recyclables unless there is a separate location or compartment for the covered battery that complies with local government collection standards or guidelines.

(5) An owner or operator of a solid waste facility may not be found in violation of this section if the facility has posted in a conspicuous location a sign stating that covered batteries must be managed through collection sites established by a battery stewardship organization and are not accepted for disposal.

(6) A solid waste collector may not be found in violation of this section for a covered battery placed in a disposal container by the generator of the covered battery.

NEW SECTION. Sec. 16. DEPARTMENT ASSESSMENT OF LARGE FORMAT BATTERIES, MEDICAL DEVICES, LEAD ACID BATTERIES, AND BATTERY-CONTAINING PRODUCTS AND THEIR BATTERIES. (1) By July 1, 2027, the department must complete an assessment of the opportunities and challenges associated with the end-of-life management of batteries that are not covered batteries, including:

(a) Large format batteries;

(b) Lead acid batteries that are greater than 11 pounds or are subject to the provisions of RCW 70A.205.505 through 70A.205.530;

(c) Batteries contained in medical devices, as specified in Title 21 U.S.C. Sec. 360c as it existed as of the effective date of this section that are not designed and marketed for sale or resale principally to consumers for personal use; and

(d) Batteries not intended or designed to be easily removed by a customer that are contained in battery-containing products, including medical devices, and in electronic products that are not covered electronic products managed under an approved plan implemented under chapter 70A.500 RCW.

(2) The department must consult with the department of commerce and interested stakeholders in completing the assessment, including consultation with overburdened communities and vulnerable populations identified by the department under chapter 70A.02 RCW. The assessment must identify any needed adjustments to the stewardship program requirements established in this chapter that are necessary to maximize public health, safety, and environmental benefits, such as battery reuse.

(3) The assessment must consider:

(a) The different categories and uses of batteries and battery-containing products listed in subsection (1) of this section;

(b) The current economic value and reuse or recycling potential of large format batteries or large format battery components and a summary of studies examining the environmental and equity implications of displacing demand for new rare earth materials, critical materials, and other conflict materials through the reuse and recycling of batteries;

(c) The current methods by which unwanted batteries and battery-containing products listed in subsection (1) of this section are managed in Washington and nearby states and provinces;

(d) Challenges posed by the potential collection, management, and transport of batteries and battery-containing products listed in subsection (1) of this section, including challenges associated with removing batteries that were not

intended or designed to be easily removable from products, other than by the manufacturer; and

(e) Which criteria of this chapter should apply to batteries and battery-containing products listed in subsection (1) of this section in a manner that is identical or analogous to the requirements applicable to covered batteries.

(4) By October 1, 2027, the department must submit a report to the appropriate committees of the legislature containing the findings of the assessment required in this section.

NEW SECTION. Sec. 17. DEPARTMENT OF ECOLOGY RECOMMENDATIONS FOR MANAGEMENT OF ELECTRIC VEHICLE BATTERIES. (1) By November 30, 2023, the department of ecology must submit a report to the appropriate committees of the legislature on preliminary policy recommendations for the collection and management of electric vehicle batteries. By April 30, 2024, the department of ecology must report to the appropriate committees of the legislature on final policy recommendations for the collection and management of electric vehicle batteries.

(2) In developing the recommendations under subsection (1) of this section, the department of ecology must:

(a) Solicit input from representatives of automotive wrecking and salvage yards, solid waste collection and processing companies, local governments, environmental organizations, electric vehicle manufacturers, and any other interested parties; and

(b) Examine best practices in other states and jurisdictions.

NEW SECTION. Sec. 18. ANTITRUST. Producers or battery stewardship organizations acting on behalf of producers that prepare, submit, and implement a battery stewardship program plan pursuant to this chapter and who are thereby subject to regulation by the department are granted immunity from state laws relating to antitrust, restraint of trade, unfair trade practices, and other regulation of trade and commerce, for the limited purpose of planning, reporting, and operating a battery stewardship program, including:

(1) The creation, implementation, or management of a battery stewardship organization and any battery stewardship plan regardless of whether it is submitted, denied, or approved;

(2) The determination of the cost and structure of a battery stewardship plan; and

(3) The types or quantities of batteries being recycled or otherwise managed pursuant to this chapter.

NEW SECTION. Sec. 19. AUTHORITY OF THE UTILITIES AND TRANSPORTATION COMMISSION. Nothing in this chapter changes or limits the authority of the Washington utilities and transportation commission to regulate collection of solid waste, including curbside collection of residential recyclable materials, nor does this chapter change or limit the authority of a city or town to provide the service itself or by contract under RCW 81.77.020.

Sec. 20. RCW 43.21B.110 and 2022 c 180 s 812 are each 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 RCW 18.104.155, 70A.15.3160, 70A.300.090, 70A.20.050, 70A.530.040, 70A.350.070, 70A.515.060, 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080, 70A.65.200, 70A.455.090, section 12 of this act, 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, 43.27A.190, 70A.15.2520, 70A.15.3010, 70A.300.120, 70A.350.070, 70A.245.020, 70A.65.200, section 12 of this act, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(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 an application for a solid waste permit exemption under RCW 70A.205.260.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70A.205 RCW.

(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.

(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.

(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. 21. RCW 43.21B.300 and 2022 c 180 s 813 are each amended to read as follows:

(1) Any civil penalty provided in RCW 18.104.155, 70A.15.3160, 70A.205.280, 70A.300.090, 70A.20.050, 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080, 70A.65.200, 70A.455.090, section 12 of this act, 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) (~~Thirty~~) 30 days after receipt of the notice imposing the penalty;

(b) (~~Thirty~~) 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) (~~Thirty~~) 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 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 and section 12 of this act, 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.

NEW SECTION. Sec. 22. A new section is added to chapter 82.04 RCW to read as follows:

(1) This chapter does not apply to the receipts of a battery stewardship organization formed under chapter 70A.--- RCW (the new chapter created in section 23 of this act) from charges to participating producers under a battery stewardship program as provided in section 7 of this act.

(2) This section is not subject to the requirements of RCW 82.32.805 and 82.32.808 and is not subject to an expiration date.

(3) The definitions in section 2 of this act apply throughout this section unless the context clearly requires otherwise.

NEW SECTION. Sec. 23. CODIFICATION. Sections 1 through 16, 18, and 19 of this act constitute a new chapter in Title 70A RCW.

NEW SECTION. Sec. 24. SEVERABILITY. 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.

Passed by the Senate April 14, 2023.

Passed by the House April 6, 2023.

Approved by the Governor May 11, 2023.

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CHAPTER 435

[Engrossed Substitute Senate Bill 5293]

FUNDS AND ACCOUNTS—VARIOUS PROVISIONS

AN ACT Relating to accounts; amending RCW 43.41.450, 41.06.280, 41.06.285, 82.25.015, 41.05.120, 28A.505.130, 70A.65.250, 43.84.092, and 43.84.092; reenacting and amending RCW 43.79.567; reenacting RCW 43.330.365; adding new sections to chapter 43.79 RCW; adding a new section to chapter 38.52 RCW; providing effective dates; providing an expiration date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 43.41.450 and 2022 c 297 s 953 are each amended to read as follows:

The office of financial management central service account is created in the state treasury. The account is to be used by the office as a revolving fund for the payment of salaries, wages, and other costs required for the operation and maintenance of statewide budgeting, accounting, forecasting, and functions and activities in the office. All receipts from agency fees and charges for services collected from public agencies must be deposited into the account. The director shall fix the terms and charges to agencies based on each agency's share of the office statewide cost allocation plan for federal funds. Moneys in the account may be spent only after appropriation. During the ~~((2017-2019 and))~~ 2021-2023 ~~and 2023-2025~~ fiscal biennia, the account may be used as a revolving fund for the payment of salaries, wages, and other costs related to policy activities in the office. ~~((The legislature intends to continue the use of the revolving fund for policy activities during the 2019-2021 biennium.))~~

Sec. 2. RCW 41.06.280 and 2022 c 157 s 12 are each amended to read as follows:

(1) ~~((There is hereby))~~ The personnel service fund is created ~~((a fund within))~~ in the state treasury, ~~((designated as the "personnel service fund,"))~~ to be used by the office of financial management as a revolving fund for the payment of salaries, wages, and operations required for the administration of the provisions of this chapter, applicable provisions of chapter 41.04 RCW, and chapter 41.60 RCW. An amount not to exceed one and one-half percent of the salaries and wages for all positions ~~((in the classified service))~~ in each of the agencies subject to this chapter, except the institutions of higher education, shall be charged to the operations appropriations of each agency and credited to the personnel service fund as the allotments are approved pursuant to chapter 43.88 RCW. Subject to the above limitations, the amount shall be charged against the allotments pro rata, at a rate to be fixed by the director from time to time which, together with income derived from services rendered under RCW 41.06.080, will provide the office of financial management with funds to meet its anticipated expenditures during the allotment period, including the training requirements in RCW 41.06.500 and 41.06.530. ~~((All revenues, net of expenditures, previously derived from services provided by the department of enterprise services under RCW 41.06.080 must be transferred to the enterprise services account.))~~

(2) The director shall fix the terms and charges for services rendered by the office of financial management pursuant to RCW 41.06.080, which amounts shall be credited to the personnel service fund and charged against the proper fund or appropriation of the recipient of such services no longer than on a

~~((monthly))~~ quarterly basis. Payment for services so rendered under RCW 41.06.080 shall be made ~~((on a monthly basis))~~ according to the state administrative and accounting manual (SAAM) to the state treasurer and deposited in the personnel service fund.

~~(3) ((Moneys from the personnel service fund shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the office of financial management.~~

~~(4))~~ The office of financial management may use the personnel service fund to administer an employee transit pass program and other employment benefits. The office of financial management must bill state agencies for the total cost of administering the program and payments received from agencies must be deposited in the personnel service fund.

Sec. 3. RCW 41.06.285 and 2011 1st sp.s. c 43 s 420 are each amended to read as follows:

~~((1) There is hereby created a)~~ The higher education personnel service fund ~~((within))~~ is created in the state treasury, ~~((designated as the "higher education personnel service fund,"))~~ to be used by the office of financial management as a revolving fund for the payment of salaries, wages, and operations required for the administration of the provisions of this chapter ~~((41.06 RCW))~~ and applicable provisions of chapters 41.04 and 41.60 RCW. ~~((Subject to the requirements of subsection (2) of this section, an))~~ An amount not to exceed one-half of one percent of the salaries and wages for all positions in the classified service shall be contributed from the operations appropriations of each institution and the state board for community and technical colleges and credited to the higher education personnel service fund as such allotments are approved pursuant to chapter 43.88 RCW. Subject to the above limitations, such amount shall be charged against the allotments pro rata, at a rate to be fixed by the director of financial management from time to time, which will provide the office of financial management with funds to meet its anticipated expenditures during the allotment period.

~~((2) If employees of institutions of higher education cease to be classified under this chapter pursuant to an agreement authorized by RCW 41.56.201, each institution of higher education and the state board for community and technical colleges shall continue, for six months after the effective date of the agreement, to make contributions to the higher education personnel service fund based on employee salaries and wages that includes the employees under the agreement. At the expiration of the six-month period, the director of financial management shall make across-the-board reductions in allotments of the higher education personnel service fund for the remainder of the biennium so that the charge to the institutions of higher education and state board for community and technical colleges based on the salaries and wages of the remaining employees of institutions of higher education and related boards classified under this chapter does not increase during the biennium, unless an increase is authorized by the legislature.~~

~~(3) Moneys from the higher education personnel service fund shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the office of financial management.)~~

NEW SECTION. Sec. 4. A new section is added to chapter 43.79 RCW to read as follows:

(1) The GOV central service account is created in the state treasury. The purpose of the account is to fund the office of equity as a revolving fund for the payment of salaries, wages, and other costs required for the operation and maintenance of statewide equity functions, and the activities in the office of equity. All receipts from agency fees and charges for services collected from public agencies must be deposited into the account. Moneys in the account may be spent only after appropriation.

(2) The director of financial management shall fix the terms and charges to agencies based on each agency's share of the office of equity statewide cost allocation plans for federal funds.

NEW SECTION. Sec. 5. A new section is added to chapter 43.79 RCW to read as follows:

(1) The opioid abatement settlement account is created in the state treasury. All settlement receipts and moneys that are designated to be used by the state of Washington to abate the opioid epidemic for state use must be deposited into the account. Money in the account may be spent only after appropriation. Expenditures from the account may only be used for future opioid remediation as provided in the applicable settlement. For purposes of this account, "opioid remediation" means the care, treatment, and other programs and expenditures, designed to: (a) Address the use and abuse of opioid products; (b) treat or mitigate opioid use or related disorders; or (c) mitigate other alleged effects of, including those injured as a result of, the opioid epidemic.

(2) All money remaining in the state opioid settlement account established under RCW 43.88.195 must be transferred to the opioid abatement settlement account created in this section.

NEW SECTION. Sec. 6. A new section is added to chapter 38.52 RCW to read as follows:

(1) The state hazard mitigation revolving loan account is created in the state treasury. The purpose of the account is to allow the state to use any federal funds that become available to states from congress to fund a state revolving fund loan program as part of the safeguarding tomorrow through ongoing risk mitigation act. Moneys in the account may be spent only after appropriation. Moneys in the account may only be used, consistent with federal law, to administer the safeguarding tomorrow through ongoing risk mitigation act program, including loans to local and tribal governments for:

- (a) Carrying out projects designed to mitigate the impact of natural hazards;
- (b) Zoning and land use planning changes focused on low-impact development and community resiliency;
- (c) Establishing and carrying out building code enforcement for the protection of the health, safety, and general welfare of the building's users against disasters and natural hazards; and
- (d) Providing technical assistance.

(2) Moneys may also be used for administration and oversight of the safeguarding tomorrow through ongoing risk mitigation act program.

(3) Moneys from federal receipts from the safeguarding tomorrow through ongoing risk mitigation act grant, appropriations from the state legislature,

transfers from other state funds or accounts, all repayments of moneys borrowed from the account, all interest payments made by borrowers from the account or otherwise earned on the account, or any other lawful source may be deposited into the account. All interest earned on moneys deposited in the account, including repayments, shall remain in the account and may be used for any eligible purpose.

(4) The department may adopt such rules as are necessary under RCW 38.52.050 to administer the account.

Sec. 7. RCW 43.79.567 and 2022 c 297 s 947 are each reenacted and amended to read as follows:

(1) The community reinvestment account is created in the state treasury. Revenues to the account shall consist of appropriations and transfers by the legislature and all other moneys directed for deposit into the account. Moneys in the account may be spent only after appropriation.

(2) Expenditures from the account may be used by the department of commerce for:

(a) Economic development, which includes addressing wealth disparities to promote asset building such as home ownership and expanding access to financial resources including, but not limited to, grants and loans for small businesses and entrepreneurs, financial literacy training, and other small business training and support activities;

(b) Civil and criminal legal assistance to provide postconviction relief and case assistance, including the expungement of criminal records and vacation of criminal convictions;

(c) Community-based violence intervention and prevention services, which may include after-school programs focused on providing education and mentorship to youths; ~~(and)~~

(d) Reentry services to facilitate successful transitions for persons formerly incarcerated in an adult correctional facility or juvenile residential facility in Washington; and

(e) Beginning July 1, 2025, agricultural and economic support and services available to historically marginalized communities.

(3) The distribution of the grants under this section must be done in collaboration with ~~((the governor's office of Indian affairs and))~~ "by and for community organizations" as defined by the department of commerce and the office of equity.

Sec. 8. RCW 43.330.365 and 2022 c 297 s 948 are each reenacted to read as follows:

The electric vehicle incentive account is created in the state treasury. Revenues to the account shall consist of appropriations and transfers by the legislature and all other moneys directed for deposit into the account. Moneys in the account may only be spent after appropriation. Expenditures from the account may be used for programs and incentives that promote the purchase or conversion to alternative fuel vehicles to further state climate goals under RCW 70A.45.020 and environmental justice goals under 70A.02 RCW, including but not limited to:

(1) Income-qualified grant programs to retire vehicles and replace them with alternative fuel vehicles;

(2) Programs to provide grants for the installation of electric vehicle infrastructure to support electric vehicle adoption; and

(3) Programs to conduct research and public outreach regarding adoption of alternative fuel vehicles.

Sec. 9. RCW 82.25.015 and 2019 c 445 s 103 are each amended to read as follows:

The foundational public health services account is created in the state treasury. Half of all of the moneys collected from the tax imposed on vapor products under RCW 66.44.010 must be deposited into the account. Moneys in the account may be spent only after appropriation. Moneys in the account are to be used ~~((for the following purposes:~~

~~(1) To) to fund foundational health services. ((In the 2019-2021 biennium, at least twelve million dollars of the funds deposited into the account must be appropriated for this purpose. Beginning in the 2021-2023 biennium, fifty percent of the funds deposited into the account, but not less than twelve million dollars each biennium, are to be used for this purpose;~~

~~(2) To fund tobacco, vapor product, and nicotine control and prevention, and other substance use prevention and education. Beginning in the 2021-2023 biennium, seventeen percent of the funds deposited into the account are to be used for this purpose;~~

~~(3) To support increased access and training of public health professionals at public health programs at accredited public institutions of higher education in Washington. Beginning in the 2021-2023 biennium, five percent of the funds deposited into the account are to be used for this purpose;~~

~~(4) To fund enforcement by the state liquor and cannabis board of the provisions of this chapter to prevent sales of vapor products to minors and related provisions for control of marketing and product safety, provided that no more than eight percent of the funds deposited into the account may be appropriated for these enforcement purposes.))~~

Sec. 10. RCW 41.05.120 and 2018 c 260 s 25 are each amended to read as follows:

(1) The public employees' and retirees' insurance account is hereby established in the custody of the state treasurer, to be used by the director for the deposit of contributions, the remittance paid by school districts and educational service districts under RCW 28A.400.410, reserves, dividends, and refunds, for payment of premiums and claims for employee and retiree insurance benefit contracts and subsidy amounts provided under RCW 41.05.085, and transfers from the flexible spending administrative account as authorized in RCW 41.05.123. Moneys from the account shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the director. Moneys from the account may be transferred to the flexible spending administrative account to provide reserves and start-up costs for the operation of the flexible spending administrative account program.

(2) The state treasurer and the state investment board may invest moneys in the public employees' and retirees' insurance account. All such investments shall be in accordance with RCW 43.84.080 or 43.84.150, whichever is applicable. The director shall determine whether the state treasurer or the state investment

board or both shall invest moneys in the public employees' and retirees' insurance account.

(3) The school employees' insurance account is hereby established in the custody of the state treasurer, to be used by the director for the deposit of contributions, reserves, dividends, and refunds, for payment of premiums and claims for school employee insurance benefit contracts, and for transfers from the school employees' benefits board flexible spending and dependent care administrative account as authorized in this subsection. Moneys from the account shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the director. Moneys from the account may be transferred to the school employees' benefits board flexible spending and dependent care administrative account to provide reserves and start-up costs for the operation of the school employees' benefits board flexible spending arrangement and dependent care assistance program.

(4) The state treasurer and the state investment board may invest moneys in the school employees' insurance account. These investments must be in accordance with RCW 43.84.080 or 43.84.150, whichever is applicable. The director shall determine whether the state treasurer or the state investment board or both shall invest moneys in the school employees' insurance account.

(5) Moneys may be transferred between the public employees' and retirees' insurance account and the school employees' insurance account for short-term cash management and cash balance purposes.

Sec. 11. RCW 28A.505.130 and 1983 c 59 s 9 are each amended to read as follows:

For each fund contained in the school district budget the estimated expenditures for the budgeted fiscal year must not be greater than the total of the estimated revenues for the budgeted fiscal year, the estimated fund balance at the beginning of the budgeted fiscal year less the estimated reserve fund balance at the end of the budgeted fiscal year, and the projected revenue from receivables collectible on future years as approved by the superintendent of public instruction for inclusion in the budget.

The proceeds of any interfund loan must not be used to balance the budget of the borrowing fund, except in fiscal year 2024 when such loans may be used to address budget destabilization in the aftermath of the COVID-19 pandemic. Interfund loans in fiscal year 2024 may be for a duration of two years.

Sec. 12. RCW 70A.65.250 and 2022 c 253 s 2 are each amended to read as follows:

(1)(a) The climate investment account is created in the state treasury. Except as otherwise provided in chapter 316, Laws of 2021, all receipts from the auction of allowances authorized in this chapter must be deposited into the account. Moneys in the account may be spent only after appropriation.

(b) Projects or activities funded from the account must meet high labor standards, including family sustaining wages, providing benefits including health care and employer-contributed retirement plans, career development opportunities, and maximize access to economic benefits from such projects for local workers and diverse businesses. Each contracting entity's proposal must be reviewed for equity and opportunity improvement efforts, including: (i) Employer paid sick leave programs; (ii) pay practices in relation to living wage

indicators such as the federal poverty level; (iii) efforts to evaluate pay equity based on gender identity, race, and other protected status under Washington law; (iv) facilitating career development opportunities, such as apprenticeship programs, internships, job-shadowing, and on-the-job training; and (v) employment assistance and employment barriers for justice affected individuals.

(2) Moneys in the account may be used only for projects and programs that achieve the purposes of the greenhouse gas emissions cap and invest program established under this chapter and for tribal capacity grants under RCW 70A.65.305. Moneys in the account as described in this subsection must first be appropriated for the administration of the requirements of this chapter, in an amount not to exceed five percent of the total receipt of funds from allowance auction proceeds under this chapter. Beginning July 1, (~~2024~~) 2023, and annually thereafter, the state treasurer shall distribute funds in the account that exceed the amounts appropriated for the purposes of this subsection (2) as follows:

(a) Seventy-five percent of the moneys to the climate commitment account created in RCW 70A.65.260; and

(b) Twenty-five percent of the moneys to the natural climate solutions account created in RCW 70A.65.270.

(3) The allocations specified in subsection (2)(a) and (b) of this section must be reviewed by the legislature on a biennial basis based on the changing needs of the state in meeting its clean economy and greenhouse gas reduction goals in a timely, economically advantageous, and equitable manner.

Sec. 13. RCW 43.84.092 and 2022 c 182 s 403 are each amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the Alaskan Way viaduct replacement project account, the ambulance transport fund, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the Chehalis basin taxable account, the cleanup settlement account, the climate active transportation account, the climate transit programs account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community services account, the diesel idle reduction account, the opioid abatement settlement account, the drinking water assistance account, the administrative subaccount of the drinking water assistance account, the early learning facilities development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the electric vehicle account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the fair start for kids account, the ferry bond retirement fund, the fish, wildlife, and conservation account, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the state higher education construction account, the higher education construction account, the higher education retirement plan supplemental benefit fund, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the hospital safety net assessment fund, the Interstate 405 and state route number 167 express toll lanes account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the limited fish and wildlife account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the move ahead WA account, the move ahead WA flexible account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance

account, the pilotage account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound Gateway facility account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state hazard mitigation revolving loan account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state reclamation revolving account, the state route number 520 civil penalties account, the state route number 520 corridor account, the statewide broadband account, the statewide tourism marketing account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the University of Washington bond retirement fund, the University of Washington building account, the voluntary cleanup account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the vulnerable roadway user education account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 14. RCW 43.84.092 and 2022 c 182 s 404 are each amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the Alaskan Way viaduct replacement project account, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the Chehalis basin taxable account, the cleanup settlement account, the climate active transportation account, the climate transit programs account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund,

the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community services account, the diesel idle reduction account, the opioid abatement settlement account, the drinking water assistance account, the administrative subaccount of the drinking water assistance account, the early learning facilities development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the electric vehicle account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the fair start for kids account, the ferry bond retirement fund, the fish, wildlife, and conservation account, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the state higher education construction account, the higher education construction account, the higher education retirement plan supplemental benefit fund, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the hospital safety net assessment fund, the Interstate 405 and state route number 167 express toll lanes account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the limited fish and wildlife account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the move ahead WA account, the move ahead WA flexible account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pilotage account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound Gateway facility account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state hazard mitigation revolving loan account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state reclamation revolving

account, the state route number 520 civil penalties account, the state route number 520 corridor account, the statewide broadband account, the statewide tourism marketing account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the University of Washington bond retirement fund, the University of Washington building account, the voluntary cleanup account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the vulnerable roadway user education account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 15. Except for section 14 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 July 1, 2023.

NEW SECTION. Sec. 16. Section 13 of this act expires July 1, 2024.

NEW SECTION. Sec. 17. Section 14 of this act takes effect July 1, 2024.

Passed by the Senate April 21, 2023.

Passed by the House April 20, 2023.

Approved by the Governor May 11, 2023.

Filed in Office of Secretary of State May 11, 2023.

CHAPTER 436

[Engrossed Second Substitute Senate Bill 5315]

SPECIAL EDUCATION—NONPUBLIC AGENCIES

AN ACT Relating to nonpublic agencies operating special education programs for students with disabilities; amending RCW 28A.155.090, 28A.155.060, and 28A.155.210; adding a new section to chapter 28A.300 RCW; adding new sections to chapter 28A.155 RCW; creating new sections; and providing an expiration date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. (1)(a)(i) The legislature finds that the federal individuals with disabilities education act, Title 20 U.S.C. Sec. 1400 et seq., establishes duties for the state education agency, which is the office of the superintendent of public instruction in Washington, with respect to students with disabilities who are placed in a private school or facility by a school district or other public agency as a means of providing special education and related services.

(ii) Since 2006, the federal implementing regulations of the federal individuals with disabilities education act have required that the office of the superintendent of public instruction ensure that a student with a disability who is placed in a private school or facility by a school district or other public agency:

(A) Is provided special education and related services in conformance with an individualized education program that meets the requirements of federal law and at no cost to the student's parents;

(B) Is provided an education that meets the standards that apply to education provided by a school district or other public agency; and

(C) Has all of the rights of a student with a disability who is served by a school district or other public agency.

(iii) Since 2006, the federal implementing regulations of the federal individuals with disabilities education act have required that the office of the superintendent of public instruction, in implementing the requirements described in (a)(ii) of this subsection:

(A) Monitor compliance through procedures such as written reports, on-site visits, and parent questionnaires;

(B) Disseminate copies of applicable standards to each private school and facility to which a school district or other public agency has placed a student with a disability; and

(C) Provide an opportunity for those private schools and facilities to participate in the development and revision of state standards that apply to them.

(iv) The federal implementing regulations of the federal individuals with disabilities education act require the state to monitor implementation of the individuals with disabilities education act to improve educational results and functional outcomes for all students with disabilities. The state must use indicators to measure school district performance, identify areas of noncompliance, and use appropriate enforcement mechanisms, such as technical assistance, corrective action, or withholding funds.

(b) The legislature acknowledges that it has not codified the federal requirements. Therefore, the legislature intends to codify the duty and authority

of the superintendent of public instruction to establish standards for authorizing, monitoring, and investigating private schools approved by the state board of education under RCW 28A.305.130, other private in-state entities, and any out-of-state entities, that contract with school districts to provide special education and related services to students with disabilities. The legislature also intends to codify the requirement that these standards must ensure that any students with disabilities placed in the authorized entities by school districts have the same rights, protections, and access to special education and related services that they would have if served by school districts.

(2)(a)(i) The federal implementing regulations of the federal individuals with disabilities education act specify that, when a school district or other public agency has placed a student with disabilities in a private school or facility, responsibility for compliance with the federal individuals with disabilities education act remains with the school district or other public agency and with the office of the superintendent of public instruction.

(ii) State statute permits school districts to contract with entities authorized by the office of the superintendent of public instruction to operate special education programs for students with disabilities and specifies that the approval standards must conform substantially to those of special education programs in the school districts.

(iii) Rules of the office of the superintendent of public instruction specify the minimum elements of the written contract that must be made between a school district and an authorized entity. In addition, these rules specify that the school district remains responsible for ensuring that any student placed in an authorized entity is provided a free appropriate public education in conformance with the individualized education program developed by the school district.

(b) The legislature intends to codify the responsibilities of school districts placing students with disabilities in authorized entities, including specifying minimum contract and parent notification requirements.

(3) In addition, the legislature intends to ensure accountability is properly exercised and shared by directing the state auditor to conduct a performance audit of the system for overseeing the authorized entities that provide special education services to students with disabilities, as well as requiring school districts contracting with these authorized entities to report concerns about education overbilling to the office of the superintendent of public instruction and the office of the state auditor.

Sec. 2. RCW 28A.155.090 and 2007 c 115 s 11 are each amended to read as follows:

The superintendent of public instruction shall have the duty and authority, through the administrative section or unit for the education of children with ~~((disabling conditions))~~ **disabilities**, to:

(1) Assist school districts in the formation of programs to meet the needs of children with disabilities;

(2) Develop interdistrict cooperation programs for children with disabilities as authorized in RCW 28A.225.250;

(3) Provide, upon request, to parents or guardians of children with disabilities, information as to the special education programs for students with disabilities offered within the state;

(4) Assist, upon request, the parent or guardian of any child with disabilities in the placement of any child with disabilities who is eligible for but not receiving special educational services for children with disabilities;

(5) Approve school district and agency programs as being eligible for special excess cost financial aid to students with disabilities;

(6) Establish standards for authorizing, monitoring, and investigating private schools approved by the state board of education under RCW 28A.305.130, other private in-state entities, and any out-of-state entities, that contract with school districts under RCW 28A.155.060 to provide special education and related services to children with disabilities. The standards must ensure that any children with disabilities placed in authorized entities by school districts have the same rights, protections, and access to special education and related services that they would have if served by a school district;

(7) Consistent with the provisions of RCW 28A.150.390, 28A.160.030, and 28A.155.010 through 28A.155.160, and part B of the federal individuals with disabilities education improvement act, administer administrative hearings and other procedures to ensure procedural safeguards of children with disabilities; and

~~((7))~~ (8) Promulgate such rules as are necessary to implement part B of the federal individuals with disabilities education improvement act or other federal law providing for special education services for children with disabilities and the several provisions of RCW 28A.150.390, 28A.160.030, and 28A.155.010 through 28A.155.160 and to ensure appropriate access to and participation in the general education curriculum and participation in statewide assessments for all students with disabilities.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.300 RCW to read as follows:

(1) The office of the superintendent of public instruction may authorize private schools approved by the state board of education under RCW 28A.305.130, other private in-state entities, and any out-of-state entities to contract with school districts under RCW 28A.155.060 to provide special education and related services to students with disabilities. For authorized entities with multiple locations, the office of the superintendent of public instruction must approve each location independently.

(2) The office of the superintendent of public instruction shall establish a process for private schools approved by the state board of education under RCW 28A.305.130 to apply for authorization or reauthorization for a period of up to five years and for other entities to apply for authorization or reauthorization for a period of up to three years.

(3) To qualify for authorization or reauthorization, an applicant must, at a minimum, meet the following requirements:

(a) Offer a program of basic education that will provide:

(i) Opportunities for students to meet the goals of RCW 28A.150.210, in accordance with an individual assessment of student strengths and needs as determined by the placing school districts, and any other requirements established by contract; and

(ii) Opportunities for students in grades nine through 12 to either meet high school graduation requirements under RCW 28A.230.090 or to earn a high

school equivalency certificate under RCW 28B.50.536 or laws of the state in which the applicant is located;

(b) Maintain applicable facility licenses and applicable agency approvals of the state in which the applicant is located;

(c) Employ or contract with teachers and related services staff who meet the licensing requirements of the state in which the applicant is located;

(d) Meet applicable fire codes of the local fire marshal or the fire marshal of the state in which the applicant is located;

(e) Meet applicable health and safety standards of the local jurisdiction and state in which the applicant is located;

(f) Demonstrate through audits that the applicant is financially stable and has accounting systems that allow for separation of school district funds, including financial safeguards in place to track revenues and expenditures associated with contracted placements to ensure that funds are used to provide education and related services to students placed in the authorized entity by the school district;

(g) Demonstrate that the applicant has procedures in place that address staff employment and contracting, including checking personal and professional references, conducting state and federal criminal background checks, and conducting regular staff evaluations that address staff competencies;

(h) Maintain a policy of nondiscrimination and provide procedural safeguards for students and their families; and

(i) Pass an on-site inspection conducted by the office of the superintendent of public instruction that confirms that the health and safety of the facilities, the staffing qualifications and levels, and the procedural safeguards are sufficient to provide a safe and appropriate learning environment for students.

(4) The office of the superintendent of public instruction must prohibit authorized entities from charging tuition or fees to students placed in the authorized entity by a school district.

(5) As used in this section, the term "authorized entity" means a private school approved by the state board of education under RCW 28A.305.130, another private in-state entity, or any out-of-state entity, that has been authorized by the office of the superintendent of public instruction to contract with a school district to provide a program of special education for students with disabilities.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.155 RCW to read as follows:

(1) On its webpage related to special education, the office of the superintendent of public instruction must develop and publish a complaint process for individuals to report noncompliance with local, state, or federal laws or violation of students rights by authorized entities. The webpage may include additional instructions for submitting complaints to the resident school district and for using the special education community complaint processes, when applicable.

(2) When an authorized entity notifies the office of the superintendent of public instruction about major program changes, the office shall review the changes with affected school districts to determine whether the entity remains authorized to provide contracted services.

(3) The office of the superintendent of public instruction must monitor and investigate authorized entities and contracting school districts to ensure

compliance with the requirements of RCW 28A.155.060 and section 3 of this act. In completing this duty, the office of the superintendent of public instruction must use information and data gathered during on-site visits, submitted through the complaint processes, and provided by authorized entities and school districts. The office of the superintendent of public instruction must use this process to identify and address patterns of misconduct, including issuing corrective action or revoking an entity's authorization under section 3 of this act to contract with school districts.

(4) The office of the superintendent of public instruction may suspend, revoke, or refuse to renew the authorization of an entity under section 3 of this act if the entity:

- (a) Fails to maintain authorization standards under section 3 of this act;
- (b) Violates the rights of students placed in the authorized entity by a school district;
- (c) Fails to adhere to applicable local, state, and federal laws, including health, safety, and civil rights laws;
- (d) Fails to comply with contract requirements under RCW 28A.155.060; or
- (e) Refuses to implement any corrective actions ordered by the office of the superintendent of public instruction.

(5) As used in this section, "authorized entity" and "entity" has the same meaning as in section 3 of this act.

NEW SECTION. Sec. 5. A new section is added to chapter 28A.155 RCW to read as follows:

(1) The office of the superintendent of public instruction shall notify the state board of education if any private school authorized by the office of the superintendent of public instruction under section 3 of this act that is also approved by the state board of education under chapter 28A.195 RCW is investigated for noncompliance, is directed to complete corrective action, or fails to maintain authorization.

(2) The state board of education shall notify the office of the superintendent of public instruction of any unresolved concerns, deficiencies, or deviations related to a private school authorized by the office of the superintendent of public instruction under section 3 of this act that is also approved by the state board of education under chapter 28A.195 RCW.

Sec. 6. RCW 28A.155.060 and 2007 c 115 s 6 are each amended to read as follows:

(1) For the purpose of carrying out the provisions of RCW 28A.155.020 through 28A.155.050, the board of directors of every school district shall be authorized to contract with (~~agencies approved by the superintendent of public instruction for operating special education programs for students with disabilities. Approval standards for such agencies shall conform substantially with those of special education programs in the common schools~~) private schools approved by the state board of education under RCW 28A.305.130, other private in-state entities, and any out-of-state entities authorized by the office of the superintendent of public instruction under section 3 of this act to provide special education and related services to students with disabilities placed in the authorized entities by school districts.

(2) A school district that chooses to contract with an authorized entity must enter into a written contract to establish the responsibilities of the school district and the authorized entity, and set forth the rights of students with disabilities placed in the authorized entity by the school district as a means of providing special education and related services. The contract must include, at a minimum, the following elements:

(a) The names of the parties involved and the name of the student placed in the authorized entity by the school district;

(b) The locations and settings of the education and related services to be provided;

(c)(i) A description of the opportunities for the student to meet a program of basic education that meets the goals of RCW 28A.150.210, in accordance with an individual assessment of student strengths and needs initially performed by the placing school districts and updated by the authorized entity; and

(ii) When applicable, a description of the opportunities for the student to either meet high school graduation requirements under RCW 28A.230.090 or to earn a high school equivalency certificate under RCW 28B.50.536 or laws of the state in which the authorized entity is located;

(d) A schedule, of at least once per academic term, for the authorized entity to provide to the school district student progress reports. The progress reports must describe how the student is meeting personalized learning outcomes;

(e) The total contract cost and applicable charge and reimbursement systems, including billing and payment procedures;

(f) Acknowledgment that the authorized entity is responsible for full reimbursement to the school district of any overpayments determined to have been made by the school district;

(g) Acknowledgment that the authorized entity has a list of staff members providing the education and related services and a copy of the license that qualifies each staff member to provide the services;

(h) An agreement by the authorized entity to employ or contract with at least one licensed teacher with a special education endorsement;

(i) Acknowledgment that the staff of the authorized entity are regularly trained on the following topics:

(i) The constitutional and civil rights of students in schools;

(ii) Child and adolescent development;

(iii) Trauma-informed approaches to working with children and youth;

(iv) Cultural competency, diversity, equity, and inclusion, including best practices for interacting with students from particular backgrounds, including English learner, LGBTQ, immigrant, female, and nonbinary students. For the purposes of this subsection, "cultural competency," "diversity," "equity," and "inclusion" have the same meanings as in RCW 28A.415.443;

(v) Student isolation and restraint requirements under RCW 28A.600.485;

(vi) The federal family educational rights and privacy act (Title 20 U.S.C. Sec. 1232g) requirements including limits on access to and dissemination of student records for noneducational purposes;

(vii) Recognizing and responding to student mental health issues; and

(viii) Educational rights of students with disabilities, the relationship of disability to behavior, and best practices for interacting with students with disabilities;

(j) Acknowledgment that the school district and the authorized entity have clearly established their respective responsibilities and processes for student data collection and reporting;

(k) Acknowledgment that the authorized entity will promptly submit to the school district any complaints it receives;

(l) Acknowledgment that the authorized entity will submit other information required by the school district or the office of the superintendent of public instruction;

(m) Acknowledgment that the authorized entity must comply with student isolation and restraint requirements under RCW 28A.600.485;

(n) Acknowledgment that the authorized entity will notify:

(i) The office of the superintendent of public instruction and every school district with which it contracts of any major program changes that occur during the authorization period, including adding or eliminating services or changing the type of programs available to students;

(ii) The office of the superintendent of public instruction, every school district with which it contracts, and every parent or guardian of an affected student of any conditions that would affect the authorized entity's ability to continue to provide the contracted services; and

(iii) The office of the superintendent of public instruction and every school district with which it contracts of any complaints it receives regarding services to students, as well as any law enforcement incident reports involving the authorized entity and its enrolled students;

(o) Acknowledgment that the authorized entity must comply with all relevant Washington state and federal laws that are applicable to the school district; and

(p) Acknowledgment that the school district must provide the office of the superintendent of public instruction with the opportunity to review the contract and related documentation upon request.

(3)(a) A school district that contracts with an authorized entity under this section shall conduct an annual on-site visit to confirm that the health and safety of the facilities, the staffing qualifications and levels, and the procedural safeguards are sufficient to provide a safe and appropriate learning environment for students.

(b) A contracting school district may arrange for another school district to complete the annual on-site visit on its behalf, so long as the school district conducting the on-site visit provides a written report to the contracting school district that documents the results of the on-site visit and any concerns about the learning environment.

(4) Each school district contracting with an authorized entity under this section shall provide the following documents to the parents or guardians of each student placed in the authorized entity by the school district:

(a) A summary of the school district's and the authorized entity's responsibilities and processes for reporting incidents of student isolation and restraint under RCW 28A.600.485; and

(b) A copy of the complaint procedure developed by the office of the superintendent of public instruction under section 4 of this act.

(5) Each school district contracting with an authorized entity under this section shall report to the office of the superintendent of public instruction and

the office of the Washington state auditor any concerns the school district has about overbilling by the authorized entity.

(6) Each school district contracting with an authorized entity under this section shall remain responsible for ensuring that the students with disabilities placed in the authorized entity are:

(a) Provided a free appropriate public education in accordance with the federal individuals with disabilities education act, Title 20 U.S.C. Sec. 1400 et seq. and this chapter;

(b) Provided with special education and related services at no cost to the student's parents and in conformance with an individualized education program as required by law, including evaluations and individualized education program team meetings that meet all applicable requirements; and

(c) Provided with an opportunity to participate in Washington state and school district assessments.

(7) As used in this section, the term "authorized entity" has the same meaning as in section 3 of this act.

Sec. 7. RCW 28A.155.210 and 2013 c 202 s 3 are each amended to read as follows:

A (~~school that is required to develop an~~) student's individualized education program (~~as required by federal law~~) must include (~~within the plan~~) procedures for notification of a parent or guardian regarding the use of restraint or isolation under RCW 28A.600.485. If a student is placed in an authorized entity under RCW 28A.155.060, the student's individualized education program must also specify any additional procedures required to ensure the authorized entity fully complies with RCW 28A.600.485.

NEW SECTION. Sec. 8. A new section is added to chapter 28A.155 RCW to read as follows:

(1) Beginning December 1, 2023, and in compliance with RCW 43.01.036, the office of the superintendent of public instruction shall annually submit a report to the education committees of the legislature regarding placements of students with disabilities at authorized entities under RCW 28A.155.060. A summary of the report, including a link to the full report content, must also be posted on the office of the superintendent of public instruction's website. The report must include:

(a) The academic progress of students receiving special education services from authorized entities, using the results of the two most recent state assessments;

(b) The graduation rates of students who have received special education services from authorized entities;

(c) The rate at which students receiving special education services from authorized entities return to their resident school districts;

(d) Data on student restraint and isolation incidents, discipline, and attendance at authorized entities; and

(e) Any corrective action or change in an entity's authorization status, as ordered by the office of the superintendent of public instruction.

(2) The data published under subsection (1) of this section must be disaggregated by each authorized entity when it is possible to do so without disclosing, directly or indirectly, a student's personally identifiable information

as protected under the federal family educational rights and privacy act (Title 20 U.S.C. Sec. 1232g).

(3) As used in this section, "authorized entity" has the same meaning as in section 3 of this act.

NEW SECTION. Sec. 9. (1) The state auditor shall conduct a performance audit of the authorization, monitoring, and investigation of authorized entities and the school districts that contract with authorized entities under RCW 28A.155.060 to provide special education and related services to students with disabilities. As appropriate, the state auditor shall make recommendations for improving the system for overseeing authorized entities. The state auditor may conduct the performance audit at a sample of school districts and authorized nonpublic entities as needed.

(2) By November 30, 2026, and in compliance with RCW 43.01.036, the state auditor shall report the performance audit's findings and recommendations to the governor and the education committees of the legislature.

(3) As used in this section, "authorized entity" has the same meaning as in section 3 of this act.

(4) This section expires August 1, 2027.

Passed by the Senate April 21, 2023.

Passed by the House April 20, 2023.

Approved by the Governor May 11, 2023.

Filed in Office of Secretary of State May 11, 2023.

CHAPTER 437

[Senate Bill 5316]

DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—BACKGROUND CHECK AND LICENSING FEES

AN ACT Relating to background check and licensing fees for programs administered by the department of children, youth, and families; amending RCW 43.43.837, 43.216.270, and 43.216.271; creating a new section; and repealing RCW 43.216.272 and 43.216.273.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 43.43.837 and 2022 c 297 s 954 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, in order to determine the character, competence, and suitability of any applicant or service provider to have unsupervised access, the secretary of the department of social and health services and the secretary of the department of children, youth, and families may require a fingerprint-based background check through both the Washington state patrol and the federal bureau of investigation at any time, but shall require a fingerprint-based background check when the applicant or service provider has resided in the state less than three consecutive years before application, and:

(a) Is an applicant or service provider providing services to children or people with developmental disabilities under RCW 74.15.030;

(b) Is an individual sixteen years of age or older who: (i) Is not under the placement and care authority of the department of children, youth, and families; and (ii) resides in an applicant or service provider's home, facility, entity, agency,

or business or who is authorized by the department of children, youth, and families to provide services to children under RCW 74.15.030;

(c) Is an individual who is authorized by the department of social and health services to provide services to people with developmental disabilities under RCW 74.15.030; or

(d) Is an applicant or service provider providing in-home services funded by:

(i) Medicaid personal care under RCW 74.09.520;

(ii) Community options program entry system waiver services under RCW 74.39A.030;

(iii) Chore services under RCW 74.39A.110; or

(iv) Other home and community long-term care programs, established pursuant to chapters 74.39 and 74.39A RCW, administered by the department of social and health services.

(2) Long-term care workers, as defined in RCW 74.39A.009, who are hired after January 7, 2012, are subject to background checks under RCW 74.39A.056.

(3) To satisfy the shared background check requirements provided for in RCW 43.216.270 and 43.20A.710, the department of children, youth, and families and the department of social and health services shall share federal fingerprint-based background check results as permitted under the law. The purpose of this provision is to allow both departments to fulfill their joint background check responsibility of checking any individual who may have unsupervised access to vulnerable adults, children, or juveniles. Neither department may share the federal background check results with any other state agency or person.

(4) The secretary of the department of children, youth, and families shall require a fingerprint-based background check through the Washington state patrol identification and criminal history section and the federal bureau of investigation when the department seeks to approve an applicant or service provider for a foster or adoptive placement of children in accordance with federal and state law. Fees charged by the Washington state patrol and the federal bureau of investigation for fingerprint-based background checks shall be paid by the department of children, youth, and families for ~~((applicant))~~ foster care and child care applicants and service providers ~~((providing foster care as required in RCW 74.15.030))~~.

(5) Any secure facility operated by the department of social and health services or the department of children, youth, and families under chapter 71.09 RCW shall require applicants and service providers to undergo a fingerprint-based background check through the Washington state patrol identification and criminal history section and the federal bureau of investigation.

(6) Service providers and service provider applicants, except for those long-term care workers exempted in subsection (2) of this section, who are required to complete a fingerprint-based background check may be hired for a one hundred twenty-day provisional period as allowed under law or program rules when:

(a) A fingerprint-based background check is pending; and

(b) The applicant or service provider is not disqualified based on the immediate result of the background check.

(7) Fees charged by the Washington state patrol and the federal bureau of investigation for fingerprint-based background checks shall be paid by the applicable department for applicants or service providers providing:

(a) Services to people with a developmental disability under RCW 74.15.030;

(b) In-home services funded by medicaid personal care under RCW 74.09.520;

(c) Community options program entry system waiver services under RCW 74.39A.030;

(d) Chore services under RCW 74.39A.110;

(e) Services under other home and community long-term care programs, established pursuant to chapters 74.39 and 74.39A RCW, administered by the department of social and health services or the department of children, youth, and families; and

(f) Services in, or to residents of, a secure facility under RCW 71.09.115(~~;~~ and

~~(g) For fiscal year 2023, applicants for child care and early learning services to children under RCW 43.216.270)).~~

~~(8) ((Service providers licensed under RCW 74.15.030 must pay fees charged by the Washington state patrol and the federal bureau of investigation for conducting fingerprint-based background checks.~~

~~(9) Department of children, youth, and families service providers licensed under RCW 74.15.030 may not pass on the cost of the background check fees to their applicants unless the individual is determined to be disqualified due to the background information.~~

~~(10))~~ The department of social and health services and the department of children, youth, and families shall develop rules identifying the financial responsibility of service providers, applicants, and the department for paying the fees charged by law enforcement to roll, print, or scan fingerprints-based for the purpose of a Washington state patrol or federal bureau of investigation fingerprint-based background check.

~~((11))~~ (9) For purposes of this section, unless the context plainly indicates otherwise:

(a) "Applicant" means a current or prospective department of social and health services, department of children, youth, and families, or service provider employee, volunteer, student, intern, researcher, contractor, or any other individual who will or may have unsupervised access because of the nature of the work or services he or she provides. "Applicant" includes but is not limited to any individual who will or may have unsupervised access and is:

(i) Applying for a license or certification from the department of social and health services or the department of children, youth, and families;

(ii) Seeking a contract with the department of social and health services, the department of children, youth, and families, or a service provider;

(iii) Applying for employment, promotion, reallocation, or transfer;

(iv) An individual that a department of social and health services or department of children, youth, and families client or guardian of a department of social and health services or department of children, youth, and families client chooses to hire or engage to provide services to himself or herself or another vulnerable adult, juvenile, or child and who might be eligible to receive payment

from the department of social and health services or the department of children, youth, and families for services rendered; or

(v) A department of social and health services or department of children, youth, and families applicant who will or may work in a department-covered position.

(b) "Authorized" means the department of social and health services or the department of children, youth, and families grants an applicant, home, or facility permission to:

- (i) Conduct licensing, certification, or contracting activities;
- (ii) Have unsupervised access to vulnerable adults, juveniles, and children;
- (iii) Receive payments from a department of social and health services or department of children, youth, and families program; or
- (iv) Work or serve in a department of social and health services or department of children, youth, and families-covered position.

(c) "Secretary" means the secretary of the department of social and health services.

(d) "Secure facility" has the meaning provided in RCW 71.09.020.

(e) "Service provider" means entities, facilities, agencies, businesses, or individuals who are licensed, certified, authorized, or regulated by, receive payment from, or have contracts or agreements with the department of social and health services or the department of children, youth, and families to provide services to vulnerable adults, juveniles, or children. "Service provider" includes individuals whom a department of social and health services or department of children, youth, and families client or guardian of a department of social and health services or department of children, youth, and families client may choose to hire or engage to provide services to himself or herself or another vulnerable adult, juvenile, or child and who might be eligible to receive payment from the department of social and health services or the department of children, youth, and families for services rendered.

Sec. 2. RCW 43.216.270 and 2022 c 297 s 960 are each amended to read as follows:

(1)(a) In determining whether an individual is of appropriate character, suitability, and competence to provide child care and early learning services to children, the department may consider the history of past involvement of child protective services or law enforcement agencies with the individual for the purpose of establishing a pattern of conduct, behavior, or inaction with regard to the health, safety, or welfare of a child. No report of child abuse or neglect that has been destroyed or expunged under RCW 26.44.031 may be used for such purposes. No unfounded or inconclusive allegation of child abuse or neglect as defined in RCW 26.44.020 may be disclosed to a provider licensed under this chapter.

(b) The department may not deny or delay a license to provide child care and early learning services under this chapter to an individual solely because of a founded finding of physical abuse or negligent treatment or maltreatment involving the individual revealed in the background check process or solely because the individual's child was found by a court to be dependent as a result of a finding that the individual abused or neglected their child pursuant to RCW 13.34.030(6)(b) when that founded finding or court finding is accompanied by a

certificate of parental improvement as defined in chapter 74.13 RCW related to the same incident.

(2) In order to determine the suitability of individuals newly applying for an agency license, new licensees, their new employees, and other persons who newly have unsupervised access to children in child care, shall be fingerprinted.

(a) The fingerprints shall be forwarded to the Washington state patrol and federal bureau of investigation for a criminal history record check.

(b)((4)) All individuals applying for first-time agency licenses, all new employees, and other persons who have not been previously qualified by the department to have unsupervised access to children in child care must be fingerprinted and obtain a criminal history record check pursuant to this section.

~~((ii) Except during fiscal year 2023, persons required to be fingerprinted and obtain a criminal history record check pursuant to this section must pay for the cost of this check as follows: The fee established by the Washington state patrol for the criminal background history check, including the cost of obtaining the fingerprints; and a fee paid to the department for the cost of administering the individual-based/portable background check clearance registry. The fee paid to the department must be deposited into the individual-based/portable background check clearance account established in RCW 43.216.273. The licensee may, but need not, pay these costs on behalf of a prospective employee or reimburse the prospective employee for these costs. The licensee and the prospective employee may share these costs.))~~

(c) The secretary shall use the fingerprint criminal history record check information solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children.

(d) Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose.

(e) No later than July 1, 2013, all agency licensees holding licenses prior to July 1, 2012, persons who were employees before July 1, 2012, and persons who have been qualified by the department before July 1, 2012, to have unsupervised access to children in child care, must submit a new background application to the department. ~~((The department must require persons submitting a new background application pursuant to this subsection (2)(e) to pay a fee to the department for the cost of administering the individual-based/portable background check clearance registry. This fee must be paid into the individual-based/portable background check clearance account established in RCW 43.216.273. The licensee may, but need not, pay these costs on behalf of a prospective employee or reimburse the prospective employee for these costs. The licensee and the prospective employee may share these costs.))~~

(f) The department shall issue a background check clearance card or certificate to the applicant if after the completion of a background check the department concludes the applicant is qualified for unsupervised access to children in child care. The background check clearance card or certificate is valid for ~~((three))~~ five years from the date of issuance. A valid card or certificate must be accepted by a potential employer as proof that the applicant has successfully completed a background check as required under this chapter. For purposes of renewal of the background clearance card or certificate, all agency

licensees holding a license, persons who are employees, and persons who have been previously qualified by the department, must submit a new background application to the department on a date to be determined by the department. ~~((Except during fiscal year 2023, fee requirements applicable to this section also apply to background clearance renewal applications.))~~

(g) The original applicant for an agency license, licensees, their employees, and other persons who have unsupervised access to children in child care shall submit a new background check application to the department, on a form and by a date as determined by the department.

~~(h) ((The payment requirements applicable to (a) through (g) of this subsection do not apply to persons who:~~

~~(i) Provide regularly scheduled care for a child or children in the home of the provider or in the home of the child or children for periods of less than twenty-four hours or, if necessary due to the nature of the parent's work, for periods equal to or greater than twenty-four hours;~~

~~(ii) Receive child care subsidies; and~~

~~(iii) Are exempt from licensing under this chapter.~~

~~(i))~~ The applicant and agency shall maintain on-site for inspection a copy of the background check clearance card or certificate.

~~((i))~~ (i) Individuals who have been issued a background check clearance card or certificate shall report nonconviction and conviction information to the department within twenty-four hours of the event constituting the nonconviction or conviction information.

~~((i))~~ (i) The department shall investigate and conduct a redetermination of an applicant's or licensee's background clearance if the department receives a complaint or information from individuals, a law enforcement agency, or other federal, state, or local government agency. Subject to the requirements contained in RCW 43.216.325 and 43.216.327 and based on a determination that an individual lacks the appropriate character, suitability, or competence to provide child care or early learning services to children, the department may: (i) Invalidate the background card or certificate; or (ii) suspend, modify, or revoke any license authorized by this chapter.

(3) To satisfy the shared background check requirements of the department of children, youth, and families, the office of the superintendent of public instruction, and the department of social and health services, each department shall share federal fingerprint-based background check results as permitted under the law. The purpose of this provision is to allow these departments to fulfill their joint background check responsibility of checking any individual who may have unsupervised access to vulnerable adults, children, or juveniles. These departments may not share the federal background check results with any other state agency or person.

(4) Individuals who have completed a fingerprint background check as required by the office of the superintendent of public instruction, consistent with RCW 28A.400.303, and have been continuously employed by the same school district or educational service district, can meet the requirements in subsection (2) of this section by providing a true and accurate copy of their Washington state patrol and federal bureau of investigation background check report results to the department or if the school district or the educational service district provides an affidavit to the department that the individual has been authorized to

work by the school district or educational service district after completing a record check consistent with RCW 28A.400.303. The department may require that additional background checks be completed that do not require additional fingerprinting (~~(and, except during fiscal year 2023, may charge a fee for these additional background checks)~~).

Sec. 3. RCW 43.216.271 and 2021 c 304 s 12 are each amended to read as follows:

~~((Subject to appropriation, the))~~ The department shall maintain an individual-based or portable background check clearance registry. Any individual seeking a child care license or employment in any child care facility or outdoor nature-based child care program licensed or regulated under current law shall submit a background application on a form prescribed by the department in rule.

NEW SECTION. Sec. 4. The following acts or parts of acts are each repealed:

(1) RCW 43.216.272 (Fee for developing and administering individual-based/portable background check clearance registry) and 2017 3rd sp.s. c 6 s 208 & 2011 c 295 s 4; and

(2) RCW 43.216.273 (Individual-based/portable background check clearance account) and 2017 3rd sp.s. c 6 s 209 & 2011 c 295 s 5.

NEW SECTION. Sec. 5. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void.

Passed by the Senate April 20, 2023.

Passed by the House April 12, 2023.

Approved by the Governor May 11, 2023.

Filed in Office of Secretary of State May 11, 2023.

CHAPTER 438

[Senate Bill 5324]

DEFENSE COMMUNITY COMPATIBILITY ACCOUNT—MODIFICATION

AN ACT Relating to the defense community compatibility account; and amending RCW 43.330.515 and 43.330.520.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 43.330.515 and 2019 c 404 s 1 are each amended to read as follows:

(1) The defense community compatibility account is created in the state treasury. Revenues to the account consist of appropriations by the legislature, private contributions, and all other sources deposited in the account.

(2)(a) Expenditures from the account may only be used for grants to local governments, federally recognized Indian tribes, or entities who have entered into an agreement with a military installation in the state under the United States department of defense readiness and environmental protection integration program for purposes of the programs established in subsection (3) of this section, including administrative expenses. ~~((Priority must be given for grant applications accompanied by express support from nonprofit community or~~

~~neighborhood-based organizations, public development authorities, federally recognized Indian tribes in the state, or other community partners.~~) Only the director or the director's designee(;) may authorize expenditures. In order for the director or the director's designee to authorize an expenditure for the purpose identified in subsection (3) of this section, both ((federal)) nonstate and applicant funds must be committed to the same purposes or project as the state expenditure.

(b) An applicant must submit an application to the department in order to be eligible for funding under this subsection, and the department may not expend money on a project for which an applicant has not applied to the department to carry out the project.

(3)(a) The department may expend moneys from the account to provide state funds for capital projects identified by applicants to address incompatible development connected to Washington state military installations. For purposes of this section, "incompatible development" includes land development and military operations that impact the economy, environment, or quality of life opportunities for local communities.

(b) The department must evaluate and rank applications using objective criteria such as a community cost-benefit analysis, must consider recommendations from a citizens advisory commission comprised of representatives of community stakeholders impacted by military installations or their operations, must hold public hearings at least ninety days prior to any funding decision, and may consider the degree to which each project is compatible with the criteria established in the United States department of defense's readiness and environmental protection integration program. When ranking applications, the department must give priority to grant applications:

- (i) That have secured federal or other nonstate funding for the project;
- (ii) That leverage a higher proportion of federal or other nonstate funding;
- (iii) In which the federal grant requires state match in a timely manner; or
- (iv) Accompanied by express support from nonprofit community or neighborhood-based organizations, public development authorities, federally recognized Indian tribes in the state, or other community partners.

(c) Eligible projects may include:

- (i) Acquisition of real property or real property interests to eliminate an existing incompatible use;
- (ii) Projects to jointly assist in the recovery or protection of endangered species dependent on military installation property for habitat;
- (iii) Projects ((or programs)) to increase the availability of housing affordable to enlisted military personnel and nonmilitary residents in the local community;
- (iv) Projects to retrofit existing uses to increase their compatibility with existing or future military operations;
- (v) Projects to enable local communities heavily dependent on a nearby military installation to diversify the local economy so as to reduce the economic dependence on the military base;
- (vi) Projects that aid communities to replace jobs lost in the event of a reduction of the military presence; and
- (vii) Projects that improve or enhance aspects of the local economy, environment, or quality of life impacted by the presence of military activities.

(4) The department may adopt rules to implement this section.

Sec. 2. RCW 43.330.520 and 2021 c 332 s 7039 are each amended to read as follows:

(1) The department must produce a biennial report identifying a list of projects to address incompatible developments near military installations.

(a) The list must include a description of each project, the estimated cost of the project, the amount of recommended state funding, and the amount of any federal or local funds documented to be available to be used for the project.

(b) Projects on the list must be prioritized with consideration given to:

(i) The recommendations of the recent United States department of defense base realignment and closure (BRAC) processes, joint land use studies, or other federally initiated land use processes; and

(ii) Whether a branch of the United States armed forces has identified the project as increasing the viability of military installations for current or future missions.

(c) The department may consult with the commanders of United States military installations in Washington to understand impacts and identify the viability of community identified projects to reduce incompatibility.

(2) The department must submit the report to appropriate committees of the house of representatives and the senate, including the joint committee on veterans' and military affairs and the house of representatives capital budget committee, by ~~((January 1, 2020))~~ November 1, 2024, and every two years thereafter.

~~(((3) For the 2021-2023 fiscal biennium, the department shall develop the report in subsection (2) of this section by November 1, 2022, rather than by January 1, 2022.))~~

Passed by the Senate April 17, 2023.

Passed by the House April 6, 2023.

Approved by the Governor May 11, 2023.

Filed in Office of Secretary of State May 11, 2023.

CHAPTER 439

[Senate Bill 5497]

MEDICAID—PROGRAM INTEGRITY

AN ACT Relating to medicaid expenditures; amending RCW 74.04.050; adding new sections to chapter 74.09 RCW; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. (1) The legislature intends to ensure that the medicaid program is operating under sound fiscal stewardship. This requires dedicated program integrity efforts focused on paying the right dollar amount to the right provider for the right reason. Strengthening program integrity efforts helps to ensure that every medicaid dollar stretches as far as possible for those insured through medicaid.

(2) The legislature finds that the health care authority is responsible for overseeing all of Washington's medicaid programs, including those administered by other state agencies. Effective oversight by the health care authority will

advance the legislature's objective of ensuring that the right services are delivered to the right person at the right time with measurable outcomes.

Sec. 2. RCW 74.04.050 and 2011 1st sp.s. c 15 s 64 are each amended to read as follows:

(1) The department is designated as the single state agency to administer the following public assistance programs:

- (a) Temporary assistance (~~(to [for]))~~ for needy families;
- (b) Child welfare services; and
- (c) Any other programs of public assistance for which provision for federal grants or funds may from time to time be made, except as otherwise provided by law.

(2) The authority is hereby designated as the single state agency to administer the medical services programs established under chapter 74.09 RCW, including the state children's health insurance program, Titles XIX and XXI of the federal social security act of 1935, as amended. As the state's medicaid agency, the authority is responsible for providing reasonable oversight of all medicaid program integrity activities required by federal regulation. The authority shall establish and maintain effective internal control over any state agency that receives medicaid funding in compliance with federal regulation.

(3) The department and the authority are hereby empowered and authorized to cooperate in the administration of such federal laws, consistent with the public assistance laws of this state, as may be necessary to qualify for federal funds.

(4) The state hereby accepts and assents to all the present provisions of the federal law under which federal grants or funds, goods, commodities, and services are extended to the state for the support of programs referenced in this section, and to such additional legislation as may subsequently be enacted as is not inconsistent with the purposes of this title, authorizing public welfare and assistance activities. The provisions of this title shall be so administered as to conform with federal requirements with respect to eligibility for the receipt of federal grants or funds.

(5) The department and the authority shall periodically make application for federal grants or funds and submit such plans, reports and data, as are required by any act of congress as a condition precedent to the receipt of federal funds for such assistance. The department and the authority shall make and enforce such rules and regulations as shall be necessary to insure compliance with the terms and conditions of such federal grants or funds.

NEW SECTION. **Sec. 3.** A new section is added to chapter 74.09 RCW to read as follows:

(1) The authority shall provide administrative oversight for all funds received under the medical assistance program, as codified in Title XIX of the federal social security act, the state children's health insurance program, as codified in Title XXI of the federal social security act, and any other federal medicaid funding to ensure that:

- (a) All funds are spent according to federal and state laws and regulations;
- (b) Delivery of services aligns with federal statutes and regulations;
- (c) Corrective action plans are put in place if expenditures or services do not align with federal requirements; and

(d) Sound fiscal stewardship of medicaid funding in all agencies where medicaid funding is provided.

(2) The authority shall develop a strategic plan and performance measures for medicaid program integrity. The strategic plan must include stated strategic goals, agreed-upon objectives, performance measures, and a system to monitor progress and hold responsible parties accountable. In developing the strategic plan, the authority shall create a management information and reporting strategy with performance measures and management reports.

(3) The authority shall oversee the medicaid program resources of any state agency expending medicaid funding, including but not limited to:

- (a) Regularly reviewing delegated work;
- (b) Jointly reviewing required reports on terminated or sanctioned providers, compliance data, and application data;
- (c) Requiring assurances that operational functions have been implemented;
- (d) Reviewing audits performed on the sister state agency; and
- (e) Assisting with risk assessments, setting goals, and developing policies and procedures.

(4) The authority shall develop and maintain a single, statewide medicaid fraud and abuse prevention plan consistent with the national medicaid fraud and abuse initiative or current federal best practice as recognized by the centers for medicare and medicaid services.

(5) The authority must follow best practices for identifying improper medicaid spending when implementing its program integrity activities, including but not limited to:

- (a) Conducting risk assessments or evaluating leads with established risk factors;
- (b) Relying on data analytics to generate leads;
- (c) Conducting a preliminary review of incoming leads, which includes analyzing data about the lead and may include reviewing records such as billing histories;
- (d) Determining the credibility of all allegations of potential fraud prior to referral to the state's medicaid fraud control unit;
- (e) Analyzing all leads under review by the state's managed care organizations;
- (f) Working with federally recognized experts that help state integrity programs improve their data analytics and identify potential fraud across medicare and medicaid such as unified program integrity contractors; and
- (g) Maintaining a current fraud and abuse detection system.

NEW SECTION. Sec. 4. A new section is added to chapter 74.09 RCW to read as follows:

(1) Beginning January 1, 2024, the authority's contracts with managed care organizations must clearly detail each party's requirements for maintaining program integrity and the consequences the managed care organizations face if they do not meet the requirements. The contract must ensure the penalties are adequate to ensure compliance.

(2) The authority shall follow leading program integrity practices as recommended by the centers for medicare and medicaid services, including but not limited to:

(a) Monthly reporting and quarterly meetings with managed care organizations to discuss program integrity issues and findings as well as trends in fraud and other improper payments;

(b) Financial penalties for failure to fulfill program integrity requirements, including liquidated damages and sanctions;

(c) Directly auditing providers and:

(i) Recovering overpayments from the providers; or

(ii) Assessing liquidated damages against the managed care organizations;

(d) Ensuring recoveries and liquidated damages resulting from overpayments are properly accounted for and applied to managed care encounters to ensure accurate future rate setting; and

(e) Ensuring all contracts with managed care organizations are updated as appropriate to reflect program integrity requirements.

Passed by the Senate April 18, 2023.

Passed by the House April 7, 2023.

Approved by the Governor May 11, 2023.

Filed in Office of Secretary of State May 11, 2023.

CHAPTER 440

[Substitute Senate Bill 5504]

MOTOR VEHICLE SAFETY RECALLS—NOTICES

AN ACT Relating to open motor vehicle safety recalls; adding a new section to chapter 46.32 RCW; adding a new section to chapter 46.16A RCW; creating a new section; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. This act requires an official motor vehicle inspection facility or licensed private inspection facility to provide written notice to the owner of a motor vehicle being inspected for all open safety recalls applicable to the motor vehicle at the time the motor vehicle is inspected. The recall notice must include a description of each open safety recall and a statement that each open safety recall may be repaired by certain motor vehicle dealers at no cost to the owner, except in certain circumstances. This act requires the department of licensing to provide written notice to the owner of a motor vehicle, at the time a vehicle is registered or upon mailing a motor vehicle's registration renewal notice, of all open safety recalls applicable to the motor vehicle. The recall notice is to include a statement that each open safety recall may be repaired by certain motor vehicle dealers at no cost to the owner, except in certain circumstances.

Nothing in this act may alter the liability of any motor vehicle manufacturer or motor vehicle dealer approved by a manufacturer to repair an open safety recall.

NEW SECTION. Sec. 2. A new section is added to chapter 46.32 RCW to read as follows:

(1) During a motor vehicle inspection, an official inspection facility, or licensed private inspection facility, shall check information made available by the national highway traffic safety administration to determine whether the motor vehicle being inspected is subject to an open safety recall. If the vehicle is

subject to one or more open safety recalls, the official inspection facility or licensed private inspection facility, shall provide the owner of the motor vehicle, at the time of inspection, written notice of all open safety recalls applicable to the motor vehicle. The recall notice must include the following:

(a) A description of each open safety recall; and

(b) A statement that each open safety recall may be repaired by a motor vehicle dealer approved by the manufacturer of the motor vehicle at no cost to the owner of the motor vehicle, except as provided in 49 U.S.C. Sec. 30120.

(2) Nothing in this section alters the liability of any motor vehicle manufacturer or motor vehicle dealer approved by the manufacturer to repair an open safety recall.

(3)(a) The chief of the Washington state patrol and the chief of the Washington state patrol's designees, for the purposes of discharging their duties pursuant to this act are not liable for any act or omission related to the provision of an open safety recall notice and are immune from any related civil suit or action.

(b) For the purposes of discharging their duties pursuant to this act, a private inspection facility or its owner and employees are not liable to any person for any act or omission related to the open safety recall notice provided pursuant to this section, except for cases of gross negligence.

(4) For the purposes of this section, "open safety recall" means a safety-related recall, for which notification by a manufacturer is required to be provided under 49 U.S.C. Secs. 30118 and 30119, that necessitates repairs or modifications to a motor vehicle by an authorized motor vehicle dealer. "Open safety recall" does not include: Recalls related to defects or failures to comply with requirements relating to labeling or notification in a motor vehicle's owner's manual; or recalls where the remedy is for the manufacturer to repurchase the motor vehicle or otherwise provide financial compensation to the owner of the motor vehicle.

NEW SECTION. Sec. 3. A new section is added to chapter 46.16A RCW to read as follows:

(1)(a) The department shall, before issuing a motor vehicle registration or mailing a motor vehicle registration renewal notice, check information made available by the national highway traffic safety administration to determine whether the motor vehicle is subject to an open safety recall. For a vehicle that is subject to one or more open safety recalls, the department shall provide the owner of the motor vehicle written notice of all open safety recalls applicable to the motor vehicle. The recall notice must be provided at the time the vehicle is registered as well as be included in any registration renewal notices sent to consumers by the department. The renewal notice must include a statement that the vehicle has one or more open safety recalls that may be repaired by a motor vehicle dealer approved by the manufacturer of the motor vehicle at no cost to the owner of the motor vehicle, except as provided in 49 U.S.C. Sec. 30120.

(b) The department shall include as part of any reminder notices sent to consumers before the expiration of their registration a notice that their vehicle has one or more open safety recalls and that each open safety recall may be repaired by a motor vehicle dealer approved by the manufacturer of the motor vehicle at no cost to the owner of the motor vehicle, except as provided in 49 U.S.C. Sec. 30120.

(2) Nothing in this section alters the liability of any motor vehicle manufacturer or motor vehicle dealer approved by the manufacturer to repair an open safety recall.

(3) The director and director's designees including, pursuant to RCW 46.01.140, county auditors, agents, and subagents, for the purposes of discharging their duties pursuant to this act are not liable for any act or omission related to the provision of an open safety recall notice and are immune from any related civil suit or action, consistent with RCW 46.01.310.

(4) For the purposes of this section, "open safety recall" means a safety-related recall, for which notification by a manufacturer is required to be provided under 49 U.S.C. Secs. 30118 and 30119, that necessitates repairs or modifications to a motor vehicle by an authorized motor vehicle dealer. "Open safety recall" does not include: Recalls related to defects or failures to comply with requirements relating to labeling or notification in a motor vehicle's owner's manual; or recalls where the remedy is for the manufacturer to repurchase the motor vehicle or otherwise provide financial compensation to the owner of the motor vehicle.

NEW SECTION, Sec. 4. This act takes effect July 1, 2024.

Passed by the Senate April 18, 2023.

Passed by the House April 10, 2023.

Approved by the Governor May 11, 2023.

Filed in Office of Secretary of State May 11, 2023.

CHAPTER 441

[Engrossed Substitute Senate Bill 5515]

CHILD ABUSE AND NEGLECT—OVERSIGHT OF CERTAIN FACILITIES AND SCHOOLS

AN ACT Relating to protecting children from child abuse and neglect at residential facilities and residential private schools; amending RCW 26.44.210 and 74.15.020; adding a new section to chapter 74.15 RCW; adding a new section to chapter 71.24 RCW; creating new sections; and providing effective dates.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION, Sec. 1. The legislature finds that there is a lack of oversight of certain residential facilities and residential private schools charged with the care of children. It is the intent of the legislature to ensure that the health, safety, and well-being of children who are served in residential facilities and residential private schools are protected against child abuse and neglect and have their basic health and safety needs met. The legislature intends for greater state oversight of such facilities that otherwise lack nationally recognized accreditation and intends for the department of children, youth, and families and the department of health to work collaboratively to coordinate oversight and monitoring processes to ensure state resources are used efficiently and effectively. Therefore, the legislature resolves to conduct investigations of certain residential facilities and residential private schools when allegations of child abuse or neglect are made at those facilities.

NEW SECTION, Sec. 2. A new section is added to chapter 74.15 RCW to read as follows:

(1)(a) The department shall license the living accommodations provided by residential private schools as defined in RCW 74.15.020. Accommodations include all areas and school operations that are intended to allow enrolled students to eat, sleep, bathe, recreate, or otherwise reside.

(b) A residential private school is exempt from the licensing requirements of (a) of this subsection if:

(i) The residential private school is accredited by an accrediting body approved by the state board of education in accordance with accreditation standards and procedures established by the state board of education under RCW 28A.305.130; and

(ii) The accreditation covers the student living accommodations including examination of comparable criteria as listed in subsection (2) of this section as determined by the state board of education in consultation with the department.

(2) The department shall engage in negotiated rule making pursuant to RCW 34.05.310(2)(a) with the state board of education and other affected interests to adopt minimum health and safety rules to implement this section. Rules must address the needs of children and youth during noninstructional hours, including but not limited to space allotted to each child or youth for sleeping, developmentally appropriate privacy requirements, personal storage, nutritional needs, cleanliness and hygiene of living quarters, social-emotional well-being during noninstructional hours, health and wellness accommodations, compliance with the Americans with disabilities act, and physical safety.

Sec. 3. RCW 26.44.210 and 2019 c 266 s 13 are each amended to read as follows:

(1)(a) The department ~~((must))~~ shall investigate all referrals of alleged child abuse or neglect occurring at the ~~((state school for the deaf, including alleged incidents involving students abusing other students;))~~ Washington center for deaf and hard of hearing youth, substance use disorder treatment facilities licensed under chapter 71.24 RCW that treat patients on a residential basis, entities that provide behavioral health services as defined in RCW 71.24.025 on a residential basis, host homes as described in RCW 74.15.020(2)(c), and residential private schools as defined in this section.

(b) After investigating an allegation of child abuse or neglect under this section, the department shall determine whether there is a finding of abuse or neglect((s)), and determine whether a referral to law enforcement is appropriate under this chapter.

(c) The department must adopt rules to implement this section.

(d) Any facilities referenced under (a) of this subsection where the department is investigating child abuse or neglect shall share records and any other information that is relevant to the department's investigation. Any records or information shared with the department retains any otherwise existing confidentiality protections under state or federal law.

(2) The department must send a copy of the investigation report, including the finding, regarding any incidents of alleged child abuse or neglect ~~((at the state school for the deaf))~~ to the ~~((director of the Washington center for deaf and hard of hearing youth, or the director's designee. The department may include recommendations to the director and the board of trustees or its successor board for increasing the safety of the school's students.))~~ administration of the facility in which the incident occurred and to the state agency which provides licensure.

oversight, or accreditation to the program at the facility in which the incident occurred.

(3) "Residential private school" means a nonpublic school or nonpublic school district subject to approval by the state board of education pursuant to RCW 28A.305.130 and chapter 28A.195 RCW that provides sleeping and living facilities or residential accommodations for enrolled students.

Sec. 4. RCW 74.15.020 and 2021 c 176 s 5239 are each amended to read as follows:

The definitions in this section apply throughout this chapter and RCW 74.13.031 unless the context clearly requires otherwise.

(1) "Agency" means any person, firm, partnership, association, corporation, ~~((or))~~ facility, or residential private school which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers, or persons with developmental disabilities for services rendered:

(a) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(b) "Community facility" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility;

(c) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 43.185C.295 through 43.185C.310;

(d) "Emergency respite center" is an agency that may be commonly known as a crisis nursery, that provides emergency and crisis care for up to seventy-two hours to children who have been admitted by their parents or guardians to prevent abuse or neglect. Emergency respite centers may operate for up to twenty-four hours a day, and for up to seven days a week. Emergency respite centers may provide care for children ages birth through seventeen, and for persons eighteen through twenty with developmental disabilities who are admitted with a sibling or siblings through age seventeen. Emergency respite centers may not substitute for crisis residential centers or HOPE centers, or any other services defined under this section, and may not substitute for services which are required under chapter 13.32A or 13.34 RCW;

(e) "Foster family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

(f) "Group-care facility" means an agency, other than a foster family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis. "Group care facility" includes but is not limited to:

(i) Qualified residential treatment programs as defined in RCW 13.34.030;

(ii) Facilities specializing in providing prenatal, postpartum, or parenting supports for youth; and

(iii) Facilities providing high quality residential care and supportive services to children who are, or who are at risk of becoming, victims of sex trafficking;

(g) "HOPE center" means an agency licensed by the secretary to provide temporary residential placement and other services to street youth. A street youth may remain in a HOPE center for thirty days while services are arranged and permanent placement is coordinated. No street youth may stay longer than thirty days unless approved by the department and any additional days approved by the department must be based on the unavailability of a long-term placement option. A street youth whose parent wants him or her returned to home may remain in a HOPE center until his or her parent arranges return of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

(h) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

(i) "Residential private school" means a nonpublic school or nonpublic school district subject to approval by the state board of education pursuant to RCW 28A.305.130 and chapter 28A.195 RCW that provides sleeping and living facilities or residential accommodations for enrolled students;

(j) "Resource and assessment center" means an agency that provides short-term emergency and crisis care for a period up to seventy-two hours, excluding Saturdays, Sundays, and holidays to children who have been removed from their parent's or guardian's care by child protective services or law enforcement;

~~((+))~~ (k) "Responsible living skills program" means an agency licensed by the secretary that provides residential and transitional living services to persons ages sixteen to eighteen who are dependent under chapter 13.34 RCW and who have been unable to live in his or her legally authorized residence and, as a result, the minor lived outdoors or in another unsafe location not intended for occupancy by the minor. Dependent minors ages fourteen and fifteen may be eligible if no other placement alternative is available and the department approves the placement;

~~((+))~~ (l) "Service provider" means the entity that operates a community facility.

(2) "Agency" shall not include the following:

(a) Persons related to the child, expectant mother, or person with developmental disability in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, second cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(iv) Spouses of any persons named in (a)(i), (ii), or (iii) of this subsection (2), even after the marriage is terminated;

(v) Relatives, as named in (a)(i), (ii), (iii), or (iv) of this subsection (2), of any half sibling of the child; or

(vi) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four-hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the parent and person providing care on a twenty-four-hour basis have agreed to the placement in writing and the state is not providing any payment for the care;

(d) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors or persons who have the care of an exchange student in their home;

(e) A person, partnership, corporation, or other entity that provides placement or similar services to international children who have entered the country by obtaining visas that meet the criteria for medical care as established by the United States citizenship and immigration services, or persons who have the care of such an international child in their home;

(f) ~~((Schools, including boarding))~~ Nonresidential schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

(g) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and assisted living facilities licensed under chapter 18.20 RCW;

(h) Licensed physicians or lawyers;

(i) Facilities approved and certified under chapter 71A.22 RCW;

(j) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(k) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

(l) An agency operated by any unit of local, state, or federal government or an agency licensed by an Indian tribe pursuant to RCW 74.15.190;

(m) A maximum or medium security program for juvenile offenders operated by or under contract with the department;

(n) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter;

(o)(i) A host home program, and host home, operated by a tax exempt organization for youth not in the care of or receiving services from the department, if that program: (A) Recruits and screens potential homes in the program, including performing background checks on individuals over the age of eighteen residing in the home through the Washington state patrol or

equivalent law enforcement agency and performing physical inspections of the home; (B) screens and provides case management services to youth in the program; (C) obtains a notarized permission slip or limited power of attorney from the parent or legal guardian of the youth authorizing the youth to participate in the program and the authorization is updated every six months when a youth remains in a host home longer than six months; (D) obtains insurance for the program through an insurance provider authorized under Title 48 RCW; (E) provides mandatory reporter and confidentiality training; and (F) registers with the secretary of state under RCW 74.15.315.

(ii) For purposes of this section, a "host home" is a private home that volunteers to host youth in need of temporary placement that is associated with a host home program.

(iii) For purposes of this section, a "host home program" is a program that provides support to individual host homes and meets the requirements of (o)(i) of this subsection.

(iv) Any host home program that receives local, state, or government funding shall report the following information to the office of homeless youth prevention and protection programs annually by December 1st of each year: The number of children the program served, why the child was placed with a host home, and where the child went after leaving the host home, including but not limited to returning to the parents, running away, reaching the age of majority, or becoming a dependent of the state;

(p) Receiving centers as defined in RCW 7.68.380.

(3) "Department" means the department of children, youth, and families.

(4) "Juvenile" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.

(5) "Performance-based contracts" or "contracting" means the structuring of all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes. Contracts may also include provisions that link the performance of the contractor to the level and timing of the reimbursement.

(6) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

(7) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(8) "Secretary" means the secretary of the department.

(9) "Street youth" means a person under the age of eighteen who lives outdoors or in another unsafe location not intended for occupancy by the minor and who is not residing with his or her parent or at his or her legally authorized residence.

(10) "Transitional living services" means at a minimum, to the extent funds are available, the following:

(a) Educational services, including basic literacy and computational skills training, either in local alternative or public high schools or in a high school equivalency program that leads to obtaining a high school equivalency degree;

(b) Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs;

(c) Counseling and instruction in life skills such as money management, home management, consumer skills, parenting, health care, access to community resources, and transportation and housing options;

(d) Individual and group counseling; and

(e) Establishing networks with federal agencies and state and local organizations such as the United States department of labor, employment and training administration programs including the workforce innovation and opportunity act which administers private industry councils and the job corps; vocational rehabilitation; and volunteer programs.

NEW SECTION. Sec. 5. A new section is added to chapter 71.24 RCW to read as follows:

Any substance use disorder treatment facilities and entities that provide behavioral health services where the department of children, youth, and families is investigating child abuse or neglect, as provided for under RCW 26.44.210, shall share records and any other information that is relevant to the department of children, youth, and families' investigation. Any records or information shared with the department of children, youth, and families retains any confidentiality protections under state or federal law.

NEW SECTION. Sec. 6. The department of children, youth, and families shall submit to the appropriate committees of the legislature, in compliance with RCW 43.01.036, a preliminary progress report on licensing and oversight of residential private schools no later than July 1, 2025, and final report no later than July 1, 2026.

NEW SECTION. Sec. 7. 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. 8. Sections 2 and 4 of this act take effect July 1, 2025.

NEW SECTION. Sec. 9. Section 3 of this act takes effect January 1, 2024.

Passed by the Senate April 18, 2023.

Passed by the House April 7, 2023.

Approved by the Governor May 11, 2023.

Filed in Office of Secretary of State May 11, 2023.

CHAPTER 442

[Substitute Senate Bill 5523]

FORENSIC PATHOLOGIST WORKFORCE—VARIOUS PROVISIONS

AN ACT Relating to addressing the forensic pathologist shortage; amending RCW 28B.115.020, 28B.115.030, 28B.115.040, 28B.115.050, 28B.115.070, 28B.115.080, 28B.115.110, 28B.115.130, and 68.50.104; creating new sections; and providing an expiration date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. Forensic pathologists are medically trained doctors who perform autopsies. For the last decade, there has been a persistent shortage in forensic pathologists both locally and nationally and this problem

has only grown worse. It is the intent of the legislature to incentivize people to enter the profession by alleviating the student loan burden for medically trained forensic pathologists.

Sec. 2. RCW 28B.115.020 and 2022 c 276 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Approved nursing program" means a nursing educational program that leads to a degree or licensure in nursing that is approved by the nursing care quality assurance commission under RCW 18.79.070 and is located at an institution of higher education that is authorized to participate in state financial aid programs under chapter 28B.92 RCW.

(2) "Council" means the Washington state forensic investigations council created in chapter 43.103 RCW.

(3) "Credentialed health care profession" means a health care profession regulated by a disciplining authority in the state of Washington under RCW 18.130.040 or by the pharmacy quality assurance commission under chapter 18.64 RCW and designated by the department in RCW 28B.115.070 as a profession having shortages of credentialed health care professionals in the state.

~~((3))~~ (4) "Credentialed health care professional" means a person regulated by a disciplining authority in the state of Washington to practice a health care profession under RCW 18.130.040 or by the pharmacy quality assurance commission under chapter 18.64 RCW.

~~((4))~~ (5) "Department" means the state department of health.

~~((5))~~ (6) "Eligible education and training programs" means education and training programs approved by the department that lead to eligibility for a credential as a credentialed health care professional.

~~((6))~~ (7) "Eligible expenses" means reasonable expenses associated with the costs of acquiring an education such as tuition, books, equipment, fees, room and board, and other expenses determined by the office.

~~((7))~~ (8) "Eligible student" means a student who has been accepted into an eligible education or training program and has a declared intention to serve in a health professional shortage area upon completion of the education or training program.

~~((8))~~ (9) "Forgiven" or "to forgive" or "forgiveness" means to render health care services in a health professional shortage area, an underserved behavioral health area, or as a nurse educator in the state of Washington in lieu of monetary repayment.

~~((9))~~ (10) "Health professional shortage areas" means those areas where credentialed health care professionals are in short supply as a result of geographic maldistribution or as the result of a short supply of credentialed health care professionals in specialty health care areas and where vacancies exist in serious numbers that jeopardize patient care and pose a threat to the public health and safety. The department shall determine health professional shortage areas as provided for in RCW 28B.115.070. In making health professional shortage area designations in the state the department may be guided by applicable federal standards for "health manpower shortage areas," and "medically underserved areas," and "medically underserved populations."

~~((40))~~ (11) "Identified shortage areas" means those areas where qualified forensic pathologists are in short supply because of geographic maldistribution or where vacancies exist that may compromise death investigations. The council, with assistance from the department, shall determine shortage areas.

(12) "Loan repayment" means a loan that is paid in full or in part if the participant:

(a) Renders health care services in a health professional shortage area or an underserved behavioral health area as defined by the department; ~~((e))~~

(b) Teaches as a nurse educator for an approved nursing program; or

(c) Renders services as a qualified board-certified forensic pathologist as determined by the department.

~~((41))~~ (13) "Nonshortage rural area" means a nonurban area of the state of Washington that has not been designated as a rural physician shortage area. The department shall identify the nonshortage rural areas of the state.

~~((42))~~ (14) "Nurse educator" means an individual with an advanced nursing degree beyond a bachelor's degree that teaches nursing curriculum and is a faculty member for an approved nursing program.

~~((43))~~ (15) "Office" means the office of student financial assistance.

~~((44))~~ (16) "Participant" means:

(a) A credentialed health care professional who has received a loan repayment award and has commenced practice as a credentialed health care provider in a designated health professional shortage area or an underserved behavioral health area;

(b) A nurse educator teaching in an approved nursing program; ~~((e))~~

(c) An eligible student who has received a scholarship under this program; or

(d) A board-certified forensic pathologist who has commenced working in or is committed to working in identified shortage areas in the state of Washington for the pathologist's required service obligation.

~~((45))~~ (17) "Required service obligation" means an obligation by the participant to:

(a) Provide health care services in a health professional shortage area or an underserved behavioral health area for a period to be established as provided for in this chapter; ~~((e))~~

(b) Teach as a nurse educator for a period to be established as provided for in this chapter; or

(c) Provide services as a board-certified forensic pathologist in identified shortage areas as determined by the council.

~~((46))~~ (18) "Rural physician shortage area" means rural geographic areas where primary care physicians are in short supply as a result of geographic maldistributions and where their limited numbers jeopardize patient care and pose a threat to public health and safety. The department shall designate rural physician shortage areas.

~~((47))~~ (19) "Satisfied" means paid-in-full.

~~((48))~~ (20) "Scholarship" means a loan that is forgiven in whole or in part if the recipient renders health care services in a health professional shortage area or an underserved behavioral health area.

~~((49))~~ (21) "Sponsoring community" means a rural hospital or hospitals as authorized in chapter 70.41 RCW, a rural health care facility or facilities as

authorized in chapter 70.175 RCW, or a city or county government or governments.

~~((20))~~ (22) "Underserved behavioral health area" means a geographic area, population, or facility that has a shortage of health care professionals providing behavioral health services, as determined by the department.

Sec. 3. RCW 28B.115.030 and 2022 c 276 s 2 are each amended to read as follows:

The Washington health corps is the state's initiative to encourage health care professionals to work in underserved communities. In exchange for service, the health care professional receives assistance with higher education, in the form of loan repayment or a conditional scholarship. The Washington health corps consists of the health professional loan repayment and scholarship program, the behavioral health loan repayment program, ~~((and))~~ the nurse educator loan repayment program, and the forensic pathology loan repayment program.

(1) The health professional loan repayment and scholarship program is established for credentialed health professionals and residents serving in health professional shortage areas.

(2) The behavioral health loan repayment program is established for credentialed health professionals serving in underserved behavioral health areas.

(3) The nurse educator loan repayment program is established for nurse educators teaching for approved nursing programs.

(4) The forensic pathology loan repayment program is established for board-certified forensic pathologists providing services for counties in identified shortage areas.

(5) The office is the administrator of the programs under the Washington health corps. In administering the programs, the office shall:

(a)(i) Select credentialed health care professionals and residents to participate in the loan repayment portion and in the scholarship portion of the health professional loan repayment and scholarship program;

(ii) Select credentialed health care participants to participate in the behavioral health loan repayment program; ~~((and))~~

(iii) Select nurse educators to participate in the nurse educator loan repayment program; and

(iv) Select board-certified forensic pathologists to participate in the forensic pathology loan repayment program;

(b) Adopt rules and develop guidelines to administer the programs;

(c) Collect and manage repayments from participants who do not meet their service obligations under this chapter;

(d) Publicize the program, particularly to maximize participation among individuals in shortage and underserved areas and among populations expected to experience the greatest growth in the workforce;

(e) Solicit and accept grants and donations from public and private sources for the programs;

(f) Use a competitive procurement to contract with a fund-raiser to solicit and accept grants and donations from private sources for the programs. The fund-raiser shall be paid on a contingency fee basis on a sliding scale but must not exceed ~~((fifteen))~~ 15 percent of the total amount raised for the programs each year. The fund-raiser shall not be a registered state lobbyist; and

(g) Develop criteria for a contract for service in lieu of the service obligation where appropriate, that may be a combination of service and payment.

Sec. 4. RCW 28B.115.040 and 2019 c 302 s 4 are each amended to read as follows:

(1) The department may provide technical assistance to rural communities desiring to become sponsoring communities for the purposes of identification of prospective students for the health professional loan repayment and scholarship program, assisting prospective students to apply to an eligible education and training program, making formal agreements with prospective students to provide credentialed health care services in the community, forming agreements between rural communities in a service area to share credentialed health care professionals, and fulfilling any matching requirements.

(2) The department, in consultation with the council and other pertinent stakeholders, may provide technical assistance to counties desiring to become sponsoring communities for the purposes of identification of prospective students for the forensic pathology loan repayment program, assisting prospective students to apply to an eligible education and training program, making formal agreements with prospective students to provide services as a board-certified forensic pathologist, forming agreements between rural and underserved counties in a service area to share credentialed forensic pathology professionals, and fulfilling any matching requirements.

(3) From the amounts appropriated to the department, the department shall enter into a contract for a two-year marketing plan with the Washington association of coroners and medical examiners for the sole purpose of marketing Washington state to potential board-certified forensic pathologists. The marketing plan must include, but is not limited to, a focus on rural and underserved counties. Payment for administrative expenses may not exceed two percent of the appropriated funds.

Sec. 5. RCW 28B.115.050 and 2022 c 276 s 3 are each amended to read as follows:

The office shall establish a planning committee to assist it in developing criteria for the selection of participants for the Washington health corps program. The office shall include on the planning committee representatives of the department, the department of social and health services, appropriate representatives from health care facilities, provider groups, consumers, the state board for community and technical colleges, the superintendent of public instruction, institutions of higher education, representatives from the behavioral health and public health fields, the council, and other appropriate public and private agencies and organizations. The criteria may require that some of the participants meet the definition of financial need under RCW 28B.92.030.

Sec. 6. RCW 28B.115.070 and 2022 c 276 s 4 are each amended to read as follows:

(1) After June 1, 1992, the department, in consultation with the office and the department of social and health services, shall:

(a) Determine eligible credentialed health care professions for the purposes of the health professional loan repayment and scholarship program and the behavioral health loan repayment program authorized by this chapter. Eligibility shall be based upon an assessment that determines that there is a shortage or

insufficient availability of a credentialed profession so as to jeopardize patient care and pose a threat to the public health and safety. The department shall consider the relative degree of shortages among professions when determining eligibility. The department may add or remove professions from eligibility based upon the determination that a profession is no longer in shortage. Should a profession no longer be eligible, participants or eligible students who have received scholarships shall be eligible to continue to receive scholarships or loan repayments until they are no longer eligible or until their service obligation has been completed;

(b) Determine health professional shortage areas for each of the eligible credentialed health care professions; and

(c) Determine underserved behavioral health areas for each of the eligible credentialed health care professions.

(2) The office, in consultation with the department, shall determine selection criteria for nurse educators and approved nursing programs.

(3) The office, in consultation with the department and the council, shall determine selection criteria for board-certified forensic pathologists.

Sec. 7. RCW 28B.115.080 and 2022 c 276 s 5 are each amended to read as follows:

(1) After June 1, 1992, the office, in consultation with the department and the department of social and health services, shall:

~~((1))~~ (a) Establish the annual award amount for each credentialed health care profession which shall be based upon an assessment of reasonable annual eligible expenses involved in training and education for each credentialed health care profession for both the health professional loan repayment and scholarship program and the behavioral health loan repayment program. The annual award amount may be established at a level less than annual eligible expenses. The annual award amount shall be established by the office for each eligible health profession. The awards shall not be paid for more than a maximum of five years per individual;

~~((2))~~ (b) Determine any scholarship awards for prospective physicians in such a manner to require the recipients declare an interest in serving in rural areas of the state of Washington. Preference for scholarships shall be given to students who reside in a rural physician shortage area or a nonshortage rural area of the state prior to admission to the eligible education and training program in medicine. Highest preference shall be given to students seeking admission who are recommended by sponsoring communities and who declare the intent of serving as a physician in a rural area. The office may require the sponsoring community located in a nonshortage rural area to financially contribute to the eligible expenses of a medical student if the student will serve in the nonshortage rural area;

~~((3))~~ (c) Establish the required service obligation for each credentialed health care profession, which shall be no less than three years or no more than five years, for the health professional loan repayment and scholarship program and the behavioral health loan repayment program. The required service obligation may be based upon the amount of the scholarship or loan repayment award such that higher awards involve longer service obligations on behalf of the participant;

~~((4))~~ (d) Establish the annual award amount and the required service obligation for nurse educators participating in the nurse educator loan repayment program. The annual award amount shall be based upon an assessment of reasonable annual eligible expenses involved in training and education. The awards shall not be paid for more than a maximum of five years per individual. The required service obligation shall be no less than three years or no more than five years. The required service obligation may be based upon the amount of the loan repayment award such that higher awards involve longer service obligations on behalf of the participant;

~~((5))~~ (e) Determine eligible education and training programs for purposes of the scholarship portion of the health professional loan repayment and scholarship program; and

~~((6))~~ (f) Honor loan repayment and scholarship contract terms negotiated between the office and participants prior to May 21, 1991, concerning loan repayment and scholarship award amounts and service obligations authorized under this chapter or chapter 70.180 RCW.

(2) The department and the council, with the office, shall establish the annual loan repayment amount for each eligible board-certified forensic pathologist, based upon an assessment of reasonable eligible expenses involved in training and education up to \$25,000 annually. The awards may not be paid for more than a total of four years per participant. The required service obligation must be four years. The annual award amount shall be established by the office.

Sec. 8. RCW 28B.115.110 and 2022 c 276 s 7 are each amended to read as follows:

Participants in the Washington health corps who are awarded loan repayments shall receive payment for the purpose of repaying educational loans secured while attending a program of health professional training which led to a credential as a credentialed health professional in the state of Washington.

(1) Participants shall agree to meet the required service obligation.

(2) Repayment shall be limited to eligible educational and living expenses as determined by the office and shall include principal and interest.

(3) Loans from both government and private sources may be repaid by the program. Participants shall agree to allow the office access to loan records and to acquire information from lenders necessary to verify eligibility and to determine payments. Loans may not be renegotiated with lenders to accelerate repayment.

(4) Repayment of loans established pursuant to the Washington health corps shall begin no later than ~~((ninety))~~ 90 days after the individual has become a participant. Payments shall be made quarterly, or more frequently if deemed appropriate by the office, to the participant until the loan is repaid or the participant becomes ineligible due to discontinued service in a health professional shortage area, an underserved behavioral health area, ~~((or))~~ as a nurse educator at an approved nursing program after the required service obligation when eligibility discontinues, or as a board-certified forensic pathologist in an identified shortage area, whichever comes first.

(5) Should the participant discontinue service in a health professional shortage area, an underserved behavioral health area, ~~((or))~~ as a nurse educator at an approved nursing program, or as a board-certified forensic pathologist in an

identified shortage area, payments against the loans of the participants shall cease to be effective on the date that the participant discontinues service.

(6) Except for circumstances beyond their control, participants who serve less than the required service obligation shall be obligated to repay to the program an amount equal to the unsatisfied portion of the service obligation, or the total amount paid by the program on their behalf, whichever is less. This amount is due and payable immediately. Participants who are unable to pay the full amount due shall enter into a payment arrangement with the office, including an arrangement for payment of interest. The maximum period for repayment is ~~((ten))~~ 10 years. The office shall determine the applicability of this subsection. The interest rate shall be determined by the office and be established by rule.

(7) The office is responsible for the collection of payments made on behalf of participants from the participants who discontinue service before completion of the required service obligation. The office shall exercise due diligence in such collection, maintaining all necessary records to ensure that the maximum amount of payment made on behalf of the participant is recovered. Collection under this section shall be pursued using the full extent of the law, including wage garnishment if necessary.

(8) The office shall not be held responsible for any outstanding payments on principal and interest to any lenders once a participant's eligibility expires.

(9) The office shall temporarily or, in special circumstances, permanently defer the requirements of this section for eligible students as defined in RCW 28B.10.017.

(10) The office shall establish an appeal process by rule.

Sec. 9. RCW 28B.115.130 and 2022 c 276 s 8 are each amended to read as follows:

(1) Any funds appropriated by the legislature for the health professional loan repayment and scholarship program ~~((and))~~, the nurse educator loan repayment program, the forensic pathology loan repayment program, or any other public or private funds intended for loan repayments or scholarships under these programs shall be placed in the account created by this section.

(2) The health professional loan repayment and scholarship program fund is created in custody of the state treasurer. All receipts from the program shall be deposited into the fund. Only the office, or its designee, may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

NEW SECTION. Sec. 10. (1) The department of health shall contract with the Washington association of coroners and medical examiners to: Conduct a study of the critical shortage of board-certified forensic pathologists and recommend to the legislature what steps the state can take to foster a robust forensic pathology community. The study must cover issues related to Conrad 30 J-1 visa waivers and measures to encourage enrollment in the University of Washington and Washington State University forensic pathology residency programs. This study must also include recommendations on how to create two new forensic pathology fellow slots, one in conjunction with the University of Washington and one in conjunction with Washington State University. The Washington association of coroners and medical examiners shall directly report

its findings and recommendations to the governor and the appropriate committees of the legislature by October 1, 2024.

(2) This section expires August 1, 2025.

Sec. 11. RCW 68.50.104 and 2021 c 127 s 8 are each amended to read as follows:

(1) The cost of autopsy shall be borne by the county in which the autopsy is performed, except when requested by the department of labor and industries, in which case, the department shall bear the cost of such autopsy.

(2)(a) Except as provided in (b) of this subsection, when the county bears the cost of an autopsy, it shall be reimbursed from the death investigations account, established by RCW 43.79.445, as follows:

(i) Up to (~~forty~~) 40 percent of the cost of contracting for the services of a pathologist to perform an autopsy;

(ii) Up to 30 percent of the salary of pathologists who are primarily engaged in performing autopsies and are (A) county coroners or county medical examiners, or (B) employees of a county coroner or county medical examiner; (~~and~~)

(iii) (~~One hundred~~) 100 percent of the cost of autopsies conducted under RCW 70.54.450; and

(iv) Up to 40 percent of the cost of transportation of remains to and from facilities accredited pursuant to RCW 36.24.210 for the purpose of autopsy services.

(b) When the county bears the cost of an autopsy of a child under the age of three whose death was sudden and unexplained, the county shall be reimbursed for the expenses of the autopsy when the death scene investigation and the autopsy have been conducted under RCW 43.103.100 (4) and (5), and the autopsy has been done at a facility designed for the performance of autopsies.

(3) Payments from the account shall be made pursuant to biennial appropriation: PROVIDED, That no county may reduce funds appropriated for this purpose below 1983 budgeted levels.

(4) Where the county coroner's office or county medical examiner's office is not accredited pursuant to RCW 36.24.210, or a coroner, medical examiner, or other medicolegal investigative employee is not certified as required by RCW 36.24.205 and 43.101.480, the state treasurer's office shall withhold 25 percent of autopsy reimbursement funds until accreditation under RCW 36.24.210 or compliance with RCW 36.24.205 and 43.101.480 is achieved.

Passed by the Senate April 18, 2023.

Passed by the House April 10, 2023.

Approved by the Governor May 11, 2023.

Filed in Office of Secretary of State May 11, 2023.

CHAPTER 443

[Second Substitute Senate Bill 5532]

CERTAIN HOSPITALS—ACUTE CARE MEDICAID RATES

AN ACT Relating to providing enhanced payment to low volume, small rural hospitals; amending RCW 74.09.5225; creating new sections; providing an effective date; providing a contingent expiration date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The legislature finds that promoting a financially viable health care system in all parts of the state is a critical interest. The federal centers for medicare and medicaid services has recognized the crucial role hospitals play in providing care in rural areas by creating the sole community hospital program, which allows certain small rural hospitals to receive enhanced payments for medicare services. The state of Washington has created a similar program based on the federal criteria. The legislature further finds that some small, rural, low volume hospitals provide vital services to the communities they serve, but are not eligible for the federal or state programs. The legislature therefore finds that creating a similar reimbursement system for the state's medicaid program for small, rural, low volume hospitals will promote the long-term financial viability of the rural health care system in those communities.

Sec. 2. RCW 74.09.5225 and 2017 c 198 s 1 are each amended to read as follows:

(1) Payments for recipients eligible for medical assistance programs under this chapter for services provided by hospitals, regardless of the beneficiary's managed care enrollment status, shall be made based on allowable costs incurred during the year, when services are provided by a rural hospital certified by the centers for medicare and medicaid services as a critical access hospital, unless the critical access hospital is participating in the Washington rural health access preservation pilot described in subsection (2)(b) of this section. Any additional payments made by the authority for the healthy options program shall be no more than the additional amounts per service paid under this section for other medical assistance programs.

(2)(a) Beginning on July 24, 2005, except as provided in (b) of this subsection, a moratorium shall be placed on additional hospital participation in critical access hospital payments under this section. However, rural hospitals that applied for certification to the centers for medicare and medicaid services prior to January 1, 2005, but have not yet completed the process or have not yet been approved for certification, remain eligible for medical assistance payments under this section.

(b)(i) The purpose of the Washington rural health access preservation pilot is to develop an alternative service and payment system to the critical access hospital authorized under section 1820 of the social security act to sustain essential services in rural communities.

(ii) For the purposes of state law, any rural hospital approved by the department of health for participation in critical access hospital payments under this section that participates in the Washington rural health access preservation pilot identified by the state office of rural health and ceases to participate in critical access hospital payments may renew participation in critical access hospital associated payment methodologies under this section at any time.

(iii) The Washington rural health access preservation pilot is subject to the following requirements:

(A) In the pilot formation or development, the department of health, health care authority, and Washington state hospital association will identify goals for the pilot project before any hospital joins the pilot project;

(B) Participation in the pilot is optional and no hospital may be required to join the pilot;

(C) Before a hospital enters the pilot program, the health care authority must provide information to the hospital regarding how the hospital could end its participation in the pilot if the pilot is not working in its community;

(D) Payments for services delivered by public health care service districts participating in the Washington rural health access preservation pilot to recipients eligible for medical assistance programs under this chapter must be based on an alternative, value-based payment methodology established by the authority. Subject to the availability of amounts appropriated for this specific purpose, the payment methodology must provide sufficient funding to sustain essential services in the areas served, including but not limited to emergency and primary care services. The methodology must adjust payment amounts based on measures of quality and value, rather than volume. As part of the pilot, the health care authority shall encourage additional payers to use the adopted payment methodology for services delivered by the pilot participants to individuals insured by those payers;

(E) The department of health, health care authority, and Washington state hospital association will report interim progress to the legislature no later than December 1, 2018, and will report on the results of the pilot no later than six months following the conclusion of the pilot. The reports will describe any policy changes identified during the course of the pilot that would support small critical access hospitals; and

(F) Funds appropriated for the Washington rural health access preservation pilot will be used to help participating hospitals transition to a new payment methodology and will not extend beyond the anticipated three-year pilot period.

(3)(a) Beginning January 1, 2015, payments for recipients eligible for medical assistance programs under this chapter for services provided by a hospital, regardless of the beneficiary's managed care enrollment status, shall be increased to one hundred twenty-five percent of the hospital's fee-for-service rates, when services are provided by a rural hospital that:

(i) Was certified by the centers for medicare and medicaid services as a sole community hospital as of January 1, 2013;

(ii) Had a level III adult trauma service designation from the department of health as of January 1, 2014;

(iii) Had less than one hundred fifty acute care licensed beds in fiscal year 2011; and

(iv) Is owned and operated by the state or a political subdivision.

(b) The enhanced payment rates under this subsection shall be considered the hospital's medicaid payment rate for purposes of any other state or private programs that pay hospitals according to medicaid payment rates.

(c) Hospitals participating in the certified public expenditures program may not receive the increased reimbursement rates provided in this subsection (3) for inpatient services.

(4) Beginning July 1, 2024, through December 31, 2028, payments for recipients eligible for medical assistance programs under this chapter for acute care services provided by a hospital, regardless of the beneficiary's managed care enrollment status, shall be increased to 120 percent of the hospital's fee-for-service rate for inpatient services and 200 percent of the hospital's fee-for-

service rate for outpatient services, when services are provided by a hospital that:

(a) Is not currently designated as a critical access hospital, and does not meet current federal eligibility requirements for designation as a critical access hospital;

(b) Has medicaid inpatient days greater than 50 percent of all hospital inpatient days as reported on the hospital's most recently filed medicare cost report with the state; and

(c) Is located on the land of a federally recognized Indian tribe.

****NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2023.***

**Sec. 3 was vetoed. See message at end of chapter.*

NEW SECTION. Sec. 4. (1) This act expires on the date that the federal centers for medicare and medicaid services approves the hospital safety net program as required by RCW 74.60.150(1)(a), including section 4(3)(e), chapter . . . (Substitute House Bill No. 1850 (hospital safety net assessment)), Laws of 2023.

(2) The health care authority must provide written notice of the expiration date of this act to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the authority.

NEW SECTION. Sec. 5. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void.

Passed by the Senate April 18, 2023.

Passed by the House April 10, 2023.

Approved by the Governor May 11, 2023, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State May 11, 2023.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Section 3, Second Substitute Senate Bill No. 5532 entitled:

"AN ACT Relating to providing enhanced payment to low volume, small rural hospitals."

Section 3 is an emergency clause. However, the bill cannot go into effect until July 1, 2024. As a result, the emergency clause is not justified.

For these reasons I have vetoed Section 3 of Second Substitute Senate Bill No. 5532.

With the exception of Section 3, Second Substitute Senate Bill No. 5532 is approved."

CHAPTER 444

[Substitute Senate Bill 5581]

MATERNITY CARE SERVICES—HEALTH PLAN COST SHARING—REPORT

AN ACT Relating to developing strategies to reduce or eliminate cost sharing for maternity care services and postpartum care; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. (1) The office of the insurance commissioner, in consultation with health carriers, health care providers, and consumers in this state, shall conduct an analysis of how health plans define, cover, and reimburse for maternity care services, including prenatal, delivery, and postpartum care, and make recommendations regarding methods to reduce or eliminate deductibles and other forms of cost sharing for maternity care services.

(2) In conducting the analysis, the office of the insurance commissioner shall:

(a) Obtain necessary information regarding health plans offered by carriers with more than one percent accident and health market share based upon the insurance commissioner's most recent annual market information report and health plans offered to public employees under chapter 41.05 RCW to evaluate:

(i) How health plan benefit designs define maternity care services;

(ii) Whether and to what extent maternity care services are subject to deductibles and other cost-sharing requirements;

(iii) Which maternity care services are considered preventive services under section 2713 of the federal public health service act (42 U.S.C. Sec. 300gg et seq.) and implementing federal regulations in effect on the effective date of this section and are therefore exempt from cost sharing;

(iv) The five most used maternity care reimbursement methodologies used by each carrier; and

(v) With respect to reimbursement methodologies that bundle payment for maternity care services, which specific services are included in the bundled payment;

(b) Estimate the total and per member per month impact on health plan rates of eliminating cost sharing for maternity care services in full, or for prenatal care only, for the following markets:

(i) Individual health plans other than cascade select plans;

(ii) Cascade select health plans;

(iii) Small group health plans;

(iv) Large group health plans;

(v) Health plans offered to public employees under chapter 41.05 RCW; and

(vi) All health plans in the aggregate.

(3) The office of the insurance commissioner shall submit a report on the findings and cost estimate to the appropriate committees of the legislature by July 1, 2024. The report must also include recommendations for methods to reduce or eliminate deductibles and other forms of cost sharing for maternity care services.

(4) The office of the insurance commissioner may contract for all or a portion of the analysis required in this section.

Passed by the Senate April 18, 2023.

Passed by the House April 7, 2023.

Approved by the Governor May 11, 2023.

Filed in Office of Secretary of State May 11, 2023.

CHAPTER 445

[Engrossed Substitute Senate Bill 5583]

DRIVER TRAINING AND EDUCATION—VARIOUS PROVISIONS

AN ACT Relating to improving young driver safety; amending RCW 46.20.075, 46.82.280, and 46.82.330; adding a new section to chapter 46.82 RCW; adding a new section to chapter 39.19 RCW; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The department of licensing shall develop a comprehensive implementation plan for the expansion of the current driver training education requirement to obtain a driver's license to persons between the ages of 18 and 24. The target date for implementation of the new driver training education expansion is July 1, 2026. The driver training education expansion plan must be provided to the transportation committees of the legislature by October 1, 2024, and must include, but need not be limited to, the following:

(1) Consideration of courses that could satisfy the new driver training education requirement, including a condensed course option and a self-paced, online course option, with attention to the educational value, monetary and time costs required, and possible accessibility constraints for each course option considered;

(2) An assessment of public and private resources necessary to support the new driver training education requirement to ensure sufficient course availability and accessibility. The assessment must include, but need not be limited to, an inventory of the current number, and an estimate of the increased number required to meet the anticipated need, of the following:

(a) Licensed driver training schools and traffic safety education programs in the state, by geographical region;

(b) Licensed driver training school and traffic safety education instructors;

(c) Licensed driver trainer instructors; and

(d) Driver training education course spaces available per year, by course option and for both classroom and behind-the-wheel instruction;

(3) In consultation with the office of equity, evaluation of access to driver training education courses and consideration of opportunities to improve access to driver training education for young drivers. The assessment must address, but should not be limited to, potential obstacles for young drivers for whom the cost of driver training education may pose a hardship, obstacles related to accessibility for young drivers who reside in rural areas, and obstacles for young drivers whose primary language is not English. The assessment must also include strategies that can be used to mitigate these potential obstacles, including possible exceptions to, or substitutions for, a driver training education requirement in cases where access-related obstacles cannot be overcome, such as when a behind-the-wheel driver training program may not be available within a reasonable distance of a person's residence;

(4) A plan for broad and accessible public outreach and education to communicate to Washington state residents new driver training education requirements, including a plan for the development of tools to assist residents in accessing driver training education courses that meet the new requirements;

(5) Collaboration with educational service districts to determine the extent to which educational service districts can facilitate the coordination between school districts or secondary schools of a school district and driver training

schools to increase access to driver training education courses by students who reside within the boundaries of an applicable school district;

(6) An examination of opportunities to address the financial need of persons for whom the cost of driver training education courses licensed by the department of licensing may pose a hardship, through a voucher or other financial assistance program. The examination must include quantified estimates of the extent to which the cost of driver training education could pose a significant obstacle, as well as possible approaches to help reduce or eliminate this obstacle;

(7) An examination, in consultation with the office of the superintendent of public instruction, of opportunities to address the financial need of students for whom the cost of driver training education offered as part of a traffic safety education program may pose a hardship, through a grant or other financial assistance program. The examination must include quantified estimates of the extent to which the cost of driver training education could pose a significant obstacle, as well as possible approaches to help reduce or eliminate this obstacle; and

(8) An assessment of approaches used by other states that require driver training by persons age 18 and older, including examination of how this has impacted traffic safety in the state and the extent to which the requirement may have decreased access to driver's licenses, including through examination of the rate of driver's license holders by age and other demographic characteristics compared to that of neighboring, or otherwise similarly situated, states.

Sec. 2. RCW 46.20.075 and 2011 c 60 s 44 are each amended to read as follows:

(1) An intermediate license authorizes the holder to drive a motor vehicle under the conditions specified in this section. An applicant for an intermediate license must be at least (~~sixteen~~) 16 years of age and:

(a) Have possessed a valid instruction permit for a period of not less than six months;

(b) Have passed a driver licensing examination administered by the department;

(c) Have passed a course of driver's education in accordance with the standards established in RCW 46.20.100;

(d) Present certification by his or her parent, guardian, or employer to the department stating (i) that the applicant has had at least (~~fifty~~) 50 hours of driving experience, (~~ten~~) 10 of which were at night, during which the driver was supervised by a person at least (~~twenty-one~~) 21 years of age who has had a valid driver's license for at least three years, and (ii) that the applicant has not been issued a notice of traffic infraction or cited for a traffic violation that is pending at the time of the application for the intermediate license;

(e) Not have been convicted of or found to have committed a traffic violation within the last six months before the application for the intermediate license; and

(f) Not have been adjudicated for an offense involving the use of alcohol or drugs during the period the applicant held an instruction permit.

(2) For the first six months after the issuance of an intermediate license or until the holder reaches (~~eighteen~~) 18 years of age, whichever occurs first, the holder of the license may not operate a motor vehicle that is carrying any

passengers under the age of ~~((twenty))~~ 20 who are not members of the holder's immediate family ~~((as defined in RCW 42.17A.005))~~. For the remaining period of the intermediate license, the holder may not operate a motor vehicle that is carrying more than three passengers who are under the age of ~~((twenty))~~ 20 who are not members of the holder's immediate family.

(3) The holder of an intermediate license may not operate a motor vehicle between the hours of 1 a.m. and 5 a.m. except (a) when the holder is accompanied by ~~((a parent, guardian, or))~~ a licensed driver who is at least ~~((twenty-five))~~ 25 years of age, or (b) for school, religious, or employment activities for the holder or a member of the holder's immediate family as defined in this section.

(4) The holder of an intermediate license may not operate a moving motor vehicle while using a wireless communications device unless the holder is using the device to report illegal activity, summon medical or other emergency help, or prevent injury to a person or property.

(5) It is a traffic infraction for the holder of an intermediate license to operate a motor vehicle in violation of the restrictions imposed under this section.

(6) Except for a violation of subsection (4) of this section, enforcement of this section by law enforcement officers may be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of this title or an equivalent local ordinance or some other offense.

(7) An intermediate licensee may drive at any hour without restrictions on the number of passengers in the vehicle if necessary for agricultural purposes.

(8) An intermediate licensee may drive at any hour without restrictions on the number of passengers in the vehicle if, for the ~~((twelve-month))~~ 12-month period following the issuance of the intermediate license, he or she:

(a) Has not been involved in an accident involving only one motor vehicle;

(b) Has not been involved in an accident where he or she was cited in connection with the accident or was found to have caused the accident;

(c) Has not been involved in an accident where no one was cited or was found to have caused the accident; and

(d) Has not been convicted of or found to have committed a traffic offense described in chapter 46.61 RCW or violated restrictions placed on an intermediate licensee under this section.

(9) For the purposes of this section, "immediate family" means an individual's spouse or domestic partner, child, stepchild, grandchild, parent, stepparent, grandparent, brother, half-brother, sister, or half-sister of the individual, including foster children living in the household, and the spouse or the domestic partner of any such person, and a child, stepchild, grandchild, parent, stepparent, grandparent, brother, half-brother, sister, or half-sister of the individual's spouse or domestic partner, and the spouse or the domestic partner of any such person.

Sec. 3. RCW 46.82.280 and 2017 c 197 s 8 are each amended to read as follows:

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

(1) "Behind-the-wheel instruction" means instruction in an approved driver training school instruction vehicle according to and inclusive of the required curriculum. Behind-the-wheel instruction is characterized by driving experience.

(2) "Classroom" means a space dedicated to and used exclusively by a driver training instructor for the instruction of students. With prior department approval, a branch office classroom may be located within alternative facilities, such as a public or private library, school, community college, college or university, or a business training facility.

(3) "Classroom instruction" means that portion of a traffic safety education course that is characterized by in-person classroom-based student instruction or virtual classroom-based student instruction with a live instructor using the required curriculum conducted by or under the direct supervision of a licensed instructor or licensed instructors. Classroom instruction may include self-paced, online components as authorized and certified by the department of licensing.

(4) "Director" means the director of the department of licensing of the state of Washington.

(5) "Driver training education course" means a course of instruction in traffic safety education approved and licensed by the department of licensing that consists of classroom and behind-the-wheel instruction that follows the approved curriculum.

(6) "Driver training school" means a commercial driver training school engaged in the business of giving instruction, for a fee, in the operation of automobiles.

(7) "Enrollment" means the collecting of a fee or the signing of a contract for a driver training education course. "Enrollment" does not include the collecting of names and contact information for enrolling students once a driver training school is licensed to instruct.

(8) "Fraudulent practices" means any conduct or representation on the part of a driver training school owner or instructor including:

(a) Inducing anyone to believe, or to give the impression, that a license to operate a motor vehicle or any other license granted by the director may be obtained by any means other than those prescribed by law, or furnishing or obtaining the same by illegal or improper means, or requesting, accepting, or collecting money for such purposes;

(b) Operating a driver training school without a license, providing instruction without an instructor's license, verifying enrollment prior to being inducted, misleading or false statements on applications for a commercial driver training school license or instructor's license or on any required records or supporting documentation;

(c) Failing to fully document and maintain all required driver training school records of instruction, school operation, and instructor training;

(d) Issuing a driver training course certificate without requiring completion of the necessary behind-the-wheel and classroom instruction.

(9) "Instructor" means any person employed by or otherwise associated with a driver training school to instruct persons in the operation of an automobile.

(10) "Owner" means an individual, partnership, corporation, association, or other person or group that holds a substantial interest in a driver training school.

(11) "Person" means any individual, firm, corporation, partnership, or association.

(12) "Place of business" means a designated location at which the business of a driver training school is transacted or its records are kept.

(13) "Student" means any person enrolled in an approved driver training course.

(14) "Substantial interest holder" means a person who has actual or potential influence over the management or operation of any driver training school. Evidence of substantial interest includes, but is not limited to, one or more of the following:

(a) Directly or indirectly owning, operating, managing, or controlling a driver training school or any part of a driver training school;

(b) Directly or indirectly profiting from or assuming liability for debts of a driver training school;

(c) Is an officer or director of a driver training school;

(d) Owning (~~(ten)~~) 10 percent or more of any class of stock in a privately or closely held corporate driver training school, or five percent or more of any class of stock in a publicly traded corporate driver training school;

(e) Furnishing (~~(ten)~~) 10 percent or more of the capital, whether in cash, goods, or services, for the operation of a driver training school during any calendar year; or

(f) Directly or indirectly receiving a salary, commission, royalties, or other form of compensation from the activity in which a driver training school is or seeks to be engaged.

Sec. 4. RCW 46.82.330 and 2017 c 197 s 10 are each amended to read as follows:

(1) The application for an instructor's license shall document the applicant's fitness, knowledge, skills, and abilities to teach the classroom and behind-the-wheel instruction portions of a driver training education program in a commercial driver training school.

(2) An applicant shall be eligible to apply for an original instructor's certificate if the applicant possesses and meets the following qualifications and conditions:

(a) Has been licensed to drive for five or more years and possesses a current and valid Washington driver's license or is a resident of a jurisdiction immediately adjacent to Washington state and possesses a current and valid license issued by such jurisdiction, and does not have on his or her driving record any of the violations or penalties set forth in (a)(i), (ii), or (iii) of this subsection. The director shall have the right to examine the driving record of the applicant from the department of licensing and from other jurisdictions and from these records determine if the applicant has had:

(i) Not more than one moving traffic violation within the preceding twelve months or more than two moving traffic violations in the preceding (~~(twenty-four)~~) 24 months;

(ii) No drug or alcohol-related traffic violation or incident within the preceding three years. If there are two or more drug or alcohol-related traffic violations in the applicant's driving history, the applicant is no longer eligible to be a driving instructor; and

(iii) No driver's license suspension, cancellation, revocation, or denial within the preceding two years, or no more than two of these occurrences in the preceding five years;

(b) Is a high school graduate or the equivalent and at least (~~(twenty-one)~~) 21 years of age;

(c) Has completed an acceptable application on a form prescribed by the director;

(d) Has satisfactorily completed a course of instruction in the training of drivers acceptable to the director that is no less than (~~(sixty)~~) 60 hours in length and includes instruction in classroom and behind-the-wheel teaching methods and supervised practice behind-the-wheel teaching of driving techniques; and

(e) Has paid an examination fee as set by rule of the department and has successfully completed an instructor's examination.

(3) The department may develop rules to establish alternative pathways to licensure to substitute for subsection (2) of this section provided the alternative pathways enable the department to assess the applicant's fitness, knowledge, skill, and ability to teach the classroom and behind-the-wheel instruction portions of a driver training education program, and provided behind-the-wheel instructor certification include behind-the-wheel teaching methods and supervised practice behind-the-wheel teaching of driving techniques.

NEW SECTION. Sec. 5. A new section is added to chapter 46.82 RCW to read as follows:

(1) By January 1, 2025, the department must publish on its website an interactive map of all driver training education course providers and providers of a traffic safety education program as defined in RCW 28A.220.020, including driver, motorcyclist, and commercial driver training and testing providers certified by the department. The interactive map, at a minimum, must provide training and testing provider names, locations, contact information, course and program pricing, and services offered by language.

(2) Each driving training education course and traffic safety education program provider must report course and program pricing to the department on an annual basis.

NEW SECTION. Sec. 6. A new section is added to chapter 39.19 RCW to read as follows:

The office shall develop a program to foster the development of women, minority-owned, and veteran-owned licensed driver training schools in the state, including through instruction on topics relevant to owning and operating a licensed driver training school, and shall report to the transportation committees of the legislature by October 1, 2024, with an update on program implementation and administration.

Passed by the Senate April 19, 2023.

Passed by the House April 12, 2023.

Approved by the Governor May 11, 2023.

Filed in Office of Secretary of State May 11, 2023.

CHAPTER 446

[Substitute Senate Bill 5720]

COMMERCIAL PROPERTY INSURANCE—RISK MITIGATION GOODS AND SERVICES

AN ACT Relating to risk mitigation in property insurance; and amending RCW 48.18.558, 48.18.559, and 48.19.530.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 48.18.558 and 2018 c 239 s 2 are each amended to read as follows:

(1) With the prior approval of the commissioner, a property insurer may include the following either goods or services, or both, intended to reduce either the probability of loss, or the extent of loss, or both, from a covered event as part of a policy of property insurance(~~(, except commercial property insurance)~~):

- (a) Goods, including a water monitor;
- (b) Foundation strapping to mitigate losses due to earthquake;
- (c) Ongoing services, including home safety monitoring or brush clearing to mitigate losses due to wildfire; and
- (d) Other either goods or services, or both, as the commissioner may identify by rule.

(2) Any goods provided are owned by the insured, even if the insurance is subsequently canceled.

(3) The value of goods and services to be provided is limited to ~~((one thousand five hundred dollars))~~ \$7,500 or ten percent of the annual policy premium, whichever is greater, in value in the aggregate in any ~~((twelve month))~~ 12-month period.

(4) In order to receive prior approval of the commissioner, and except as provided in subsection (6) of this section, the property insurer must include the following in its rate filing:

- (a) A description of either the specific goods or services, or both, to be offered;
- (b) A description of the method of delivering either the specific goods or services, or both, being offered; and
- (c) The selection criteria for insureds receiving either the specific goods or services, or both, being offered.

(5) This section does not require the commissioner to approve any particular proposed benefit. The commissioner may disapprove any proposed noninsurance benefit that the commissioner determines may tend to promote or facilitate the violation of any other section of this title. However, if the commissioner approves the inclusion of either the goods or services, or both, in a policy of property insurance(~~(, except commercial property insurance,))~~) it does not constitute a violation of RCW 48.30.140 or 48.30.150.

(6)(a) A property insurer may conduct a pilot program as either a risk mitigation or prevention, or both, strategy through which the insurer offers or provides risk mitigation and/or prevention goods and/or services identified in subsection (1) of this section in connection with an insurance policy covering property risks(~~(, except commercial property insurance,))~~) in accordance with rules adopted by the commissioner.

(b) A property insurer offering or providing risk mitigation and/or prevention goods and/or services through a pilot program under this subsection is exempt from including information about the risk mitigation and/or prevention goods and/or services in its rate filing as is otherwise required under subsection (4) of this section and RCW 48.19.530.

(c) A property insurer's pilot program may last no longer than two years.

(7) This section does not apply to disaster or emergency response activities of a property insurer.

Sec. 2. RCW 48.18.559 and 2018 c 239 s 4 are each amended to read as follows:

The commissioner may adopt rules as necessary to implement RCW 48.18.558 and 48.19.530, including but not limited to:

(1) Rules requiring a notice to insureds or potential insureds regarding their ability to opt out of receiving any risk mitigation and/or prevention goods and/or services;

~~(2) ((Rules increasing the value of either the goods or services, or both, permitted under RCW 48.18.558(1));~~

~~(3))~~ Rules establishing requirements for pilot programs authorized under RCW 48.18.558(6); and

~~((4))~~ (3) Rules identifying which insurer disaster or emergency response activities are exempt from RCW 48.18.558 and 48.19.530 and RCW 48.30.140 and 48.30.150.

Sec. 3. RCW 48.19.530 and 2018 c 239 s 3 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, in addition to other information required by this chapter, a rate filing by a property insurer for a policy~~((, except commercial property insurance,))~~ that includes risk mitigation and/or prevention goods and/or services under RCW 48.18.558, must demonstrate that its rates account for the expected costs of the goods and services and the reduction in expected claims costs resulting from either the goods or services, or both.

(2) This section does not apply to:

(a) A property insurer offering or providing risk mitigation and/or prevention goods and/or services through a pilot program established in RCW 48.18.558(6); or

(b) Disaster or emergency response activities of a property insurer.

Passed by the Senate April 19, 2023.

Passed by the House April 7, 2023.

Approved by the Governor May 11, 2023.

Filed in Office of Secretary of State May 11, 2023.

CHAPTER 447

[Substitute Senate Bill 5742]

DEPARTMENT OF TRANSPORTATION—GRANT PROGRAMS

AN ACT Relating to codifying certain existing grant programs at the department of transportation; adding new sections to chapter 47.66 RCW; adding new sections to chapter 47.76 RCW; and adding a new section to chapter 47.04 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** A new section is added to chapter 47.66 RCW to read as follows:

(1) The department shall establish a paratransit and special needs grant program to sustain and expand transit service to people with disabilities.

(2) Of the amounts appropriated to the program, 23 percent shall be 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.

(3) The remaining 77 percent of amounts appropriated to the program shall be provided solely for grants to transit agencies to support 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, in the latest calendar year for which the department publishes data in the most recent "Summary of Public Transportation" report, that is no less than the previous year's maintenance of effort for special needs transportation as shown in the report. Grants for transit agencies must be prorated based on the amount expended for demand response service and route deviated service for the latest calendar year as published in the most recent "Summary of Public Transportation" report. No transit agency shall receive more than 30 percent of the distribution.

NEW SECTION. Sec. 2. A new section is added to chapter 47.66 RCW to read as follows:

(1) The department shall establish a public transit ride share program. The grant program shall provide resources for:

- (a) Public transit agencies to add or replace ride share vehicles; and
- (b) Incentives and outreach to increase ride share use.

(2) 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. Awards from the grant shall not be used to supplant transit funds currently funding ride share programs, nor be used to hire additional employees.

NEW SECTION. Sec. 3. A new section is added to chapter 47.76 RCW to read as follows:

(1) The department shall establish a freight rail investment bank program for the purpose of supporting freight rail capital needs by providing low-interest loans to entities based on the state's interests as outlined in RCW 47.76.240.

(2) The department shall issue freight rail investment bank 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.

(3) The department shall report annually to the transportation committees of the legislature and the office of financial management on all freight rail investment bank loans issued.

(4) Projects shall be evaluated using a cost-benefit methodology. The methodology must use the following legislative priorities:

- (a) Economic, safety, or environmental advantages of freight movement by rail compared to alternative modes;
- (b) Self-sustaining economic development that creates family-wage jobs;
- (c) Preservation of transportation corridors that would otherwise be lost;
- (d) Increased access to efficient and cost-effective transport to market for Washington's agricultural and industrial products;
- (e) Better integration and cooperation within the regional, national, and international systems of freight distribution; and
- (f) Mitigation of impacts of increased rail traffic on communities.

NEW SECTION. Sec. 4. A new section is added to chapter 47.76 RCW to read as follows:

(1) The department shall establish the statewide emergent freight rail assistance program for the purpose of supporting freight rail capital needs by awarding grants based on the state's interests as outlined in RCW 47.76.240.

(2) Grants shall be selected using the cost-benefit methodology as outlined in section 3 of this act.

(3) The department shall report annually to the transportation committees of the legislature and the office of financial management on all freight rail assistance program grants issued.

NEW SECTION. Sec. 5. A new section is added to chapter 47.04 RCW to read as follows:

(1) The department shall create a bicyclist and pedestrian grant program to improve pedestrian and bicyclist safety and mobility and increase active transportation trips.

(2) Project types may include, but are not limited to, bicycle facilities such as buffered bike lanes, pedestrian facilities such as sidewalks, crossing improvements for people who walk and roll, and speed management.

(3) The department shall report on an annual basis the status of projects funded as part of the bicyclist and pedestrian grant and safe routes to school grant programs. The report must include, but is not limited to, a list of projects selected and a brief description of each project's status.

Passed by the Senate April 19, 2023.

Passed by the House April 17, 2023.

Approved by the Governor May 11, 2023.

Filed in Office of Secretary of State May 11, 2023.

CHAPTER 448

[Substitute Senate Bill 5753]

DEPARTMENT OF TRANSPORTATION AND LUMMI TRIBE—COOPERATIVE AGREEMENT FOR PUBLIC ROAD

AN ACT Relating to a cooperative agreement between the department of transportation and the Lummi Nation concerning construction of a roadway; and adding new sections to chapter 47.20 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. A new section is added to chapter 47.20 RCW to read as follows:

(1) The department is authorized to enter into a cooperative agreement with the governing authority of the Lummi Nation and appropriate agencies of the United States for the location, design, construction, and maintenance of a public road beginning on Rural Avenue at the southern boundary of the Ferndale city limits, traveling across the property held in tribal trust status by the United States for the Lummi Nation, and connect to the approximate location of where the Ferndale city limits intersect Kope Road. The new road segment shall be named after construction is concluded.

(2) The definitions in this subsection apply throughout this section and sections 2 and 3 of this act unless context clearly requires otherwise.

(a) "Agreement" means the cooperative agreement between the department, the governing authority of the Lummi Nation, and agencies of the United States, as authorized by subsection (1) of this section.

(b) "Roadway" means the public road segment constructed pursuant to the agreement authorized by subsection (1) of this section.

NEW SECTION. Sec. 2. A new section is added to chapter 47.20 RCW to read as follows:

The department is authorized to determine the location of the roadway in consultation with and approval by the governing authority of the Lummi Nation. The department may then proceed with the design and construction of the roadway. After construction of the roadway is complete, the Lummi Nation shall be responsible for the operation and maintenance and future improvement of the roadway as a public road.

NEW SECTION. Sec. 3. A new section is added to chapter 47.20 RCW to read as follows:

The cooperative agreement shall allow the department to request a temporary construction easement from the Lummi Nation for the purpose of constructing the new road. The cooperative agreement shall also reserve to the governing authority of the Lummi Nation authority to construct road intersections or grade separation crossings of the roadway, in accordance with applicable laws. The agreement may also authorize the governing authority of the Lummi Nation to convey to the United States an easement to construct, maintain, and repair roadway improvements if such an easement is required by regulations of the bureau of Indian affairs.

Passed by the Senate April 19, 2023.

Passed by the House April 7, 2023.

Approved by the Governor May 11, 2023.

Filed in Office of Secretary of State May 11, 2023.

CHAPTER 449

[Engrossed Substitute House Bill 1169]

LEGAL FINANCIAL OBLIGATIONS—VARIOUS PROVISIONS

AN ACT Relating to legal financial obligations; amending RCW 7.68.035, 43.43.7532, 43.43.7541, 7.68.240, 9.92.060, 9.94A.6333, 9.94B.040, 9.95.210, 10.01.180, 10.82.090, 13.40.020, 13.40.162, 13.40.165, 13.40.180, 13.40.192, and 13.40.200; reenacting and amending RCW 9.94A.760 and 13.40.020; adding a new section to chapter 7.68 RCW; adding a new section to chapter 13.40 RCW; creating new sections; repealing RCW 13.40.056, 13.40.085, 13.40.198, and 13.40.640; providing an effective date; providing a contingent effective date; providing a contingent expiration date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

PART I

Sec. 1. RCW 7.68.035 and 2018 c 269 s 19 are each amended to read as follows:

(1)~~((a) When))~~ Except as provided in subsection (4) of this section, when any adult person is found guilty in any superior court of having committed a crime, except as provided in subsection (2) of this section, there shall be imposed by the court upon such convicted person a penalty assessment. The

assessment shall be in addition to any other penalty or fine imposed by law and shall be five hundred dollars for each case or cause of action that includes one or more convictions of a felony or gross misdemeanor and two hundred fifty dollars for any case or cause of action that includes convictions of only one or more misdemeanors.

~~((b) When any juvenile is adjudicated of an offense that is a most serious offense as defined in RCW 9.94A.030, or a sex offense under chapter 9A.44 RCW, there shall be imposed upon the juvenile offender a penalty assessment. The assessment shall be in addition to any other penalty or fine imposed by law and shall be one hundred dollars for each case or cause of action.~~

~~(c) When any juvenile is adjudicated of an offense which has a victim, and which is not a most serious offense as defined in RCW 9.94A.030 or a sex offense under chapter 9A.44 RCW, the court shall order up to seven hours of community restitution, unless the court finds that such an order is not practicable for the offender. This community restitution must be imposed consecutively to any other community restitution the court imposes for the offense.)~~

(2) The assessment imposed by subsection (1) of this section shall not apply to motor vehicle crimes defined in Title 46 RCW except those defined in the following sections: RCW 46.61.520, 46.61.522, 46.61.024, 46.52.090, 46.70.140, 46.61.502, 46.61.504, 46.52.101, 46.20.410, 46.52.020, 46.10.495, 46.09.480, 46.61.5249, 46.61.525, 46.61.685, 46.61.530, 46.61.500, 46.61.015, 46.52.010, 46.44.180, 46.10.490(2), and 46.09.470(2).

(3) ~~(When)~~ Except as provided in subsection (4) of this section, when any adult person accused of having committed a crime posts bail in superior court pursuant to the provisions of chapter 10.19 RCW and such bail is forfeited, there shall be deducted from the proceeds of such forfeited bail a penalty assessment, in addition to any other penalty or fine imposed by law, equal to the assessment which would be applicable under subsection (1) of this section if the person had been convicted of the crime.

(4) The court shall not impose the penalty assessment under this section if the court finds that the defendant, at the time of sentencing, is indigent as defined in RCW 10.01.160(3).

(5) Upon motion by a defendant, the court shall waive any crime victim penalty assessment imposed prior to the effective date of this section if:

(a) The person was a juvenile at the time the penalty assessment was imposed; or

(b) The person does not have the ability to pay the penalty assessment. A person does not have the ability to pay if the person is indigent as defined in RCW 10.01.160(3).

(6) Such penalty assessments shall be paid by the clerk of the superior court to the county treasurer. Each county shall deposit one hundred percent of the money it receives per case or cause of action under subsection (1) of this section, not less than one and seventy-five one-hundredths percent of the remaining money it retains under RCW 10.82.070 and the money it retains under chapter 3.62 RCW, and all money it receives under subsection ~~((7))~~ (9) of this section into a fund maintained exclusively for the support of comprehensive programs to encourage and facilitate testimony by the victims of crimes and witnesses to crimes. A program shall be considered "comprehensive" only after approval of

the department upon application by the county prosecuting attorney. The department shall approve as comprehensive only programs which:

(a) Provide comprehensive services to victims and witnesses of all types of crime with particular emphasis on serious crimes against persons and property. It is the intent of the legislature to make funds available only to programs which do not restrict services to victims or witnesses of a particular type or types of crime and that such funds supplement, not supplant, existing local funding levels;

(b) Are administered by the county prosecuting attorney either directly through the prosecuting attorney's office or by contract between the county and agencies providing services to victims of crime;

(c) Make a reasonable effort to inform the known victim or his or her surviving dependents of the existence of this chapter and the procedure for making application for benefits;

(d) Assist victims in the restitution and adjudication process; and

(e) Assist victims of violent crimes in the preparation and presentation of their claims to the department of labor and industries under this chapter.

Before a program in any county west of the Cascade mountains is submitted to the department for approval, it shall be submitted for review and comment to each city within the county with a population of more than one hundred fifty thousand. The department will consider if the county's proposed comprehensive plan meets the needs of crime victims in cases adjudicated in municipal, district or superior courts and of crime victims located within the city and county.

~~((5))~~ (7) Upon submission to the department of a letter of intent to adopt a comprehensive program, the prosecuting attorney shall retain the money deposited by the county under subsection ~~((4))~~ (6) of this section until such time as the county prosecuting attorney has obtained approval of a program from the department. Approval of the comprehensive plan by the department must be obtained within one year of the date of the letter of intent to adopt a comprehensive program. The county prosecuting attorney shall not make any expenditures from the money deposited under subsection ~~((4))~~ (6) of this section until approval of a comprehensive plan by the department. If a county prosecuting attorney has failed to obtain approval of a program from the department under subsection ~~((4))~~ (6) of this section or failed to obtain approval of a comprehensive program within one year after submission of a letter of intent under this section, the county treasurer shall monthly transmit one hundred percent of the money deposited by the county under subsection ~~((4))~~ (6) of this section to the state treasurer for deposit in the state general fund.

~~((6))~~ (8) County prosecuting attorneys are responsible to make every reasonable effort to insure that the penalty assessments of this chapter are imposed and collected.

~~((7))~~ (9) Every city and town shall transmit monthly one and seventy-five one-hundredths percent of all money, other than money received for parking infractions, retained under RCW 3.50.100 and 35.20.220 to the county treasurer for deposit as provided in subsection ~~((4))~~ (6) of this section.

NEW SECTION. Sec. 2. A new section is added to chapter 7.68 RCW to read as follows:

(1) The state crime victim and witness assistance account is created in the state treasury. The account shall consist of funds appropriated by the legislature for comprehensive crime victim and witness programs under RCW 7.68.035.

The purpose of the account is to mitigate to fiscal impact from the elimination of the crime victim penalty assessment on juveniles and indigent adults in this act.

(2) Pursuant to appropriation, each quarter, the state treasurer must distribute moneys deposited in the state crime victim and witness assistance account to counties on the basis of each county's distribution factor under RCW 82.14.310.

(3) Counties may expend moneys distributed under this section only for purposes specified in RCW 7.68.035.

Sec. 3. RCW 43.43.7532 and 2002 c 289 s 5 are each amended to read as follows:

The state DNA database account is created in the custody of the state treasurer. ~~((AH))~~ The account shall consist of funds appropriated by the legislature for operation and maintenance of the DNA database and all receipts under RCW 43.43.7541 ((must be deposited into the account)). Expenditures from the account may be used only for creation, operation, and maintenance of the DNA database under RCW 43.43.754. Only the chief of the Washington state patrol or the chief's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 4. RCW 43.43.7541 and 2018 c 269 s 18 are each amended to read as follows:

~~((Every sentence imposed for a crime specified in RCW 43.43.754 must include a fee of one hundred dollars unless the state has previously collected the offender's DNA as a result of a prior conviction. The fee is a court-ordered legal financial obligation as defined in RCW 9.94A.030 and other applicable law. For a sentence imposed under chapter 9.94A RCW, the fee is payable by the offender after payment of all other legal financial obligations included in the sentence has been completed. For all other sentences, the fee is payable by the offender in the same manner as other assessments imposed.))~~

(1) The clerk of the court shall transmit ((eighty)) 80 percent of ((the fee)) any amounts collected for fees imposed prior to the effective date of this section for the collection of an offender's DNA to the state treasurer for deposit in the state DNA database account created under RCW 43.43.7532, and shall transmit ((twenty)) 20 percent of the fee collected to the agency responsible for collection of a biological sample from the offender as required under RCW 43.43.754. ((This fee shall not be imposed on juvenile offenders if the state has previously collected the juvenile offender's DNA as a result of a prior conviction.))

(2) Upon motion by the offender, the court shall waive any fee for the collection of the offender's DNA imposed prior to the effective date of this section.

NEW SECTION. Sec. 5. (1) The administrative office of the courts must review revenue collection data before and after the effective date of this section and provide a more accurate assessment of the fiscal impact of the elimination of the crime victim penalty assessment on juveniles and indigent adults in this act. The assessment must be provided to the appropriate committees of the legislature by February 1, 2025, to inform future distributions to the account created in section 2 of this act.

(2) The administrative office of the courts, in consultation with county clerks, must review the grant program created in RCW 2.56.190 to determine if the program continues to serve its intended purpose in light of legislative changes to legal financial obligations. The office's findings and recommendations must be provided to the appropriate committees of the legislature by December 1, 2023.

PART II CONFORMING AMENDMENTS

Sec. 6. RCW 7.68.240 and 2022 c 260 s 22 are each amended to read as follows:

Upon a showing by any convicted person or the state that five years have elapsed from the establishment of such escrow account and further that no actions are pending against such convicted person pursuant to RCW 7.68.200 through 7.68.280, the department shall immediately pay over 50 percent of any moneys in the escrow account to such person or his or her legal representatives and 50 percent of any moneys in the escrow account to the fund under RCW 7.68.035~~((4))~~ (6).

Sec. 7. RCW 9.92.060 and 2022 c 260 s 6 are each amended to read as follows:

(1) Whenever any person is convicted of any crime except murder, burglary in the first degree, arson in the first degree, robbery, rape of a child, or rape, the superior court may, in its discretion, at the time of imposing sentence upon such person, direct that such sentence be stayed and suspended until otherwise ordered by the superior court, and, upon such terms as the superior court may determine, that the sentenced person be placed under the charge of:

(a) A community corrections officer employed by the department of corrections, if the person is subject to supervision under RCW 9.94A.501 or 9.94A.5011; or

(b) A probation officer employed or contracted for by the county, if the county has elected to assume responsibility for the supervision of superior court misdemeanor probationers.

(2) As a condition to suspension of sentence, the superior court ~~((shall require the payment of the penalty assessment required by RCW 7.68.035. In addition, the superior court))~~ may require the convicted person to make such monetary payments, on such terms as the superior court deems appropriate under the circumstances, as are necessary: (a) To comply with any order of the court for the payment of family support; (b) to make restitution to any person or persons who may have suffered loss or damage by reason of the commission of the crime in question or when the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement; (c) to pay any fine imposed and not suspended and the court or other costs incurred in the prosecution of the case, including reimbursement of the state for costs of extradition if return to this state by extradition was required; and (d) to contribute to a county or interlocal drug fund.

(3) At any time, including at sentencing, the court may determine that the offender is not required to pay, or may relieve the offender of the requirement to

pay, full or partial restitution and accrued interest on restitution where the entity to whom restitution is owed is an insurer or a state agency, except for restitution owed to the department of labor and industries under chapter 7.68 RCW, if the court finds that the offender does not have the current or likely future ability to pay. A person does not have the current ability to pay if the person is indigent as defined in RCW 10.01.160(3). For the purposes of this subsection, the terms "insurer" and "state agency" have the same meanings as provided in RCW 9.94A.750(3).

(4) As a condition of the suspended sentence, the superior court may order the probationer to report to the secretary of corrections or such officer as the secretary may designate and as a condition of the probation to follow the instructions of the secretary. If the county legislative authority has elected to assume responsibility for the supervision of superior court misdemeanor probationers within its jurisdiction, the superior court misdemeanor probationer shall report to a probation officer employed or contracted for by the county. In cases where a superior court misdemeanor probationer is sentenced in one county, but resides within another county, there must be provisions for the probationer to report to the agency having supervision responsibility for the probationer's county of residence.

(5) If restitution to the victim has been ordered under subsection (2)(b) of this section and the superior court has ordered supervision, the officer supervising the probationer shall make a reasonable effort to ascertain whether restitution has been made as ordered. If the superior court has ordered supervision and restitution has not been made, the officer shall inform the prosecutor of that violation of the terms of the suspended sentence not less than three months prior to the termination of the suspended sentence.

Sec. 8. RCW 9.94A.6333 and 2022 c 260 s 13 are each amended to read as follows:

(1) If an offender violates any condition or requirement of a sentence, and the offender is not being supervised by the department, the court may modify its order of judgment and sentence and impose further punishment in accordance with this section.

(2) If an offender fails to comply with any of the nonfinancial conditions or requirements of a sentence the following provisions apply:

(a) The court, upon the motion of the state, or upon its own motion, shall require the offender to show cause why the offender should not be punished for the noncompliance. The court may issue a summons or a warrant of arrest for the offender's appearance;

(b) The state has the burden of showing noncompliance by a preponderance of the evidence;

(c) If the court finds that a violation has been proved, it may impose the sanctions specified in RCW 9.94A.633(1). Alternatively, the court may:

(i) Convert a term of partial confinement to total confinement; or

(ii) Convert community restitution obligation to total or partial confinement;

(d) If the court finds that the violation was not willful, the court may modify its previous order regarding community restitution obligations; and

(e) If the violation involves a failure to undergo or comply with a mental health status evaluation and/or outpatient mental health treatment, the court shall seek a recommendation from the treatment provider or proposed treatment

provider. Enforcement of orders concerning outpatient mental health treatment must reflect the availability of treatment and must pursue the least restrictive means of promoting participation in treatment. If the offender's failure to receive care essential for health and safety presents a risk of serious physical harm or probable harmful consequences, the civil detention and commitment procedures of chapter 71.05 RCW shall be considered in preference to incarceration in a local or state correctional facility.

(3) If an offender fails to pay legal financial obligations as a requirement of a sentence the following provisions apply:

(a) The court, upon the motion of the state, or upon its own motion, shall require the offender to show cause why the offender should not be punished for the noncompliance. The court may issue a summons or a warrant of arrest for the offender's appearance;

(b) The state has the burden of showing noncompliance by a preponderance of the evidence;

(c) The court may not sanction the offender for failure to pay legal financial obligations unless the court finds, after a hearing and on the record, that the failure to pay is willful. A failure to pay is willful if the offender has the current ability to pay but refuses to do so. In determining whether the offender has the current ability to pay, the court shall inquire into and consider: (i) The offender's income and assets; (ii) the offender's basic living costs as defined by RCW 10.101.010 and other liabilities including child support and other legal financial obligations; and (iii) the offender's bona fide efforts to acquire additional resources. An offender who is indigent as defined ~~((by [in]))~~ in RCW 10.01.160(3) is presumed to lack the current ability to pay;

(d) If the court determines that the offender is homeless or a person who is mentally ill, as defined in RCW 71.24.025, failure to pay a legal financial obligation is not willful noncompliance and shall not subject the offender to penalties;

(e) If the court finds that a failure to pay is willful noncompliance, it may impose the sanctions specified in RCW 9.94A.633(1); and

(f) If the court finds that the violation was not willful, the court may, and if the court finds that the defendant is indigent as defined in RCW 10.01.160(3), the court shall modify the terms of payment of the legal financial obligations, reduce or waive nonrestitution legal financial obligations, or convert nonrestitution legal financial obligations to community restitution hours, if the jurisdiction operates a community restitution program, at the rate of no less than the state minimum wage established in RCW 49.46.020 for each hour of community restitution. ~~((The crime victim penalty assessment under RCW 7.68.035 may not be reduced, waived, or converted to community restitution hours.))~~

(4) Any time served in confinement awaiting a hearing on noncompliance shall be credited against any confinement ordered by the court.

(5) Nothing in this section prohibits the filing of escape charges if appropriate.

Sec. 9. RCW 9.94A.760 and 2022 c 260 s 4 and 2022 c 29 s 4 are each reenacted and amended to read as follows:

(1) Whenever a person is convicted in superior court, the court may order the payment of a legal financial obligation as part of the sentence. The court may

not order an offender to pay costs as described in RCW 10.01.160 if the court finds that the offender at the time of sentencing is indigent as defined in RCW 10.01.160(3). An offender being indigent as defined in RCW 10.01.160(3) is not grounds for failing to impose restitution (~~(or the crime victim penalty assessment under RCW 7.68.035)~~), subject to RCW 9.94A.750(3) and 9.94A.753(3). The court must on either the judgment and sentence or on a subsequent order to pay, designate the total amount of a legal financial obligation and segregate this amount among the separate assessments made for restitution, costs, fines, and other assessments required by law. On the same order, the court is also to set a sum that the offender is required to pay on a monthly basis towards satisfying the legal financial obligation. If the court fails to set the offender monthly payment amount, the department shall set the amount if the department has active supervision of the offender, otherwise the county clerk shall set the amount.

(2) Upon receipt of each payment made by or on behalf of an offender, the county clerk shall distribute the payment in the following order of priority until satisfied:

(a) First, proportionally to restitution to victims that have not been fully compensated from other sources;

(b) Second, proportionally to restitution to insurance or other sources with respect to a loss that has provided compensation to victims;

(c) Third, proportionally to crime victims' assessments that have not been waived under RCW 7.68.035; and

(d) Fourth, proportionally to costs, fines, and other assessments required by law.

(3) If the court determines that the offender, at the time of sentencing, has the means to pay for the cost of incarceration, the court may require the offender to pay for the cost of incarceration. The court shall not order the offender to pay the cost of incarceration if the court finds that the offender at the time of sentencing is indigent as defined in RCW 10.01.160(3). Costs of incarceration ordered by the court shall not exceed a rate of \$50 per day of incarceration, if incarcerated in a prison, or the actual cost of incarceration per day of incarceration, if incarcerated in a county jail. In no case may the court require the offender to pay more than \$100 per day for the cost of incarceration. All funds recovered from offenders for the cost of incarceration in the county jail shall be remitted to the county and the costs of incarceration in a prison shall be remitted to the department.

(4) The court may add to the judgment and sentence or subsequent order to pay a statement that a notice of payroll deduction is to be issued immediately. If the court chooses not to order the immediate issuance of a notice of payroll deduction at sentencing, the court shall add to the judgment and sentence or subsequent order to pay a statement that a notice of payroll deduction may be issued or other income-withholding action may be taken, without further notice to the offender if a monthly court-ordered legal financial obligation payment is not paid when due, and an amount equal to or greater than the amount payable for one month is owed.

If a judgment and sentence or subsequent order to pay does not include the statement that a notice of payroll deduction may be issued or other income-withholding action may be taken if a monthly legal financial obligation payment is past due, the department or the county clerk may serve a notice on the offender

stating such requirements and authorizations. Service shall be by personal service or any form of mail requiring a return receipt.

(5)(a) Independent of the department or the county clerk, the party or entity to whom the legal financial obligation is owed shall have the authority to use any other remedies available to the party or entity to collect the legal financial obligation. These remedies include enforcement in the same manner as a judgment in a civil action by the party or entity to whom the legal financial obligation is owed. Restitution collected through civil enforcement must be paid through the registry of the court and must be distributed proportionately according to each victim's loss when there is more than one victim. The judgment and sentence shall identify the party or entity to whom restitution is owed so that the state, party, or entity may enforce the judgment.

(b) If restitution is ordered pursuant to RCW 9.94A.750(6) or 9.94A.753(6) to a victim of rape of a child or a victim's child born from the rape, the Washington state child support registry shall be identified as the party to whom payments must be made. Restitution obligations arising from the rape of a child in the first, second, or third degree that result in the pregnancy of the victim may be enforced for the time periods provided under RCW 9.94A.750(6) and 9.94A.753(6).

(c) All other restitution obligations for an offense committed prior to July 1, 2000, may be enforced at any time during the 10-year period following the offender's release from total confinement or within 10 years of entry of the judgment and sentence, whichever period ends later. Prior to the expiration of the initial 10-year period, the superior court may extend the criminal judgment an additional 10 years for payment of restitution obligations. All other restitution obligations for an offense committed on or after July 1, 2000, may be enforced at any time the offender remains under the court's jurisdiction. For an offense committed on or after July 1, 2000, the court shall retain jurisdiction over the offender, for purposes of the offender's compliance with payment of the restitution obligations, until the obligation is completely satisfied, regardless of the statutory maximum for the crime.

(d) All other legal financial obligations other than restitution may be enforced at any time during the 10-year period following the offender's release from total confinement or within 10 years of entry of the judgment and sentence, whichever period ends later. Prior to the expiration of the initial 10-year period, the superior court may extend the criminal judgment an additional 10 years for payment of nonrestitution legal financial obligations only if the court finds that the offender has the current or likely future ability to pay the obligations. A person does not have the current ability to pay if the person is indigent as defined in RCW 10.01.160(3).

(e) The department may only supervise the offender's compliance with payment of the legal financial obligations during any period in which the department is authorized to supervise the offender in the community under RCW 9.94A.728, 9.94A.501, or in which the offender is confined in a state correctional institution or a correctional facility pursuant to a transfer agreement with the department, and the department shall supervise the offender's compliance during any such period. The department is not responsible for supervision of the offender during any subsequent period of time the offender remains under the court's jurisdiction. The county clerk is authorized to collect

unpaid legal financial obligations at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations.

(6) In order to assist the court in setting a monthly sum that the offender must pay during the period of supervision, the offender is required to report to the department for purposes of preparing a recommendation to the court. When reporting, the offender is required, under oath, to respond truthfully and honestly to all questions concerning present, past, and future earning capabilities and the location and nature of all property or financial assets. The offender is further required to bring all documents requested by the department.

(7) After completing the investigation, the department shall make a report to the court on the amount of the monthly payment that the offender should be required to make towards a satisfied legal financial obligation.

(8)(a) During the period of supervision, the department may make a recommendation to the court that the offender's monthly payment schedule be modified so as to reflect a change in financial circumstances. If the department sets the monthly payment amount, the department may modify the monthly payment amount without the matter being returned to the court. During the period of supervision, the department may require the offender to report to the department for the purposes of reviewing the appropriateness of the collection schedule for the legal financial obligation. During this reporting, the offender is required under oath to respond truthfully and honestly to all questions concerning earning capabilities and the location and nature of all property or financial assets. The offender shall bring all documents requested by the department in order to prepare the collection schedule.

(b) Subsequent to any period of supervision, or if the department is not authorized to supervise the offender in the community, the county clerk may make a recommendation to the court that the offender's monthly payment schedule be modified so as to reflect a change in financial circumstances. If the county clerk sets the monthly payment amount, or if the department set the monthly payment amount and the department has subsequently turned the collection of the legal financial obligation over to the county clerk, the clerk may modify the monthly payment amount without the matter being returned to the court. During the period of repayment, the county clerk may require the offender to report to the clerk for the purpose of reviewing the appropriateness of the collection schedule for the legal financial obligation. During this reporting, the offender is required under oath to respond truthfully and honestly to all questions concerning earning capabilities and the location and nature of all property or financial assets. The offender shall bring all documents requested by the county clerk in order to prepare the collection schedule.

(9) After the judgment and sentence or payment order is entered, the department is authorized, for any period of supervision, to collect the legal financial obligation from the offender. Subsequent to any period of supervision or, if the department is not authorized to supervise the offender in the community, the county clerk is authorized to collect unpaid legal financial obligations from the offender. Any amount collected by the department shall be remitted daily to the county clerk for the purpose of disbursements. The department and the county clerks are authorized, but not required, to accept credit cards as payment for a legal financial obligation, and any costs incurred

related to accepting credit card payments shall be the responsibility of the offender.

(10) The department or any obligee of the legal financial obligation may seek a mandatory wage assignment for the purposes of obtaining satisfaction for the legal financial obligation pursuant to RCW 9.94A.7701. Any party obtaining a wage assignment shall notify the county clerk. The county clerks shall notify the department, or the administrative office of the courts, whichever is providing the monthly billing for the offender.

(11) The requirement that the offender pay a monthly sum towards a legal financial obligation constitutes a condition or requirement of a sentence and the offender is subject to the penalties for noncompliance as provided in RCW 9.94B.040, 9.94A.737, or 9.94A.740. If the court determines that the offender is homeless or a person who is mentally ill, as defined in RCW 71.24.025, failure to pay a legal financial obligation is not willful noncompliance and shall not subject the offender to penalties.

(12)(a) The administrative office of the courts shall mail individualized periodic billings to the address known by the office for each offender with an unsatisfied legal financial obligation.

(b) The billing shall direct payments to the county clerk.

(c) The county clerk shall provide the administrative office of the courts with notice of payments by such offenders no less frequently than weekly.

(d) The county clerks, the administrative office of the courts, and the department shall maintain agreements to implement this subsection.

(13) The department shall arrange for the collection of unpaid legal financial obligations during any period of supervision in the community through the county clerk. The department shall either collect unpaid legal financial obligations or arrange for collections through another entity if the clerk does not assume responsibility or is unable to continue to assume responsibility for collection pursuant to subsection (5) of this section. The costs for collection services shall be paid by the offender.

(14) The county clerk may access the records of the employment security department for the purposes of verifying employment or income, seeking any assignment of wages, or performing other duties necessary to the collection of an offender's legal financial obligations.

(15) Nothing in this chapter makes the department, the state, the counties, or any state or county employees, agents, or other persons acting on their behalf liable under any circumstances for the payment of these legal financial obligations or for the acts of any offender who is no longer, or was not, subject to supervision by the department for a term of community custody, and who remains under the jurisdiction of the court for payment of legal financial obligations.

Sec. 10. RCW 9.94B.040 and 2022 c 260 s 14 are each amended to read as follows:

(1) If an offender violates any condition or requirement of a sentence, the court may modify its order of judgment and sentence and impose further punishment in accordance with this section.

(2) In cases where conditions from a second or later sentence of community supervision begin prior to the term of the second or later sentence, the court shall

treat a violation of such conditions as a violation of the sentence of community supervision currently being served.

(3) If an offender fails to comply with any of the nonfinancial requirements or conditions of a sentence the following provisions apply:

(a)(i) Following the violation, if the offender and the department make a stipulated agreement, the department may impose sanctions such as work release, home detention with electronic monitoring, work crew, community restitution, inpatient treatment, daily reporting, curfew, educational or counseling sessions, supervision enhanced through electronic monitoring, jail time, or other sanctions available in the community.

(ii) Within 72 hours of signing the stipulated agreement, the department shall submit a report to the court and the prosecuting attorney outlining the violation or violations, and sanctions imposed. Within 15 days of receipt of the report, if the court is not satisfied with the sanctions, the court may schedule a hearing and may modify the department's sanctions. If this occurs, the offender may withdraw from the stipulated agreement.

(iii) If the offender fails to comply with the sanction administratively imposed by the department, the court may take action regarding the original noncompliance. Offender failure to comply with the sanction administratively imposed by the department may be considered an additional violation;

(b) In the absence of a stipulated agreement, or where the court is not satisfied with the department's sanctions as provided in (a) of this subsection, the court, upon the motion of the state, or upon its own motion, shall require the offender to show cause why the offender should not be punished for the noncompliance. The court may issue a summons or a warrant of arrest for the offender's appearance;

(c) The state has the burden of showing noncompliance by a preponderance of the evidence. If the court finds that the violation has occurred, it may order the offender to be confined for a period not to exceed 60 days for each violation, and may (i) convert a term of partial confinement to total confinement, (ii) convert community restitution obligation to total or partial confinement, or (iii) order one or more of the penalties authorized in (a)(i) of this subsection. Any time served in confinement awaiting a hearing on noncompliance shall be credited against any confinement order by the court;

(d) If the court finds that the violation was not willful, the court may modify its previous order regarding community restitution obligations; and

(e) If the violation involves a failure to undergo or comply with mental status evaluation and/or outpatient mental health treatment, the community corrections officer shall consult with the treatment provider or proposed treatment provider. Enforcement of orders concerning outpatient mental health treatment must reflect the availability of treatment and must pursue the least restrictive means of promoting participation in treatment. If the offender's failure to receive care essential for health and safety presents a risk of serious physical harm or probable harmful consequences, the civil detention and commitment procedures of chapter 71.05 RCW shall be considered in preference to incarceration in a local or state correctional facility.

(4) If the violation involves failure to pay legal financial obligations, the following provisions apply:

(a) The department and the offender may enter into a stipulated agreement that the failure to pay was willful noncompliance, according to the provisions and requirements of subsection (3)(a) of this section;

(b) In the absence of a stipulated agreement, or where the court is not satisfied with the department's sanctions as provided in a stipulated agreement under (a) of this subsection, the court, upon the motion of the state, or upon its own motion, shall require the offender to show cause why the offender should not be punished for the noncompliance. The court may issue a summons or a warrant of arrest for the offender's appearance;

(c) The state has the burden of showing noncompliance by a preponderance of the evidence. The court may not sanction the offender for failure to pay legal financial obligations unless the court finds, after a hearing and on the record, that the failure to pay is willful. A failure to pay is willful if the offender has the current ability to pay but refuses to do so. In determining whether the offender has the current ability to pay, the court shall inquire into and consider: (i) The offender's income and assets; (ii) the offender's basic living costs as defined by RCW 10.101.010 and other liabilities including child support and other legal financial obligations; and (iii) the offender's bona fide efforts to acquire additional resources. An offender who is indigent as defined ~~((by [int])~~ in RCW 10.01.160(3) is presumed to lack the current ability to pay;

(d) If the court determines that the offender is homeless or a person who is mentally ill, as defined in RCW 71.24.025, failure to pay a legal financial obligation is not willful noncompliance and shall not subject the offender to penalties;

(e) If the court finds that the failure to pay is willful noncompliance, the court may order the offender to be confined for a period not to exceed 60 days for each violation or order one or more of the penalties authorized in subsection (3)(a)(i) of this section; and

(f) If the court finds that the violation was not willful, the court may, and if the court finds that the defendant is indigent as defined in RCW 10.01.160(3), the court shall modify the terms of payment of the legal financial obligations, reduce or waive nonrestitution legal financial obligations, or convert nonrestitution legal financial obligations to community restitution hours, if the jurisdiction operates a community restitution program, at the rate of no less than the state minimum wage established in RCW 49.46.020 for each hour of community restitution. ~~((The crime victim penalty assessment under RCW 7.68.035 may not be reduced, waived, or converted to community restitution hours.))~~

(5) The community corrections officer may obtain information from the offender's mental health treatment provider on the offender's status with respect to evaluation, application for services, registration for services, and compliance with the supervision plan, without the offender's consent, as described under RCW 71.05.630.

(6) An offender under community placement or community supervision who is civilly detained under chapter 71.05 RCW, and subsequently discharged or conditionally released to the community, shall be under the supervision of the department of corrections for the duration of his or her period of community placement or community supervision. During any period of inpatient mental health treatment that falls within the period of community placement or

community supervision, the inpatient treatment provider and the supervising community corrections officer shall notify each other about the offender's discharge, release, and legal status, and shall share other relevant information.

(7) Nothing in this section prohibits the filing of escape charges if appropriate.

Sec. 11. RCW 9.95.210 and 2022 c 260 s 7 are each amended to read as follows:

(1)(a) Except as provided in (b) of this subsection in granting probation, the superior court may suspend the imposition or the execution of the sentence and may direct that the suspension may continue upon such conditions and for such time as it shall designate, not exceeding the maximum term of sentence or two years, whichever is longer.

(b) For a defendant sentenced for a domestic violence offense, or under RCW 46.61.5055, the superior court may suspend the imposition or the execution of the sentence and may direct that the suspension continue upon such conditions and for such time as the court shall designate, not to exceed five years. The court shall have continuing jurisdiction and authority to suspend the execution of all or any part of the sentence upon stated terms, including installment payment of fines. A defendant who has been sentenced, and who then fails to appear for any hearing to address the defendant's compliance with the terms of probation when ordered to do so by the court shall have the term of probation tolled until such time as the defendant makes his or her presence known to the court on the record. Any time before entering an order terminating probation, the court may modify or revoke its order suspending the imposition or execution of the sentence if the defendant violates or fails to carry out any of the conditions of the suspended sentence.

(2) In the order granting probation and as a condition thereof, the superior court may in its discretion imprison the defendant in the county jail for a period not exceeding one year and may fine the defendant any sum not exceeding the statutory limit for the offense committed, and court costs. As a condition of probation, the superior court (~~shall require the payment of the penalty assessment required by RCW 7.68.035. The superior court~~) may (~~also~~) require the defendant to make such monetary payments, on such terms as it deems appropriate under the circumstances, as are necessary: (a) To comply with any order of the court for the payment of family support; (b) to make restitution to any person or persons who may have suffered loss or damage by reason of the commission of the crime in question or when the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement; (c) to pay such fine as may be imposed and court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required; (d) following consideration of the financial condition of the person subject to possible electronic monitoring, to pay for the costs of electronic monitoring if that monitoring was required by the court as a condition of release from custody or as a condition of probation; (e) to contribute to a county or interlocal drug fund; and (f) to make restitution to a public agency for the costs of an emergency response under RCW 38.52.430, and may require bonds for the faithful observance of any and all conditions imposed in the probation.

(3) The superior court shall order restitution in all cases where the victim is entitled to benefits under the crime victims' compensation act, chapter 7.68 RCW. If the superior court does not order restitution and the victim of the crime has been determined to be entitled to benefits under the crime victims' compensation act, the department of labor and industries, as administrator of the crime victims' compensation program, may petition the superior court within one year of imposition of the sentence for entry of a restitution order. Upon receipt of a petition from the department of labor and industries, the superior court shall hold a restitution hearing and shall enter a restitution order.

(4) At any time, including at sentencing, the court may determine that the offender is not required to pay, or may relieve the offender of the requirement to pay, full or partial restitution and accrued interest on restitution where the entity to whom restitution is owed is an insurer or a state agency, except for restitution owed to the department of labor and industries under chapter 7.68 RCW, if the court finds that the offender does not have the current or likely future ability to pay. A person does not have the current ability to pay if the person is indigent as defined in RCW 10.01.160(3). For the purposes of this subsection, the terms "insurer" and "state agency" have the same meanings as provided in RCW 9.94A.750(3).

(5) In granting probation, the superior court may order the probationer to report to the secretary of corrections or such officer as the secretary may designate and as a condition of the probation to follow the instructions of the secretary for up to twelve months. If the county legislative authority has elected to assume responsibility for the supervision of superior court misdemeanor probationers within its jurisdiction, the superior court misdemeanor probationer shall report to a probation officer employed or contracted for by the county. In cases where a superior court misdemeanor probationer is sentenced in one county, but resides within another county, there must be provisions for the probationer to report to the agency having supervision responsibility for the probationer's county of residence.

(6) If the probationer has been ordered to make restitution and the superior court has ordered supervision, the officer supervising the probationer shall make a reasonable effort to ascertain whether restitution has been made. If the superior court has ordered supervision and restitution has not been made as ordered, the officer shall inform the prosecutor of that violation of the terms of probation not less than three months prior to the termination of the probation period. The secretary of corrections will promulgate rules and regulations for the conduct of the person during the term of probation. For defendants found guilty in district court, like functions as the secretary performs in regard to probation may be performed by probation officers employed for that purpose by the county legislative authority of the county wherein the court is located.

(7) The provisions of RCW 9.94A.501 and 9.94A.5011 apply to sentences imposed under this section.

(8) For purposes of this section, "domestic violence" means the same as in RCW 10.99.020.

Sec. 12. RCW 10.01.180 and 2022 c 260 s 15 are each amended to read as follows:

(1) A defendant sentenced to pay any fine, penalty, assessment, fee, or costs who willfully defaults in the payment thereof or of any installment is in

contempt of court as provided in chapter 7.21 RCW. The court may issue a warrant of arrest for his or her appearance.

(2) When any fine, penalty, assessment, fee, or assessment of costs is imposed on a corporation or unincorporated association, it is the duty of the person authorized to make disbursement from the assets of the corporation or association to pay the obligation from those assets, and his or her failure to do so may be held to be contempt.

(3)(a) The court shall not sanction a defendant for contempt based on failure to pay fines, penalties, assessments, fees, or costs unless the court finds, after a hearing and on the record, that the failure to pay is willful. A failure to pay is willful if the defendant has the current ability to pay but refuses to do so.

(b) In determining whether the defendant has the current ability to pay, the court shall inquire into and consider: (i) The defendant's income and assets; (ii) the defendant's basic living costs as defined by RCW 10.101.010 and other liabilities including child support and other legal financial obligations; and (iii) the defendant's bona fide efforts to acquire additional resources. A defendant who is indigent as defined ~~((by [in]))~~ in RCW 10.01.160(3) is presumed to lack the current ability to pay.

(c) If the court determines that the defendant is homeless or a person who is mentally ill, as defined in RCW 71.24.025, failure to pay a legal financial obligation is not willful contempt and shall not subject the defendant to penalties.

(4) If a term of imprisonment for contempt for nonpayment of any fine, penalty, assessment, fee, or costs is ordered, the term of imprisonment shall be set forth in the commitment order, and shall not exceed one day for each \$25 of the amount ordered, 30 days if the amount ordered of costs was imposed upon conviction of a violation or misdemeanor, or one year in any other case, whichever is the shorter period. A person committed for nonpayment of any fine, penalty, assessment, fee, or costs shall be given credit toward payment for each day of imprisonment at the rate specified in the commitment order.

(5) If it appears to the satisfaction of the court that the default in the payment of any fine, penalty, assessment, fee, or costs is not willful contempt, the court may, and if the defendant is indigent as defined in RCW 10.01.160(3), the court shall enter an order: (a) Allowing the defendant additional time for payment; (b) reducing the amount thereof or of each installment; (c) revoking the fine, penalty, assessment, fee, or costs or the unpaid portion thereof in whole or in part; or (d) converting the unpaid fine, penalty, assessment, fee, or costs to community restitution hours, if the jurisdiction operates a community restitution program, at the rate of no less than the state minimum wage established in RCW 49.46.020 for each hour of community restitution. ~~((The crime victim penalty assessment under RCW 7.68.035 may not be reduced, revoked, or converted to community restitution hours.))~~

(6) A default in the payment of any fine, penalty, assessment, fee, or costs or any installment thereof may be collected by any means authorized by law for the enforcement of a judgment. The levy of execution for the collection of any fine, penalty, assessment, fee, or costs shall not discharge a defendant committed to imprisonment for contempt until the amount has actually been collected.

Sec. 13. RCW 10.82.090 and 2022 c 260 s 12 are each amended to read as follows:

(1) Except as provided in subsections (2) and (3) of this section and RCW 3.50.100, 3.62.020, and 35.20.220, restitution imposed in a judgment shall bear interest from the date of the judgment until payment, at the rate applicable to civil judgments. As of June 7, 2018, no interest shall accrue on nonrestitution legal financial obligations. All nonrestitution interest retained by the court shall be split 25 percent to the state treasurer for deposit in the state general fund, 25 percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, 25 percent to the county current expense fund, and 25 percent to the county current expense fund to fund local courts.

(2) The court may elect not to impose interest on any restitution the court orders. Before determining not to impose interest on restitution, the court shall inquire into and consider the following factors: (a) Whether the offender is indigent as defined in RCW ~~((10.101.010(3)))~~ 10.01.160(3) or general rule 34; (b) the offender's available funds, as defined in RCW 10.101.010(2), and other liabilities including child support and other legal financial obligations; (c) whether the offender is homeless; and (d) whether the offender is mentally ill, as defined in RCW 71.24.025. The court shall also consider the victim's input, if any, as it relates to any financial hardship caused to the victim if interest is not imposed. The court may also consider any other information that the court believes, in the interest of justice, relates to not imposing interest on restitution. After consideration of these factors, the court may waive the imposition of restitution interest.

(3) The court may, on motion by the offender, reduce or waive the interest on legal financial obligations levied as a result of a criminal conviction as follows:

(a) The court shall waive all interest on the portions of the legal financial obligations that are not restitution that accrued prior to June 7, 2018;

(b) The court may waive or reduce interest on the restitution portion of the legal financial obligations only if the principal has been paid in full, except as provided in (c) of this subsection. The court may grant the motion, establish a payment schedule, and retain jurisdiction over the offender for purposes of reviewing and revising the reduction or waiver of interest;

(c) The court may, following the offender's release from total confinement, waive or reduce interest on restitution that accrued during the offender's period of incarceration if the court finds that the offender does not have the current or likely future ability to pay. A person does not have the current ability to pay if the person is indigent as defined in RCW 10.01.160(3). The prosecuting attorney shall make reasonable efforts to notify the victim entitled to restitution of the date and place of the hearing. The court shall also consider the victim's input, if any, as it relates to any financial hardship caused to the victim if interest is reduced or waived.

(4) This section only applies to adult offenders.

NEW SECTION. Sec. 14. A new section is added to chapter 13.40 RCW to read as follows:

No fine, administrative fee, cost, or surcharge may be imposed or collected by the court or any agent of the court against any juvenile or a juvenile's parent or guardian, or other person having custody of the juvenile, in connection with any juvenile offender proceeding including, but not limited to, fees for diversion, DNA sampling, or victims' penalty assessments.

Sec. 15. RCW 13.40.020 and 2021 c 328 s 5 and 2021 c 206 s 3 are each reenacted and amended to read as follows:

For the purposes of this chapter:

(1) "Assessment" means an individualized examination of a child to determine the child's psychosocial needs and problems, including the type and extent of any mental health, substance abuse, or co-occurring mental health and substance abuse disorders, and recommendations for treatment. "Assessment" includes, but is not limited to, drug and alcohol evaluations, psychological and psychiatric evaluations, records review, clinical interview, and administration of a formal test or instrument;

(2) "Community-based rehabilitation" means one or more of the following: Employment; attendance of information classes; literacy classes; counseling, outpatient substance abuse treatment programs, outpatient mental health programs, anger management classes, education or outpatient treatment programs to prevent animal cruelty, or other services including, when appropriate, restorative justice programs; or attendance at school or other educational programs appropriate for the juvenile as determined by the school district. Placement in community-based rehabilitation programs is subject to available funds;

(3) "Community-based sanctions" may include ~~((one or more of the following:~~

~~(a) A fine, not to exceed \$500;~~

~~(b) Community))~~ community restitution not to exceed 150 hours of community restitution;

(4) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense. Community restitution may be performed through public or private organizations or through work crews;

(5) "Community supervision" means an order of disposition by the court of an adjudicated youth not committed to the department or an order granting a deferred disposition. A community supervision order for a single offense may be for a period of up to two years for a sex offense as defined by RCW 9.94A.030 and up to one year for other offenses. As a mandatory condition of any term of community supervision, the court shall order the juvenile to refrain from committing new offenses. As a mandatory condition of community supervision, the court shall order the juvenile to comply with the mandatory school attendance provisions of chapter 28A.225 RCW and to inform the school of the existence of this requirement. Community supervision is an individualized program comprised of one or more of the following:

(a) Community-based sanctions;

(b) Community-based rehabilitation;

(c) Monitoring and reporting requirements;

(d) Posting of a probation bond;

(e) Residential treatment, where substance abuse, mental health, and/or co-occurring disorders have been identified in an assessment by a qualified mental health professional, psychologist, psychiatrist, co-occurring disorder specialist, or substance use disorder professional and a funded bed is available. If a child agrees to voluntary placement in a state-funded long-term evaluation and treatment facility, the case must follow the existing placement procedure

including consideration of less restrictive treatment options and medical necessity.

(i) A court may order residential treatment after consideration and findings regarding whether:

- (A) The referral is necessary to rehabilitate the child;
- (B) The referral is necessary to protect the public or the child;
- (C) The referral is in the child's best interest;
- (D) The child has been given the opportunity to engage in less restrictive treatment and has been unable or unwilling to comply; and
- (E) Inpatient treatment is the least restrictive action consistent with the child's needs and circumstances.

(ii) In any case where a court orders a child to inpatient treatment under this section, the court must hold a review hearing no later than 60 days after the youth begins inpatient treatment, and every 30 days thereafter, as long as the youth is in inpatient treatment;

(6) "Community transition services" means a therapeutic and supportive community-based custody option in which:

(a) A person serves a portion of their term of confinement residing in the community, outside of department institutions and community facilities;

(b) The department supervises the person in part through the use of technology that is capable of determining or identifying the monitored person's presence or absence at a particular location;

(c) The department provides access to developmentally appropriate, trauma-informed, racial equity-based, and culturally relevant programs to promote successful reentry; and

(d) The department prioritizes the delivery of available programming from individuals who share characteristics with the individual being served related to: Race, ethnicity, sexual identity, and gender identity;

(7) "Confinement" means physical custody by the department of children, youth, and families in a facility operated by or pursuant to a contract with the state, or physical custody in a detention facility operated by or pursuant to a contract with any county. The county may operate or contract with vendors to operate county detention facilities. The department may operate or contract to operate detention facilities for juveniles committed to the department. Pretrial confinement or confinement of less than 31 days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court;

(8) "Court," when used without further qualification, means the juvenile court judge(s) or commissioner(s);

(9) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense:

(a) The allegations were found correct by a court. If a respondent is convicted of two or more charges arising out of the same course of conduct, only the highest charge from among these shall count as an offense for the purposes of this chapter; or

(b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history. A successfully completed deferred

adjudication that was entered before July 1, 1998, or a deferred disposition shall not be considered part of the respondent's criminal history;

(10) "Custodial interrogation" means express questioning or other actions or words by a law enforcement officer which are reasonably likely to elicit an incriminating response from an individual and occurs when reasonable individuals in the same circumstances would consider themselves in custody;

(11) "Department" means the department of children, youth, and families;

(12) "Detention facility" means a county facility, paid for by the county, for the physical confinement of a juvenile alleged to have committed an offense or an adjudicated offender subject to a disposition or modification order. "Detention facility" includes county group homes, inpatient substance abuse programs, juvenile basic training camps, and electronic monitoring;

(13) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender, or any other person, community accountability board, youth court under the supervision of the juvenile court, or other entity with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.40.080, or any person, community accountability board, or other entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter. For purposes of this subsection, "community accountability board" means a board comprised of members of the local community in which the juvenile offender resides. The superior court shall appoint the members. The boards shall consist of at least three and not more than seven members. If possible, the board should include a variety of representatives from the community, such as a law enforcement officer, teacher or school administrator, high school student, parent, and business owner, and should represent the cultural diversity of the local community;

(14) "Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;

(15) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

(16) "Intensive supervision program" means a parole program that requires intensive supervision and monitoring, offers an array of individualized treatment and transitional services, and emphasizes community involvement and support in order to reduce the likelihood a juvenile offender will commit further offenses;

(17) "Juvenile," "youth," and "child" mean any individual who is under the chronological age of 18 years and who has not been previously transferred to adult court pursuant to RCW 13.40.110, unless the individual was convicted of a lesser charge or acquitted of the charge for which he or she was previously transferred pursuant to RCW 13.40.110 or who is not otherwise under adult court jurisdiction;

(18) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person 18 years of age or older over whom jurisdiction has been extended under RCW 13.40.300;

(19) "Labor" means the period of time before a birth during which contractions are of sufficient frequency, intensity, and duration to bring about effacement and progressive dilation of the cervix;

(20) "Local sanctions" means one or more of the following: (a) 0-30 days of confinement; (b) 0-12 months of community supervision; or (c) 0-150 hours of community restitution(~~(+ or (d) \$0-\$500 fine)~~);

(21) "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile or would impose a serious, and clear danger to society in light of the purposes of this chapter;

(22) "Monitoring and reporting requirements" means one or more of the following: Curfews; requirements to remain at home, school, work, or court-ordered treatment programs during specified hours; restrictions from leaving or entering specified geographical areas; requirements to report to the probation officer as directed and to remain under the probation officer's supervision; and other conditions or limitations as the court may require which may not include confinement;

(23) "Offense" means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;

(24) "Physical restraint" means the use of any bodily force or physical intervention to control a juvenile offender or limit a juvenile offender's freedom of movement in a way that does not involve a mechanical restraint. Physical restraint does not include momentary periods of minimal physical restriction by direct person-to-person contact, without the aid of mechanical restraint, accomplished with limited force and designed to:

(a) Prevent a juvenile offender from completing an act that would result in potential bodily harm to self or others or damage property;

(b) Remove a disruptive juvenile offender who is unwilling to leave the area voluntarily; or

(c) Guide a juvenile offender from one location to another;

(25) "Postpartum recovery" means (a) the entire period a woman or youth is in the hospital, birthing center, or clinic after giving birth and (b) an additional time period, if any, a treating physician determines is necessary for healing after the youth leaves the hospital, birthing center, or clinic;

(26) "Probation bond" means a bond, posted with sufficient security by a surety justified and approved by the court, to secure the offender's appearance at required court proceedings and compliance with court-ordered community supervision or conditions of release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means a deposit of cash or posting of other collateral in lieu of a bond if approved by the court;

(27) "Respondent" means a juvenile who is alleged or proven to have committed an offense;

(28) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, lost wages resulting from physical injury, and costs of the victim's counseling reasonably related to the offense. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;

(29) "Restorative justice" means practices, policies, and programs informed by and sensitive to the needs of crime victims that are designed to encourage offenders to accept responsibility for repairing the harm caused by their offense by providing safe and supportive opportunities for voluntary participation and communication between the victim, the offender, their families, and relevant community members;

(30) "Restraints" means anything used to control the movement of a person's body or limbs and includes:

(a) Physical restraint; or

(b) Mechanical device including but not limited to: Metal handcuffs, plastic ties, ankle restraints, leather cuffs, other hospital-type restraints, tasers, or batons;

(31) "Risk assessment tool" means the statistically valid tool used by the department to inform release or placement decisions related to security level, release within the sentencing range, community facility eligibility, community transition services eligibility, and parole. The "risk assessment tool" is used by the department to predict the likelihood of successful reentry and future criminal behavior;

(32) "Screening" means a process that is designed to identify a child who is at risk of having mental health, substance abuse, or co-occurring mental health and substance abuse disorders that warrant immediate attention, intervention, or more comprehensive assessment. A screening may be undertaken with or without the administration of a formal instrument;

(33) "Secretary" means the secretary of the department;

(34) "Services" means services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter;

(35) "Sex offense" means an offense defined as a sex offense in RCW 9.94A.030;

(36) "Sexual motivation" means that one of the purposes for which the respondent committed the offense was for the purpose of the respondent's sexual gratification;

(37) "Surety" means an entity licensed under state insurance laws or by the state department of licensing, to write corporate, property, or probation bonds within the state, and justified and approved by the superior court of the county having jurisdiction of the case;

(38) "Transportation" means the conveying, by any means, of an incarcerated pregnant youth from the institution or detention facility to another location from the moment she leaves the institution or detention facility to the time of arrival at the other location, and includes the escorting of the pregnant incarcerated youth from the institution or detention facility to a transport vehicle and from the vehicle to the other location;

(39) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration;

(40) "Violent offense" means a violent offense as defined in RCW 9.94A.030;

(41) "Youth court" means a diversion unit under the supervision of the juvenile court.

Sec. 16. RCW 13.40.020 and 2021 c 328 s 5 are each amended to read as follows:

For the purposes of this chapter:

(1) "Assessment" means an individualized examination of a child to determine the child's psychosocial needs and problems, including the type and extent of any mental health, substance abuse, or co-occurring mental health and substance abuse disorders, and recommendations for treatment. "Assessment" includes, but is not limited to, drug and alcohol evaluations, psychological and psychiatric evaluations, records review, clinical interview, and administration of a formal test or instrument;

(2) "Community-based rehabilitation" means one or more of the following: Employment; attendance of information classes; literacy classes; counseling, outpatient substance abuse treatment programs, outpatient mental health programs, anger management classes, education or outpatient treatment programs to prevent animal cruelty, or other services including, when appropriate, restorative justice programs; or attendance at school or other educational programs appropriate for the juvenile as determined by the school district. Placement in community-based rehabilitation programs is subject to available funds;

(3) "Community-based sanctions" may include ~~((one or more of the following:~~

~~(a) A fine, not to exceed \$500;~~

~~(b) Community))~~ community restitution not to exceed 150 hours of community restitution;

(4) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense. Community restitution may be performed through public or private organizations or through work crews;

(5) "Community supervision" means an order of disposition by the court of an adjudicated youth not committed to the department or an order granting a deferred disposition. A community supervision order for a single offense may be for a period of up to two years for a sex offense as defined by RCW 9.94A.030 and up to one year for other offenses. As a mandatory condition of any term of community supervision, the court shall order the juvenile to refrain from committing new offenses. As a mandatory condition of community supervision, the court shall order the juvenile to comply with the mandatory school attendance provisions of chapter 28A.225 RCW and to inform the school of the existence of this requirement. Community supervision is an individualized program comprised of one or more of the following:

(a) Community-based sanctions;

(b) Community-based rehabilitation;

(c) Monitoring and reporting requirements;

(d) Posting of a probation bond;

(e) Residential treatment, where substance abuse, mental health, and/or co-occurring disorders have been identified in an assessment by a qualified mental health professional, psychologist, psychiatrist, co-occurring disorder specialist, or substance use disorder professional and a funded bed is available. If a child agrees to voluntary placement in a state-funded long-term evaluation and treatment facility, the case must follow the existing placement procedure

including consideration of less restrictive treatment options and medical necessity.

(i) A court may order residential treatment after consideration and findings regarding whether:

(A) The referral is necessary to rehabilitate the child;

(B) The referral is necessary to protect the public or the child;

(C) The referral is in the child's best interest;

(D) The child has been given the opportunity to engage in less restrictive treatment and has been unable or unwilling to comply; and

(E) Inpatient treatment is the least restrictive action consistent with the child's needs and circumstances.

(ii) In any case where a court orders a child to inpatient treatment under this section, the court must hold a review hearing no later than 60 days after the youth begins inpatient treatment, and every 30 days thereafter, as long as the youth is in inpatient treatment;

(6) "Confinement" means physical custody by the department of children, youth, and families in a facility operated by or pursuant to a contract with the state, or physical custody in a detention facility operated by or pursuant to a contract with any county. The county may operate or contract with vendors to operate county detention facilities. The department may operate or contract to operate detention facilities for juveniles committed to the department. Pretrial confinement or confinement of less than 31 days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court;

(7) "Court," when used without further qualification, means the juvenile court judge(s) or commissioner(s);

(8) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense:

(a) The allegations were found correct by a court. If a respondent is convicted of two or more charges arising out of the same course of conduct, only the highest charge from among these shall count as an offense for the purposes of this chapter; or

(b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history. A successfully completed deferred adjudication that was entered before July 1, 1998, or a deferred disposition shall not be considered part of the respondent's criminal history;

(9) "Custodial interrogation" means express questioning or other actions or words by a law enforcement officer which are reasonably likely to elicit an incriminating response from an individual and occurs when reasonable individuals in the same circumstances would consider themselves in custody;

(10) "Department" means the department of children, youth, and families;

(11) "Detention facility" means a county facility, paid for by the county, for the physical confinement of a juvenile alleged to have committed an offense or an adjudicated offender subject to a disposition or modification order. "Detention facility" includes county group homes, inpatient substance abuse programs, juvenile basic training camps, and electronic monitoring;

(12) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender, or any other person, community accountability board, youth court under the supervision of the juvenile court, or other entity with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.40.080, or any person, community accountability board, or other entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter. For purposes of this subsection, "community accountability board" means a board comprised of members of the local community in which the juvenile offender resides. The superior court shall appoint the members. The boards shall consist of at least three and not more than seven members. If possible, the board should include a variety of representatives from the community, such as a law enforcement officer, teacher or school administrator, high school student, parent, and business owner, and should represent the cultural diversity of the local community;

(13) "Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;

(14) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

(15) "Intensive supervision program" means a parole program that requires intensive supervision and monitoring, offers an array of individualized treatment and transitional services, and emphasizes community involvement and support in order to reduce the likelihood a juvenile offender will commit further offenses;

(16) "Juvenile," "youth," and "child" mean any individual who is under the chronological age of 18 years and who has not been previously transferred to adult court pursuant to RCW 13.40.110, unless the individual was convicted of a lesser charge or acquitted of the charge for which he or she was previously transferred pursuant to RCW 13.40.110 or who is not otherwise under adult court jurisdiction;

(17) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person 18 years of age or older over whom jurisdiction has been extended under RCW 13.40.300;

(18) "Labor" means the period of time before a birth during which contractions are of sufficient frequency, intensity, and duration to bring about effacement and progressive dilation of the cervix;

(19) "Local sanctions" means one or more of the following: (a) 0-30 days of confinement; (b) 0-12 months of community supervision; or (c) 0-150 hours of community restitution(~~(; or (d) \$0-\$500 fine)~~);

(20) "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile or would impose a serious, and clear danger to society in light of the purposes of this chapter;

(21) "Monitoring and reporting requirements" means one or more of the following: Curfews; requirements to remain at home, school, work, or court-ordered treatment programs during specified hours; restrictions from leaving or entering specified geographical areas; requirements to report to the probation officer as directed and to remain under the probation officer's supervision; and

other conditions or limitations as the court may require which may not include confinement;

(22) "Offense" means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;

(23) "Physical restraint" means the use of any bodily force or physical intervention to control a juvenile offender or limit a juvenile offender's freedom of movement in a way that does not involve a mechanical restraint. Physical restraint does not include momentary periods of minimal physical restriction by direct person-to-person contact, without the aid of mechanical restraint, accomplished with limited force and designed to:

(a) Prevent a juvenile offender from completing an act that would result in potential bodily harm to self or others or damage property;

(b) Remove a disruptive juvenile offender who is unwilling to leave the area voluntarily; or

(c) Guide a juvenile offender from one location to another;

(24) "Postpartum recovery" means (a) the entire period a woman or youth is in the hospital, birthing center, or clinic after giving birth and (b) an additional time period, if any, a treating physician determines is necessary for healing after the youth leaves the hospital, birthing center, or clinic;

(25) "Probation bond" means a bond, posted with sufficient security by a surety justified and approved by the court, to secure the offender's appearance at required court proceedings and compliance with court-ordered community supervision or conditions of release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means a deposit of cash or posting of other collateral in lieu of a bond if approved by the court;

(26) "Respondent" means a juvenile who is alleged or proven to have committed an offense;

(27) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, lost wages resulting from physical injury, and costs of the victim's counseling reasonably related to the offense. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;

(28) "Restorative justice" means practices, policies, and programs informed by and sensitive to the needs of crime victims that are designed to encourage offenders to accept responsibility for repairing the harm caused by their offense by providing safe and supportive opportunities for voluntary participation and communication between the victim, the offender, their families, and relevant community members;

(29) "Restraints" means anything used to control the movement of a person's body or limbs and includes:

(a) Physical restraint; or

(b) Mechanical device including but not limited to: Metal handcuffs, plastic ties, ankle restraints, leather cuffs, other hospital-type restraints, tasers, or batons;

(30) "Screening" means a process that is designed to identify a child who is at risk of having mental health, substance abuse, or co-occurring mental health and substance abuse disorders that warrant immediate attention, intervention, or more comprehensive assessment. A screening may be undertaken with or without the administration of a formal instrument;

(31) "Secretary" means the secretary of the department;

(32) "Services" means services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter;

(33) "Sex offense" means an offense defined as a sex offense in RCW 9.94A.030;

(34) "Sexual motivation" means that one of the purposes for which the respondent committed the offense was for the purpose of the respondent's sexual gratification;

(35) "Surety" means an entity licensed under state insurance laws or by the state department of licensing, to write corporate, property, or probation bonds within the state, and justified and approved by the superior court of the county having jurisdiction of the case;

(36) "Transportation" means the conveying, by any means, of an incarcerated pregnant youth from the institution or detention facility to another location from the moment she leaves the institution or detention facility to the time of arrival at the other location, and includes the escorting of the pregnant incarcerated youth from the institution or detention facility to a transport vehicle and from the vehicle to the other location;

(37) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration;

(38) "Violent offense" means a violent offense as defined in RCW 9.94A.030;

(39) "Youth court" means a diversion unit under the supervision of the juvenile court.

Sec. 17. RCW 13.40.162 and 2020 c 249 s 1 are each amended to read as follows:

(1) A juvenile offender is eligible for the special sex offender disposition alternative when:

(a) The offender is found to have committed a sex offense, other than a sex offense that is also a serious violent offense as defined by RCW 9.94A.030, and the offender has no history of a prior sex offense; or

(b) The offender is found to have committed assault in the fourth degree with sexual motivation, and the offender has no history of a prior sex offense.

(2) If the court finds the offender is eligible for this alternative, the court, on its own motion or the motion of the state or the respondent, may order an examination to determine whether the respondent is amenable to treatment.

(a) The report of the examination shall include at a minimum the following:

(i) The respondent's version of the facts and the official version of the facts;

(ii) The respondent's offense history;

(iii) An assessment of problems in addition to alleged deviant behaviors;

(iv) The respondent's social, educational, and employment situation;

(v) Other evaluation measures used.

The report shall set forth the sources of the evaluator's information.

(b) The examiner shall assess and report regarding the respondent's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

(i) The frequency and type of contact between the offender and therapist;

(ii) Specific issues to be addressed in the treatment and description of planned treatment modalities;

(iii) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members, legal guardians, or others;

(iv) Anticipated length of treatment; and

(v) Recommended crime-related prohibitions.

(c) ~~((The))~~ For good cause shown, the court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. ~~((The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.))~~

(3) After receipt of reports of the examination, the court shall then consider whether the offender and the community will benefit from use of this special sex offender disposition alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this section. If the court determines that this special sex offender disposition alternative is appropriate, then the court shall impose a determinate disposition within the standard range for the offense, or if the court concludes, and enters reasons for its conclusions, that such disposition would cause a manifest injustice, the court shall impose a disposition under option D, and the court may suspend the execution of the disposition and place the offender on community supervision for at least two years.

(4) As a condition of the suspended disposition, the court may impose the conditions of community supervision and other conditions, including up to ~~((thirty))~~ 30 days of confinement and requirements that the offender do any one or more of the following:

(a) Devote time to a specific education, employment, or occupation;

(b) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The respondent shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the probation counselor, and the court, and shall not change providers without court approval after a hearing if the prosecutor or probation counselor object to the change;

(c) Remain within prescribed geographical boundaries and notify the court or the probation counselor prior to any change in the offender's address, educational program, or employment;

(d) Report to the prosecutor and the probation counselor prior to any change in a sex offender treatment provider. This change shall have prior approval by the court;

(e) Report as directed to the court and a probation counselor;

(f) Pay ~~((all court ordered legal financial obligations, perform))~~ restitution and perform community restitution, or any combination thereof;

(g) Make restitution to the victim for the cost of any counseling reasonably related to the offense; or

(h) Comply with the conditions of any court-ordered probation bond.

(5) If the court orders ~~((twenty-four))~~ 24 hour, continuous monitoring of the offender while on probation, the court shall include the basis for this condition in its findings.

(6)(a) The court must order the offender not to attend the public or approved private elementary, middle, or high school attended by the victim or the victim's siblings.

(b) The parents or legal guardians of the offender are responsible for transportation or other costs associated with the offender's change of school that would otherwise be paid by the school district.

(c) The court shall send notice of the disposition and restriction on attending the same school as the victim or victim's siblings to the public or approved private school the juvenile will attend, if known, or if unknown, to the approved private schools and the public school district board of directors of the district in which the juvenile resides or intends to reside. This notice must be sent at the earliest possible date but not later than ~~((ten))~~ 10 calendar days after entry of the disposition.

(7) For offenders required to register under RCW 9A.44.130, at the end of the supervision ordered under this disposition alternative, there is a presumption that the offender is sufficiently rehabilitated to warrant removal from the central registry of sex offenders. The court shall relieve the offender's duty to register unless the court finds that the offender is not sufficiently rehabilitated to warrant removal and may consider the following factors:

(a) The nature of the offense committed, including the number of victims and the length of the offense history;

(b) Any subsequent criminal history of the juvenile;

(c) The juvenile's compliance with supervision requirements;

(d) The length of time since the charged incident occurred;

(e) Any input from community corrections officers, juvenile parole or probation officers, law enforcement, or treatment providers;

(f) The juvenile's participation in sex offender treatment;

(g) The juvenile's participation in other treatment and rehabilitative programs;

(h) The juvenile's stability in employment and housing;

(i) The juvenile's community and personal support system;

(j) Any risk assessments or evaluations prepared by a qualified professional related to the juvenile;

(k) Any updated polygraph examination completed by the juvenile;

(l) Any input of the victim; and

(m) Any other factors the court may consider relevant.

(8)(a) The sex offender treatment provider shall submit quarterly reports on the respondent's progress in treatment to the court and the parties. The reports shall reference the treatment plan and include at a minimum the following: Dates of attendance, respondent's compliance with requirements, treatment activities,

the respondent's relative progress in treatment, and any other material specified by the court at the time of the disposition.

(b) At the time of the disposition, the court may set treatment review hearings as the court considers appropriate.

(c) Except as provided in this subsection, examinations and treatment ordered pursuant to this subsection shall be conducted by qualified professionals as described under (d) of this subsection, certified sex offender treatment providers, or certified affiliate sex offender treatment providers under chapter 18.155 RCW.

(d) A sex offender therapist who examines or treats a juvenile sex offender pursuant to this subsection does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the therapist is a professional licensed under chapter 18.225 or 18.83 RCW and the treatment employed is evidence-based for sex offender treatment, or if the court finds that: (i) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (ii) no certified sex offender treatment providers or certified affiliate sex offender treatment providers are available for treatment within a reasonable geographical distance of the offender's home; and (iii) the evaluation and treatment plan comply with this subsection and the rules adopted by the department of health.

(9)(a) If the offender violates any condition of the disposition or the court finds that the respondent is failing to make satisfactory progress in treatment, the court may revoke the suspension and order execution of the disposition or the court may impose a penalty of up to (~~(thirty)~~) 30 days confinement for violating conditions of the disposition.

(b) The court may order both execution of the disposition and up to (~~(thirty)~~) 30 days confinement for the violation of the conditions of the disposition.

(c) The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked.

(10) For purposes of this section, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged. "Victim" may also include a known parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

(11) The respondent or the parent, guardian, or other person having custody of the respondent shall not be required to pay the cost of any evaluation or treatment of the respondent ordered under this section.

(12) A disposition entered under this section is not appealable under RCW 13.40.230.

Sec. 18. RCW 13.40.165 and 2019 c 325 s 5007 are each amended to read as follows:

(1) The purpose of this disposition alternative is to ensure that successful treatment options to reduce recidivism are available to eligible youth, pursuant to RCW 71.24.615. It is also the purpose of the disposition alternative to assure that minors in need of substance use disorder, mental health, and/or co-occurring disorder treatment receive an appropriate continuum of culturally relevant care and treatment, including prevention and early intervention, self-directed care, parent-directed care, and residential treatment. To facilitate the continuum of care and treatment to minors in out-of-home placements, all divisions of the

department that provide these services to minors shall jointly plan and deliver these services. It is also the purpose of the disposition alternative to protect the rights of minors against needless hospitalization and deprivations of liberty and to enable treatment decisions to be made in response to clinical needs and in accordance with sound professional judgment. The mental health, substance abuse, and co-occurring disorder treatment providers shall, to the extent possible, offer services that involve minors' parents, guardians, and family.

(2) The court must consider eligibility for the substance use disorder or mental health disposition alternative when a juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, other than a first time B+ offense under chapter 69.50 RCW. The court, on its own motion or the motion of the state or the respondent if the evidence shows that the offender may be chemically dependent, substance abusing, or has significant mental health or co-occurring disorders may order an examination by a substance use disorder counselor from a substance use disorder treatment facility approved under chapter 70.96A RCW or a mental health professional as defined in chapter 71.34 RCW to determine if the youth is chemically dependent, substance abusing, or suffers from significant mental health or co-occurring disorders. ~~((The offender shall pay the cost of any examination ordered under this subsection unless the court finds that the offender is indigent and no third party insurance coverage is available, in which case the state shall pay the cost.))~~ The state shall pay the cost of any examination ordered under this subsection unless third-party insurance coverage is available.

(3) The report of the examination shall include at a minimum the following: The respondent's version of the facts and the official version of the facts, the respondent's offense history, an assessment of drug-alcohol problems, mental health diagnoses, previous treatment attempts, the respondent's social, educational, and employment situation, and other evaluation measures used. The report shall set forth the sources of the examiner's information.

(4) The examiner shall assess and report regarding the respondent's relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

- (a) Whether inpatient and/or outpatient treatment is recommended;
- (b) Availability of appropriate treatment;
- (c) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members, legal guardians, or others;
- (d) Anticipated length of treatment; and
- (e) Recommended crime-related prohibitions.

(5) The court on its own motion may order, or on a motion by the state or the respondent shall order, a second examination. The evaluator shall be selected by the party making the motion. The requesting party shall pay the cost of any examination ordered under this subsection unless the requesting party is the offender ~~((and the court finds that the offender is indigent and no third party insurance coverage is available)),~~ in which case the state shall pay the cost if no third-party insurance coverage is available.

(6)(a) After receipt of reports of the examination, the court shall then consider whether the offender and the community will benefit from use of this

disposition alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this section.

(b) If the court determines that this disposition alternative is appropriate, then the court shall impose the standard range for the offense, or if the court concludes, and enters reasons for its conclusion, that such disposition would effectuate a manifest injustice, the court shall impose a disposition above the standard range as indicated in option D of RCW 13.40.0357 if the disposition is an increase from the standard range and the confinement of the offender does not exceed a maximum of ~~((fifty-two))~~ 52 weeks, suspend execution of the disposition, and place the offender on community supervision for up to one year. As a condition of the suspended disposition, the court shall require the offender to undergo available outpatient drug/alcohol, mental health, or co-occurring disorder treatment and/or inpatient mental health or drug/alcohol treatment. The court shall only order inpatient treatment under this section if a funded bed is available. If the inpatient treatment is longer than ~~((ninety))~~ 90 days, the court shall hold a review hearing every ~~((thirty))~~ 30 days beyond the initial ~~((ninety))~~ 90 days. The respondent may appear telephonically at these review hearings if in compliance with treatment. As a condition of the suspended disposition, the court may impose conditions of community supervision and other sanctions, including up to ~~((thirty))~~ 30 days of confinement, ~~((one hundred fifty))~~ 150 hours of community restitution, and payment of ~~((legal financial obligations and))~~ restitution.

(7) The mental health/co-occurring disorder/drug/alcohol treatment provider shall submit monthly reports on the respondent's progress in treatment to the court and the parties. The reports shall reference the treatment plan and include at a minimum the following: Dates of attendance, respondent's compliance with requirements, treatment activities, the respondent's relative progress in treatment, and any other material specified by the court at the time of the disposition.

At the time of the disposition, the court may set treatment review hearings as the court considers appropriate.

If the offender violates any condition of the disposition or the court finds that the respondent is failing to make satisfactory progress in treatment, the court may impose sanctions pursuant to RCW 13.40.200 or revoke the suspension and order execution of the disposition. The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked.

(8) For purposes of this section, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the offense charged. "Victim" may also include a known parent or guardian of a victim who is a minor child or is not a minor child but is incapacitated, incompetent, disabled, or deceased.

(9) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served.

(10) In no case shall the term of confinement imposed by the court at disposition exceed that to which an adult could be subjected for the same offense.

(11) A disposition under this section is not appealable under RCW 13.40.230.

(12) Subject to funds appropriated for this specific purpose, the costs incurred by the juvenile courts for the mental health, substance use disorder, and/or co-occurring disorder evaluations, treatment, and costs of supervision required under this section shall be paid by the health care authority.

(13) A juvenile, or the parent, guardian, or other person having custody of the juvenile shall not be required to pay the cost of any evaluation or treatment ordered under this section.

Sec. 19. RCW 13.40.180 and 2012 c 177 s 3 are each amended to read as follows:

(1) Where a disposition in a single disposition order is imposed on a youth for two or more offenses, the terms shall run consecutively, subject to the following limitations:

(a) Where the offenses were committed through a single act or omission, omission, or through an act or omission which in itself constituted one of the offenses and also was an element of the other, the aggregate of all the terms shall not exceed ~~((one hundred fifty))~~ 150 percent of the term imposed for the most serious offense;

(b) The aggregate of all consecutive terms shall not exceed three hundred percent of the term imposed for the most serious offense; and

(c) The aggregate of all consecutive terms of community supervision shall not exceed two years in length, or require any payment of ~~((more than two hundred dollars in))~~ fines or the performance of more than ~~((two hundred))~~ 200 hours of community restitution.

(2) Where disposition in separate disposition orders is imposed on a youth, the periods of community supervision contained in separate orders, if any, shall run concurrently. All other terms contained in separate disposition orders shall run consecutively.

Sec. 20. RCW 13.40.192 and 2015 c 265 s 7 are each amended to read as follows:

(1) If a juvenile is ordered to pay ~~((legal financial obligations, including fines, penalty assessments, attorneys' fees, court costs, and))~~ restitution, the money judgment remains enforceable for a period of ~~((ten))~~ 10 years. When the juvenile reaches the age of ~~((eighteen))~~ 18 years or at the conclusion of juvenile court jurisdiction, whichever occurs later, the superior court clerk must docket the remaining balance of the juvenile's ~~((legal financial obligations))~~ restitution in the same manner as other judgments for the payment of money. The judgment remains valid and enforceable until ~~((ten))~~ 10 years from the date of its imposition. The clerk of the superior court may seek extension of the judgment for ~~((legal financial obligations, including crime victims' assessments,))~~ restitution in the same manner as RCW 6.17.020 for purposes of collection as allowed under RCW 36.18.190.

(2) A ~~((respondent under obligation to pay))~~ judgment against a juvenile for any legal financial obligation(s) other than restitution ~~((, the victim penalty assessment set forth in RCW 7.68.035, or the crime laboratory analysis fee set forth in RCW 43.43.690 may petition the court for modification or relief from those legal financial obligations and interest accrued on those obligations for~~

~~good cause shown, including inability to pay. The court shall consider factors such as, but not limited to incarceration and a respondent's other debts, including restitution, when determining a respondent's ability to pay)) including, but not limited to, fines, penalty assessments, attorneys' fees, court costs, and other administrative fees, is not enforceable after the effective date of this section. The superior court clerk shall not accept payments from a respondent who was ordered to pay legal financial obligations, including fines, penalty assessments, attorneys' fees, and court costs after the effective date of this section.~~

Sec. 21. RCW 13.40.200 and 2004 c 120 s 7 are each amended to read as follows:

(1) When a respondent fails to comply with an order of restitution, community supervision, ~~((penalty assessments,))~~ or confinement of less than ~~((thirty))~~ 30 days, the court upon motion of the prosecutor or its own motion, may modify the order after a hearing on the violation.

(2) The hearing shall afford the respondent the same due process of law as would be afforded an adult probationer. The court may issue a summons or a warrant to compel the respondent's appearance. The state shall have the burden of proving by a preponderance of the evidence the fact of the violation. The respondent shall have the burden of showing that the violation was not a willful refusal to comply with the terms of the order. If a respondent has failed to pay ~~((a fine, penalty assessments, or))~~ restitution or to perform community restitution hours, as required by the court, it shall be the respondent's burden to show that he or she did not have the means and could not reasonably have acquired the means to pay the ~~((fine, penalty assessments, or))~~ restitution or to perform community restitution.

(3) If the court finds that a respondent has willfully violated the terms of an order pursuant to subsections (1) and (2) of this section, it may impose a penalty of up to ~~((thirty))~~ 30 days' confinement. Penalties for multiple violations occurring prior to the hearing shall not be aggregated to exceed ~~((thirty))~~ 30 days' confinement. Regardless of the number of times a respondent is brought to court for violations of the terms of a single disposition order, the combined total number of days spent by the respondent in detention shall never exceed the maximum term to which an adult could be sentenced for the underlying offense.

~~(4) ((If a respondent has been ordered to pay a fine or monetary penalty and due to a change of circumstance cannot reasonably comply with the order, the court, upon motion of the respondent, may order that the unpaid fine or monetary penalty be converted to community restitution unless the monetary penalty is the crime victim penalty assessment, which cannot be converted, waived, or otherwise modified, except for schedule of payment. The number of hours of community restitution in lieu of a monetary penalty or fine shall be converted at the rate of the prevailing state minimum wage per hour. The monetary penalties or fines collected shall be deposited in the county general fund. A failure to comply with an order under this subsection shall be deemed a failure to comply with an order of community supervision and may be proceeded against as provided in this section.~~

~~(5))~~ When a respondent has willfully violated the terms of a probation bond, the court may modify, revoke, or retain the probation bond as provided in RCW 13.40.054.

NEW SECTION. Sec. 22. Nothing in this act requires a court to refund or reimburse amounts previously paid towards legal financial obligations, interests on legal financial obligations, or any other costs.

NEW SECTION. Sec. 23. The following acts or parts of acts are each repealed:

- (1) RCW 13.40.056 (Nonrefundable bail fee) and 1995 c 395 s 9;
- (2) RCW 13.40.085 (Diversion services costs—Fees—Payment by parent or legal guardian) and 1993 c 171 s 1;
- (3) RCW 13.40.198 (Penalty assessments—Jurisdiction of court) and 2000 c 71 s 1; and
- (4) RCW 13.40.640 (Youth court nonrefundable fee) and 2002 c 237 s 15.

NEW SECTION. Sec. 24. Section 15 of this act takes effect when section 3, chapter 206, Laws of 2021 takes effect.

NEW SECTION. Sec. 25. Section 16 of this act expires when section 15 of this act takes effect.

NEW SECTION. Sec. 26. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void.

NEW SECTION. Sec. 27. Except for section 15 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 July 1, 2023.

Passed by the House April 19, 2023.

Passed by the Senate April 12, 2023.

Approved by the Governor May 15, 2023.

Filed in Office of Secretary of State May 16, 2023.

CHAPTER 450

[Substitute House Bill 1346]

SCHOOL DISTRICTS—PURPLE STAR DESIGNATION

AN ACT Relating to creating the purple star award; adding a new section to chapter 28A.625 RCW; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. A new section is added to chapter 28A.625 RCW to read as follows:

(1)(a) The purple star designation is created to recognize school districts that demonstrate educational and social-emotional supports to students of military service members as they face transitions to a new school. School districts that earn the designation will receive a special purple star recognition to display on site. The office of the superintendent of public instruction may collaborate with a state agency or nonprofit organization that has experience serving the needs of a diverse K-12 population to establish and administer the designation. A school district must be considered for the purple star designation if it applies and completes all the required activities and at least one optional activity listed in this section.

(b) A school district must complete the following required activities to be considered to receive the purple star designation:

(i) The school district must have a staff point of contact for military students and families. The staff point of contact must:

(A) Work jointly with the state military family education liaison under RCW 28A.705.010, article VIII to serve military families;

(B) Serve as the primary liaison between military families and the school district;

(C) Complete professional development on special considerations for military students and families under relevant state and federal law; and

(D) Identify and inform teachers of military-connected students in their classrooms and the special considerations military families and students should receive under the interstate compact on educational opportunity for military children under RCW 28A.705.010; and

(ii) The school district maintains a dedicated page on its website featuring resources for military families.

(c) A school district must complete at least one of the following optional activities to be considered to receive the purple star designation:

(i) The school district provides professional development for additional staff on special considerations for military students and families;

(ii) The school district board of directors passes a resolution publicizing the school district's support for military children and families; or

(iii) The school district hosts a military recognition event that demonstrates a military friendly culture.

(2) The office of the superintendent of public instruction must make available on its website:

(a) A simple application for a school district to submit for consideration to receive a purple star designation. The application must require evidence of meeting each of the required activities under subsection (1)(b) of this section and at least one optional activity under subsection (1)(c) of this section necessary to receive the purple star designation;

(b) A timeline for submittal of an application for consideration and for announcement of the recipients; and

(c) The criteria being used to review the applications received and determine which school districts receive the designation.

(3) The purple star designation shall be awarded every two years, beginning in 2024.

NEW SECTION. Sec. 2. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus operating appropriations act, this act is null and void.

Passed by the House April 13, 2023.

Passed by the Senate April 5, 2023.

Approved by the Governor May 15, 2023.

Filed in Office of Secretary of State May 16, 2023.

CHAPTER 451

[Substitute House Bill 1570]

EMPLOYMENT SECURITY DEPARTMENT—INSURANCE PROGRAMS—
TRANSPORTATION NETWORK COMPANIES

AN ACT Relating to social insurance programs managed by the employment security department applicable to transportation network companies, transportation network company drivers, and part-time work; amending RCW 50.29.021 and 50A.25.040; adding a new section to chapter 50.04 RCW; adding a new section to chapter 46.72B RCW; and providing an expiration date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. A new section is added to chapter 50.04 RCW to read as follows:

(1) Notwithstanding RCW 50.04.140, services performed by a driver that are facilitated through a digital network are subject to this title. Except as otherwise provided in rules adopted by the department, the laws and rules that apply under this title to a relationship meeting the requirements of RCW 50.04.100 also apply to the relationship between a driver and a transportation network company.

(2) This section must not be interpreted as:

(a) Amending the definitions and exceptions in RCW 50.04.100 or 50.04.140; or

(b) Limiting the scope of coverage under this title as to any other employment relationship.

(3) For purposes of this section, the definitions in this subsection apply unless the context clearly requires otherwise.

(a) "Digital network" has the meaning provided in RCW 49.46.300.

(b) "Driver" has the meaning provided in RCW 49.46.300.

(c) "Transportation network company" has the meaning provided in RCW 49.46.300.

Sec. 2. RCW 50.29.021 and 2021 c 251 s 4 are each amended to read as follows:

(1)(a) An experience rating account shall be established and maintained for each employer, except employers as described in RCW 50.44.010, 50.44.030, and 50.50.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, based on existing records of the employment security department.

(b) Benefits paid to an eligible individual shall be charged to the experience rating accounts of each of such individual's employers during the individual's base year in the same ratio that the wages paid by each employer to the individual during the base year bear to the wages paid by all employers to that individual during that base year, except as otherwise provided in this section.

(c) When the eligible individual's separating employer is a covered contribution paying base year employer, benefits paid to the eligible individual shall be charged to the experience rating account of only the individual's separating employer if ~~(the)~~:

(i) ~~The~~ individual qualifies for benefits under~~(~~

~~))~~ RCW 50.20.050 (1)(b)(i) or (2)(b)(i), as applicable, and became unemployed after having worked and earned wages in the bona fide work;

(ii) The individual qualifies for benefits under RCW 50.20.050 (1)(b) (v) through (x) or (2)(b) (v) through (x); or

(iii) During a public health emergency, the claimant worked at a health care facility as defined in RCW 9A.50.010, was directly involved in the delivery of health services, and was terminated from work due to entering quarantine because of exposure to or contracting the disease that is the subject of the declaration of the public health emergency.

(2) The legislature finds that certain benefit payments, in whole or in part, should not be charged to the experience rating accounts of employers except those employers described in RCW 50.44.010, 50.44.030, and 50.50.030 who have properly elected to make payments in lieu of contributions, taxable local government employers described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, as follows:

(a) Benefits paid to any individual later determined to be ineligible shall not be charged to the experience rating account of any contribution paying employer, except as provided in subsection (4) of this section.

(b) Benefits paid to an individual filing under the provisions of chapter 50.06 RCW shall not be charged to the experience rating account of any contribution paying employer only if:

(i) The individual files under RCW 50.06.020(1) after receiving crime victims' compensation for a disability resulting from a nonwork-related occurrence; or

(ii) The individual files under RCW 50.06.020(2).

(c) Benefits paid which represent the state's share of benefits payable as extended benefits defined under RCW 50.22.010(6) shall not be charged to the experience rating account of any contribution paying employer.

(d) In the case of individuals who requalify for benefits under RCW 50.20.050 or 50.20.060, benefits based on wage credits earned prior to the disqualifying separation shall not be charged to the experience rating account of the contribution paying employer from whom that separation took place.

(e) Benefits paid to an individual who qualifies for benefits under RCW 50.20.050(1)(b) (iv) or (xi), (2)(b) (iv), (xi), or (xii), or (3), as applicable, shall not be charged to the experience rating account of any contribution paying employer.

(f) Benefits paid that exceed the benefits that would have been paid if the weekly benefit amount for the claim had been determined as one percent of the total wages paid in the individual's base year shall not be charged to the experience rating account of any contribution paying employer. This subsection (2)(f) does not apply to the calculation of contribution rates under RCW 50.29.025 for rate year 2010 and thereafter.

(g) Upon approval of an individual's training benefits plan submitted in accordance with RCW 50.22.155(2), an individual is considered enrolled in training, and regular benefits beginning with the week of approval shall not be charged to the experience rating account of any contribution paying employer.

(h) Training benefits paid to an individual under RCW 50.22.155 shall not be charged to the experience rating account of any contribution paying employer.

(i)(i) Benefits paid during the one week waiting period when the one week waiting period is fully paid or fully reimbursed by the federal government shall

not be charged to the experience rating account of any contribution paying employer.

(ii) In the event the one week waiting period is partially paid or partially reimbursed by the federal government, the department may, by rule, elect to not charge, in full or in part, benefits paid during the one week waiting period to the experience rating account of any contribution paying employer.

(j) Benefits paid for all weeks starting with the week ending March 28, 2020, and ending with the week ending May 30, 2020, shall not be charged to the experience rating account of any contribution paying employer.

(3)(a) A contribution paying base year employer, except employers as provided in subsection (5) of this section, not otherwise eligible for relief of charges for benefits under this section, may receive such relief if the benefit charges result from payment to an individual who:

(i) Last left the employ of such employer voluntarily for reasons not attributable to the employer;

(ii) Was discharged for misconduct or gross misconduct connected with his or her work not a result of inability to meet the minimum job requirements;

(iii) Is unemployed as a result of closure or severe curtailment of operation at the employer's plant, building, worksite, or other facility. This closure must be for reasons directly attributable to a catastrophic occurrence such as fire, flood, or other natural disaster, or to the presence of any dangerous, contagious, or infectious disease that is the subject of a public health emergency at the employer's plant, building, worksite, or other facility;

(iv) ~~Continues to be employed ((on a regularly scheduled permanent part-time basis by a base year employer and who at some time during the base year was concurrently employed and subsequently separated from at least one other base year employer. Benefit charge relief ceases when the employment relationship between the employer requesting relief and the claimant is terminated))~~ by the employer seeking relief and: (A) The employer furnished part-time work to the individual during the base year; (B) the individual has become eligible for benefits because of loss of employment with one or more other employers; and (C) the employer has continued to furnish or make available part-time work to the individual in substantially the same amount as during the individual's base year. This subsection does not apply to shared work employers under chapter 50.60 RCW;

(v) ~~((Continues to be employed on a regularly scheduled permanent part-time basis by a base year employer and who qualified for two consecutive unemployment claims where wages were attributable to at least one employer who employed the individual in both base years. Benefit charge relief ceases when the employment relationship between the employer requesting relief and the claimant is terminated. This subsection does not apply to shared work employers under chapter 50.60 RCW;~~

(~~vi~~)) Was hired to replace an employee who is a member of the military reserves or National Guard and was called to federal active military service by the president of the United States and is subsequently laid off when that employee is reemployed by their employer upon release from active duty within the time provided for reemployment in RCW 73.16.035;

((~~vii~~)) (vi) Worked for an employer for 20 weeks or less, and was laid off at the end of temporary employment when that employee temporarily replaced a

permanent employee receiving family or medical leave benefits under Title 50A RCW, and the layoff is due to the return of that permanent employee. This subsection (3)(a)(~~(viii)~~) (vi) applies to claims with an effective date on or after January 1, 2020; or

(~~(viii)~~) (vii) Was discharged because the individual was unable to satisfy a job prerequisite required by law or administrative rule.

(b) The employer requesting relief of charges under this subsection must request relief in writing within thirty days following mailing to the last known address of the notification of the valid initial determination of such claim, stating the date and reason for the separation or the circumstances of continued employment. The commissioner, upon investigation of the request, shall determine whether relief should be granted.

(4) When a benefit claim becomes invalid due to an amendment or adjustment of a report where the employer failed to report or inaccurately reported hours worked or remuneration paid, or both, all benefits paid will be charged to the experience rating account of the contribution paying employer or employers that originally filed the incomplete or inaccurate report or reports. An employer who reimburses the trust fund for benefits paid to workers and who fails to report or inaccurately reported hours worked or remuneration paid, or both, shall reimburse the trust fund for all benefits paid that are based on the originally filed incomplete or inaccurate report or reports.

(5) An employer's experience rating account may not be relieved of charges for a benefit payment and an employer who reimburses the trust fund for benefit payments may not be credited for a benefit payment if a benefit payment was made because the employer or employer's agent failed to respond timely or adequately to a written request of the department for information relating to the claim or claims without establishing good cause for the failure and the employer or employer's agent has a pattern of such failures. The commissioner has the authority to determine whether the employer has good cause under this subsection.

(a) For the purposes of this subsection, "adequately" means providing accurate information of sufficient quantity and quality that would allow a reasonable person to determine eligibility for benefits.

(b)(i) For the purposes of this subsection, "pattern" means a benefit payment was made because the employer or employer's agent failed to respond timely or adequately to a written request of the department for information relating to a claim or claims without establishing good cause for the failure, if the greater of the following calculations for an employer is met:

(A) At least three times in the previous two years; or

(B) Twenty percent of the total current claims against the employer.

(ii) If an employer's agent is utilized, a pattern is established based on each individual client employer that the employer's agent represents.

NEW SECTION. Sec. 3. A new section is added to chapter 46.72B RCW to read as follows:

(1) Beginning July 1, 2024, the employment security department shall develop and administer a pilot program under Title 50A RCW focusing on transportation network companies and drivers.

(2) The pilot program must require that:

(a) Drivers may continue to have the option of electing coverage under Title 50A RCW as self-employed individuals;

(b) By the 15th day of the month following the end of the calendar quarter, transportation network companies report to each driver in Washington the total amount of compensation, as defined in RCW 49.46.300, that the driver earned providing network services through the transportation network company's digital network in that quarter;

(c) By the 15th day of the month following the drivers' reporting deadline for the calendar quarter, the employment security department share data with each transportation network company on the drivers who, in that calendar quarter: (i) Reported and paid assessed premiums; and (ii) withdrew or canceled paid family and medical leave coverage; and

(d) By the 15th day following the receipt of information from the employment security department under (c) of this subsection, transportation network companies pay each driver who elected coverage under (a) of this subsection an amount equal to the premium rate assessed, multiplied by the amount of compensation, as defined in RCW 49.46.300, that the driver earned providing network services through the transportation network company's digital network in that quarter. For purposes of this section, compensation shall not include any amount listed in RCW 50A.05.010(22)(d). The requirement to pay premiums under the pilot program ends December 31, 2028.

(3) For the purposes of the pilot program, this section does not require a driver to opt into family and medical leave coverage for any other self-employment or independent contract work not associated with a transportation network company.

(4) Drivers in the pilot program are not subject to the requirements in RCW 50A.10.010(1).

(5) Drivers electing coverage must elect both family and medical leave and are responsible for 100 percent of all premiums assessed to an employee under RCW 50A.10.030.

(6) The driver must file a notice of election in writing with the employment security department, in a manner as required by the department in rule.

(7) The driver is eligible for family and medical leave after working 820 hours in the state during the qualifying period following the date of filing the notice.

(8)(a) The employment security department must evaluate the pilot program for its impacts on removing barriers to accessing paid family and medical leave, as well as impacts on the paid family and medical leave insurance account.

(b) By September 1, 2027, the employment security department must submit a report to the appropriate committees of the legislature summarizing the employment security department's evaluation of the pilot program and making any recommendations, if appropriate.

(9) The employment security department may adopt rules necessary to implement the pilot program in this section.

(10) This section expires December 31, 2028.

Sec. 4. RCW 50A.25.040 and 2019 c 13 s 73 are each amended to read as follows:

(1) An individual shall have access to all records and information concerning that individual held by the department unless the information is exempt from disclosure under RCW 42.56.410.

(2) An employer shall have access to:

(a) Its own records relating to any claim or determination for family or medical leave benefits by an individual;

(b) Records and information relating to a decision to allow or deny benefits if the decision is based on material information provided by the employer; and

(c) Records and information related to that employer's premium assessment.

(3) The department may disclose records and information deemed confidential under this chapter to a third party acting on behalf of an individual or employer that would otherwise be eligible to receive records under subsection (1) or (2) of this section when the department receives a signed release from the individual or employer. The release must include a statement:

(a) Specifically identifying the information that is to be disclosed;

(b) That state government files will be accessed to obtain that information;

(c) Of the specific purpose or purposes for which the information is sought and a statement that information obtained under the release will only be used for that purpose or purposes; and

(d) Indicating all the parties who may receive the information disclosed.

(4) Until February 15, 2029, to verify coverage and make payments to drivers for premiums paid, the department may disclose the following information to a transportation network company, as defined in RCW 49.46.300, about a driver, as defined in RCW 49.46.300:

(a) When a driver has elected coverage;

(b) A driver's assessed and paid premiums;

(c) When a driver's elective coverage has been withdrawn or canceled; and

(d) Information related to a third party acting on a driver's behalf with regard to reporting and paying of premiums.

Passed by the House March 2, 2023.

Passed by the Senate April 11, 2023.

Approved by the Governor May 15, 2023.

Filed in Office of Secretary of State May 16, 2023.

CHAPTER 452

[Engrossed Substitute Senate Bill 5371]

VESSELS—SOUTHERN RESIDENT ORCAS

AN ACT Relating to protecting southern resident orcas from vessels; amending RCW 77.15.740, 77.65.615, and 77.15.815; adding new sections to chapter 77.12 RCW; creating new sections; prescribing penalties; providing an effective date; and providing an expiration date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. (1) It is the intent of the legislature to support the recovery of endangered southern resident orcas by reducing underwater noise and disturbance from vessels, which is one of the three main threats to the population's recovery, along with availability of their preferred prey, Chinook salmon, and contaminants in their food and environment. In particular, the

legislature intends to protect southern resident orcas from those boaters who intentionally harass, chase, and torment the whales.

(2) The legislature further finds that the state has a compelling interest in protecting the iconic southern resident orca from extinction by acting to implement recovery activities and adaptively managing the southern resident orca recovery effort using best available science. Studies conducted by the national oceanic and atmospheric administration have indicated that southern resident orcas significantly reduced their foraging behavior when moving vessels were observed within 1,000 yards of the whale, with females being more likely than males to reduce their foraging activities when vessels were within an average of 400 yards.

(3) In 2019, the governor's southern resident orca task force produced 49 recommendations to address the three major threats to the population's recovery. While many investments have been made and implementation is ongoing, increased and sustained efforts are needed to advance salmon recovery, address water quality and contaminants in the environment, and reduce underwater noise and physical disturbance of orcas as they attempt to forage, communicate, and rest.

(4) The legislature finds that the threats to orcas are interrelated and they are inexorably linked with salmon recovery. Salmon face a diverse array of threats throughout their life cycle including the threat posed by pinnipeds, such as seals and sea lions, which are protected under federal law, but nevertheless pose a significant threat to salmon and orca recovery through ongoing and excessive predation. Salmon also face fish passage barriers, stormwater runoff, and spills from wastewater treatment plants, among other threats. It is in the best interest of all the people of Washington, including federally recognized tribes and private landowners, to increase the population of salmon and to ensure the survivability of salmon against all threats.

(5) The legislature directed the department of fish and wildlife to produce a report on the effectiveness of regulations designed to address underwater noise and disturbance from commercial whale watching and recreational vessels. The legislature received the first of three mandated reports in November of 2022, and it contained an assessment of the most recent science demonstrating the negative impact of vessels on southern resident orca foraging behavior and foraging success.

(6) While it takes time to see results from efforts to increase prey availability and reduce contaminants, reducing noise and disturbance from vessels can provide immediate support for the southern resident orcas by increasing their likelihood of successful foraging.

Sec. 2. RCW 77.15.740 and 2019 c 291 s 1 are each amended to read as follows:

(1) ~~((Except))~~ Beginning January 1, 2025, except as provided in subsection (2) of this section, it is unlawful for a person to:

(a) Cause a vessel or other object to approach, in any manner, within ~~((three hundred))~~ 1,000 yards of a southern resident orca ~~((whale))~~;

(b) Position a vessel to be in the path of a southern resident orca ~~((whale))~~ at any point located within ~~((four hundred))~~ 1,000 yards of the whale. This includes intercepting a southern resident orca ~~((whale))~~ by positioning a vessel so that the

prevailing wind or water current carries the vessel into the path of the whale at any point located within (~~four hundred~~) 1,000 yards of the whale;

(c) Position a vessel behind a southern resident orca (~~whale~~) at any point located within (~~four hundred~~) 1,000 yards;

(d) Fail to disengage the transmission of a vessel that is within (~~three hundred~~) 400 yards of a southern resident orca (~~whale~~);

(e) Cause a vessel or other object to exceed a speed greater than seven knots over ground at any point located within (~~one half nautical mile (one thousand thirteen yards)~~) 1,000 yards of a southern resident orca (~~whale~~); or

(f) Feed a southern resident orca (~~whale~~).

(2) A person is exempt from subsection (1) of this section if that person is:

(a) Operating a federal government vessel in the course of official duties, or operating a state, tribal, or local government vessel when engaged in official duties involving law enforcement, search and rescue, or public safety;

(b) Operating a vessel in conjunction with a vessel traffic service as a vessel traffic service user established under 33 C.F.R. and following a traffic separation scheme, or complying with a vessel traffic service or captain of the port measure (~~(of)~~) or direction, or complying with the rules of the road or taking actions to ensure safety. This also includes (~~support vessels escorting ships in the traffic lanes~~) vessel transits departing the lanes for safety reasons or to approach or depart a dock or anchorage area, including support vessels escorting or assisting vessels, such as tug boats;

(c) Engaging in an activity, including scientific research or oil spill response, pursuant to the conditions of a permit or other authorization from the national marine fisheries service (~~and~~) or the department;

(d) Lawfully engaging in a treaty Indian or commercial fishery that is actively setting, retrieving, or closely tending fishing gear. Commercial fishing vessels in transit are not exempt from subsection (1) of this section;

(e) Conducting vessel operations necessary to avoid an imminent and serious threat to a person, vessel, or the environment, including when necessary for overall safety of navigation and to comply with state and federal navigation requirements; or

(f) Engaging in rescue or clean-up efforts of a beached southern resident orca (~~whale~~) overseen, coordinated, or authorized by a volunteer stranding network.

(3) For the purpose of this section, "vessel" includes aircraft while on the surface of the water, and every description of watercraft on the water that is used or capable of being used as a means of transportation on the water. However, "vessel" does not include inner tubes, air mattresses, sailboards, and small rafts, or flotation devices or toys customarily used by swimmers.

(4)(a) A violation of this section is a natural resource infraction punishable under chapter 7.84 RCW and carries a fine of five hundred dollars, not including statutory assessments added pursuant to RCW 3.62.090.

(b) A person who qualifies for an exemption under subsection (2) of this section may offer that exemption as an affirmative defense, which that person must prove by a preponderance of the evidence.

~~((5) The enforcement actions required of the department from this section are subject to the availability of amounts appropriated for this specific purpose))~~

(c) The department may choose to offer educational materials in lieu of issuing an infraction, at the officer's discretion.

(d) An officer may not issue an infraction to the operator of a vessel that is within 400 yards of a southern resident orca who has immediately disengaged the transmission of the vessel pursuant to subsection (1)(d) of this section and waits for the whale to leave the vicinity.

(5) The department must post signs at public boat launches and marinas that provide information regarding the vessel setbacks and speed limits required by this section. However, the requirements of this section apply whether or not a sign is present and the absence of a sign is not a defense to any violation of this section.

(6) The department shall conduct outreach and education regarding regulations and best practices for recreational boating in waters inhabited by southern resident orcas, including best practices for avoiding or minimizing encounters closer than 1,000 yards from a southern resident orca consistent with the recommendations of the work group established in section 6 of this act. This may include the advancement and proliferation of tools for notifying boaters of southern resident orca presence, identifying orca ecotypes, and estimating distance on the water.

(7) If the operator of a motorized commercial whale watching vessel enters within 1,000 yards of a group of southern resident orcas, after taking reasonable measures to determine whether the whales are southern resident orcas, and then identifies the whales as southern resident orcas, the operator must:

(a) Immediately safely reposition the vessel to be 1,000 yards or farther from the southern resident orcas; and

(b) Immediately after repositioning the vessel, report the location of the southern resident orca or orcas to the WhaleReport application for the whale report alert system, or to a successor transboundary notification system designated by the department that is adopted by the international shipping community in the Salish Sea.

(8) The operator of a motorized commercial whale watching vessel may voluntarily log the incident, including measures taken to determine whether the whales were southern resident orcas, and submit the log to the department within 24 hours of the incident.

****NEW SECTION. Sec. 3. A new section is added to chapter 77.12 RCW to read as follows:***

The department must coordinate with the department of licensing and the parks and recreation commission to mail information regarding the required vessel setbacks and speed limits required by RCW 77.15.740, and whale warning flags, upon issuance or renewal of a vessel registration pursuant to chapter 88.02 RCW.

**Sec. 3 was vetoed. See message at end of chapter.*

****NEW SECTION. Sec. 4. The department of fish and wildlife must develop a transboundary and statewide plan to implement the vessel distance regulations in RCW 77.15.740, with input from British Columbia and international whale organizations. The department of fish and wildlife must submit a report to the legislature, in accordance with RCW 43.01.036, by January 1, 2025, that includes progress on plan development and a plan for implementation.***

**Sec. 4 was vetoed. See message at end of chapter.*

NEW SECTION. Sec. 5. A new section is added to chapter 77.12 RCW to read as follows:

If the population of southern resident orcas reaches a threshold of 70 individuals or fewer, the department must provide a report to the legislature within one year of the threshold being met, consistent with RCW 43.01.036, that includes a study of how mandatory 1,000-yard setbacks for all vessels has been enforced and identifies gaps and solutions to support any improvements, the use of data science with respect to southern resident orca pod health, and evidence-based plans to address southern resident orca pod health.

NEW SECTION. Sec. 6. (1) The department of fish and wildlife must convene a diverse work group including, but not limited to, representatives from nongovernmental organizations, recreational boaters, the commercial whale watching industry, commercial fishers, ports and marinas, relevant government entities, tribes, and the southern resident orca research community to inform the development of outreach and education strategies to implement RCW 77.15.740(4). A report summarizing the work of the work group and the department of fish and wildlife's outreach strategies must be included in the 2024 adaptive management report identified in RCW 77.65.620(5). The department of fish and wildlife must conduct intensive outreach and education in fiscal year 2024 and the first half of 2025 to implement the work group outreach recommendations.

(2) In coordination with the work group established in this section, the department of fish and wildlife must conduct education and outreach regarding compliance with the 1,000-yard setback from southern resident orcas established in RCW 77.15.740.

(3) The department of fish and wildlife must assess and report on the effectiveness of the mandatory 1,000-yard setback and recommendations for any further legislative action needed to protect southern resident orcas from the effects of vessels in the 2024 adaptive management report identified in RCW 77.65.620(5).

(4) This section expires June 30, 2025.

Sec. 7. RCW 77.65.615 and 2021 c 284 s 1 are each amended to read as follows:

(1) A commercial whale watching business license is required for commercial whale watching businesses. The annual fee for a commercial whale watching business license is ~~((two hundred dollars))~~ \$200 in addition to the annual application fee of ~~((seventy five dollars))~~ \$70.

(2) The annual ~~((fees))~~ application for a commercial whale watching business license as described in subsection (1) of this section must ~~((include fees for))~~ list each motorized or sailing vessel ~~((or vessels as follows:~~

~~((a) One to twenty four passengers, three hundred twenty five dollars;~~

~~((b) Twenty five to fifty passengers, five hundred twenty five dollars;~~

~~((c) Fifty one to one hundred passengers, eight hundred twenty five dollars;~~

~~((d) One hundred one to one hundred fifty passengers, one thousand eight hundred twenty five dollars; and~~

~~((e) One hundred fifty one passengers or greater, two thousand dollars))~~ to be covered under the business license.

(3) The holder of a commercial whale watching business license for motorized or sailing vessels required under subsection (2) of this section may (~~substitute the vessel designated~~) designate an additional vessel on the license (~~or designate a vessel if none has previously been designated~~), if the license holder (~~:~~

(a) ~~Surrenders the previously issued license to the department;~~

(b) ~~Submits~~) submits to the department an application that identifies the (~~currently designated vessel, the~~) vessel proposed to be designated (~~:~~) and any other information required by the department (~~and~~

(c) ~~Pays to the department a fee of thirty five dollars and an application fee of one hundred five dollars~~)).

(4) (~~Unless the business license holder owns all vessels identified on the application described in subsection (3)(b) of this section, the department may not change the vessel designation on the license more than once per calendar year.~~

~~(5))~~) A commercial whale watching operator license is required for commercial whale watching operators. A person may operate a motorized or sailing commercial whale watching vessel designated on a commercial whale watching business license only if:

(a) The person holds a commercial whale watching operator license issued by the director; and

(b) The person is designated as an operator on the underlying commercial whale watching business license.

~~((6))~~) (5) No individual may hold more than one commercial whale watching operator license. An individual who holds an operator license may be designated as an operator on an unlimited number of commercial whale watching business licenses.

~~((7))~~) (6) The annual application fee for a commercial whale watching operator license is (~~one hundred dollars in addition to an annual application fee of seventy five dollars~~) \$25.

(7) A paddle tour business license is required for businesses conducting paddle tours. The annual fee for a paddle tour business license is \$200 in addition to the annual application fee of \$70.

(8) A person may conduct (~~commercial whale watching via~~) guided (~~kayak~~) paddle tours only if:

(a) The person holds a (~~kayak~~) paddle guide license issued by the director; and

(b) The person is designated as a (~~kayak~~) guide on the underlying (~~commercial whale watching~~) paddle tour business license.

(9) No individual may hold more than one (~~kayak~~) paddle guide license. An individual who holds a (~~kayak~~) paddle guide license may be designated on an unlimited number of (~~commercial whale watching~~) paddle tour business licenses.

(10) The annual application fee for a (~~kayak~~) paddle guide license is \$25 (~~in addition to an annual application fee of \$25~~).

(11) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Commercial whale watching" means the act of taking, or offering to take, passengers aboard a motorized or sailing vessel (~~or guided kayak tour in order~~) to view marine mammals in their natural habitat for a fee.

(b) "Commercial whale watching business" means a business that engages in the activity of commercial whale watching.

(c) "Commercial whale watching business license" means a department-issued license to operate a commercial whale watching business.

(d) "Commercial whale watching license" means a commercial whale watching business license(~~(s)~~) or a commercial whale watching operator license(~~(s)~~ ~~or a kayak guide license~~) as defined in this section.

(e) "Commercial whale watching operator" means a person who operates a motorized or sailing vessel engaged in the business of whale watching.

(f) "Commercial whale watching operator license" means a department-issued license to operate a commercial motorized or sailing vessel on behalf of a commercial whale watching business.

(g) "Commercial whale watching vessel" means any vessel that is being used as a means of transportation for individuals to engage in commercial whale watching.

(h) "~~(Kayak)~~ Paddle guide" means a person who conducts guided (~~(kayak)~~) tours on behalf of a (~~(commercial whale watching)~~) paddle tour business.

(i) "~~(Kayak)~~ Paddle guide license" means a department-issued license to conduct commercial guided (~~(kayak)~~) paddle tours on behalf of a (~~(commercial whale watching)~~) paddle tour business.

(j) "Paddle tour business" means a business that conducts paddle tours.

(k) "Paddle tour" means the act of guiding or offering to take people aboard nonmotorized or human-powered vessels, such as kayaks or paddle boards, on a trip, tour, or guided lesson that involves viewing marine mammals in their natural habitat for a fee.

(12) The residency and business requirements of RCW 77.65.040 (2) and (3) do not apply to Canadian individuals or corporations applying for and holding Washington commercial whale watching licenses defined in this section.

(13) The license and application fees in this section (~~(are waived for calendar years 2021 and 2022)~~) may be waived for organizations whose relevant commercial whale watching or marine paddle tour activities are solely for bona fide nonprofit educational purposes.

Sec. 8. RCW 77.15.815 and 2019 c 291 s 4 are each amended to read as follows:

(1) This section applies only to persons and activities defined in RCW 77.65.615, including commercial whale watching and paddle tours.

(2) A person is guilty of unlawfully engaging in commercial whale watching in the second degree if the person conducts commercial whale watching activities and:

(a) Does not have and possess all licenses and permits required under this title; or

(b) Violates any department rule regarding (~~(the operation of a)~~) commercial whale watching (~~(vessel near a southern resident orca whale)~~).

~~((2))~~ (3) A person is guilty of engaging in commercial whale watching in the first degree if the person commits the act described in subsection (~~((4))~~) (2) of this section and the violation occurs within (~~(one year of the date of a prior conviction under this section)~~) five years of any of the following:

(a) The date of a prior conviction under this section;

(b) The date of a finding of guilt or plea of guilty pursuant to an amended information, criminal complaint or citation, or infraction for any violation that was originally charged as a violation of this section, regardless of whether the imposition of the sentence is deferred or the penalty is suspended; or

(c) The date of any disposition of a case arising from an act originally charged as a violation of this section, whereby the offender enters into a disposition that continues or defers the case for dismissal upon the successful completion of specific terms or conditions.

~~((3))~~ (4)(a) Unlawful commercial whale watching in the second degree is a misdemeanor.

(b) Unlawful commercial whale watching in the first degree is a gross misdemeanor. ~~((Upon conviction))~~ In addition to the appropriate criminal penalties, the director shall ~~((deny applications submitted by the person for a commercial whale watching license or alternate operator license for two years from the date of conviction))~~ revoke any operator license, business license, or both, and order a suspension of the person's privilege to engage in commercial whale watching for two years.

(5) A person is guilty of unlawfully engaging in a paddle tour in the second degree if the person conducts paddle tour activities and:

(a) Does not have and possess all licenses and permits required under this title; or

(b) Violates any department rule regarding the operation of paddle tours in marine waters.

(6) A person is guilty of unlawfully engaging in a paddle tour in the first degree if the person commits an act described in subsection (5) of this section and the violation occurs within five years of the date of any of the following:

(a) The date of a prior conviction under this section;

(b) The date of a finding of guilt or plea of guilty pursuant to an amended information, criminal complaint or citation, or infraction for any violation that was originally charged as a violation of this section, regardless of whether the imposition of sentence is deferred or the penalty is suspended; or

(c) The date of any disposition of a case arising from an act originally charged as a violation of this section, whereby the offender enters into a disposition that continues or defers the case for dismissal upon the successful completion of specific terms and conditions.

(7)(a) Unlawful engagement in a paddle tour in the second degree is a misdemeanor.

(b) Unlawful engagement in a paddle tour in the first degree is a gross misdemeanor. In addition to appropriate criminal penalties, the director shall revoke any paddle guide license, business license, or both, and order a suspension of the person's privilege to conduct paddle tours in marine waters for two years.

NEW SECTION. Sec. 9. Section 2 of this act takes effect January 1, 2025.

Passed by the Senate April 17, 2023.

Passed by the House April 11, 2023.

Approved by the Governor May 15, 2023, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State May 16, 2023.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Sections 3 and 4, Engrossed Substitute Senate Bill No. 5371 entitled:

"AN ACT Relating to protecting southern resident orcas from vessels."

This important bill protects Southern Resident orcas by addressing vessel impacts on their ability to forage, communicate and rest by expanding the vessel buffer (or approach distance) around Southern Resident orcas to 1,000 yards. It also reduces and simplifies the commercial whale watching licensing fees and improves the supporting education and enforcement efforts around these changes.

Section 3 of the bill requires a mailing to every registered vessel owner in the state regarding the orca protection vessel setbacks, speed limits, and whale warning flags. This mailing would entail a significant cost to the identified agencies, but funding was not provided for this work in the final budget. For this reason, I am vetoing Section 3. However, the updated vessel distance laws do not come in effect until 2025, so it is my hope that the workgroup tasked with developing outreach and education strategies under Section 6 of the bill will be able to provide recommendations and cost estimates to be considered in the 2024 supplemental budget.

Section 4 of the bill requires the Department of Fish and Wildlife to develop a transboundary and statewide plan to implement vessel distance regulations. The department is a coordinating partner in the Be Whale Wise partnership, which coordinates orca recovery efforts, including a transboundary plan for vessel guidelines across the state, federal, and international jurisdictions. Updating the transboundary plan is already prescribed in RCW 77.65.620, and the existing Southern Resident orca conservation and management framework also includes biennial adaptive management reporting requirements. The plan required in Section 4 would largely duplicate this ongoing effort and would not likely produce meaningfully different results. In addition, no funding was provided for the requirements in Section 4. For these reasons, I am vetoing Section 4. However, I am directing the department to coordinate with the Department of Fisheries and Oceans and with Transport Canada, who have jurisdiction in Canadian waters and manage vessel restrictions in Canada, in support of the updated Southern Resident orca recovery efforts.

For these reasons I have vetoed Sections 3 and 4 of Engrossed Substitute Senate Bill No. 5371.

With the exception of Sections 3 and 4, Engrossed Substitute Senate Bill No. 5371 is approved."

CHAPTER 453

[Engrossed Second Substitute Senate Bill 5440]

FORENSIC BEHAVIORAL HEALTH—COMPETENCY EVALUATIONS AND RESTORATION SERVICES—VARIOUS PROVISIONS

AN ACT Relating to providing timely competency evaluations and restoration services to persons suffering from behavioral health disorders within the framework of the forensic mental health care system consistent with the requirements agreed to in the Trueblood settlement agreement; amending RCW 10.77.060, 10.77.068, 10.77.074, 10.77.084, 10.77.086, 10.77.086, 10.77.088, 10.77.092, 10.77.065, 71.05.235, 71.05.280, 71.05.290, 71.05.300, 71.05.425, 71.09.025, 71.09.030, and 71.09.060; reenacting and amending RCW 10.77.010; adding new sections to chapter 10.77 RCW; creating new sections; providing an effective date; providing a contingent expiration date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The legislature finds that defendants referred for services related to competency to stand trial requiring admission into a psychiatric facility are currently facing unprecedented wait times in jail for admission. The situation has been exacerbated by closure of forensic beds and workforce shortages related to COVID-19, and treatment capacity limits related to social distancing requirements. Moreover, a backlog of criminal prosecutions that were held back during the first two years of the pandemic due to capacity

limitations in courts, prosecuting attorneys offices, and jails, are now being filed, causing a surge in demand for competency services which exceeds the state's capacity to make a timely response. In partial consequence, as of January 2023, wait times for admission to western state hospital for competency services, directed to be completed within seven days by order of the United States district court for western Washington, have risen to over ten months, while wait times for admission to eastern state hospital for the same services have risen to over five months. The state's forensic bed capacity forecast model indicates that if the state continues to receive competency referrals from local superior, district, and municipal courts at the same volume, the state will rapidly fall farther behind.

The legislature further finds that historical investments and policy changes have been made in behavioral health services over the past five years, designed to both increase capacity to provide competency to stand trial services and to reduce the need for them by creating opportunities for diversion, prevention, and improved community health. New construction at western state hospital is expected to result in the opening of 58 forensic psychiatric beds in the first quarter of 2023, while emergency community hospital contracts are expected to allow for the discharge or transfer of over 50 civil conversion patients occupying forensic state hospital beds over the same period. Sixteen beds for civil conversion patients will open at Maple Lane school in the first quarter of 2023, with 30 additional beds for patients acquitted by reason of insanity expected to open by late 2023 or early 2024. Over a longer time period, 350 forensic beds are planned to open within a new forensic hospital on western state hospital campus between 2027 and 2029. Policy and budget changes have increased capacity for assisted outpatient treatment, 988 crisis response, use of medication for opioid use disorders in jails and community settings, reentry services, and mental health advance directives, and created new behavioral health facility types, supportive housing, and supportive employment services. Forensic navigator services, outpatient competency restoration programs, and other specialty forensic services are now available and continuing to be deployed in phase two *Trueblood* settlement regions.

The legislature further finds that despite these investments there is a need for everyone to come together to find solutions to both reduce demand for forensic services and to increase their supply. The state needs collaboration from local governments and other entities to identify any and all facilities that can be used to provide services to patients connected to the forensic system, to reduce the flow of competency referrals coming from municipal, district, and superior courts, and to improve availability and effectiveness of behavioral health services provided outside the criminal justice system.

Sec. 2. RCW 10.77.010 and 2022 c 288 s 1 are each reenacted and amended to read as follows:

As used in this chapter:

(1) "Admission" means acceptance based on medical necessity, of a person as a patient.

(2) "Authority" means the Washington state health care authority.

(3) "Clinical intervention specialist" means a licensed professional with prescribing authority who is employed by or contracted with the department to provide direct services, enhanced oversight and monitoring of the behavioral health status of in-custody defendants who have been referred for evaluation or

restoration services related to competency to stand trial and who coordinate treatment options with forensic navigators, the department, and jail health services.

(4) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less-restrictive setting.

~~((4))~~ (5) "Community behavioral health agency" has the same meaning as "licensed or certified behavioral health agency" defined in RCW 71.24.025.

~~((5))~~ (6) "Conditional release" means modification of a court-ordered commitment, which may be revoked upon violation of any of its terms.

~~((6))~~ (7) A "criminally insane" person means any person who has been acquitted of a crime charged by reason of insanity, and thereupon found to be a substantial danger to other persons or to present a substantial likelihood of committing criminal acts jeopardizing public safety or security unless kept under further control by the court or other persons or institutions.

~~((7))~~ (8) "Department" means the state department of social and health services.

~~((8))~~ (9) "Designated crisis responder" has the same meaning as provided in RCW 71.05.020.

~~((9))~~ (10) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter, pending evaluation.

~~((10))~~ (11) "Developmental disabilities professional" means a person who has specialized training and ~~((three years of))~~ experience in directly treating or working with persons with developmental disabilities and is a psychiatrist or psychologist, or a social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary.

~~((11))~~ (12) "Developmental disability" means the condition as defined in RCW 71A.10.020~~((5))~~.

~~((12))~~ (13) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order.

~~((13))~~ (14) "Furlough" means an authorized leave of absence for a resident of a state institution operated by the department designated for the custody, care, and treatment of the criminally insane, consistent with an order of conditional release from the court under this chapter, without any requirement that the resident be accompanied by, or be in the custody of, any law enforcement or institutional staff, while on such unescorted leave.

~~((14))~~ (15) "Genuine doubt as to competency" means that there is reasonable cause to believe, based upon actual interactions with or observations of the defendant or information provided by counsel, that a defendant is incompetent to stand trial.

(16) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct.

~~((15))~~ (17) "History of one or more violent acts" means violent acts committed during: (a) The ten-year period of time prior to the filing of criminal charges; plus (b) the amount of time equal to time spent during the ten-year period in a mental health facility or in confinement as a result of a criminal conviction.

~~((16))~~ (18) "Immediate family member" means a spouse, child, stepchild, parent, stepparent, grandparent, sibling, or domestic partner.

~~((17))~~ (19) "Incompetency" means a person lacks the capacity to understand the nature of the proceedings against him or her or to assist in his or her own defense as a result of mental disease or defect.

~~((18))~~ (20) "Indigent" means any person who is financially unable to obtain counsel or other necessary expert or professional services without causing substantial hardship to the person or his or her family.

~~((19))~~ (21) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for an individual with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual release, and a projected possible date for release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences.

~~((20))~~ (22) "Professional person" means:

(a) A psychiatrist licensed as a physician and surgeon in this state who has, in addition, completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology or the American osteopathic board of neurology and psychiatry;

(b) A psychologist licensed as a psychologist pursuant to chapter 18.83 RCW;

(c) A psychiatric advanced registered nurse practitioner, as defined in RCW 71.05.020; or

(d) A social worker with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

~~((21))~~ (23) "Release" means legal termination of the court-ordered commitment under the provisions of this chapter.

~~((22))~~ (24) "Secretary" means the secretary of the department of social and health services or his or her designee.

~~((23))~~ (25) "Treatment" means any currently standardized medical or mental health procedure including medication.

~~((24))~~ (26) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by behavioral health administrative services organizations and their staffs, by managed care organizations and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, behavioral health administrative services organizations, managed care organizations, or a treatment facility if the notes or records are not available to others.

~~((25))~~ (27) "Violent act" means behavior that: (a)(i) Resulted in; (ii) if completed as intended would have resulted in; or (iii) was threatened to be carried out by a person who had the intent and opportunity to carry out the threat and would have resulted in, homicide, nonfatal injuries, or substantial damage to property; or (b) recklessly creates an immediate risk of serious physical injury to another person. As used in this subsection, "nonfatal injuries" means physical pain or injury, illness, or an impairment of physical condition. "Nonfatal injuries" shall be construed to be consistent with the definition of "bodily injury," as defined in RCW 9A.04.110.

Sec. 3. RCW 10.77.060 and 2022 c 288 s 2 are each amended to read as follows:

(1)(a) Whenever a defendant has pleaded not guilty by reason of insanity, ~~((or there is reason to doubt his or her competency,))~~ the court on its own motion or on the motion of any party shall either appoint or request the secretary to designate a qualified expert or professional person, who shall be approved by the prosecuting attorney, to evaluate and report upon the mental condition of the defendant.

(b)(i) Whenever there is a doubt as to competency, the court on its own motion or on the motion of any party shall first review the allegations of incompetency. The court shall make a determination of whether sufficient facts have been provided to form a genuine doubt as to competency based on information provided by counsel, judicial colloquy, or direct observation of the defendant. If a genuine doubt as to competency exists, the court shall either appoint or request the secretary to designate a qualified expert or professional person, who shall be approved by the prosecuting attorney, to evaluate and report upon the mental condition of the defendant.

(ii) Nothing in this subsection (1)(b) is intended to require a waiver of attorney-client privilege. Defense counsel may meet the requirements under this subsection (1)(b) by filing a declaration stating that they have reason to believe that a competency evaluation is necessary, and stating the basis on which the defendant is believed to be incompetent.

(c) The signed order of the court shall serve as authority for the evaluator to be given access to all records held by any mental health, medical, long-term services or supports, educational, or correctional facility that relate to the present or past mental, emotional, or physical condition of the defendant. If the court is advised by any party that the defendant may have a developmental disability, the evaluation must be performed by a developmental disabilities professional and the evaluator shall have access to records of the developmental disabilities

administration of the department. If the court is advised by any party that the defendant may have dementia or another relevant neurocognitive disorder, the evaluator shall have access to records of the aging and long-term support administration of the department.

~~((+))~~ (d) The evaluator shall assess the defendant in a jail, detention facility, in the community, or in court to determine whether a period of inpatient commitment will be necessary to complete an accurate evaluation. If inpatient commitment is needed, the signed order of the court shall serve as authority for the evaluator to request the jail or detention facility to transport the defendant to a hospital or secure mental health facility for a period of commitment not to exceed fifteen days from the time of admission to the facility. Otherwise, the evaluator shall complete the evaluation.

~~((+))~~ (e) The court may commit the defendant for evaluation to a hospital or secure mental health facility without an assessment if: (i) The defendant is charged with murder in the first or second degree; (ii) the court finds that it is more likely than not that an evaluation in the jail will be inadequate to complete an accurate evaluation; or (iii) the court finds that an evaluation outside the jail setting is necessary for the health, safety, or welfare of the defendant. The court shall not order an initial inpatient evaluation for any purpose other than a competency evaluation.

~~((+))~~ (f) The order shall indicate whether, in the event the defendant is committed to a hospital or secure mental health facility for evaluation, all parties agree to waive the presence of the defendant or to the defendant's remote participation at a subsequent competency hearing or presentation of an agreed order if the recommendation of the evaluator is for continuation of the stay of criminal proceedings, or if the opinion of the evaluator is that the defendant remains incompetent and there is no remaining restoration period, and the hearing is held prior to the expiration of the authorized commitment period.

~~((+))~~ (g) When a defendant is ordered to be evaluated under this subsection (1), or when a party or the court determines at first appearance that an order for evaluation under this subsection will be requested or ordered if charges are pursued, the court may delay granting bail until the defendant has been evaluated for competency or sanity and appears before the court. Following the evaluation, in determining bail the court shall consider: (i) Recommendations of the evaluator regarding the defendant's competency, sanity, or diminished capacity; (ii) whether the defendant has a recent history of one or more violent acts; (iii) whether the defendant has previously been acquitted by reason of insanity or found incompetent; (iv) whether it is reasonably likely the defendant will fail to appear for a future court hearing; and (v) whether the defendant is a threat to public safety.

(h) If the defendant ordered to be evaluated under this subsection (1) is charged with a serious traffic offense under RCW 9.94A.030, or a felony version of a serious traffic offense, the prosecutor may make a motion to modify the defendant's conditions of release to include a condition prohibiting the defendant from driving during the pendency of the competency evaluation period.

(2) The court may direct that a qualified expert or professional person retained by or appointed for the defendant be permitted to witness the evaluation authorized by subsection (1) of this section, and that the defendant shall have access to all information obtained by the court appointed experts or professional

persons. The defendant's expert or professional person shall have the right to file his or her own report following the guidelines of subsection (3) of this section. If the defendant is indigent, the court shall upon the request of the defendant assist him or her in obtaining an expert or professional person.

(3) The report of the evaluation shall include the following:

(a) A description of the nature of the evaluation;

(b) A diagnosis or description of the current mental status of the defendant;

(c) If the defendant (~~suffers from~~) has a mental disease or defect, or has a developmental disability, an opinion as to competency;

(d) If the defendant has indicated his or her intention to rely on the defense of insanity pursuant to RCW 10.77.030, and an evaluation and report by an expert or professional person has been provided concluding that the defendant was criminally insane at the time of the alleged offense, an opinion as to the defendant's sanity at the time of the act, and an opinion as to whether the defendant presents a substantial danger to other persons, or presents a substantial likelihood of committing criminal acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions, provided that no opinion shall be rendered under this subsection (3)(d) unless the evaluator or court determines that the defendant is competent to stand trial;

(e) When directed by the court, if an evaluation and report by an expert or professional person has been provided concluding that the defendant lacked the capacity at the time of the offense to form the mental state necessary to commit the charged offense, an opinion as to the capacity of the defendant to have a particular state of mind which is an element of the offense charged;

(f) An opinion as to whether the defendant should be evaluated by a designated crisis responder under chapter 71.05 RCW.

(4) The secretary may execute such agreements as appropriate and necessary to implement this section and may choose to designate more than one evaluator.

(5) In the event that a person remains in jail more than 21 days after service on the department of a court order to transport the person to a facility designated by the department for inpatient competency restoration treatment, upon the request of any party and with notice to all parties, the department shall perform a competency to stand trial status check to determine if the circumstances of the person have changed such that the court should authorize an updated competency evaluation. The status update shall be provided to the parties and the court. Status updates may be provided at reasonable intervals.

(6) If a finding of the competency evaluation under this section or under RCW 10.77.084 is that the individual is not competent due to an intellectual or developmental disability, dementia, or traumatic brain injury, the evaluator shall notify the department, which shall refer the individual to the developmental disabilities administration or the aging and long-term support administration of the department for review of eligibility for services. The department shall inform the forensic navigator about availability of services.

(7) If the expert or professional person appointed to perform a competency evaluation in the community is not able to complete the evaluation after two attempts at scheduling with the defendant, the department shall submit a report to the court and parties and include a date and time for another evaluation which must be at least four weeks later. The court shall provide notice to the defendant

of the date and time of the evaluation. If the defendant fails to appear at that appointment, the court shall recall the order for competency evaluation and may issue a warrant for the failure to appear.

Sec. 4. RCW 10.77.068 and 2022 c 288 s 3 are each amended to read as follows:

(1)(a) The legislature establishes a performance target of seven days or fewer to extend an offer of admission to a defendant in pretrial custody for inpatient competency evaluation or inpatient competency restoration services, when access to the services is legally authorized.

(b) The legislature establishes a performance target of 14 days or fewer for the following services related to competency to stand trial, when access to the services is legally authorized:

(i) To complete a competency evaluation in jail and distribute the evaluation report; and

(ii) To extend an offer of admission to a defendant ordered to be committed to ~~((a state hospital))~~ the department for placement in a facility operated by or contracted by the department following dismissal of charges based on incompetency to stand trial under RCW 10.77.086.

(c) The legislature establishes a performance target of 21 days or fewer to complete a competency evaluation in the community and distribute the evaluation report.

(2)(a) A maximum time limit of seven days as measured from the department's receipt of the court order, or a maximum time limit of 14 days as measured from signature of the court order, whichever is shorter, is established to complete the services specified in subsection (1)(a) of this section, subject to the limitations under subsection (9) of this section.

(b) A maximum time limit of 14 days as measured from the department's receipt of the court order, or a maximum time limit of 21 days as measured from signature of the court order, whichever is shorter, is established to complete the services specified in subsection (1)(b) of this section, subject to the limitations under subsection (9) of this section.

(3) The legislature recognizes that these targets may not be achievable in all cases, but intends for the department to manage, allocate, and request appropriations for resources in order to meet these targets whenever possible without sacrificing the accuracy and quality of competency services.

(4) It shall be a defense to an allegation that the department has exceeded the maximum time limits for completion of competency services described in subsection (2) of this section if the department can demonstrate by a preponderance of the evidence that the reason for exceeding the maximum time limits was outside of the department's control including, but not limited to, the following circumstances:

(a) Despite a timely request, the department has not received necessary medical information regarding the current medical status of a defendant;

(b) The individual circumstances of the defendant make accurate completion of an evaluation of competency to stand trial dependent upon review of mental health, substance use disorder, or medical history information which is in the custody of a third party and cannot be immediately obtained by the department, provided that completion shall not be postponed for procurement of information which is merely supplementary;

(c) Additional time is needed for the defendant to no longer show active signs and symptoms of impairment related to substance use so that an accurate evaluation may be completed;

(d) The defendant is medically unavailable for competency evaluation or admission to a facility for competency restoration;

(e) Completion of the referral requires additional time to accommodate the availability or participation of counsel, court personnel, interpreters, or the defendant;

(f) The defendant asserts legal rights that result in a delay in the provision of competency services; or

(g) An unusual spike in the receipt of evaluation referrals or in the number of defendants requiring restoration services has occurred, causing temporary delays until the unexpected excess demand for competency services can be resolved.

(5) The department shall provide written notice to the court when it will not be able to meet the maximum time limits under subsection (2) of this section and identify the reasons for the delay and provide a reasonable estimate of the time necessary to complete the competency service. Good cause for an extension for the additional time estimated by the department shall be presumed absent a written response from the court or a party received by the department within seven days.

(6) The department shall:

(a) Develop, document, and implement procedures to monitor the clinical status of defendants admitted to a state hospital for competency services that allow the state hospital to accomplish early discharge for defendants for whom clinical objectives have been achieved or may be achieved before expiration of the commitment period;

(b) Investigate the extent to which patients admitted to a state hospital under this chapter overstay time periods authorized by law and take reasonable steps to limit the time of commitment to authorized periods; and

(c) Establish written standards for the productivity of forensic evaluators and utilize these standards to internally review the performance of forensic evaluators.

(7) Following any quarter in which a state hospital has failed to meet one or more of the performance targets or maximum time limits under subsection (1) or (2) of this section, the department shall report to the executive and the legislature the extent of this deviation and describe any corrective action being taken to improve performance. This report shall be made publicly available. An average may be used to determine timeliness under this subsection.

(8) The department shall report annually to the legislature and the executive on the timeliness of services related to competency to stand trial and the timeliness with which court referrals accompanied by charging documents, discovery, and criminal history information are provided to the department relative to the signature date of the court order. The report must be in a form that is accessible to the public and that breaks down performance by county.

(9) This section does not create any new entitlement or cause of action related to the timeliness of competency to stand trial services, nor can it form the basis for contempt sanctions under chapter 7.21 RCW or a motion to dismiss criminal charges.

Sec. 5. RCW 10.77.074 and 2019 c 326 s 2 are each amended to read as follows:

(1) Subject to the limitations described in subsection (2) of this section, a court may appoint an impartial forensic navigator employed by or contracted by the department to assist individuals who have been referred for competency evaluation and shall appoint a forensic navigator in circumstances described under section 10 of this act.

(2) A forensic navigator must assist the individual to access services related to diversion and community outpatient competency restoration. The forensic navigator must assist the individual, prosecuting attorney, defense attorney, and the court to understand the options available to the individual and be accountable as an officer of the court for faithful execution of the responsibilities outlined in this section.

(3) The duties of the forensic navigator include, but are not limited to, the following:

(a) To collect relevant information about the individual, including behavioral health services and supports available to the individual that might support placement in outpatient restoration, diversion, or some combination of these;

(b) To meet with, interview, and observe the individual;

(c) To assess the individual for appropriateness for assisted outpatient treatment under chapter 71.05 RCW;

(d) To present information to the court in order to assist the court in understanding the treatment options available to the individual to support the entry of orders for diversion from the forensic mental health system or for community outpatient competency restoration, ~~((and))~~ to facilitate that transition; ~~((and~~

~~((d)))~~ (e) To provide regular updates to the court and parties of the status of the individual's participation in diversion or outpatient services and be responsive to inquiries by the parties about treatment status;

(f) When the individual is ordered to receive community outpatient restoration, to provide services to the individual including:

(i) Assisting the individual with attending appointments and classes relating to outpatient competency restoration;

(ii) Coordinating access to housing for the individual;

(iii) Meeting with the individual on a regular basis;

(iv) Providing information to the court concerning the individual's progress and compliance with court-ordered conditions of release, which may include appearing at court hearings to provide information to the court;

(v) Coordinating the individual's access to community case management services and mental health services;

(vi) Assisting the individual with obtaining prescribed medication and encouraging adherence with prescribed medication;

(vii) Assessing the individual for appropriateness for assisted outpatient treatment under chapter 71.05 RCW and coordinating the initiation of an assisted outpatient treatment order if appropriate;

(viii) Planning for a coordinated transition of the individual to a case manager in the community behavioral health system;

~~((viii))~~ (ix) Attempting to follow-up with the individual to check whether the meeting with a community-based case manager took place;

~~((ix))~~ (x) When the individual is a high utilizer, attempting to connect the individual with high utilizer services; and

~~((x))~~ (xi) Attempting to check up on the individual at least once per month for up to sixty days after coordinated transition to community behavioral health services, without duplicating the services of the community-based case manager;

(g) If the individual is an American Indian or Alaska Native who receives medical, behavioral health, housing, or other supportive services from a tribe within this state, to notify and coordinate with the tribe and Indian health care provider. Notification shall be made in person or by telephonic or electronic communication to the tribal contact listed in the authority's tribal crisis coordination plan as soon as possible.

(4) Forensic navigators may submit (~~(nonclinical))~~ recommendations to the court regarding treatment and restoration options for the individual, which the court may consider and weigh in conjunction with the recommendations of all of the parties.

(5) Forensic navigators shall be deemed officers of the court for the purpose of immunity from civil liability.

(6) The signed order for competency evaluation from the court shall serve as authority for the forensic navigator to be given access to all records held by a behavioral health, educational, or law enforcement agency or a correctional facility that relates to an individual. Information that is protected by state or federal law, including health information, shall not be entered into the court record without the consent of the individual or their defense attorney.

(7) Admissions made by the individual in the course of receiving services from the forensic navigator may not be used against the individual in the prosecution's case in chief.

(8) A court may not issue an order appointing a forensic navigator unless the department certifies that there is adequate forensic navigator capacity to provide these services at the time the order is issued.

Sec. 6. RCW 10.77.084 and 2016 sp.s. c 29 s 410 are each amended to read as follows:

(1)(a) If at any time during the pendency of an action and prior to judgment the court finds, following a report as provided in RCW 10.77.060, a defendant is incompetent, the court shall order the proceedings against the defendant be stayed except as provided in subsection (4) of this section. Beginning October 1, 2023, if the defendant is charged with a serious traffic offense under RCW 9.94A.030, or a felony version of a serious traffic offense, the court may order the clerk to transmit an order to the department of licensing for revocation of the defendant's driver's license for a period of one year.

(b) The court may order a defendant who has been found to be incompetent to undergo competency restoration treatment at a facility designated by the department if the defendant is eligible under RCW 10.77.086 or 10.77.088. At the end of each competency restoration period or at any time a professional person determines competency has been, or is unlikely to be, restored, the defendant shall be returned to court for a hearing, except that if the opinion of the professional person is that the defendant remains incompetent and the hearing is held before the expiration of the current competency restoration

period, the parties may agree to waive the defendant's presence, to remote participation by the defendant at a hearing, or to presentation of an agreed order in lieu of a hearing. The facility shall promptly notify the court and all parties of the date on which the competency restoration period commences and expires so that a timely hearing date may be scheduled.

(c) If, following notice and hearing or entry of an agreed order under (b) of this subsection, the court finds that competency has been restored, the court shall lift the stay entered under (a) of this subsection. If the court finds that competency has not been restored, the court shall dismiss the proceedings without prejudice, except that the court may order a further period of competency restoration treatment if it finds that further treatment within the time limits established by RCW 10.77.086 or 10.77.088 is likely to restore competency, and a further period of treatment is allowed under RCW 10.77.086 or 10.77.088.

(d) If at any time during the proceeding the court finds, following notice and hearing, a defendant is not likely to regain competency, the court shall dismiss the proceedings without prejudice and refer the defendant for civil commitment evaluation or proceedings if appropriate under RCW 10.77.065, 10.77.086, or 10.77.088.

(e) Beginning October 1, 2023, if the court issues an order directing revocation of the defendant's driver's license under (a) of this subsection, and the court subsequently finds that the defendant's competency has been restored, the court shall order the clerk to transmit an order to the department of licensing for reinstatement of the defendant's driver's license. The court may direct the clerk to transmit an order reinstating the defendant's driver's license before the end of one year for good cause upon the petition of the defendant.

(2) If the defendant is referred for evaluation by a designated crisis responder under this chapter, the designated crisis responder shall provide prompt written notification of the results of the evaluation and whether the person was detained. The notification shall be provided to the court in which the criminal action was pending, the prosecutor, the defense attorney in the criminal action, and the facility that evaluated the defendant for competency.

(3) The fact that the defendant is unfit to proceed does not preclude any pretrial proceedings which do not require the personal participation of the defendant.

(4) A defendant receiving medication for either physical or mental problems shall not be prohibited from standing trial, if the medication either enables the defendant to understand the proceedings against him or her and to assist in his or her own defense, or does not disable him or her from so understanding and assisting in his or her own defense.

(5) At or before the conclusion of any commitment period provided for by this section, the facility providing evaluation and treatment shall provide to the court a written report of evaluation which meets the requirements of RCW 10.77.060(3). For defendants charged with a felony, the report following the second competency restoration period or first competency restoration period if the defendant's incompetence is determined to be solely due to a developmental disability or the evaluator concludes that the defendant is not likely to regain competency must include an assessment of the defendant's future dangerousness which is evidence-based regarding predictive validity.

Sec. 7. RCW 10.77.086 and 2022 c 288 s 4 are each amended to read as follows:

(1) If the defendant is charged with a felony and determined to be incompetent, until he or she has regained the competency necessary to understand the proceedings against him or her and assist in his or her own defense, but in any event for a period of no longer than 90 days, the court shall commit the defendant to the custody of the secretary for inpatient competency restoration, or may alternatively order the defendant to receive outpatient competency restoration based on a recommendation from a forensic navigator and input from the parties.

(a) To be eligible for an order for outpatient competency restoration, a defendant must be clinically appropriate and be willing to:

- (i) Adhere to medications or receive prescribed intramuscular medication;
- (ii) Abstain from alcohol and unprescribed drugs; and
- (iii) Comply with urinalysis or breathalyzer monitoring if needed.

(b) If the court orders inpatient competency restoration, the department shall place the defendant in an appropriate facility of the department for competency restoration.

(c) If the court orders outpatient competency restoration, the court shall modify conditions of release as needed to authorize the department to place the person in approved housing, which may include access to supported housing, affiliated with a contracted outpatient competency restoration program. The department, in conjunction with the health care authority, must establish rules for conditions of participation in the outpatient competency restoration program, which must include the defendant being subject to medication management. The court may order regular urinalysis testing. The outpatient competency restoration program shall monitor the defendant during the defendant's placement in the program and report any noncompliance or significant changes with respect to the defendant to the department and, if applicable, the forensic navigator.

(d) If a defendant fails to comply with the restrictions of the outpatient restoration program such that restoration is no longer appropriate in that setting or the defendant is no longer clinically appropriate for outpatient competency restoration, the director of the outpatient competency restoration program shall notify the authority and the department of the need to terminate the outpatient competency restoration placement and intent to request placement for the defendant in an appropriate facility of the department for inpatient competency restoration. The outpatient competency restoration program shall coordinate with the authority, the department, and any law enforcement personnel under (d)(i) of this subsection to ensure that the time period between termination and admission into the inpatient facility is as minimal as possible. The time period for inpatient competency restoration shall be reduced by the time period spent in active treatment within the outpatient competency restoration program, excluding time periods in which the defendant was absent from the program and all time from notice of termination of the outpatient competency restoration period through the defendant's admission to the facility. The department shall obtain a placement for the defendant within seven days of the notice of intent to terminate the outpatient competency restoration placement.

(i) The department may authorize a peace officer to detain the defendant into emergency custody for transport to the designated inpatient competency restoration facility. If medical clearance is required by the designated competency restoration facility before admission, the peace officer must transport the defendant to a crisis stabilization unit, evaluation and treatment facility, emergency department of a local hospital, or triage facility for medical clearance once a bed is available at the designated inpatient competency restoration facility. The signed outpatient competency restoration order of the court shall serve as authority for the detention of the defendant under this subsection. This subsection does not preclude voluntary transportation of the defendant to a facility for inpatient competency restoration or for medical clearance, or authorize admission of the defendant into jail.

(ii) The department shall notify the court and parties of the defendant's admission for inpatient competency restoration before the close of the next judicial day. The court shall schedule a hearing within five days to review the conditions of release of the defendant and anticipated release from treatment and issue appropriate orders.

(e) The court may not issue an order for outpatient competency restoration unless the department certifies that there is an available appropriate outpatient competency restoration program that has adequate space for the person at the time the order is issued or the court places the defendant under the guidance and control of a professional person identified in the court order.

(2) For a defendant whose highest charge is a class C felony, or a class B felony that is not classified as violent under RCW 9.94A.030, the maximum time allowed for the initial competency restoration period is 45 days if the defendant is referred for inpatient competency restoration, or 90 days if the defendant is referred for outpatient competency restoration, provided that if the outpatient competency restoration placement is terminated and the defendant is subsequently admitted to an inpatient facility, the period of inpatient treatment during the first competency restoration period under this subsection shall not exceed 45 days.

(3) If the court determines or the parties agree before the initial competency restoration period or at any subsequent stage of the proceedings that the defendant is unlikely to regain competency, the court may dismiss the charges without prejudice without ordering the defendant to undergo an initial or further period of competency restoration treatment, in which case the court shall order that the defendant be referred for evaluation for civil commitment in the manner provided in subsection (5) of this section.

(4) On or before expiration of the initial competency restoration period the court shall conduct a hearing to determine whether the defendant is now competent to stand trial. If the court finds by a preponderance of the evidence that the defendant is incompetent to stand trial, the court may order an extension of the competency restoration period for an additional period of 90 days, but the court must at the same time set a date for a new hearing to determine the defendant's competency to stand trial before the expiration of this second restoration period. The defendant, the defendant's attorney, and the prosecutor have the right to demand that the hearing be before a jury. No extension shall be ordered for a second or third competency restoration period if the defendant's incompetence has been determined by the secretary to be solely the result of a

developmental disability which is such that competence is not reasonably likely to be regained during an extension.

(5) ~~((A†))~~ (a) Except as provided in (b) of this subsection, at the hearing upon the expiration of the second competency restoration period, or at the end of the first competency restoration period if the defendant is ineligible for a second or third competency restoration period under subsection (4) of this section, if the jury or court finds that the defendant is incompetent to stand trial, the court shall dismiss the charges without prejudice and order the defendant to be committed to ~~((a state hospital))~~ the department for placement in a facility operated or contracted by the department for up to 120 hours if the defendant has not undergone competency restoration services or has engaged in outpatient competency restoration services and up to 72 hours if the defendant engaged in inpatient competency restoration services starting from admission to the facility, excluding Saturdays, Sundays, and holidays, for evaluation for the purpose of filing a civil commitment petition under chapter 71.05 RCW. ~~((However, the))~~ If at the time the order to dismiss the charges without prejudice is entered by the court the defendant is already in a facility operated or contracted by the department, the 72-hour or 120-hour period shall instead begin upon department receipt of the court order.

~~((b))~~ (b) The court shall not dismiss the charges if the court or jury finds that:
~~((†))~~ (i) The defendant ~~((†))~~ (A) is a substantial danger to other persons; or
~~((†))~~ (B) presents a substantial likelihood of committing criminal acts jeopardizing public safety or security; and
~~((b))~~ (ii) there is a substantial probability that the defendant will regain competency within a reasonable period of time. If the court or jury makes such a finding, the court may extend the period of commitment for up to an additional six months.

(6) Any period of competency restoration treatment under this section includes only the time the defendant is actually at the facility or is actively participating in an outpatient competency restoration program and is in addition to reasonable time for transport to or from the facility.

Sec. 8. RCW 10.77.086 and 2022 c 288 s 4 are each amended to read as follows:

(1) ~~((F))~~ (a) Except as otherwise provided in this section, if the defendant is charged with a felony and determined to be incompetent, until he or she has regained the competency necessary to understand the proceedings against him or her and assist in his or her own defense, but in any event for a period of no longer than 90 days, the court shall commit the defendant to the custody of the secretary for inpatient competency restoration, or may alternatively order the defendant to receive outpatient competency restoration based on a recommendation from a forensic navigator and input from the parties.

(b) For a defendant who is determined to be incompetent and whose highest charge is a class C felony other than assault in the third degree under RCW 9A.36.031(1) (d) or (f), felony physical control of a vehicle under RCW 46.61.504(6), felony hit and run resulting in injury under RCW 46.52.020(4)(b), a hate crime offense under RCW 9A.36.080, a class C felony with a domestic violence designation, a class C felony sex offense as defined in RCW 9.94A.030, or a class C felony with a sexual motivation allegation, the court shall first consider all available and appropriate alternatives to inpatient competency restoration. The court shall dismiss the proceedings without

prejudice upon agreement of the parties if the forensic navigator has found an appropriate and available diversion program willing to accept the defendant.

(2)(a) To be eligible for an order for outpatient competency restoration, a defendant must be clinically appropriate and be willing to:

- (i) Adhere to medications or receive prescribed intramuscular medication;
- (ii) Abstain from alcohol and unprescribed drugs; and
- (iii) Comply with urinalysis or breathalyzer monitoring if needed.

(b) If the court orders inpatient competency restoration, the department shall place the defendant in an appropriate facility of the department for competency restoration.

(c) If the court orders outpatient competency restoration, the court shall modify conditions of release as needed to authorize the department to place the person in approved housing, which may include access to supported housing, affiliated with a contracted outpatient competency restoration program. The department, in conjunction with the health care authority, must establish rules for conditions of participation in the outpatient competency restoration program, which must include the defendant being subject to medication management. The court may order regular urinalysis testing. The outpatient competency restoration program shall monitor the defendant during the defendant's placement in the program and report any noncompliance or significant changes with respect to the defendant to the department and, if applicable, the forensic navigator.

(d) If a defendant fails to comply with the restrictions of the outpatient restoration program such that restoration is no longer appropriate in that setting or the defendant is no longer clinically appropriate for outpatient competency restoration, the director of the outpatient competency restoration program shall notify the authority and the department of the need to terminate the outpatient competency restoration placement and intent to request placement for the defendant in an appropriate facility of the department for inpatient competency restoration. The outpatient competency restoration program shall coordinate with the authority, the department, and any law enforcement personnel under (d)(i) of this subsection to ensure that the time period between termination and admission into the inpatient facility is as minimal as possible. The time period for inpatient competency restoration shall be reduced by the time period spent in active treatment within the outpatient competency restoration program, excluding time periods in which the defendant was absent from the program and all time from notice of termination of the outpatient competency restoration period through the defendant's admission to the facility. The department shall obtain a placement for the defendant within seven days of the notice of intent to terminate the outpatient competency restoration placement.

(i) The department may authorize a peace officer to detain the defendant into emergency custody for transport to the designated inpatient competency restoration facility. If medical clearance is required by the designated competency restoration facility before admission, the peace officer must transport the defendant to a crisis stabilization unit, evaluation and treatment facility, emergency department of a local hospital, or triage facility for medical clearance once a bed is available at the designated inpatient competency restoration facility. The signed outpatient competency restoration order of the court shall serve as authority for the detention of the defendant under this

subsection. This subsection does not preclude voluntary transportation of the defendant to a facility for inpatient competency restoration or for medical clearance, or authorize admission of the defendant into jail.

(ii) The department shall notify the court and parties of the defendant's admission for inpatient competency restoration before the close of the next judicial day. The court shall schedule a hearing within five days to review the conditions of release of the defendant and anticipated release from treatment and issue appropriate orders.

(e) The court may not issue an order for outpatient competency restoration unless the department certifies that there is an available appropriate outpatient competency restoration program that has adequate space for the person at the time the order is issued or the court places the defendant under the guidance and control of a professional person identified in the court order.

~~((2))~~ (3) For a defendant whose highest charge is a class C felony, or a class B felony that is not classified as violent under RCW 9.94A.030, the maximum time allowed for the initial competency restoration period is 45 days if the defendant is referred for inpatient competency restoration, or 90 days if the defendant is referred for outpatient competency restoration, provided that if the outpatient competency restoration placement is terminated and the defendant is subsequently admitted to an inpatient facility, the period of inpatient treatment during the first competency restoration period under this subsection shall not exceed 45 days.

~~((3))~~ (4) When any defendant whose highest charge is a class C felony other than assault in the third degree under RCW 9A.36.031(1) (d) or (f), felony physical control of a vehicle under RCW 46.61.504(6), felony hit and run resulting in injury under RCW 46.52.020(4)(b), a hate crime offense under RCW 9A.36.080, a class C felony with a domestic violence designation, a class C felony sex offense as defined in RCW 9.94A.030, or a class C felony with a sexual motivation allegation is admitted for inpatient competency restoration with an accompanying court order for involuntary medication under RCW 10.77.092, and the defendant is found not competent to stand trial following that period of competency restoration, the court shall dismiss the charges pursuant to subsection (7) of this section.

(5) If the court determines or the parties agree before the initial competency restoration period or at any subsequent stage of the proceedings that the defendant is unlikely to regain competency, the court may dismiss the charges without prejudice without ordering the defendant to undergo an initial or further period of competency restoration treatment, in which case the court shall order that the defendant be referred for evaluation for civil commitment in the manner provided in subsection ~~((5))~~ (7) of this section.

~~((4))~~ (6) On or before expiration of the initial competency restoration period the court shall conduct a hearing to determine whether the defendant is now competent to stand trial. If the court finds by a preponderance of the evidence that the defendant is incompetent to stand trial, the court may order an extension of the competency restoration period for an additional period of 90 days, but the court must at the same time set a date for a new hearing to determine the defendant's competency to stand trial before the expiration of this second restoration period. The defendant, the defendant's attorney, and the prosecutor have the right to demand that the hearing be before a jury. No

extension shall be ordered for a second or third competency restoration period if the defendant is ineligible for a subsequent competency restoration period under subsection (4) of this section or the defendant's incompetence has been determined by the secretary to be solely the result of ((*) an intellectual or developmental disability, dementia, or traumatic brain injury which is such that competence is not reasonably likely to be regained during an extension.

((5) A) (7)(a) Except as provided in (b) of this subsection, at the hearing upon the expiration of the second competency restoration period, or at the end of the first competency restoration period if the defendant is ineligible for a second or third competency restoration period under subsection ((4)) (3) or (6) of this section, if the jury or court finds that the defendant is incompetent to stand trial, the court shall dismiss the charges without prejudice and order the defendant to be committed to ((a state hospital)) the department for placement in a facility operated or contracted by the department for up to 120 hours if the defendant has not undergone competency restoration services or has engaged in outpatient competency restoration services, and up to 72 hours if the defendant engaged in inpatient competency restoration services starting from admission to the facility, excluding Saturdays, Sundays, and holidays, for evaluation for the purpose of filing a civil commitment petition under chapter 71.05 RCW. ((However, the)) If at the time the order to dismiss the charges without prejudice is entered by the court the defendant is already in a facility operated or contracted by the department, the 72-hour or 120-hour period shall instead begin upon department receipt of the court order.

(b) The court shall not dismiss the charges if the defendant is eligible for a second or third competency restoration period under subsection (6) of this section and the court or jury finds that: ((*) (i) The defendant ((*) (A) is a substantial danger to other persons; or ((*) (B) presents a substantial likelihood of committing criminal acts jeopardizing public safety or security; and ((*) (ii) there is a substantial probability that the defendant will regain competency within a reasonable period of time. If the court or jury makes such a finding, the court may extend the period of commitment for up to an additional six months.

((6)) (8) Any period of competency restoration treatment under this section includes only the time the defendant is actually at the facility or is actively participating in an outpatient competency restoration program and is in addition to reasonable time for transport to or from the facility.

Sec. 9. RCW 10.77.088 and 2022 c 288 s 5 are each amended to read as follows:

(1) If the defendant is charged with a nonfelony crime which is a serious offense as identified in RCW 10.77.092 and found by the court to be not competent, the court shall first consider all available and appropriate alternatives to inpatient competency restoration. If the parties agree that there is an appropriate diversion program available to accept the defendant, the court shall dismiss the proceedings without prejudice and refer the defendant to the recommended diversion program. If the parties do not agree that there is an appropriate diversion program available to accept the defendant, then the court:

(a) Shall dismiss the proceedings without prejudice and detain the defendant ((for sufficient time to allow the designated crisis responder to evaluate the defendant and consider initial detention proceedings under chapter 71.05 RCW))

pursuant to subsection (6) of this section, unless the prosecutor objects to the dismissal and provides notice of a motion for an order for competency restoration treatment, in which case the court shall schedule a hearing within seven days.

(b) At the hearing, the prosecuting attorney must establish that there is a compelling state interest to order competency restoration treatment for the defendant. The court may consider prior criminal history, prior history in treatment, prior history of violence, the quality and severity of the pending charges, any history that suggests whether competency restoration treatment is likely to be successful, in addition to the factors listed under RCW 10.77.092. If the defendant is subject to an order under chapter 71.05 RCW or proceedings under chapter 71.05 RCW have been initiated, there is a rebuttable presumption that there is no compelling state interest in ordering competency restoration treatment. If the prosecuting attorney proves by a preponderance of the evidence that there is a compelling state interest in ordering competency restoration treatment, then the court shall issue an order in accordance with subsection (2) of this section.

(2)(a) If a court finds pursuant to subsection (1)(b) of this section that there is a compelling state interest in pursuing competency restoration treatment, the court shall ~~((commit the defendant to the custody of the secretary for inpatient competency restoration, or may alternatively))~~ order the defendant to receive outpatient competency restoration ~~((based on a recommendation from a forensic navigator and input from the parties))~~ consistent with the recommendation of the forensic navigator, unless the court finds that an order for outpatient competency restoration is inappropriate considering the health and safety of the defendant and risks to public safety.

~~((a))~~ (b) To be eligible for an order for outpatient competency restoration, a defendant must be ~~((clinically appropriate and be))~~ willing to:

- (i) Adhere to medications or receive prescribed intramuscular medication;
- (ii) Abstain from alcohol and unprescribed drugs; and
- (iii) Comply with urinalysis or breathalyzer monitoring if needed.

~~((b))~~ (c) If the court orders inpatient competency restoration, the department shall place the defendant in an appropriate facility of the department for competency restoration under subsection (3) of this section.

~~((c))~~ (d) If the court orders outpatient competency restoration, the court shall modify conditions of release as needed to authorize the department to place the person in approved housing, which may include access to supported housing, affiliated with a contracted outpatient competency restoration program. The department, in conjunction with the health care authority, must establish rules for conditions of participation in the outpatient competency restoration program, which must include the defendant being subject to medication management. The court may order regular urinalysis testing. The outpatient competency restoration program shall monitor the defendant during the defendant's placement in the program and report any noncompliance or significant changes with respect to the defendant to the department and, if applicable, the forensic navigator.

~~((d))~~ (e) If a defendant fails to comply with the restrictions of the outpatient competency restoration program such that restoration is no longer appropriate in that setting or the defendant is no longer clinically appropriate for

outpatient competency restoration, the director of the outpatient competency restoration program shall notify the authority and the department of the need to terminate the outpatient competency restoration placement and intent to request placement for the defendant in an appropriate facility of the department for inpatient competency restoration. The outpatient competency restoration program shall coordinate with the authority, the department, and any law enforcement personnel under ~~((d))~~ (e)(i) of this subsection to ensure that the time period between termination and admission into the inpatient facility is as minimal as possible. The time period for inpatient competency restoration shall be reduced by the time period spent in active treatment within the outpatient competency restoration program, excluding time periods in which the defendant was absent from the program and all time from notice of termination of the outpatient competency restoration period through the defendant's admission to the facility. The department shall obtain a placement for the defendant within seven days of the notice of intent to terminate the outpatient competency restoration placement.

(i) The department may authorize a peace officer to detain the defendant into emergency custody for transport to the designated inpatient competency restoration facility. If medical clearance is required by the designated competency restoration facility before admission, the peace officer must transport the defendant to a crisis stabilization unit, evaluation and treatment facility, emergency department of a local hospital, or triage facility for medical clearance once a bed is available at the designated inpatient competency restoration facility. The signed outpatient competency restoration order of the court shall serve as authority for the detention of the defendant under this subsection. This subsection does not preclude voluntary transportation of the defendant to a facility for inpatient competency restoration or for medical clearance, or authorize admission of the defendant into jail.

(ii) The department shall notify the court and parties of the defendant's admission for inpatient competency restoration before the close of the next judicial day. The court shall schedule a hearing within five days to review the conditions of release of the defendant and anticipated release from treatment and issue appropriate orders.

~~((e))~~ (f) The court may not issue an order for outpatient competency restoration unless the department certifies that there is an available appropriate outpatient restoration program that has adequate space for the person at the time the order is issued or the court places the defendant under the guidance and control of a professional person identified in the court order.

(g) If the court does not order the defendant to receive outpatient competency restoration under (a) of this subsection, the court shall commit the defendant to the department for placement in a facility operated or contracted by the department for inpatient competency restoration.

(3) The placement under subsection (2) of this section shall not exceed 29 days if the defendant is ordered to receive inpatient competency restoration, and shall not exceed 90 days if the defendant is ordered to receive outpatient competency restoration. The court may order any combination of this subsection, but the total period of inpatient competency restoration may not exceed 29 days.

(4) Beginning October 1, 2023, if the defendant is charged with a serious traffic offense under RCW 9.94A.030, the court may order the clerk to transmit an order to the department of licensing for revocation of the defendant's driver's license for a period of one year. The court shall direct the clerk to transmit an order to the department of licensing reinstating the defendant's driver's license if the defendant is subsequently restored to competency, and may do so at any time before the end of one year for good cause upon the petition of the defendant.

(5) If the court has determined or the parties agree that the defendant is unlikely to regain competency, the court may dismiss the charges without prejudice without ordering the defendant to undergo competency restoration treatment, in which case the court shall order that the defendant be referred for evaluation for civil commitment in the manner provided in subsection ~~((5))~~ (6) of this section.

~~((5))~~ (6)(a) If the proceedings are dismissed under RCW 10.77.084 and the defendant was on conditional release at the time of dismissal, the court shall order the designated crisis responder within that county to evaluate the defendant pursuant to chapter 71.05 RCW. The evaluation may be conducted in any location chosen by the professional.

(b) If the defendant was in custody and not on conditional release at the time of dismissal, the defendant shall be detained and sent to an evaluation and treatment facility for up to 120 hours if the defendant has not undergone competency restoration services or has engaged in outpatient competency restoration services and up to 72 hours if the defendant engaged in inpatient competency restoration services, excluding Saturdays, Sundays, and holidays, for evaluation for purposes of filing a petition under chapter 71.05 RCW. The 120-hour or 72-hour period shall commence upon the next nonholiday weekday following the court order and shall run to the end of the last nonholiday weekday within the 120-hour or 72-hour period.

~~((6))~~ (7) If the defendant is charged with a nonfelony crime that is not a serious offense as defined in RCW 10.77.092 and found by the court to be not competent, the court may stay or dismiss proceedings and detain the defendant for sufficient time to allow the designated crisis responder to evaluate the defendant and consider initial detention proceedings under chapter 71.05 RCW. The court must give notice to all parties at least 24 hours before the dismissal of any proceeding under this subsection, and provide an opportunity for a hearing on whether to dismiss the proceedings.

~~((7))~~ (8) If at any time the court dismisses charges under subsections (1) through ~~((6))~~ (7) of this section, the court shall make a finding as to whether the defendant has a history of one or more violent acts. If the court so finds, the defendant is barred from the possession of firearms until a court restores his or her right to possess a firearm under RCW 9.41.047. The court shall state to the defendant and provide written notice that the defendant is barred from the possession of firearms and that the prohibition remains in effect until a court restores his or her right to possess a firearm under RCW 9.41.047.

~~((8))~~ (9) Any period of competency restoration treatment under this section includes only the time the defendant is actually at the facility or is actively participating in an outpatient competency restoration program and is in addition to reasonable time for transport to or from the facility.

NEW SECTION. Sec. 10. A new section is added to chapter 10.77 RCW to read as follows:

(1) In counties with a forensic navigator program, a forensic navigator shall:

(a) Meet, interview, and observe all defendants charged with a nonfelony, or a class C felony other than assault in the third degree under RCW 9A.36.031(1) (d) or (f), felony physical control of a vehicle under RCW 46.61.504(6), felony hit and run resulting in injury under RCW 46.52.020(4)(b), a hate crime offense under RCW 9A.36.080, a class C felony with a domestic violence designation, a class C felony sex offense as defined in RCW 9.94A.030, or a class C felony with a sexual motivation allegation, who have had two or more cases dismissed due to a finding of incompetency to stand trial in the preceding 24 months and who are at risk for a finding of incompetency under their current charge. The forensic navigator shall determine the defendants' willingness to engage with services under this section; and

(b) Provide a diversion program plan to the parties in each case that includes a recommendation for a diversion program to defense counsel and the prosecuting attorney. Services under a diversion program may include a referral for assisted outpatient treatment under chapter 71.05 RCW.

(2) The court shall dismiss the criminal charges upon agreement of the parties that the defendant has been accepted into the diversion program recommended by the forensic navigator.

(3)(a) For defendants charged with a nonfelony, the court may order the defendant to a diversion program if recommended by the forensic navigator. Upon engagement with the diversion program, the defense may move to dismiss the charges without prejudice. The court shall hold a hearing on this motion within 10 days. The court shall grant the defense motion if it finds by a preponderance of the evidence that the defendant is amenable to the services described in the diversion program and can safely receive services in the community.

(b) For defendants charged with a class C felony other than assault in the third degree under RCW 9A.36.031(1) (d) or (f), felony physical control of a vehicle under RCW 46.61.504(6), felony hit and run resulting in injury under RCW 46.52.020(4)(b), a hate crime offense under RCW 9A.36.080, a class C felony with a domestic violence designation, a class C felony sex offense as defined in RCW 9.94A.030, or a class C felony with a sexual motivation allegation, the defense may move for dismissal of the charges without prejudice if the defendant is currently subject to a civil commitment order under chapter 71.05 RCW. The court shall grant the defense motion upon confirmation of an available treatment plan under chapter 71.05 RCW.

(4) Individuals who are referred to a diversion program described in this section shall have a forensic navigator assigned to assist them for up to six months while engaging in the services described in the diversion program.

(5) Forensic navigators shall collaborate with available *Trueblood* settlement diversion programs if they are accessible in the geographic location where criminal charges are currently filed.

Sec. 11. RCW 10.77.092 and 2014 c 10 s 2 are each amended to read as follows:

(1) For purposes of determining whether a court may authorize involuntary medication for the purpose of competency restoration pursuant to RCW

10.77.084 and for maintaining the level of restoration in the jail following the restoration period, a pending charge involving any one or more of the following crimes is a serious offense per se in the context of competency restoration:

(a) Any violent offense, sex offense, serious traffic offense, and most serious offense, as those terms are defined in RCW 9.94A.030;

(b) Any offense, except nonfelony counterfeiting offenses, included in crimes against persons in RCW 9.94A.411;

(c) Any offense contained in chapter 9.41 RCW (firearms and dangerous weapons);

(d) Any offense listed as domestic violence in RCW 10.99.020;

(e) Any offense listed as a harassment offense in chapter 9A.46 RCW, except for criminal trespass in the first or second degree;

(f) Any violation of chapter 69.50 RCW that is a class B felony; or

(g) Any city or county ordinance or statute that is equivalent to an offense referenced in this subsection.

(2) Any time a petition is filed seeking a court order authorizing the involuntary medication for purposes of competency restoration pursuant to RCW 10.77.084, the petition must also seek authorization to continue involuntary medication for purposes of maintaining the level of restoration in the jail or juvenile detention facility following the restoration period.

(3)(a) In a particular case, a court may determine that a pending charge not otherwise defined as serious by state or federal law or by a city or county ordinance is, nevertheless, a serious offense within the context of competency restoration treatment when the conduct in the charged offense falls within the standards established in (b) of this subsection.

(b) To determine that the particular case is a serious offense within the context of competency restoration, the court must consider the following factors and determine that one or more of the following factors creates a situation in which the offense is serious:

(i) The charge includes an allegation that the defendant actually inflicted bodily or emotional harm on another person or that the defendant created a reasonable apprehension of bodily or emotional harm to another;

(ii) The extent of the impact of the alleged offense on the basic human need for security of the citizens within the jurisdiction;

(iii) The number and nature of related charges pending against the defendant;

(iv) The length of potential confinement if the defendant is convicted; and

(v) The number of potential and actual victims or persons impacted by the defendant's alleged acts.

NEW SECTION. Sec. 12. A new section is added to chapter 10.77 RCW to read as follows:

(1) When an individual has a prescription for an antipsychotic, antidepressant, antiepileptic, or other drug prescribed to the individual to treat a serious mental illness by a state hospital or other state facility or a behavioral health agency or other certified medical provider, and the individual is medically stable on the drug, a jail or juvenile detention facility shall continue prescribing the prescribed drug and may not require the substitution of a different drug in a given therapeutic class, except under the following circumstances:

(a) The substitution is for a generic version of a name brand drug and the generic version is chemically identical to the name brand drug; or

(b) The drug cannot be prescribed for reasons of drug recall or removal from the market, or medical evidence indicating no therapeutic effect of the drug.

(2) This section includes but is not limited to situations in which the individual returns to a jail or juvenile detention facility directly after undergoing treatment at a state hospital, behavioral health agency, outpatient competency restoration program, or prison.

(3) The department shall establish a program to reimburse jails and juvenile detention facilities for the costs of any drugs the jail or juvenile detention facility does not otherwise have available and must continue prescribing under this section.

NEW SECTION. Sec. 13. A new section is added to chapter 10.77 RCW to read as follows:

(1) Following a competency evaluation under RCW 10.77.060, individuals who are found not competent to stand trial and not restorable due to an intellectual or developmental disability, dementia, or traumatic brain injury, shall not be referred for competency restoration services.

(2) The department shall develop a process for connecting individuals who have been found not competent to stand trial due to an intellectual or developmental disability, dementia, or traumatic brain injury to available wraparound services and supports in community-based settings, which may include residential supports. The process shall include provisions for individuals who are current clients of the department's developmental disabilities administration or aging and long-term support administration and for individuals who are not current clients of the department.

(a) For current clients of the developmental disabilities administration and aging and long-term support administration, the department's assigned case manager shall:

(i) Coordinate with the individual's services providers to determine if the individual can return to the same or like services, or determine appropriate new community-based services. This shall include updating the individual's service plan and identifying and coordinating potential funding for any additional supports to stabilize the individual in community-based settings funded by the developmental disabilities administration or aging and long-term support administration so that the individual does not lose existing services, including submitting any exceptions to rule for additional services;

(ii) Conduct a current service eligibility assessment and send referral packets to all community-based service providers for services for which the individual is eligible; and

(iii) Connect with the individual's assigned forensic navigator and determine if the individual is eligible for any diversion, supportive housing, or case management programs as a *Trueblood* class member, and assist the individual to access these services.

(b) For individuals who have not established eligibility for the department's support services, the department shall:

(i) Conduct an eligibility determination for services and send referral packets to service providers for all relevant community-based services for which the individual is eligible. This process must include identifying and coordinating

funding for any additional supports that are needed to stabilize the individual in any community-based setting funded by the developmental disabilities administration or aging and long-term support administration, including submitting any necessary exceptions to rule for additional services; and

(ii) Connect with the individual's assigned forensic navigator and determine if the individual is eligible for any diversion, supportive housing, or case management programs as a *Trueblood* class member, if additional specialized services are available to supplement diversion program services, and assist the individual to access these services.

(3) The department shall offer to transition the individual in services either directly from the jail or as soon thereafter as may be practicable, without maintaining the individual at an inpatient facility for longer than is clinically necessary. Nothing in this subsection prohibits the department from returning the individual to their home or to another less restrictive setting if such setting is appropriate, which may include provision of supportive services to help the person maintain stability. The individual is not required to accept developmental disabilities administration, aging and long-term support administration, or other diversionary services as a condition of having the individual's criminal case dismissed without prejudice, provided the individual meets the criteria of subsection (1) of this section.

(4) Subject to the availability of funds appropriated for this specific purpose, the department shall develop a program for individuals who have been involved with the criminal justice system and who have been found under RCW 10.77.084 as incompetent to stand trial due to an intellectual or developmental disability, traumatic brain injury, or dementia and who do not meet criteria under other programs in this section. The program must involve wraparound services and housing supports appropriate to the needs of the individual. It is sufficient to meet the criteria for participation in this program if the individual has recently been the subject of criminal charges and was found incompetent to stand trial due to an intellectual or developmental disability, traumatic brain injury, or dementia.

NEW SECTION. Sec. 14. The University of Washington shall implement a pilot project to provide short-term stabilization and transition support for individuals found incompetent to stand trial due to an intellectual or developmental disability who are or have been *Trueblood* class members. The project will be implemented in three phases, beginning December 1, 2023, using an interdisciplinary approach across various settings and overlapping with existing resources, including those available to *Trueblood* class members and services and supports they are eligible to receive from the department of social and health services. The department of social and health services shall collaborate with the University of Washington on this project, including assistance in identifying resources available to class members and determination of eligibility. By November 30, 2026, the University of Washington shall submit a report to the appropriate fiscal and policy committees of the legislature on the pilot project, including the pilot project's outcomes, data analysis, evaluation, and recommendations for improvement. In addition, the University of Washington shall report on the background of current and former *Trueblood* class members with intellectual and developmental disabilities. The department

of social and health services shall share data as needed to assist in report development.

NEW SECTION. Sec. 15. Subject to the availability of funds appropriated for this specific purpose, the health care authority shall require the programs it contracts with to increase compensation for staff in outpatient competency restoration programs to provide compensation at competitive levels to improve recruitment and allow for the full implementation of outpatient competency restoration programs.

NEW SECTION. Sec. 16. A new section is added to chapter 10.77 RCW to read as follows:

An outpatient competency restoration program must include access to a prescriber.

NEW SECTION. Sec. 17. A new section is added to chapter 10.77 RCW to read as follows:

(1) Subject to the security and background investigation requirements of the jail, jails shall allow clinical intervention specialists to have access to individuals who are referred to receive services under this chapter and to all records relating to the health or conduct of the individual while incarcerated. Clinical intervention specialists shall support jail health services in providing direct services, enhanced oversight and monitoring of the behavioral health status of participating individuals. Clinical intervention specialists shall work collaboratively with jail health services to ensure appropriate prescriptions, medication compliance monitoring, and access to supportive behavioral health services to the individuals. Clinical intervention specialists shall coordinate with forensic navigators and the department to assist forensic navigators in making recommendations for appropriate placements, which may include recommendations for participation in an outpatient competency restoration program or a diversion program designed for the needs of the individual. The clinical intervention specialist shall notify the department if a participating individual appears to have stabilized in their behavioral health such that a new competency evaluation is appropriate to reassess the individual's need for competency restoration treatment.

(2) The department shall establish a memorandum of understanding and any contracts needed with the jail to address the terms and conditions of allowing access to defendants and their records subject to the requirements of this section.

NEW SECTION. Sec. 18. A new section is added to chapter 10.77 RCW to read as follows:

The department shall collect data so that information can be retrieved based on unique individuals, their complete Washington criminal history and referrals for forensic services.

NEW SECTION. Sec. 19. A new section is added to chapter 10.77 RCW to read as follows:

(1) The department shall coordinate with cities, counties, hospitals, and other public and private entities to identify locations that may be commissioned or renovated for use in treating clients committed to the department for competency evaluation, competency restoration, civil conversion, or treatment following acquittal by reason of insanity.

(2) The department may provide capital grants to entities to accomplish the purposes described in subsection (1) of this section subject to provision of funding provided for this specific purpose.

Sec. 20. RCW 10.77.065 and 2019 c 325 s 5006 are each amended to read as follows:

(1)(a)(i) The expert conducting the evaluation shall provide his or her report and recommendation to the court in which the criminal proceeding is pending. For a competency evaluation of a defendant who is released from custody, if the evaluation cannot be completed within twenty-one days due to a lack of cooperation by the defendant, the evaluator shall notify the court that he or she is unable to complete the evaluation because of such lack of cooperation.

(ii) A copy of the report and recommendation shall be provided to the designated crisis responder, the prosecuting attorney, the defense attorney, and the professional person at the local correctional facility where the defendant is being held, or if there is no professional person, to the person designated under (a)(iv) of this subsection. Upon request, the evaluator shall also provide copies of any source documents relevant to the evaluation to the designated crisis responder.

(iii) Any facility providing inpatient services related to competency shall discharge the defendant as soon as the facility determines that the defendant is competent to stand trial. Discharge shall not be postponed during the writing and distribution of the evaluation report. Distribution of an evaluation report by a facility providing inpatient services shall ordinarily be accomplished within two working days or less following the final evaluation of the defendant. If the defendant is discharged to the custody of a local correctional facility, the local correctional facility must continue the medication regimen prescribed by the facility, when clinically appropriate, unless the defendant refuses to cooperate with medication and an involuntary medication order by the court has not been entered.

(iv) If there is no professional person at the local correctional facility, the local correctional facility shall designate a professional person as defined in RCW 71.05.020 or, in cooperation with the behavioral health administrative services organization, a professional person at the behavioral health administrative services organization to receive the report and recommendation.

(v) Upon commencement of a defendant's evaluation in the local correctional facility, the local correctional facility must notify the evaluator of the name of the professional person, or person designated under (a)(iv) of this subsection, to receive the report and recommendation.

(b) If the evaluator concludes, under RCW 10.77.060(3)(f), the person should be evaluated by a designated crisis responder under chapter 71.05 RCW, the court shall order such evaluation be conducted prior to release from confinement when the person is acquitted or convicted and sentenced to confinement for twenty-four months or less, or when charges are dismissed pursuant to a finding of incompetent to stand trial.

(2) The designated crisis responder shall provide written notification within twenty-four hours of the results of the determination whether to commence proceedings under chapter 71.05 RCW. The notification shall be provided to the persons identified in subsection (1)(a) of this section.

(3) The prosecuting attorney shall provide a copy of the results of any proceedings commenced by the designated crisis responder under subsection (2) of this section to the secretary.

(4) A facility conducting a civil commitment evaluation under RCW 10.77.086(~~((4))~~) (7) or 10.77.088(~~((1)(e)(ii))~~) (6)(b) that makes a determination to release the person instead of filing a civil commitment petition must provide written notice to the prosecutor and defense attorney at least twenty-four hours prior to release. The notice may be given by email, facsimile, or other means reasonably likely to communicate the information immediately.

(5) The fact of admission and all information and records compiled, obtained, or maintained in the course of providing services under this chapter may also be disclosed to the courts solely to prevent the entry of any evaluation or treatment order that is inconsistent with any order entered under chapter 71.05 RCW.

Sec. 21. RCW 71.05.235 and 2020 c 302 s 36 are each amended to read as follows:

(1) If an individual is referred to a designated crisis responder under RCW 10.77.088(~~((2)(d)(i))~~) (6)(a), the designated crisis responder shall examine the individual within forty-eight hours. If the designated crisis responder determines it is not appropriate to detain the individual or petition for a ninety-day less restrictive alternative under RCW 71.05.230(4), that decision shall be immediately presented to the superior court for hearing. The court shall hold a hearing to consider the decision of the designated crisis responder not later than the next judicial day. At the hearing the superior court shall review the determination of the designated crisis responder and determine whether an order should be entered requiring the person to be evaluated at an evaluation and treatment facility. No person referred to an evaluation and treatment facility may be held at the facility longer than one hundred twenty hours.

(2) If an individual is placed in an evaluation and treatment facility under RCW 10.77.088(~~((2)(d)(ii))~~) (6)(b), a professional person shall evaluate the individual for purposes of determining whether to file a ninety-day inpatient or outpatient petition under this chapter. Before expiration of the one hundred twenty hour evaluation period authorized under RCW 10.77.088(~~((2)(d)(ii))~~) (6)(b), the professional person shall file a petition or, if the recommendation of the professional person is to release the individual, present his or her recommendation to the superior court of the county in which the criminal charge was dismissed. The superior court shall review the recommendation not later than forty-eight hours, excluding Saturdays, Sundays, and holidays, after the recommendation is presented. If the court rejects the recommendation to unconditionally release the individual, the court may order the individual detained at a designated evaluation and treatment facility for not more than a one hundred twenty hour evaluation and treatment period. If the evaluation and treatment facility files a ninety-day petition within the one hundred twenty hour period, the clerk shall set a hearing after the day of filing consistent with RCW 71.05.300. Upon the individual's first appearance in court after a petition has been filed, proceedings under RCW 71.05.310 and 71.05.320 shall commence. For an individual subject to this subsection, the professional person may directly file a petition for ninety-day inpatient or outpatient treatment and no petition for

initial detention or fourteen-day detention is required before such a petition may be filed.

(3) If a designated crisis responder or the professional person and prosecuting attorney for the county in which the criminal charge was dismissed or attorney general, as appropriate, stipulate that the individual does not present a likelihood of serious harm or is not gravely disabled, the hearing under this section is not required and the individual, if in custody, shall be released.

Sec. 22. RCW 71.05.280 and 2022 c 210 s 15 are each amended to read as follows:

At the expiration of the fourteen-day period of intensive treatment, a person may be committed for further treatment pursuant to RCW 71.05.320 if:

(1) Such person after having been taken into custody for evaluation and treatment has threatened, attempted, or inflicted: (a) Physical harm upon the person of another or himself or herself, or substantial damage upon the property of another, and (b) as a result of a behavioral health disorder presents a likelihood of serious harm; or

(2) Such person was taken into custody as a result of conduct in which he or she attempted or inflicted physical harm upon the person of another or himself or herself, or substantial damage upon the property of others, and continues to present, as a result of a behavioral health disorder, a likelihood of serious harm; or

(3) Such person has been determined to be incompetent and criminal charges have been dismissed pursuant to RCW 10.77.086(~~(4)~~) (7), and has committed acts constituting a felony, and as a result of a behavioral health disorder, presents a substantial likelihood of repeating similar acts.

(a) In any proceeding pursuant to this subsection it shall not be necessary to show intent, willfulness, or state of mind as an element of the crime;

(b) For any person subject to commitment under this subsection where the charge underlying the finding of incompetence is for a felony classified as violent under RCW 9.94A.030, the court shall determine whether the acts the person committed constitute a violent offense under RCW 9.94A.030; or

(4) Such person is gravely disabled.

Sec. 23. RCW 71.05.290 and 2022 c 210 s 16 are each amended to read as follows:

(1) At any time during a person's 14-day intensive treatment period, the professional person in charge of a treatment facility or his or her professional designee or the designated crisis responder may petition the superior court for an order requiring such person to undergo an additional period of treatment. Such petition must be based on one or more of the grounds set forth in RCW 71.05.280.

(2)(a)(i) The petition shall summarize the facts which support the need for further commitment and shall be supported by affidavits based on an examination of the patient and signed by:

(A) One physician, physician assistant, or psychiatric advanced registered nurse practitioner; and

(B) One physician, physician assistant, psychiatric advanced registered nurse practitioner, or mental health professional.

(ii) If the petition is for substance use disorder treatment, the petition may be signed by a substance use disorder professional instead of a mental health professional and by an advanced registered nurse practitioner instead of a psychiatric advanced registered nurse practitioner.

(b) The affidavits shall describe in detail the behavior of the detained person which supports the petition and shall explain what, if any, less restrictive treatments which are alternatives to detention are available to such person, and shall state the willingness of the affiant to testify to such facts in subsequent judicial proceedings under this chapter. If less restrictive alternative treatment is sought, the petition shall set forth any recommendations for less restrictive alternative treatment services.

(3) If a person has been determined to be incompetent pursuant to RCW 10.77.086(~~((4))~~) (7), then the professional person in charge of the treatment facility or his or her professional designee or the designated crisis responder may directly file a petition for 180-day treatment under RCW 71.05.280(3), or for 90-day treatment under RCW 71.05.280 (1), (2), or (4). No petition for initial detention or 14-day detention is required before such a petition may be filed.

Sec. 24. RCW 71.05.300 and 2020 c 302 s 43 are each amended to read as follows:

(1) The petition for ninety day treatment shall be filed with the clerk of the superior court at least three days before expiration of the fourteen-day period of intensive treatment. The clerk shall set a trial setting date as provided in RCW 71.05.310 on the next judicial day after the date of filing the petition and notify the designated crisis responder. The designated crisis responder shall immediately notify the person detained, his or her attorney, if any, and his or her guardian or conservator, if any, the prosecuting attorney, and the behavioral health administrative services organization administrator, and provide a copy of the petition to such persons as soon as possible. The behavioral health administrative services organization administrator or designee may review the petition and may appear and testify at the full hearing on the petition.

(2) The attorney for the detained person shall advise him or her of his or her right to be represented by an attorney, his or her right to a jury trial, and, if the petition is for commitment for mental health treatment, his or her loss of firearm rights if involuntarily committed. If the detained person is not represented by an attorney, or is indigent or is unwilling to retain an attorney, the court shall immediately appoint an attorney to represent him or her. The court shall, if requested, appoint a reasonably available licensed physician, physician assistant, psychiatric advanced registered nurse practitioner, psychologist, psychiatrist, or other professional person, designated by the detained person to examine and testify on behalf of the detained person.

(3) The court may, if requested, also appoint a professional person as defined in RCW 71.05.020 to seek less restrictive alternative courses of treatment and to testify on behalf of the detained person. In the case of a person with a developmental disability who has been determined to be incompetent pursuant to RCW 10.77.086(~~((4))~~) (7), the appointed professional person under this section shall be a developmental disabilities professional.

Sec. 25. RCW 71.05.425 and 2021 c 264 s 19 are each amended to read as follows:

(1)(a) Except as provided in subsection (2) of this section, at the earliest possible date, and in no event later than thirty days before conditional release, final release, authorized leave under RCW 71.05.325(2), or transfer to a facility other than a state mental hospital, the superintendent shall send written notice of conditional release, release, authorized leave, or transfer of a person committed under RCW 71.05.280(3) or 71.05.320(4)(c) following dismissal of a sex, violent, or felony harassment offense pursuant to RCW 10.77.086(~~((4))~~) (7) to the following:

- (i) The chief of police of the city, if any, in which the person will reside;
- (ii) The sheriff of the county in which the person will reside; and
- (iii) The prosecuting attorney of the county in which the criminal charges against the committed person were dismissed.

(b) The same notice as required by (a) of this subsection shall be sent to the following, if such notice has been requested in writing about a specific person committed under RCW 71.05.280(3) or 71.05.320(4)(c) following dismissal of a sex, violent, or felony harassment offense pursuant to RCW 10.77.086(~~((4))~~) (7):

- (i) The victim of the sex, violent, or felony harassment offense that was dismissed pursuant to RCW 10.77.086(~~((4))~~) (7) preceding commitment under RCW 71.05.280(3) or 71.05.320(4)(c) or the victim's next of kin if the crime was a homicide;

- (ii) Any witnesses who testified against the person in any court proceedings;

- (iii) Any person specified in writing by the prosecuting attorney. Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the person committed under this chapter; and

- (iv) The chief of police of the city, if any, and the sheriff of the county, if any, which had jurisdiction of the person on the date of the applicable offense.

(c) The thirty-day notice requirements contained in this subsection shall not apply to emergency medical transfers.

(d) The existence of the notice requirements in this subsection will not require any extension of the release date in the event the release plan changes after notification.

(2) If a person committed under RCW 71.05.280(3) or 71.05.320(4)(c) following dismissal of a sex, violent, or felony harassment offense pursuant to RCW 10.77.086(~~((4))~~) (7) escapes, the superintendent shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the person escaped and in which the person resided immediately before the person's arrest and the prosecuting attorney of the county in which the criminal charges against the committed person were dismissed. If previously requested, the superintendent shall also notify the witnesses and the victim of the sex, violent, or felony harassment offense that was dismissed pursuant to RCW 10.77.086(~~((4))~~) (7) preceding commitment under RCW 71.05.280(3) or 71.05.320(4) or the victim's next of kin if the crime was a homicide. In addition, the secretary shall also notify appropriate parties pursuant to RCW 70.02.230(2)(o). If the person is recaptured, the superintendent shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department of social and health services learns of such recapture.

(3) If the victim, the victim's next of kin, or any witness is under the age of sixteen, the notice required by this section shall be sent to the parent or legal guardian of the child.

(4) The superintendent shall send the notices required by this chapter to the last address provided to the department of social and health services by the requesting party. The requesting party shall furnish the department of social and health services with a current address.

(5) For purposes of this section the following terms have the following meanings:

(a) "Violent offense" means a violent offense under RCW 9.94A.030;

(b) "Sex offense" means a sex offense under RCW 9.94A.030;

(c) "Next of kin" means a person's spouse, state registered domestic partner, parents, siblings, and children;

(d) "Felony harassment offense" means a crime of harassment as defined in RCW 9A.46.060 that is a felony.

Sec. 26. RCW 71.09.025 and 2009 c 409 s 2 are each amended to read as follows:

(1)(a) When it appears that a person may meet the criteria of a sexually violent predator as defined in RCW 71.09.020(~~((16))~~), the agency with jurisdiction shall refer the person in writing to the prosecuting attorney of the county in which an action under this chapter may be filed pursuant to RCW 71.09.030 and the attorney general, three months prior to:

(i) The anticipated release from total confinement of a person who has been convicted of a sexually violent offense;

(ii) The anticipated release from total confinement of a person found to have committed a sexually violent offense as a juvenile;

(iii) Release of a person who has been charged with a sexually violent offense and who has been determined to be incompetent to stand trial pursuant to RCW 10.77.086(~~((4))~~) (7); or

(iv) Release of a person who has been found not guilty by reason of insanity of a sexually violent offense pursuant to RCW 10.77.020(3).

(b) The agency shall provide the prosecuting agency with all relevant information including but not limited to the following information:

(i) A complete copy of the institutional records compiled by the department of corrections relating to the person, and any such out-of-state department of corrections' records, if available;

(ii) A complete copy, if applicable, of any file compiled by the indeterminate sentence review board relating to the person;

(iii) All records relating to the psychological or psychiatric evaluation and/or treatment of the person;

(iv) A current record of all prior arrests and convictions, and full police case reports relating to those arrests and convictions; and

(v) A current mental health evaluation or mental health records review.

(c) The prosecuting agency has the authority, consistent with RCW 72.09.345(~~((3))~~) (4), to obtain all records relating to the person if the prosecuting agency deems such records are necessary to fulfill its duties under this chapter. The prosecuting agency may only disclose such records in the course of performing its duties pursuant to this chapter, unless otherwise authorized by law.

(d) The prosecuting agency has the authority to utilize the inquiry judge procedures of chapter 10.27 RCW prior to the filing of any action under this chapter to seek the issuance of compulsory process for the production of any records necessary for a determination of whether to seek the civil commitment of a person under this chapter. Any records obtained pursuant to this process may only be disclosed by the prosecuting agency in the course of performing its duties pursuant to this chapter, or unless otherwise authorized by law.

(2) The agency, its employees, and officials shall be immune from liability for any good-faith conduct under this section.

(3) As used in this section, "agency with jurisdiction" means that agency with the authority to direct the release of a person serving a sentence or term of confinement and includes the department of corrections, the indeterminate sentence review board, and the department of social and health services.

Sec. 27. RCW 71.09.030 and 2009 c 409 s 3 are each amended to read as follows:

(1) A petition may be filed alleging that a person is a sexually violent predator and stating sufficient facts to support such allegation when it appears that: (a) A person who at any time previously has been convicted of a sexually violent offense is about to be released from total confinement; (b) a person found to have committed a sexually violent offense as a juvenile is about to be released from total confinement; (c) a person who has been charged with a sexually violent offense and who has been determined to be incompetent to stand trial is about to be released, or has been released, pursuant to RCW 10.77.086~~((4))~~ (7); (d) a person who has been found not guilty by reason of insanity of a sexually violent offense is about to be released, or has been released, pursuant to RCW 10.77.020(3), 10.77.110 (1) or (3), or 10.77.150; or (e) a person who at any time previously has been convicted of a sexually violent offense and has since been released from total confinement and has committed a recent overt act.

(2) The petition may be filed by:

(a) The prosecuting attorney of a county in which:

(i) The person has been charged or convicted with a sexually violent offense;

(ii) A recent overt act occurred involving a person covered under subsection (1)(e) of this section; or

(iii) The person committed a recent overt act, or was charged or convicted of a criminal offense that would qualify as a recent overt act, if the only sexually violent offense charge or conviction occurred in a jurisdiction other than Washington; or

(b) The attorney general, if requested by the county prosecuting attorney identified in (a) of this subsection. If the county prosecuting attorney requests that the attorney general file and prosecute a case under this chapter, then the county shall charge the attorney general only the fees, including filing and jury fees, that would be charged and paid by the county prosecuting attorney, if the county prosecuting attorney retained the case.

Sec. 28. RCW 71.09.060 and 2009 c 409 s 6 are each amended to read as follows:

(1) The court or jury shall determine whether, beyond a reasonable doubt, the person is a sexually violent predator. In determining whether or not the

person would be likely to engage in predatory acts of sexual violence if not confined in a secure facility, the fact finder may consider only placement conditions and voluntary treatment options that would exist for the person if unconditionally released from detention on the sexually violent predator petition. The community protection program under RCW 71A.12.230 may not be considered as a placement condition or treatment option available to the person if unconditionally released from detention on a sexually violent predator petition. When the determination is made by a jury, the verdict must be unanimous.

If, on the date that the petition is filed, the person was living in the community after release from custody, the state must also prove beyond a reasonable doubt that the person had committed a recent overt act. If the state alleges that the prior sexually violent offense that forms the basis for the petition for commitment was an act that was sexually motivated as provided in RCW 71.09.020(~~((15)(e)))~~ (18)(c), the state must prove beyond a reasonable doubt that the alleged sexually violent act was sexually motivated as defined in RCW 9.94A.030.

If the court or jury determines that the person is a sexually violent predator, the person shall be committed to the custody of the department of social and health services for placement in a secure facility operated by the department of social and health services for control, care, and treatment until such time as: (a) The person's condition has so changed that the person no longer meets the definition of a sexually violent predator; or (b) conditional release to a less restrictive alternative as set forth in RCW 71.09.092 is in the best interest of the person and conditions can be imposed that would adequately protect the community.

If the court or unanimous jury decides that the state has not met its burden of proving that the person is a sexually violent predator, the court shall direct the person's release.

If the jury is unable to reach a unanimous verdict, the court shall declare a mistrial and set a retrial within forty-five days of the date of the mistrial unless the prosecuting agency earlier moves to dismiss the petition. The retrial may be continued upon the request of either party accompanied by a showing of good cause, or by the court on its own motion in the due administration of justice provided that the respondent will not be substantially prejudiced. In no event may the person be released from confinement prior to retrial or dismissal of the case.

(2) If the person charged with a sexually violent offense has been found incompetent to stand trial, and is about to be or has been released pursuant to RCW 10.77.086(~~((4)))~~ (7), and his or her commitment is sought pursuant to subsection (1) of this section, the court shall first hear evidence and determine whether the person did commit the act or acts charged if the court did not enter a finding prior to dismissal under RCW 10.77.086(~~((4)))~~ (7) that the person committed the act or acts charged. The hearing on this issue must comply with all the procedures specified in this section. In addition, the rules of evidence applicable in criminal cases shall apply, and all constitutional rights available to defendants at criminal trials, other than the right not to be tried while incompetent, shall apply. After hearing evidence on this issue, the court shall make specific findings on whether the person did commit the act or acts charged,

the extent to which the person's incompetence or developmental disability affected the outcome of the hearing, including its effect on the person's ability to consult with and assist counsel and to testify on his or her own behalf, the extent to which the evidence could be reconstructed without the assistance of the person, and the strength of the prosecution's case. If, after the conclusion of the hearing on this issue, the court finds, beyond a reasonable doubt, that the person did commit the act or acts charged, it shall enter a final order, appealable by the person, on that issue, and may proceed to consider whether the person should be committed pursuant to this section.

(3) Except as otherwise provided in this chapter, the state shall comply with RCW 10.77.220 while confining the person. During all court proceedings where the person is present, the person shall be detained in a secure facility. If the proceedings last more than one day, the person may be held in the county jail for the duration of the proceedings, except the person may be returned to the department's custody on weekends and court holidays if the court deems such a transfer feasible. The county shall be entitled to reimbursement for the cost of housing and transporting the person pursuant to rules adopted by the secretary. The department shall not place the person, even temporarily, in a facility on the grounds of any state mental facility or regional habilitation center because these institutions are insufficiently secure for this population.

(4) A court has jurisdiction to order a less restrictive alternative placement only after a hearing ordered pursuant to RCW 71.09.090 following initial commitment under this section and in accord with the provisions of this chapter.

NEW SECTION. Sec. 29. Sections 7 and 9 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

NEW SECTION. Sec. 30. Section 7 of this act expires when section 8 of this act takes effect.

NEW SECTION. Sec. 31. Section 13 of this act takes effect December 1, 2023.

NEW SECTION. Sec. 32. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void.

Passed by the Senate April 22, 2023.

Passed by the House April 21, 2023.

Approved by the Governor May 15, 2023.

Filed in Office of Secretary of State May 16, 2023.

CHAPTER 454

[Engrossed Second Substitute House Bill 1134]

988 BEHAVIORAL HEALTH CRISIS RESPONSE AND SUICIDE PREVENTION SYSTEM— IMPLEMENTATION

AN ACT Relating to implementing the 988 behavioral health crisis response and suicide prevention system; amending RCW 71.24.890, 71.24.892, 71.24.896, 43.06.530, and 82.86.050; reenacting and amending RCW 71.24.025, 71.24.037, and 43.70.442; adding new sections to chapter 71.24 RCW; adding a new section to chapter 38.60 RCW; creating a new section; and providing expiration dates.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 71.24.025 and 2021 c 302 s 402 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "988 crisis hotline" means the universal telephone number within the United States designated for the purpose of the national suicide prevention and mental health crisis hotline system operating through the national suicide prevention lifeline.

(2) "Acutely mentally ill" means a condition which is limited to a short-term severe crisis episode of:

(a) A mental disorder as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020;

(b) Being gravely disabled as defined in RCW 71.05.020 or, in the case of a child, a gravely disabled minor as defined in RCW 71.34.020; or

(c) Presenting a likelihood of serious harm as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

(3) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(4) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program licensed or certified by the department as meeting standards adopted under this chapter.

(5) "Authority" means the Washington state health care authority.

(6) "Available resources" means funds appropriated for the purpose of providing community behavioral health programs, federal funds, except those provided according to Title XIX of the Social Security Act, and state funds appropriated under this chapter or chapter 71.05 RCW by the legislature during any biennium for the purpose of providing residential services, resource management services, community support services, and other behavioral health services. This does not include funds appropriated for the purpose of operating and administering the state psychiatric hospitals.

(7) "Behavioral health administrative services organization" means an entity contracted with the authority to administer behavioral health services and programs under RCW 71.24.381, including crisis services and administration of chapter 71.05 RCW, the involuntary treatment act, for all individuals in a defined regional service area.

(8) "Behavioral health aide" means a counselor, health educator, and advocate who helps address individual and community-based behavioral health needs, including those related to alcohol, drug, and tobacco abuse as well as mental health problems such as grief, depression, suicide, and related issues and is certified by a community health aide program of the Indian health service or one or more tribes or tribal organizations consistent with the provisions of 25 U.S.C. Sec. 16161 and RCW 43.71B.010 (7) and (8).

(9) "Behavioral health provider" means a person licensed under chapter 18.57, 18.71, 18.71A, 18.83, 18.205, 18.225, or 18.79 RCW, as it applies to registered nurses and advanced registered nurse practitioners.

(10) "Behavioral health services" means mental health services as described in this chapter and chapter 71.36 RCW and substance use disorder treatment services as described in this chapter that, depending on the type of service, are provided by licensed or certified behavioral health agencies, behavioral health providers, or integrated into other health care providers.

(11) "Child" means a person under the age of eighteen years.

(12) "Chronically mentally ill adult" or "adult who is chronically mentally ill" means an adult who has a mental disorder and meets at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years; or

(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year; or

(c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months. "Substantial gainful activity" shall be defined by the authority by rule consistent with Public Law 92-603, as amended.

(13) "Clubhouse" means a community-based program that provides rehabilitation services and is licensed or certified by the department.

(14) "Community behavioral health program" means all expenditures, services, activities, or programs, including reasonable administration and overhead, designed and conducted to prevent or treat substance use disorder, mental illness, or both in the community behavioral health system.

(15) "Community behavioral health service delivery system" means public, private, or tribal agencies that provide services specifically to persons with mental disorders, substance use disorders, or both, as defined under RCW 71.05.020 and receive funding from public sources.

(16) "Community support services" means services authorized, planned, and coordinated through resource management services including, at a minimum, assessment, diagnosis, emergency crisis intervention available twenty-four hours, seven days a week, prescreening determinations for persons who are mentally ill being considered for placement in nursing homes as required by federal law, screening for patients being considered for admission to residential services, diagnosis and treatment for children who are acutely mentally ill or severely emotionally or behaviorally disturbed discovered under screening through the federal Title XIX early and periodic screening, diagnosis, and treatment program, investigation, legal, and other nonresidential services under chapter 71.05 RCW, case management services, psychiatric treatment including medication supervision, counseling, psychotherapy, assuring transfer of relevant patient information between service providers, recovery services, and other services determined by behavioral health administrative services organizations.

(17) "Community-based crisis team" means a team that is part of an emergency medical services agency, a fire service agency, a public health agency, a medical facility, a nonprofit crisis response provider, or a city or county government entity, other than a law enforcement agency, that provides

the on-site community-based interventions of a mobile rapid response crisis team for individuals who are experiencing a behavioral health crisis.

(18) "Consensus-based" means a program or practice that has general support among treatment providers and experts, based on experience or professional literature, and may have anecdotal or case study support, or that is agreed but not possible to perform studies with random assignment and controlled groups.

~~((18))~~ (19) "County authority" means the board of county commissioners, county council, or county executive having authority to establish a behavioral health administrative services organization, or two or more of the county authorities specified in this subsection which have entered into an agreement to establish a behavioral health administrative services organization.

~~((19) "Crisis call center hub" means a state-designated center participating in the national suicide prevention lifeline network to respond to statewide or regional 988 calls that meets the requirements of RCW 71.24.890.)~~

(20) "Crisis stabilization services" means services such as 23-hour crisis stabilization units based on the living room model, crisis stabilization units as provided in RCW 71.05.020, triage facilities as provided in RCW 71.05.020, short-term respite facilities, peer-run respite services, and same-day walk-in behavioral health services, including within the overall crisis system components that operate like hospital emergency departments that accept all walk-ins, and ambulance, fire, and police drop-offs.

(21) "Department" means the department of health.

(22) "Designated 988 contact hub" means a state-designated contact center that streamlines clinical interventions and access to resources for people experiencing a behavioral health crisis and participates in the national suicide prevention lifeline network to respond to statewide or regional 988 contacts that meets the requirements of RCW 71.24.890.

(23) "Designated crisis responder" has the same meaning as in RCW 71.05.020.

~~((23))~~ (24) "Director" means the director of the authority.

~~((24))~~ (25) "Drug addiction" means a disease characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

~~((25))~~ (26) "Early adopter" means a regional service area for which all of the county authorities have requested that the authority purchase medical and behavioral health services through a managed care health system as defined under RCW 71.24.380~~((6))~~ (7).

~~((26))~~ (27) "Emerging best practice" or "promising practice" means a program or practice that, based on statistical analyses or a well established theory of change, shows potential for meeting the evidence-based or research-based criteria, which may include the use of a program that is evidence-based for outcomes other than those listed in subsection ~~((27))~~ (28) of this section.

~~((27))~~ (28) "Evidence-based" means a program or practice that has been tested in heterogeneous or intended populations with multiple randomized, or statistically controlled evaluations, or both; or one large multiple site randomized, or statistically controlled evaluation, or both, where the weight of

the evidence from a systemic review demonstrates sustained improvements in at least one outcome. "Evidence-based" also means a program or practice that can be implemented with a set of procedures to allow successful replication in Washington and, when possible, is determined to be cost-beneficial.

~~((28))~~ (29) "Indian health care provider" means a health care program operated by the Indian health service or by a tribe, tribal organization, or urban Indian organization as those terms are defined in the Indian health care improvement act (25 U.S.C. Sec. 1603).

~~((29))~~ (30) "Intensive behavioral health treatment facility" means a community-based specialized residential treatment facility for individuals with behavioral health conditions, including individuals discharging from or being diverted from state and local hospitals, whose impairment or behaviors do not meet, or no longer meet, criteria for involuntary inpatient commitment under chapter 71.05 RCW, but whose care needs cannot be met in other community-based placement settings.

~~((30))~~ (31) "Licensed or certified behavioral health agency" means:

(a) An entity licensed or certified according to this chapter or chapter 71.05 RCW;

(b) An entity deemed to meet state minimum standards as a result of accreditation by a recognized behavioral health accrediting body recognized and having a current agreement with the department; or

(c) An entity with a tribal attestation that it meets state minimum standards for a licensed or certified behavioral health agency.

~~((31))~~ (32) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

~~((32))~~ (33) "Long-term inpatient care" means inpatient services for persons committed for, or voluntarily receiving intensive treatment for, periods of ninety days or greater under chapter 71.05 RCW. "Long-term inpatient care" as used in this chapter does not include: (a) Services for individuals committed under chapter 71.05 RCW who are receiving services pursuant to a conditional release or a court-ordered less restrictive alternative to detention; or (b) services for individuals voluntarily receiving less restrictive alternative treatment on the grounds of the state hospital.

~~((33))~~ (34) "Managed care organization" means an organization, having a certificate of authority or certificate of registration from the office of the insurance commissioner, that contracts with the authority under a comprehensive risk contract to provide prepaid health care services to enrollees under the authority's managed care programs under chapter 74.09 RCW.

~~((34))~~ (35) "Mental health peer-run respite center" means a peer-run program to serve individuals in need of voluntary, short-term, noncrisis services that focus on recovery and wellness.

~~((35))~~ (36) Mental health "treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department of social and health services or the authority, by behavioral health administrative services organizations and their staffs, by managed care organizations and their staffs, or by treatment facilities. "Treatment records" do not include notes or records maintained for personal use by a person providing treatment services for

the entities listed in this subsection, or a treatment facility if the notes or records are not available to others.

~~((36))~~ (37) "Mentally ill persons," "persons who are mentally ill," and "the mentally ill" mean persons and conditions defined in subsections (2), (12), ~~((44))~~ (45), and ~~((45))~~ (46) of this section.

~~((37))~~ (38) "Mobile rapid response crisis team" means a team that provides professional on-site community-based intervention such as outreach, de-escalation, stabilization, resource connection, and follow-up support for individuals who are experiencing a behavioral health crisis, that shall include certified peer counselors as a best practice to the extent practicable based on workforce availability, and that meets standards for response times established by the authority.

~~((38))~~ (39) "Recovery" means a process of change through which individuals improve their health and wellness, live a self-directed life, and strive to reach their full potential.

~~((39))~~ (40) "Research-based" means a program or practice that has been tested with a single randomized, or statistically controlled evaluation, or both, demonstrating sustained desirable outcomes; or where the weight of the evidence from a systemic review supports sustained outcomes as described in subsection ~~((27))~~ (28) of this section but does not meet the full criteria for evidence-based.

~~((40))~~ (41) "Residential services" means a complete range of residences and supports authorized by resource management services and which may involve a facility, a distinct part thereof, or services which support community living, for persons who are acutely mentally ill, adults who are chronically mentally ill, children who are severely emotionally disturbed, or adults who are seriously disturbed and determined by the behavioral health administrative services organization or managed care organization to be at risk of becoming acutely or chronically mentally ill. The services shall include at least evaluation and treatment services as defined in chapter 71.05 RCW, acute crisis respite care, long-term adaptive and rehabilitative care, and supervised and supported living services, and shall also include any residential services developed to service persons who are mentally ill in nursing homes, residential treatment facilities, assisted living facilities, and adult family homes, and may include outpatient services provided as an element in a package of services in a supported housing model. Residential services for children in out-of-home placements related to their mental disorder shall not include the costs of food and shelter, except for children's long-term residential facilities existing prior to January 1, 1991.

~~((41))~~ (42) "Resilience" means the personal and community qualities that enable individuals to rebound from adversity, trauma, tragedy, threats, or other stresses, and to live productive lives.

~~((42))~~ (43) "Resource management services" mean the planning, coordination, and authorization of residential services and community support services administered pursuant to an individual service plan for: (a) Adults and children who are acutely mentally ill; (b) adults who are chronically mentally ill; (c) children who are severely emotionally disturbed; or (d) adults who are seriously disturbed and determined by a behavioral health administrative services organization or managed care organization to be at risk of becoming acutely or chronically mentally ill. Such planning, coordination, and

authorization shall include mental health screening for children eligible under the federal Title XIX early and periodic screening, diagnosis, and treatment program. Resource management services include seven day a week, twenty-four hour a day availability of information regarding enrollment of adults and children who are mentally ill in services and their individual service plan to designated crisis responders, evaluation and treatment facilities, and others as determined by the behavioral health administrative services organization or managed care organization, as applicable.

~~((43))~~ (44) "Secretary" means the secretary of the department of health.

~~((44))~~ (45) "Seriously disturbed person" means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to himself or herself or others, or to the property of others, as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status, or under a less restrictive alternative order, at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder which causes major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a child diagnosed by a mental health professional, as defined in chapter 71.34 RCW, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with the child's personality development and learning.

~~((45))~~ (46) "Severely emotionally disturbed child" or "child who is severely emotionally disturbed" means a child who has been determined by the behavioral health administrative services organization or managed care organization, if applicable, to be experiencing a mental disorder as defined in chapter 71.34 RCW, including those mental disorders that result in a behavioral or conduct disorder, that is clearly interfering with the child's functioning in family or school or with peers and who meets at least one of the following criteria:

(a) Has undergone inpatient treatment or placement outside of the home related to a mental disorder within the last two years;

(b) Has undergone involuntary treatment under chapter 71.34 RCW within the last two years;

(c) Is currently served by at least one of the following child-serving systems: Juvenile justice, child-protection/welfare, special education, or developmental disabilities;

(d) Is at risk of escalating maladjustment due to:

(i) Chronic family dysfunction involving a caretaker who is mentally ill or inadequate;

(ii) Changes in custodial adult;

(iii) Going to, residing in, or returning from any placement outside of the home, for example, psychiatric hospital, short-term inpatient, residential treatment, group or foster home, or a correctional facility;

(iv) Subject to repeated physical abuse or neglect;

(v) Drug or alcohol abuse; or

(vi) Homelessness.

~~((46))~~ (47) "State minimum standards" means minimum requirements established by rules adopted and necessary to implement this chapter by:

(a) The authority for:

(i) Delivery of mental health and substance use disorder services; and

(ii) Community support services and resource management services;

(b) The department of health for:

(i) Licensed or certified behavioral health agencies for the purpose of providing mental health or substance use disorder programs and services, or both;

(ii) Licensed behavioral health providers for the provision of mental health or substance use disorder services, or both; and

(iii) Residential services.

~~((47))~~ (48) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances.

~~((48))~~ (49) "Tribe," for the purposes of this section, means a federally recognized Indian tribe.

Sec. 2. RCW 71.24.037 and 2019 c 446 s 23 and 2019 c 325 s 1007 are each reenacted and amended to read as follows:

(1) The secretary shall license or certify any agency or facility that: (a) Submits payment of the fee established under RCW 43.70.110 and 43.70.250; (b) submits a complete application that demonstrates the ability to comply with requirements for operating and maintaining an agency or facility in statute or rule; and (c) successfully completes the preclosure inspection requirement.

(2) The secretary shall establish by rule minimum standards for licensed or certified behavioral health agencies that must, at a minimum, establish: (a) Qualifications for staff providing services directly to persons with mental disorders, substance use disorders, or both; (b) the intended result of each service; and (c) the rights and responsibilities of persons receiving behavioral health services pursuant to this chapter and chapter 71.05 RCW. The secretary shall provide for deeming of licensed or certified behavioral health agencies as meeting state minimum standards as a result of accreditation by a recognized behavioral health accrediting body recognized and having a current agreement with the department.

(3) The department shall review reports or other information alleging a failure to comply with this chapter or the standards and rules adopted under this chapter and may initiate investigations and enforcement actions based on those reports.

(4) The department shall conduct inspections of agencies and facilities, including reviews of records and documents required to be maintained under this chapter or rules adopted under this chapter.

(5) The department may suspend, revoke, limit, restrict, or modify an approval, or refuse to grant approval, for failure to meet the provisions of this chapter, or the standards adopted under this chapter. RCW 43.70.115 governs notice of a license or certification denial, revocation, suspension, or modification and provides the right to an adjudicative proceeding.

(6) No licensed or certified behavioral health (~~(service provider)~~) agency may advertise or represent itself as a licensed or certified behavioral health (~~(service provider)~~) agency if approval has not been granted or has been denied, suspended, revoked, or canceled.

(7) Licensure or certification as a behavioral health (~~(service provider)~~) agency is effective for one calendar year from the date of issuance of the license or certification. The license or certification must specify the types of services provided by the behavioral health (~~(service provider)~~) agency that meet the standards adopted under this chapter. Renewal of a license or certification must be made in accordance with this section for initial approval and in accordance with the standards set forth in rules adopted by the secretary.

(8) Licensure or certification as a licensed or certified behavioral health (~~(service provider)~~) agency must specify the types of services provided that meet the standards adopted under this chapter. Renewal of a license or certification must be made in accordance with this section for initial approval and in accordance with the standards set forth in rules adopted by the secretary.

(9) The department shall develop a process by which a provider may obtain dual licensure as an evaluation and treatment facility and secure withdrawal management and stabilization facility.

(10) Licensed or certified behavioral health (~~(service providers)~~) agencies may not provide types of services for which the licensed or certified behavioral health (~~(service provider)~~) agency has not been certified. Licensed or certified behavioral health (~~(service providers)~~) agencies may provide services for which approval has been sought and is pending, if approval for the services has not been previously revoked or denied.

(11) The department periodically shall inspect licensed or certified behavioral health (~~(service providers)~~) agencies at reasonable times and in a reasonable manner.

(12) Upon petition of the department and after a hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the department authorizing him or her to enter and inspect at reasonable times, and examine the books and accounts of, any licensed or certified behavioral health (~~(service provider)~~) agency refusing to consent to inspection or examination by the department or which the department has reasonable cause to believe is operating in violation of this chapter.

(13) The department shall maintain and periodically publish a current list of licensed or certified behavioral health (~~(service providers)~~) agencies.

(14) Each licensed or certified behavioral health (~~(service provider)~~) agency shall file with the department or the authority upon request, data, statistics, schedules, and information the department or the authority reasonably requires. A licensed or certified behavioral health (~~(service provider)~~) agency that without good cause fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent returns thereof, may have its license or certification revoked or suspended.

(15) The authority shall use the data provided in subsection (14) of this section to evaluate each program that admits children to inpatient substance use disorder treatment upon application of their parents. The evaluation must be done at least once every twelve months. In addition, the authority shall randomly select and review the information on individual children who are admitted on

application of the child's parent for the purpose of determining whether the child was appropriately placed into substance use disorder treatment based on an objective evaluation of the child's condition and the outcome of the child's treatment.

(16) Any settlement agreement entered into between the department and licensed or certified behavioral health ~~((service providers))~~ agencies to resolve administrative complaints, license or certification violations, license or certification suspensions, or license or certification revocations may not reduce the number of violations reported by the department unless the department concludes, based on evidence gathered by inspectors, that the licensed or certified behavioral health ~~((service provider))~~ agency did not commit one or more of the violations.

(17) In cases in which a behavioral health ~~((service provider))~~ agency that is in violation of licensing or certification standards attempts to transfer or sell the behavioral health ~~((service provider))~~ agency to a family member, the transfer or sale may only be made for the purpose of remedying license or certification violations and achieving full compliance with the terms of the license or certification. Transfers or sales to family members are prohibited in cases in which the purpose of the transfer or sale is to avoid liability or reset the number of license or certification violations found before the transfer or sale. If the department finds that the owner intends to transfer or sell, or has completed the transfer or sale of, ownership of the behavioral health ~~((service provider))~~ agency to a family member solely for the purpose of resetting the number of violations found before the transfer or sale, the department may not renew the behavioral health ~~((service provider's))~~ agency's license or certification or issue a new license or certification to the behavioral health service provider.

(18) Every licensed or certified outpatient behavioral health agency shall display the 988 crisis hotline number in common areas of the premises and include the number as a calling option on any phone message for persons calling the agency after business hours.

(19) Every licensed or certified inpatient or residential behavioral health agency must include the 988 crisis hotline number in the discharge summary provided to individuals being discharged from inpatient or residential services.

NEW SECTION. Sec. 3. A new section is added to chapter 71.24 RCW to read as follows:

The department shall develop informational materials and a social media campaign related to the 988 crisis hotline, including call, text, and chat options, and other crisis hotline lines for veterans, American Indians and Alaska Natives, and other populations. The informational materials must include appropriate information for persons seeking services at behavioral health clinics and medical clinics, as well as media audiences and students at K-12 schools and higher education institutions. The department shall make the informational materials available to behavioral health clinics, medical clinics, media, K-12 schools, higher education institutions, and other relevant settings. The informational materials shall be made available to professionals during training in suicide assessment, treatment, and management under RCW 43.70.442. To tailor the messages of the informational materials and the social media campaign, the department must consult with tribes, the American Indian health commission of Washington state, the native and strong lifeline, the Washington state department

of veterans affairs, representatives of agricultural communities, and persons with lived experience related to mental health issues, substance use disorder issues, a suicide attempt, or a suicide loss.

Sec. 4. RCW 43.70.442 and 2020 c 229 s 1 and 2020 c 80 s 30 are each reenacted and amended to read as follows:

(1)(a) Each of the following professionals certified or licensed under Title 18 RCW shall, at least once every six years, complete training in suicide assessment, treatment, and management that is approved, in rule, by the relevant disciplining authority:

- (i) An adviser or counselor certified under chapter 18.19 RCW;
- (ii) A substance use disorder professional licensed under chapter 18.205 RCW;
- (iii) A marriage and family therapist licensed under chapter 18.225 RCW;
- (iv) A mental health counselor licensed under chapter 18.225 RCW;
- (v) An occupational therapy practitioner licensed under chapter 18.59 RCW;
- (vi) A psychologist licensed under chapter 18.83 RCW;
- (vii) An advanced social worker or independent clinical social worker licensed under chapter 18.225 RCW; and
- (viii) A social worker associate—advanced or social worker associate— independent clinical licensed under chapter 18.225 RCW.

(b) The requirements in (a) of this subsection apply to a person holding a retired active license for one of the professions in (a) of this subsection.

(c) The training required by this subsection must be at least six hours in length, unless a disciplining authority has determined, under subsection (10)(b) of this section, that training that includes only screening and referral elements is appropriate for the profession in question, in which case the training must be at least three hours in length.

(d) Beginning July 1, 2017, the training required by this subsection must be on the model list developed under subsection (6) of this section. Nothing in this subsection (1)(d) affects the validity of training completed prior to July 1, 2017.

(2)(a) Except as provided in (b) of this subsection:

(i) A professional listed in subsection (1)(a) of this section must complete the first training required by this section by the end of the first full continuing education reporting period after January 1, 2014, or during the first full continuing education reporting period after initial licensure or certification, whichever occurs later.

(ii) Beginning July 1, 2021, the second training for a psychologist, a marriage and family therapist, a mental health counselor, an advanced social worker, an independent clinical social worker, a social worker associate-advanced, or a social worker associate-independent clinical must be either: (A) An advanced training focused on suicide management, suicide care protocols, or effective treatments; or (B) a training in a treatment modality shown to be effective in working with people who are suicidal, including dialectical behavior therapy, collaborative assessment and management of suicide risk, or cognitive behavior therapy-suicide prevention. If a professional subject to the requirements of this subsection has already completed the professional's second training prior to July 1, 2021, the professional's next training must comply with this subsection. This subsection (2)(a)(ii) does not apply if the licensee

demonstrates that the training required by this subsection (2)(a)(ii) is not reasonably available.

(b)(i) A professional listed in subsection (1)(a) of this section applying for initial licensure may delay completion of the first training required by this section for six years after initial licensure if he or she can demonstrate successful completion of the training required in subsection (1) of this section no more than six years prior to the application for initial licensure.

(ii) Beginning July 1, 2021, a psychologist, a marriage and family therapist, a mental health counselor, an advanced social worker, an independent clinical social worker, a social worker associate-advanced, or a social worker associate-independent clinical exempt from his or her first training under (b)(i) of this subsection must comply with the requirements of (a)(ii) of this subsection for his or her first training after initial licensure. If a professional subject to the requirements of this subsection has already completed the professional's first training after initial licensure, the professional's next training must comply with this subsection (2)(b)(ii). This subsection (2)(b)(ii) does not apply if the licensee demonstrates that the training required by this subsection (2)(b)(ii) is not reasonably available.

(3) The hours spent completing training in suicide assessment, treatment, and management under this section count toward meeting any applicable continuing education or continuing competency requirements for each profession.

(4)(a) A disciplining authority may, by rule, specify minimum training and experience that is sufficient to exempt an individual professional from the training requirements in subsections (1) and (5) of this section. Nothing in this subsection (4)(a) allows a disciplining authority to provide blanket exemptions to broad categories or specialties within a profession.

(b) A disciplining authority may exempt a professional from the training requirements of subsections (1) and (5) of this section if the professional has only brief or limited patient contact.

(5)(a) Each of the following professionals credentialed under Title 18 RCW shall complete a one-time training in suicide assessment, treatment, and management that is approved by the relevant disciplining authority:

(i) A chiropractor licensed under chapter 18.25 RCW;

(ii) A naturopath licensed under chapter 18.36A RCW;

(iii) A licensed practical nurse, registered nurse, or advanced registered nurse practitioner, other than a certified registered nurse anesthetist, licensed under chapter 18.79 RCW;

(iv) An osteopathic physician and surgeon licensed under chapter 18.57 RCW, other than a holder of a postgraduate osteopathic medicine and surgery license issued under RCW 18.57.035;

(v) A physical therapist or physical therapist assistant licensed under chapter 18.74 RCW;

(vi) A physician licensed under chapter 18.71 RCW, other than a resident holding a limited license issued under RCW 18.71.095(3);

(vii) A physician assistant licensed under chapter 18.71A RCW;

(viii) A pharmacist licensed under chapter 18.64 RCW;

(ix) A dentist licensed under chapter 18.32 RCW;

(x) A dental hygienist licensed under chapter 18.29 RCW;

(xi) An athletic trainer licensed under chapter 18.250 RCW;
(xii) An optometrist licensed under chapter 18.53 RCW;
(xiii) An acupuncture and Eastern medicine practitioner licensed under chapter 18.06 RCW; and

(xiv) A person holding a retired active license for one of the professions listed in (a)(i) through (xiii) of this subsection.

(b)(i) A professional listed in (a)(i) through (vii) of this subsection or a person holding a retired active license for one of the professions listed in (a)(i) through (vii) of this subsection must complete the one-time training by the end of the first full continuing education reporting period after January 1, 2016, or during the first full continuing education reporting period after initial licensure, whichever is later. Training completed between June 12, 2014, and January 1, 2016, that meets the requirements of this section, other than the timing requirements of this subsection (5)(b), must be accepted by the disciplining authority as meeting the one-time training requirement of this subsection (5).

(ii) A licensed pharmacist or a person holding a retired active pharmacist license must complete the one-time training by the end of the first full continuing education reporting period after January 1, 2017, or during the first full continuing education reporting period after initial licensure, whichever is later.

(iii) A licensed dentist, a licensed dental hygienist, or a person holding a retired active license as a dentist shall complete the one-time training by the end of the full continuing education reporting period after August 1, 2020, or during the first full continuing education reporting period after initial licensure, whichever is later. Training completed between July 23, 2017, and August 1, 2020, that meets the requirements of this section, other than the timing requirements of this subsection (5)(b)(iii), must be accepted by the disciplining authority as meeting the one-time training requirement of this subsection (5).

(iv) A licensed optometrist or a licensed acupuncture and Eastern medicine practitioner, or a person holding a retired active license as an optometrist or an acupuncture and Eastern medicine practitioner, shall complete the one-time training by the end of the full continuing education reporting period after August 1, 2021, or during the first full continuing education reporting period after initial licensure, whichever is later. Training completed between August 1, 2020, and August 1, 2021, that meets the requirements of this section, other than the timing requirements of this subsection (5)(b)(iv), must be accepted by the disciplining authority as meeting the one-time training requirement of this subsection (5).

(c) The training required by this subsection must be at least six hours in length, unless a disciplining authority has determined, under subsection (10)(b) of this section, that training that includes only screening and referral elements is appropriate for the profession in question, in which case the training must be at least three hours in length.

(d) Beginning July 1, 2017, the training required by this subsection must be on the model list developed under subsection (6) of this section. Nothing in this subsection (5)(d) affects the validity of training completed prior to July 1, 2017.

(6)(a) The secretary and the disciplining authorities shall work collaboratively to develop a model list of training programs in suicide assessment, treatment, and management. Beginning July 1, 2021, for purposes of subsection (2)(a)(ii) of this section, the model list must include advanced

training and training in treatment modalities shown to be effective in working with people who are suicidal.

(b) The secretary and the disciplining authorities shall update the list at least once every two years.

(c) By June 30, 2016, the department shall adopt rules establishing minimum standards for the training programs included on the model list. The minimum standards must require that six-hour trainings include content specific to veterans and the assessment of issues related to imminent harm via lethal means or self-injurious behaviors and that three-hour trainings for pharmacists or dentists include content related to the assessment of issues related to imminent harm via lethal means. By July 1, 2024, the minimum standards must be updated to require that both the six-hour and three-hour trainings include content specific to the availability of and the services offered by the 988 crisis hotline and the behavioral health crisis response and suicide prevention system and best practices for assisting persons with accessing the 988 crisis hotline and the system. Beginning September 1, 2024, trainings submitted to the department for review and approval must include the updated information in the minimum standards for the model list as well as all subsequent submissions. When adopting the rules required under this subsection (6)(c), the department shall:

(i) Consult with the affected disciplining authorities, public and private institutions of higher education, educators, experts in suicide assessment, treatment, and management, the Washington department of veterans affairs, and affected professional associations; and

(ii) Consider standards related to the best practices registry of the American foundation for suicide prevention and the suicide prevention resource center.

(d) Beginning January 1, 2017:

(i) The model list must include only trainings that meet the minimum standards established in the rules adopted under (c) of this subsection and any three-hour trainings that met the requirements of this section on or before July 24, 2015;

(ii) The model list must include six-hour trainings in suicide assessment, treatment, and management, and three-hour trainings that include only screening and referral elements; and

(iii) A person or entity providing the training required in this section may petition the department for inclusion on the model list. The department shall add the training to the list only if the department determines that the training meets the minimum standards established in the rules adopted under (c) of this subsection.

(e) By January 1, 2021, the department shall adopt minimum standards for advanced training and training in treatment modalities shown to be effective in working with people who are suicidal. Beginning July 1, 2021, all such training on the model list must meet the minimum standards. When adopting the minimum standards, the department must consult with the affected disciplining authorities, public and private institutions of higher education, educators, experts in suicide assessment, treatment, and management, the Washington department of veterans affairs, and affected professional associations.

(7) The department shall provide the health profession training standards created in this section to the professional educator standards board as a model in meeting the requirements of RCW 28A.410.226 and provide technical

assistance, as requested, in the review and evaluation of educator training programs. The educator training programs approved by the professional educator standards board may be included in the department's model list.

(8) Nothing in this section may be interpreted to expand or limit the scope of practice of any profession regulated under chapter 18.130 RCW.

(9) The secretary and the disciplining authorities affected by this section shall adopt any rules necessary to implement this section.

(10) For purposes of this section:

(a) "Disciplining authority" has the same meaning as in RCW 18.130.020.

(b) "Training in suicide assessment, treatment, and management" means empirically supported training approved by the appropriate disciplining authority that contains the following elements: Suicide assessment, including screening and referral, suicide treatment, and suicide management. However, the disciplining authority may approve training that includes only screening and referral elements if appropriate for the profession in question based on the profession's scope of practice. The board of occupational therapy may also approve training that includes only screening and referral elements if appropriate for occupational therapy practitioners based on practice setting.

(11) A state or local government employee is exempt from the requirements of this section if he or she receives a total of at least six hours of training in suicide assessment, treatment, and management from his or her employer every six years. For purposes of this subsection, the training may be provided in one six-hour block or may be spread among shorter training sessions at the employer's discretion.

(12) An employee of a community mental health agency licensed under chapter 71.24 RCW or a chemical dependency program certified under chapter 71.24 RCW is exempt from the requirements of this section if he or she receives a total of at least six hours of training in suicide assessment, treatment, and management from his or her employer every six years. For purposes of this subsection, the training may be provided in one six-hour block or may be spread among shorter training sessions at the employer's discretion.

Sec. 5. RCW 71.24.890 and 2021 c 302 s 102 are each amended to read as follows:

(1) Establishing the state (~~(crisis call center)~~) designated 988 contact hubs and enhancing the crisis response system will require collaborative work between the department and the authority within their respective roles. The department shall have primary responsibility for establishing and designating the (~~(crisis call center)~~) designated 988 contact hubs. The authority shall have primary responsibility for developing and implementing the crisis response system and services to support the work of the (~~(crisis call center)~~) designated 988 contact hubs. In any instance in which one agency is identified as the lead, the expectation is that agency will be communicating and collaborating with the other to ensure seamless, continuous, and effective service delivery within the statewide crisis response system.

(2) The department shall provide adequate funding for the state's crisis call centers to meet an expected increase in the use of the call centers based on the implementation of the 988 crisis hotline. The funding level shall be established at a level anticipated to achieve an in-state call response rate of at least 90 percent by July 22, 2022. The funding level shall be determined by considering

standards and cost per call predictions provided by the administrator of the national suicide prevention lifeline, call volume predictions, guidance on crisis call center performance metrics, and necessary technology upgrades. In contracting with the crisis call centers, the department:

(a) May provide funding to support crisis call centers and designated 988 contact hubs to enter into limited on-site partnerships with the public safety answering point to increase the coordination and transfer of behavioral health calls received by certified public safety telecommunicators that are better addressed by clinic interventions provided by the 988 system. Tax revenue may be used to support on-site partnerships;

(b) Shall require that crisis call centers enter into data-sharing agreements, when appropriate, with the department, the authority, and applicable regional behavioral health administrative services organizations to provide reports and client level data regarding 988 crisis hotline calls, as allowed by and in compliance with existing federal and state law governing the sharing and use of protected health information, including dispatch time, arrival time, and disposition of the outreach for each call referred for outreach by each region. The department and the authority shall establish requirements that the crisis call centers report the data identified in this subsection (2)(b) to regional behavioral health administrative services organizations for the purposes of maximizing medicaid reimbursement, as appropriate, and implementing this chapter and chapters 71.05 and 71.34 RCW including, but not limited to, administering crisis services for the assigned regional service area, contracting with a sufficient number of licensed or certified providers for crisis services, establishing and maintaining quality assurance processes, maintaining patient tracking, and developing and implementing strategies to coordinate care for individuals with a history of frequent crisis system utilization.

(3) The department shall adopt rules by ~~((July))~~ January 1, ((2023)) 2025, to establish standards for designation of crisis call centers as ~~((erisis call center))~~ designated 988 contact hubs. The department shall collaborate with the authority and other agencies to assure coordination and availability of services, and shall consider national guidelines for behavioral health crisis care as determined by the federal substance abuse and mental health services administration, national behavioral health accrediting bodies, and national behavioral health provider associations to the extent they are appropriate, and recommendations from the crisis response improvement strategy committee created in RCW 71.24.892.

(4) The department shall designate ~~((erisis call center))~~ designated 988 contact hubs by ~~((July))~~ January 1, ((2024)) 2026. The ~~((erisis call center))~~ designated 988 contact hubs shall provide crisis intervention services, triage, care coordination, referrals, and connections to individuals contacting the 988 crisis hotline from any jurisdiction within Washington 24 hours a day, seven days a week, using the system platform developed under subsection (5) of this section.

(a) To be designated as a ~~((erisis call center))~~ designated 988 contact hub, the applicant must demonstrate to the department the ability to comply with the requirements of this section and to contract to provide ~~((erisis call center))~~ designated 988 contact hub services. The department may revoke the designation of any ~~((erisis call center))~~ designated 988 contact hub that fails to substantially comply with the contract.

(b) The contracts entered shall require designated ~~((crisis call center))~~ 988 contact hubs to:

(i) Have an active agreement with the administrator of the national suicide prevention lifeline for participation within its network;

(ii) Meet the requirements for operational and clinical standards established by the department and based upon the national suicide prevention lifeline best practices guidelines and other recognized best practices;

(iii) Employ highly qualified, skilled, and trained clinical staff who have sufficient training and resources to provide empathy to callers in acute distress, de-escalate crises, assess behavioral health disorders and suicide risk, triage to system partners for callers that need additional clinical interventions, and provide case management and documentation. Call center staff shall be trained to make every effort to resolve cases in the least restrictive environment and without law enforcement involvement whenever possible. Call center staff shall coordinate with certified peer counselors to provide follow-up and outreach to callers in distress as available. It is intended for transition planning to include a pathway for continued employment and skill advancement as needed for experienced crisis call center employees;

(iv) Train employees on agricultural community cultural competencies for suicide prevention, which may include sharing resources with callers that are specific to members from the agricultural community. The training must prepare staff to provide appropriate assessments, interventions, and resources to members of the agricultural community. Employees may make warm transfers and referrals to a crisis hotline that specializes in working with members from the agricultural community, provided that no person contacting 988 shall be transferred or referred to another service if they are currently in crisis and in need of emotional support;

(v) Prominently display 988 crisis hotline information on their websites and social media, including a description of what the caller should expect when contacting the crisis call center and a description of the various options available to the caller, including call lines specialized in the behavioral health needs of veterans, American Indian and Alaska Native persons, Spanish-speaking persons, and LGBTQ populations. The website may also include resources for programs and services related to suicide prevention for the agricultural community;

(vi) Collaborate with the authority, the national suicide prevention lifeline, and veterans crisis line networks to assure consistency of public messaging about the 988 crisis hotline; ~~((and~~

~~((+)))~~ (vii) Develop and submit to the department protocols between the designated 988 contact hub and 911 call centers within the region in which the designated crisis call center operates and receive approval of the protocols by the department and the state 911 coordination office;

(viii) Develop, in collaboration with the region's behavioral health administrative services organizations, and jointly submit to the authority protocols related to the dispatching of mobile rapid response crisis teams and community-based crisis teams endorsed under section 9 of this act and receive approval of the protocols by the authority;

(ix) Provide data and reports and participate in evaluations and related quality improvement activities, according to standards established by the department in collaboration with the authority; and

(x) Enter into data-sharing agreements with the department, the authority, and applicable regional behavioral health administrative services organizations to provide reports and client level data regarding 988 crisis hotline calls, as allowed by and in compliance with existing federal and state law governing the sharing and use of protected health information, including dispatch time, arrival time, and disposition of the outreach for each call referred for outreach by each region. The department and the authority shall establish requirements that the designated 988 contact hubs report the data identified in this subsection (4)(b)(x) to regional behavioral health administrative services organizations for the purposes of maximizing medicaid reimbursement, as appropriate, and implementing this chapter and chapters 71.05 and 71.34 RCW including, but not limited to, administering crisis services for the assigned regional service area, contracting with a sufficient number of licensed or certified providers for crisis services, establishing and maintaining quality assurance processes, maintaining patient tracking, and developing and implementing strategies to coordinate care for individuals with a history of frequent crisis system utilization.

(c) The department and the authority shall incorporate recommendations from the crisis response improvement strategy committee created under RCW 71.24.892 in its agreements with ~~((crisis call center))~~ designated 988 contact hubs, as appropriate.

(5) The department and authority must coordinate to develop the technology and platforms necessary to manage and operate the behavioral health crisis response and suicide prevention system. The department and the authority must include the crisis call centers and designated 988 contact hubs in the decision-making process for selecting any technology platforms that will be used to operate the system. No decisions made by the department or the authority shall interfere with the routing of the 988 crisis hotline calls, texts, or chat as part of Washington's active agreement with the administrator of the national suicide prevention lifeline or 988 administrator that routes 988 contacts into Washington's system. The technologies developed must include:

(a) A new technologically advanced behavioral health and suicide prevention crisis call center system platform ~~((using technology demonstrated to be interoperable across crisis and emergency response systems used throughout the state, such as 911 systems, emergency medical services systems, and other nonbehavioral health crisis services,))~~ for use in ~~((crisis call center))~~ designated 988 contact hubs designated by the department under subsection (4) of this section. This platform, which shall be fully funded by July 1, ~~((2023))~~ 2024, shall be developed by the department and must include the capacity to receive crisis assistance requests through phone calls, texts, chats, and other similar methods of communication that may be developed in the future that promote access to the behavioral health crisis system; and

(b) A behavioral health integrated client referral system capable of providing system coordination information to ~~((crisis call center))~~ designated 988 contact hubs and the other entities involved in behavioral health care. This system shall be developed by the authority.

(6) In developing the new technologies under subsection (5) of this section, the department and the authority must coordinate to designate a primary technology system to provide each of the following:

(a) Access to real-time information relevant to the coordination of behavioral health crisis response and suicide prevention services, including:

(i) Real-time bed availability for all behavioral health bed types, including but not limited to crisis stabilization services, triage facilities, psychiatric inpatient, substance use disorder inpatient, withdrawal management, peer-run respite centers, and crisis respite services, inclusive of both voluntary and involuntary beds, for use by crisis response workers, first responders, health care providers, emergency departments, and individuals in crisis; and

(ii) Real-time information relevant to the coordination of behavioral health crisis response and suicide prevention services for a person, including the means to access:

(A) Information about any less restrictive alternative treatment orders or mental health advance directives related to the person; and

(B) Information necessary to enable the ~~((crisis call center))~~ designated 988 contact hub to actively collaborate with emergency departments, primary care providers and behavioral health providers within managed care organizations, behavioral health administrative services organizations, and other health care payers to establish a safety plan for the person in accordance with best practices and provide the next steps for the person's transition to follow-up noncrisis care. To establish information-sharing guidelines that fulfill the intent of this section the authority shall consider input from the confidential information compliance and coordination subcommittee established under RCW 71.24.892;

~~((b) The means to request deployment of appropriate crisis response services, which may include mobile rapid response crisis teams, co-responder teams, designated crisis responders, fire department mobile integrated health teams, or community assistance referral and educational services programs under RCW 35.21.930, according to best practice guidelines established by the authority, and track local response through global positioning technology; and~~

~~(e))~~ The means to track the outcome of the 988 call to enable appropriate follow up, cross-system coordination, and accountability, including as appropriate: (i) Any immediate services dispatched and reports generated from the encounter; (ii) the validation of a safety plan established for the caller in accordance with best practices; (iii) the next steps for the caller to follow in transition to noncrisis follow-up care, including a next-day appointment for callers experiencing urgent, symptomatic behavioral health care needs; and (iv) the means to verify and document whether the caller was successful in making the transition to appropriate noncrisis follow-up care indicated in the safety plan for the person, to be completed either by the care coordinator provided through the person's managed care organization, health plan, or behavioral health administrative services organization, or if such a care coordinator is not available or does not follow through, by the staff of the ~~((crisis call center))~~ designated 988 contact hub;

~~((d))~~ (c) A means to facilitate actions to verify and document whether the person's transition to follow up noncrisis care was completed and services offered, to be performed by a care coordinator provided through the person's managed care organization, health plan, or behavioral health administrative

services organization, or if such a care coordinator is not available or does not follow through, by the staff of the ~~((crisis call center))~~ designated 988 contact hub;

~~((e))~~ (d) The means to provide geographically, culturally, and linguistically appropriate services to persons who are part of high-risk populations or otherwise have need of specialized services or accommodations, and to document these services or accommodations; and

~~((f))~~ (e) When appropriate, consultation with tribal governments to ensure coordinated care in government-to-government relationships, and access to dedicated services to tribal members.

~~(7) ((To implement this section the department and the authority shall collaborate with the state enhanced 911 coordination office, emergency management division, and military department to develop technology that is demonstrated to be interoperable between the 988 crisis hotline system and crisis and emergency response systems used throughout the state, such as 911 systems, emergency medical services systems, and other nonbehavioral health crisis services, as well as the national suicide prevention lifeline, to assure cohesive interoperability, develop training programs and operations for both 911 public safety telecommunicators and crisis line workers, develop suicide and other behavioral health crisis assessments and intervention strategies, and establish efficient and equitable access to resources via crisis hotlines.~~

~~(8))~~ The authority shall:

(a) Collaborate with county authorities and behavioral health administrative services organizations to develop procedures to dispatch behavioral health crisis services in coordination with ~~((crisis call center))~~ designated 988 contact hubs to effectuate the intent of this section;

(b) Establish formal agreements with managed care organizations and behavioral health administrative services organizations by January 1, 2023, to provide for the services, capacities, and coordination necessary to effectuate the intent of this section, which shall include a requirement to arrange next-day appointments for persons contacting the 988 crisis hotline experiencing urgent, symptomatic behavioral health care needs with geographically, culturally, and linguistically appropriate primary care or behavioral health providers within the person's provider network, or, if uninsured, through the person's behavioral health administrative services organization;

(c) Create best practices guidelines by July 1, 2023, for deployment of appropriate and available crisis response services by ~~((crisis call center))~~ designated 988 contact hubs to assist 988 hotline callers to minimize nonessential reliance on emergency room services and the use of law enforcement, considering input from relevant stakeholders and recommendations made by the crisis response improvement strategy committee created under RCW 71.24.892;

(d) Develop procedures to allow appropriate information sharing and communication between and across crisis and emergency response systems for the purpose of real-time crisis care coordination including, but not limited to, deployment of crisis and outgoing services, follow-up care, and linked, flexible services specific to crisis response; and

(e) Establish guidelines to appropriately serve high-risk populations who request crisis services. The authority shall design these guidelines to promote

behavioral health equity for all populations with attention to circumstances of race, ethnicity, gender, socioeconomic status, sexual orientation, and geographic location, and include components such as training requirements for call response workers, policies for transferring such callers to an appropriate specialized center or subnetwork within or external to the national suicide prevention lifeline network, and procedures for referring persons who access the 988 crisis hotline to linguistically and culturally competent care.

(8) The department shall monitor trends in 988 crisis hotline caller data, as reported by designated 988 contact hubs under subsection (4)(b)(x) of this section, and submit an annual report to the governor and the appropriate committees of the legislature summarizing the data and trends beginning December 1, 2027.

Sec. 6. RCW 71.24.892 and 2021 c 302 s 103 are each amended to read as follows:

(1) The crisis response improvement strategy committee is established for the purpose of providing advice in developing an integrated behavioral health crisis response and suicide prevention system containing the elements described in this section. The work of the committee shall be received and reviewed by a steering committee, which shall in turn form subcommittees to provide the technical analysis and input needed to formulate system change recommendations.

(2) ~~The ((office of financial management shall contract with the))~~ behavioral health institute at Harborview medical center ~~((to))~~ shall facilitate and provide staff support to the steering committee and to the crisis response improvement strategy committee. The behavioral health institute may contract for the provision of these services.

(3) The steering committee shall consist of the five members specified as serving on the steering committee in this subsection and one additional member who has been appointed to serve pursuant to the criteria in either (j), (k), (l), or (m) of this subsection. The steering committee shall select three cochairs from among its members to lead the crisis response improvement strategy committee. The crisis response improvement strategy committee shall consist of the following members, who shall be appointed or requested by the authority, unless otherwise noted:

(a) The director of the authority, or his or her designee, who shall also serve on the steering committee;

(b) The secretary of the department, or his or her designee, who shall also serve on the steering committee;

(c) A member representing the office of the governor, who shall also serve on the steering committee;

(d) The Washington state insurance commissioner, or his or her designee;

(e) Up to two members representing federally recognized tribes, one from eastern Washington and one from western Washington, who have expertise in behavioral health needs of their communities;

(f) One member from each of the two largest caucuses of the senate, one of whom shall also be designated to participate on the steering committee, to be appointed by the president of the senate;

(g) One member from each of the two largest caucuses of the house of representatives, one of whom shall also be designated to participate on the

steering committee, to be appointed by the speaker of the house of representatives;

(h) The director of the Washington state department of veterans affairs, or his or her designee;

(i) The state ((~~enhanced~~) 911 coordinator, or his or her designee;

(j) A member with lived experience of a suicide attempt;

(k) A member with lived experience of a suicide loss;

(l) A member with experience of participation in the crisis system related to lived experience of a mental health disorder;

(m) A member with experience of participation in the crisis system related to lived experience with a substance use disorder;

(n) A member representing each crisis call center in Washington that is contracted with the national suicide prevention lifeline;

(o) Up to two members representing behavioral health administrative services organizations, one from an urban region and one from a rural region;

(p) A member representing the Washington council for behavioral health;

(q) A member representing the association of alcoholism and addiction programs of Washington state;

(r) A member representing the Washington state hospital association;

(s) A member representing the national alliance on mental illness Washington;

(t) A member representing the behavioral health interests of persons of color recommended by Sea Mar community health centers;

(u) A member representing the behavioral health interests of persons of color recommended by Asian counseling and referral service;

(v) A member representing law enforcement;

(w) A member representing a university-based suicide prevention center of excellence;

(x) A member representing an emergency medical services department with a CARES program;

(y) A member representing medicaid managed care organizations, as recommended by the association of Washington healthcare plans;

(z) A member representing commercial health insurance, as recommended by the association of Washington healthcare plans;

(aa) A member representing the Washington association of designated crisis responders;

(bb) A member representing the children and youth behavioral health work group;

(cc) A member representing a social justice organization addressing police accountability and the use of deadly force; and

(dd) A member representing an organization specializing in facilitating behavioral health services for LGBTQ populations.

(4) The crisis response improvement strategy committee shall assist the steering committee to identify potential barriers and make recommendations necessary to implement and effectively monitor the progress of the 988 crisis hotline in Washington and make recommendations for the statewide improvement of behavioral health crisis response and suicide prevention services.

(5) The steering committee must develop a comprehensive assessment of the behavioral health crisis response and suicide prevention services system by January 1, 2022, including an inventory of existing statewide and regional behavioral health crisis response, suicide prevention, and crisis stabilization services and resources, and taking into account capital projects which are planned and funded. The comprehensive assessment shall identify:

(a) Statewide and regional insufficiencies and gaps in behavioral health crisis response and suicide prevention services and resources needed to meet population needs;

(b) Quantifiable goals for the provision of statewide and regional behavioral health crisis services and targeted deployment of resources, which consider factors such as reported rates of involuntary commitment detentions, single-bed certifications, suicide attempts and deaths, substance use disorder-related overdoses, overdose or withdrawal-related deaths, and incarcerations due to a behavioral health incident;

(c) A process for establishing outcome measures, benchmarks, and improvement targets, for the crisis response system; and

(d) Potential funding sources to provide statewide and regional behavioral health crisis services and resources.

(6) The steering committee, taking into account the comprehensive assessment work under subsection (5) of this section as it becomes available, after discussion with the crisis response improvement strategy committee and hearing reports from the subcommittees, shall report on the following:

(a) A recommended vision for an integrated crisis network in Washington that includes, but is not limited to: An integrated 988 crisis hotline and (~~crisis call center~~) designated 988 contact hubs; mobile rapid response crisis teams and community-based crisis teams endorsed under section 9 of this act; mobile crisis response units for youth, adult, and geriatric population; a range of crisis stabilization services; an integrated involuntary treatment system; access to peer-run services, including peer-run respite centers; adequate crisis respite services; and data resources;

(b) Recommendations to promote equity in services for individuals of diverse circumstances of culture, race, ethnicity, gender, socioeconomic status, sexual orientation, and for individuals in tribal, urban, and rural communities;

(c) Recommendations for a work plan with timelines to implement appropriate local responses to calls to the 988 crisis hotline within Washington in accordance with the time frames required by the national suicide hotline designation act of 2020;

(d) The necessary components of each of the new technologically advanced behavioral health crisis call center system platform and the new behavioral health integrated client referral system, as provided under RCW 71.24.890, for assigning and tracking response to behavioral health crisis calls and providing real-time bed and outpatient appointment availability to 988 operators, emergency departments, designated crisis responders, and other behavioral health crisis responders, which shall include but not be limited to:

(i) Identification of the components (~~crisis call center~~) that designated 988 contact hub staff need to effectively coordinate crisis response services and find available beds and available primary care and behavioral health outpatient appointments;

(ii) Evaluation of existing bed tracking models currently utilized by other states and identifying the model most suitable to Washington's crisis behavioral health system;

(iii) Evaluation of whether bed tracking will improve access to all behavioral health bed types and other impacts and benefits; and

(iv) Exploration of how the bed tracking and outpatient appointment availability platform can facilitate more timely access to care and other impacts and benefits;

(e) The necessary systems and capabilities that licensed or certified behavioral health agencies, behavioral health providers, and any other relevant parties will require to report, maintain, and update inpatient and residential bed and outpatient service availability in real time to correspond with the crisis call center system platform or behavioral health integrated client referral system identified in RCW 71.24.890, as appropriate;

(f) A work plan to establish the capacity for the ~~((crisis call center))~~ designated 988 contact hubs to integrate Spanish language interpreters and Spanish-speaking call center staff into their operations, and to ensure the availability of resources to meet the unique needs of persons in the agricultural community who are experiencing mental health stresses, which explicitly addresses concerns regarding confidentiality;

(g) A work plan with timelines to enhance and expand the availability of ~~((community-based))~~ mobile rapid response crisis teams and community-based crisis teams endorsed under section 9 of this act based in each region, including specialized teams as appropriate to respond to the unique needs of youth, including American Indian and Alaska Native youth and LGBTQ youth, and geriatric populations, including older adults of color and older adults with comorbid dementia;

(h) The identification of other personal and systemic behavioral health challenges which implementation of the 988 crisis hotline has the potential to address in addition to suicide response and behavioral health crises;

(i) The development of a plan for the statewide equitable distribution of crisis stabilization services, behavioral health beds, and peer-run respite services;

(j) Recommendations concerning how health plans, managed care organizations, and behavioral health administrative services organizations shall fulfill requirements to provide assignment of a care coordinator and to provide next-day appointments for enrollees who contact the behavioral health crisis system;

(k) Appropriate allocation of crisis system funding responsibilities among medicaid managed care organizations, commercial insurers, and behavioral health administrative services organizations;

(l) Recommendations for constituting a statewide behavioral health crisis response and suicide prevention oversight board or similar structure for ongoing monitoring of the behavioral health crisis system and where this should be established; and

(m) Cost estimates for each of the components of the integrated behavioral health crisis response and suicide prevention system.

(7) The steering committee shall consist only of members appointed to the steering committee under this section. The steering committee shall convene the

committee, form subcommittees, assign tasks to the subcommittees, and establish a schedule of meetings and their agendas.

(8) The subcommittees of the crisis response improvement strategy committee shall focus on discrete topics. The subcommittees may include participants who are not members of the crisis response improvement strategy committee, as needed to provide professional expertise and community perspectives. Each subcommittee shall have at least one member representing the interests of stakeholders in a rural community, at least one member representing the interests of stakeholders in an urban community, and at least one member representing the interests of youth stakeholders. The steering committee shall form the following subcommittees:

(a) A Washington tribal 988 subcommittee, which shall examine and make recommendations with respect to the needs of tribes related to the 988 system, and which shall include representation from the American Indian health commission;

(b) A credentialing and training subcommittee, to recommend workforce needs and requirements necessary to implement chapter 302, Laws of 2021, including minimum education requirements such as whether it would be appropriate to allow ~~((crisis call center))~~ designated 988 contact hubs to employ clinical staff without a bachelor's degree or master's degree based on the person's skills and life or work experience;

(c) A technology subcommittee, to examine issues and requirements related to the technology needed to implement chapter 302, Laws of 2021;

(d) A cross-system crisis response collaboration subcommittee, to examine and define the complementary roles and interactions between mobile rapid response crisis teams and community-based crisis teams endorsed under section 9 of this act, designated crisis responders, law enforcement, emergency medical services teams, 911 and 988 operators, public and private health plans, behavioral health crisis response agencies, nonbehavioral health crisis response agencies, and others needed to implement chapter 302, Laws of 2021;

(e) A confidential information compliance and coordination subcommittee, to examine issues relating to sharing and protection of health information needed to implement chapter 302, Laws of 2021; ~~((and))~~

(f) A 988 geolocation subcommittee, to examine privacy issues related to federal planning efforts to route 988 crisis hotline calls based on the person's location, rather than area code, including ways to implement the federal efforts in a manner that maintains public and clinical confidence in the 988 crisis hotline. The 988 geolocation subcommittee must include persons with lived experience with behavioral health conditions as well as representatives of crisis call centers, the behavioral health interests of persons of color, and behavioral health providers; and

(g) Any other subcommittee needed to facilitate the work of the committee, at the discretion of the steering committee.

(9) The proceedings of the crisis response improvement strategy committee must be open to the public and invite testimony from a broad range of perspectives. The committee shall seek input from tribes, veterans, the LGBTQ community, and communities of color to help discern how well the crisis response system is currently working and recommend ways to improve the crisis response system.

(10) Legislative members of the crisis response improvement strategy committee shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(11) The steering committee, with the advice of the crisis response improvement strategy committee, shall provide a progress report and the result of its comprehensive assessment under subsection (5) of this section to the governor and appropriate policy and fiscal committee of the legislature by January 1, 2022. The steering committee shall report the crisis response improvement strategy committee's further progress and the steering committee's recommendations related to ~~((crisis call center))~~ designated 988 contact hubs to the governor and appropriate policy and fiscal committees of the legislature by January 1, 2023, and January 1, 2024. The steering committee shall provide its final report to the governor and the appropriate policy and fiscal committees of the legislature by January 1, ~~((2024))~~ 2025.

(12) This section expires June 30, ~~((2024))~~ 2025.

Sec. 7. RCW 71.24.896 and 2021 c 302 s 108 are each amended to read as follows:

(1) When acting in their statutory capacities pursuant to chapter 302, Laws of 2021, the state, department, authority, state ~~((enhanced))~~ 911 coordination office, emergency management division, military department, any other state agency, and their officers, employees, and agents are deemed to be carrying out duties owed to the public in general and not to any individual person or class of persons separate and apart from the public. Nothing contained in chapter 302, Laws of 2021 may be construed to evidence a legislative intent that the duties to be performed by the state, department, authority, state ~~((enhanced))~~ 911 coordination office, emergency management division, military department, any other state agency, and their officers, employees, and agents, as required by chapter 302, Laws of 2021, are owed to any individual person or class of persons separate and apart from the public in general.

(2) Each ~~((crisis call center))~~ designated 988 contact hub designated by the department under any contract or agreement pursuant to chapter 302, Laws of 2021 shall be deemed to be an independent contractor, separate and apart from the department and the state.

Sec. 8. RCW 43.06.530 and 2021 c 302 s 107 are each amended to read as follows:

(1) The governor shall appoint a 988 hotline and behavioral health crisis system coordinator to provide project coordination and oversight for the implementation and administration of the 988 crisis hotline, other requirements of chapter 302, Laws of 2021, and other projects supporting the behavioral health crisis system. The coordinator shall:

(a) Oversee the collaboration between the department of health and the health care authority in their respective roles in supporting the crisis call center hubs, providing the necessary support services for 988 callers, and establishing adequate requirements and guidance for their contractors to fulfill the requirements of chapter 302, Laws of 2021;

(b) Ensure coordination and facilitate communication between stakeholders such as crisis call center hub contractors, behavioral health administrative service organizations, county authorities, other crisis hotline centers, managed care organizations, and, in collaboration with the state ((enhanced)) 911 coordination office, with 911 emergency communications systems;

(c) Review the development of adequate and consistent training for crisis call center personnel and, in coordination with the state ((enhanced)) 911 coordination office, for 911 operators with respect to their interactions with the crisis hotline center; and

(d) Coordinate implementation of other behavioral health initiatives among state agencies and educational institutions, as appropriate, including coordination of data between agencies.

(2) This section expires June 30, ((2024)) 2028.

NEW SECTION. Sec. 9. A new section is added to chapter 71.24 RCW to read as follows:

(1) By April 1, 2024, the authority shall establish standards for issuing an endorsement to any mobile rapid response crisis team or community-based crisis team that meets the criteria under either subsection (2) or (3) of this section, as applicable. The endorsement is a voluntary credential that a mobile rapid response crisis team or community-based crisis team may obtain to signify that it maintains the capacity to respond to persons who are experiencing a significant behavioral health emergency requiring an urgent, in-person response. The attainment of an endorsement allows the mobile rapid response crisis team or community-based crisis team to become eligible for performance payments as provided in subsection (10) of this section.

(2) The authority's standards for issuing an endorsement to a mobile rapid response crisis team or a community-based crisis team must consider:

(a) Minimum staffing requirements to effectively respond in-person to individuals experiencing a significant behavioral health emergency. Except as provided in subsection (3) of this section, the team must include appropriately credentialed and supervised staff employed by a licensed or certified behavioral health agency and may include other personnel from participating entities listed in subsection (3) of this section. The team shall include certified peer counselors as a best practice to the extent practicable based on workforce availability. The team may include fire departments, emergency medical services, public health, medical facilities, nonprofit organizations, and city or county governments. The team may not include law enforcement personnel;

(b) Capabilities for transporting an individual experiencing a significant behavioral health emergency to a location providing appropriate level crisis stabilization services, as determined by regional transportation procedures, such as crisis receiving centers, crisis stabilization units, and triage facilities. The standards must include vehicle and equipment requirements, including minimum requirements for vehicles and equipment to be able to safely transport the individual, as well as communication equipment standards. The vehicle standards must allow for an ambulance or aid vehicle licensed under chapter 18.73 RCW to be deemed to meet the standards; and

(c) Standards for the initial and ongoing training of personnel and for providing clinical supervision to personnel.

(3) The authority must adjust the standards for issuing an endorsement to a community-based crisis team under subsection (2) of this section if the team is comprised solely of an emergency medical services agency, whether it is part of a fire service agency or a private entity, that is located in a rural county in eastern Washington with a population of less than 60,000 residents. Under the adjusted standards, until January 1, 2030, the authority shall exempt a team from the personnel standards under subsection (2)(a) of this section and issue an endorsement to a team if:

(a) The personnel assigned to the team have met training requirements established by the authority under subsection (2)(c) of this section, as those requirements apply to emergency medical service and fire service personnel, including completion of the three-hour training in suicide assessment, treatment, and management under RCW 43.70.442;

(b) The team operates under a memorandum of understanding with a licensed or certified behavioral health agency to provide direct, real-time consultation through a behavioral health provider employed by a licensed or certified behavioral health agency while the team is responding to a call. The consultation may be provided by telephone, through remote technologies, or, if circumstances allow, in person; and

(c) The team does not include law enforcement personnel.

(4) Prior to issuing an initial endorsement or renewing an endorsement, the authority shall conduct an on-site survey of the applicant's operation.

(5) An endorsement must be renewed every three years.

(6) The authority shall establish forms and procedures for issuing and renewing an endorsement.

(7) The authority shall establish procedures for the denial, suspension, or revocation of an endorsement.

(8)(a) The decision of a mobile rapid response crisis team or community-based crisis team to seek endorsement is voluntary and does not prohibit a nonendorsed team from participating in the crisis response system when (i) responding to individuals who are not experiencing a significant behavioral health emergency that requires an urgent in-person response or (ii) responding to individuals who are experiencing a significant behavioral health emergency that requires an urgent in-person response when there is not an endorsed team available.

(b) The decision of a mobile rapid response crisis team not to pursue an endorsement under this section does not affect its obligation to comply with any standards adopted by the authority with respect to mobile rapid response crisis teams.

(c) The decision of a mobile rapid response crisis team not to pursue an endorsement under this section does not affect its responsibilities and reimbursement for services as they may be defined in contracts with managed care organizations or behavioral health administrative services organizations.

(9) The costs associated with endorsement activities shall be supported with funding from the statewide 988 behavioral health crisis response and suicide prevention line account established in RCW 82.86.050.

(10) The authority shall establish an endorsed mobile rapid response crisis team and community-based crisis team performance program with receipts from

the statewide 988 behavioral health crisis response and suicide prevention line account.

(a) Subject to funding provided for this specific purpose, the performance program shall:

(i) Issue establishment grants to support mobile rapid response crisis teams and community-based crisis teams seeking to meet the elements necessary to become endorsed under either subsection (2) or (3) of this section;

(ii) Issue performance payments in the form of an enhanced case rate to mobile rapid response crisis teams and community-based crisis teams that have received an endorsement from the authority under either subsection (2) or (3) of this section; and

(iii) Issue supplemental performance payments in the form of an enhanced case rate higher than that available in (a)(ii) of this subsection (10) to mobile rapid response crisis teams and community-based crisis teams that have received an endorsement from the authority under either subsection (2) or (3) of this section and demonstrate to the authority that for the previous three months they met the following response time and in route time standards:

(A) Between January 1, 2025, through December 31, 2026:

(I) Arrive to the individual's location within 30 minutes of being dispatched by the designated 988 contact hub, at least 80 percent of the time in urban areas;

(II) Arrive to the individual's location within 40 minutes of being dispatched by the designated 988 contact hub, at least 80 percent of the time in suburban areas; and

(III) Be in route within 15 minutes of being dispatched by the designated 988 contact hub, at least 80 percent of the time in rural areas; and

(B) On and after January 1, 2027:

(I) Arrive to the individual's location within 20 minutes of being dispatched by the designated 988 contact hub, at least 80 percent of the time in urban areas;

(II) Arrive to the individual's location within 30 minutes of being dispatched by the designated 988 contact hub, at least 80 percent of the time in suburban areas; and

(III) Be in route within 10 minutes of being dispatched by the designated 988 contact hub, at least 80 percent of the time in rural areas.

(b) The authority shall design the program in a manner that maximizes the state's ability to receive federal matching funds.

(11) The authority shall contract with the actuaries responsible for development of medicaid managed care rates to conduct an analysis and develop options for payment mechanisms and levels for rate enhancements under subsection (10) of this section. The authority shall consult with staff from the office of financial management and the fiscal committees of the legislature in conducting this analysis. The payment mechanisms must be developed to maximize leverage of allowable federal medicaid match. The analysis must clearly identify assumptions, include cost projections for the rate level options broken out by fund source, and summarize data used for the cost analysis. The cost projections must be based on Washington state specific utilization and cost data. The analysis must identify low, medium, and high ranges of projected costs associated for each option accounting for varying scenarios regarding the numbers of teams estimated to qualify for the enhanced case rates and supplemental performance payments. The analysis must identify costs for both

medicaid clients, and for state-funded nonmedicaid clients paid through contracts with behavioral health administrative services organizations. The analysis must account for phasing in of the number of teams that meet endorsement criteria over time and project annual costs for a four-year period associated with each of the scenarios. The authority shall submit a report summarizing the analysis, payment mechanism options, enhanced performance payment and supplemental performance payment rate level options, and related cost estimates to the office of financial management and the appropriate committees of the legislature by December 1, 2023.

(12) The authority shall conduct a review of the endorsed community-based crisis teams established under subsection (3) of this section and report to the governor and the health policy committees of the legislature by December 1, 2028. The report shall provide information about the engagement of the community-based crisis teams receiving an endorsement under subsection (3) of this section and their ability to provide a timely and appropriate response to persons experiencing a behavioral health crisis and any recommended changes to the teams to better meet the needs of the community including personnel requirements, training standards, and behavioral health provider consultation.

Sec. 10. RCW 82.86.050 and 2021 c 302 s 205 are each amended to read as follows:

(1) The statewide 988 behavioral health crisis response and suicide prevention line account is created in the state treasury. All receipts from the statewide 988 behavioral health crisis response and suicide prevention line tax imposed pursuant to this chapter must be deposited into the account. Moneys may only be spent after appropriation.

(2) Expenditures from the account may only be used for:

(a) ~~((ensuring))~~ Ensuring the efficient and effective routing of calls made to the 988 crisis hotline to an appropriate crisis hotline center or ~~((crisis call center))~~ designated 988 contact hub; and

(b) ~~((personnel))~~ Personnel and the provision of acute behavioral health, crisis outreach, and crisis stabilization services, as defined in RCW 71.24.025, by directly responding to the 988 crisis hotline and enhancing mobile crisis service standards and performance provided through mobile rapid response crisis teams and community-based crisis teams endorsed under section 9 of this act. Ten percent of the annual receipts from the tax must be dedicated to the establishment grants, performance payments, and supplemental performance payments for mobile rapid response crisis teams and community-based crisis teams endorsed under section 9 of this act and endorsement activities in section 9 of this act, up to 30 percent of which is dedicated to mobile rapid response crisis teams and community-based crisis teams endorsed under section 9 of this act that are affiliated with a tribe in Washington.

(3) Moneys in the account may not be used to supplant general fund appropriations for behavioral health services or for medicaid covered services to individuals enrolled in the medicaid program.

NEW SECTION. Sec. 11. A new section is added to chapter 71.24 RCW to read as follows:

(1) The authority and behavioral health administrative services organizations, in collaboration with the University of Washington, the

Harborview behavioral health institute, the Washington council for behavioral health, and the statewide 988 coordinator, shall plan for regional collaboration among behavioral health providers and first responders working within the 988 crisis response and suicide prevention system, standardize practices and protocols, and develop a needs assessment for trainings. Under leadership by the authority and behavioral health administrative services organizations this work shall be divided as described in this section.

(2) The University of Washington, through the Harborview behavioral health institute, shall develop an assessment of training needs, a mapping of current and future funded crisis response providers, and a comprehensive review of all behavioral health training required in statute and in rule. The training needs assessment, mapping of crisis providers, and research on existing training requirements must be completed by June 30, 2024. The Harborview behavioral health institute may contract for all or any portion of this work. The Harborview behavioral health institute shall consult with, at a minimum, the following key stakeholders:

(a) At least two representatives from the behavioral health administrative services organizations, one from each side of the Cascade crest;

(b) At least three crisis services providers identified by the Washington council for behavioral health, one from each side of the Cascade crest, and one dedicated to serving communities of color;

(c) A representative of crisis call centers;

(d) The authority and the department;

(e) At least two members who are persons with lived experience related to mental health issues, substance use disorder issues, a suicide attempt, or a suicide loss;

(f) A representative of a statewide organization of field experts consisting of first responders, behavioral health professionals, and project managers working in co-response programs in Washington; and

(g) Advocates for and organizations representing persons with developmental disabilities, veterans, American Indians and Alaska Native populations, LGBTQ populations, and persons connected with the agricultural community, as deemed appropriate by each stakeholder group, including persons with lived experience related to mental health issues, substance use disorder issues, a suicide attempt, or a suicide loss.

(3) The authority and behavioral health services organizations, in collaboration with the stakeholders specified in subsection (1) of this section, shall develop recommendations for establishing crisis workforce and resilience training collaboratives that would offer voluntary regional trainings for behavioral health providers, peers, first responders, co-responders, 988 contact center personnel, designated 988 contact hub personnel, 911 operators, regional leaders, and interested members of the public, specific to a geographic region and the population they serve as informed by the needs assessment. The collaboratives shall encourage the development of foundational and advanced skills and practices in crisis response as well as foster regional collaboration. The recommendations must:

(a) Include strategies for better coordination and integration of 988-specific training into the broader scope of behavioral health trainings that are already required;

(b) Identify effective trainings to explain how the 988 system works with the 911 emergency response system, trauma-informed care, secondary trauma, suicide protocols and practices for crisis responders, supervisory best practices for first responders, lethal means safety, violence assessments, cultural competency, and essential care for serving individuals with serious mental illness, substance use disorder, or co-occurring disorders;

(c) Identify best practice approaches to working with veterans, intellectually and developmentally disabled populations, youth, LGBTQ populations, communities of color, agricultural communities, and American Indian and Alaska Native populations;

(d) Identify ways to provide the designated 988 contact hubs and other crisis providers with training that is tailored to the agricultural community using training that is agriculture-specific with information relating to the stressors unique to persons connected with the agricultural community such as weather conditions, financial obligations, market conditions, and other relevant issues. When developing the recommendations, consideration must be given to national experts, such as the AgriSafe network and other entities;

(e) Identify ways to promote a better informed and more involved community on topics related to the behavioral health crisis system by increasing public access to and participation in trainings on the topics identified in (b) and (c) of this subsection (3), including through remote audiovisual technology;

(f) Establish suggested protocols for ways to sustain the collaboratives as new mobile rapid response crisis teams and community-based crisis teams endorsed under section 9 of this act, co-responder teams, and crisis facilities are funded and operationalized;

(g) Discuss funding needs to sustain the collaboratives and support participation in attending the trainings; and

(h) Offer a potential timeline for implementing the collaboratives on a region-by-region basis.

(4) The authority shall submit a report on the items developed in this section to the governor and the appropriate committees of the legislature by December 31, 2024.

NEW SECTION. Sec. 12. A new section is added to chapter 71.24 RCW to read as follows:

Behavioral health administrative services organizations in their role as regional behavioral health system leaders, in partnership with the authority, shall convene an annual crisis continuum of care forum, led by the behavioral health administrative services organizations, with participation from partners serving regional service areas, including managed care organizations, behavioral health providers, mobile rapid response crisis teams, 988 call center hubs, counties, tribes, and other regional partners, to identify and develop collaborative regional-based solutions which may include capital infrastructure requests, local capacity building, or community investments including joint funding opportunities, innovative and scalable pilot initiatives, or other funder and stakeholder partnerships. The authority shall provide funding for this annual crisis continuum of care forum. Behavioral health administrative services organizations and the authority shall jointly submit recommendations, as appropriate, supporting these efforts to the joint legislative executive committee on behavioral health.

NEW SECTION. Sec. 13. A new section is added to chapter 71.24 RCW to read as follows:

(1) No act or omission related to the dispatching decisions of any crisis call center staff or designated 988 contact hub staff with endorsed mobile rapid response crisis team and community-based crisis team dispatching responsibilities done or omitted in good faith within the scope of the individual's employment responsibilities with the crisis call center or designated 988 contact hub and in accordance with dispatching procedures adopted both by the behavioral health administrative services organization and the crisis call center or the designated 988 contact hub and approved by the authority shall impose liability upon:

(a) The clinical staff of the crisis call center or designated 988 contact hub or their clinical supervisors;

(b) The crisis call center or designated 988 contact hub or its officers, staff, or employees;

(c) Any member of a mobile rapid response crisis team or community-based crisis team endorsed under section 9 of this act;

(d) The certified public safety telecommunicator or the certified public safety telecommunicator's supervisor; or

(e) The public safety answering point or its officers, staff, or employees.

(2) This section shall not apply to any act or omission which constitutes either gross negligence or willful or wanton misconduct.

NEW SECTION. Sec. 14. A new section is added to chapter 38.60 RCW to read as follows:

(1) No act or omission of any certified public safety telecommunicator or crisis call center staff or designated 988 contact hub staff related to the transfer of calls from the 911 line to the 988 crisis hotline or from the 988 crisis hotline to the 911 line, done or omitted in good faith, within the scope of the certified public safety telecommunicator's employment responsibilities with the public safety answering point and the crisis call center or designated 988 contact hub and in accordance with call system transfer protocols adopted by both the department of health and the emergency management division shall impose liability upon:

(a) The certified public safety telecommunicator or the certified public safety telecommunicator's supervisor;

(b) The public safety answering point or its officers, staff, or employees;

(c) The clinical staff of the crisis call center or designated 988 contact hub or their clinical supervisors;

(d) The crisis call center or designated 988 contact hub or its officers, staff, or employees; or

(e) Any member of a mobile rapid response crisis team or community-based crisis team endorsed under section 9 of this act.

(2) This section shall not apply to any act or omission which constitutes either gross negligence or willful or wanton misconduct.

NEW SECTION. Sec. 15. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void.

Passed by the House April 18, 2023.

Passed by the Senate April 8, 2023.

Approved by the Governor May 15, 2023.

Filed in Office of Secretary of State May 16, 2023.

CHAPTER 455

[Substitute House Bill 1047]

COSMETIC PRODUCTS—TOXIC CHEMICALS

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

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. (1) The legislature finds that certain chemicals used in cosmetic products are linked to harmful impacts on health, such as cancer, birth defects, damage to the reproductive system, organ system toxicity, and endocrine disruption. Many of these chemicals have been identified by the state of Washington as high priority chemicals of concern.

(2) In order to ensure the safety of cosmetic products and protect Washington residents from toxic exposures, the legislature intends to prohibit use of toxic chemicals found in cosmetic and personal care products and join other jurisdictions in creating a safer global standard for cosmetic products and bringing more sustainable, safer ingredients to the marketplace.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Cosmetic product" has the same meaning as the term "cosmetic" as defined in RCW 69.04.011.

(2) "Department" means the department of ecology.

(3) "Manufacturer" has the same meaning as defined in RCW 70A.350.010.

(4) "Ortho-phthalates" means esters of ortho-phthalic acid.

(5) "Perfluoroalkyl and polyfluoroalkyl substances" has the same meaning as defined in RCW 70A.350.010.

(6) "Small business" has the same meaning as defined in RCW 70A.500.020.

(7) "Vulnerable populations" has the same meaning as defined in RCW 70A.02.010.

NEW SECTION. Sec. 3. (1) Except as provided in subsection (3) of this section, beginning January 1, 2025, no person may manufacture, knowingly sell, offer for sale, distribute for sale, or distribute for use in this state any cosmetic product that contains any of the following intentionally added chemicals or chemical classes:

(a) Ortho-phthalates;

(b) Perfluoroalkyl and polyfluoroalkyl substances;

(c) Formaldehyde (CAS 50-00-0) and chemicals determined by the department to release formaldehyde;

(d) Methylene glycol (CAS 463-57-0);

(e) Mercury and mercury compounds (CAS 7439-97-6);

(f) Triclosan (CAS 3380-34-5);

(g) m-phenylenediamine and its salts (CAS 108-45-2); and

(h) o-phenylenediamine and its salts (CAS 95-54-5).

(2) Except as provided in subsection (3) of this section, beginning January 1, 2025, no person may manufacture, knowingly sell, offer for sale, distribute for sale, or distribute for use in this state any cosmetic product that contains intentionally added lead or lead compounds (CAS 7439-92-1), lead or lead compounds at one part per million (ppm) or above, or as otherwise determined by the department through rule making.

(3) An in-state retailer in possession of cosmetic products on the date that restrictions on the sale of the products takes effect under this section may exhaust its existing stock through sales to the public until January 1, 2026.

(4) By June 1, 2024, the department, in consultation with the department of health, must use existing information to identify and assess the hazards of chemicals or chemical classes that can provide the same or similar function in cosmetic products as the chemicals or chemical classes listed in subsection (1) of this section and that can impact vulnerable populations. The department must make the information publicly available.

(5)(a) By May 2024, the department shall implement an initiative to support small businesses that manufacture cosmetic products in efforts to obtain voluntary environmental health certifications for cosmetics implemented by the United States environmental protection agency or other programs, as determined by the department, that are designed to identify cosmetic products that do not contain identified hazards consistent with processes used to identify safer alternatives under chapter 70A.350 RCW.

(b) The initiative may include, but is not limited to, providing:

- (i) Technical assistance and support;
- (ii) Resources for chemical hazard assessments; and
- (iii) Resources for reformulating products.

(6)(a) By May 2024, the department shall implement an initiative to support independent cosmetologists and small businesses that provide cosmetology services, such as beauty salons, in efforts to transition to using safer cosmetic products.

(b) The initiative may include, but is not limited to, providing:

- (i) Technical assistance and support;
- (ii) Resources for identifying safer cosmetic products; and
- (iii) Resources for financial incentives to eligible participants to replace cosmetic products containing toxic chemicals, disposal programs, and the use of safer products.

(7)(a) For the purposes of this section, cosmetic products do not include prescription drugs approved by the United States food and drug administration.

(b) The chemicals in subsection (1) of this section are restricted in cosmetics regardless of whether the product also contains drug ingredients regulated by the United States food and drug administration. For purposes of this section, ingredients regulated as drugs by the United States food and drug administration are not subject to the restrictions established in this section.

NEW SECTION. Sec. 4. (1) The department may adopt rules as necessary for the purpose of implementing, administering, and enforcing this chapter.

(2)(a) The department's determinations of chemicals that release formaldehyde must be adopted by rule. The department must identify a list of chemicals used in cosmetics that release formaldehyde that may be subject to

restriction under this chapter. In establishing this list, the department should consider:

- (i) Estimated prevalence of use;
- (ii) Potential to reduce disproportionate exposure; and
- (iii) Other information deemed relevant by the department.

(b) The department may identify for restriction an initial set of no more than 10 of the listed chemicals used in cosmetics that release formaldehyde. This restriction must take effect on or after January 1, 2026.

(c) Restrictions on the remaining listed chemicals used in cosmetics that release formaldehyde may take effect on or after January 1, 2027.

(d) The department may, but is not required to, conduct additional rule-making activities after January 1, 2027, including developing supplemental lists of chemicals that release formaldehyde and adopting additional restrictions.

(3) Prior to commencing rule making under this chapter, the department must engage with relevant stakeholders to ensure the availability of adequate expertise and input. The stakeholder process should include, but is not limited to, soliciting input from representatives from independent cosmetologists, small businesses offering cosmetology services, such as beauty salons, and small manufacturers of cosmetic products. The input received from stakeholders must be considered when adopting rules.

(4) A manufacturer that produces a product or imports or domestically distributes a product in or into Washington in violation of a requirement of this chapter, a rule adopted under this chapter, or an order issued under this chapter, is subject to a civil penalty not to exceed \$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 \$10,000 for each repeat offense.

(5) Any penalty provided for in this section, and any order issued by the department under this chapter, may be appealed to the pollution control hearings board.

(6) All penalties collected under this chapter shall be deposited in the model toxics control operating account created in RCW 70A.305.180.

Sec. 5. RCW 43.21B.110 and 2022 c 180 s 812 are each 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 RCW 18.104.155, 70A.15.3160, 70A.300.090, 70A.20.050, 70A.530.040, 70A.350.070, 70A.515.060, 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080, 70A.65.200, 70A.455.090, section 3 of this act, 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, 43.27A.190, 70A.15.2520, 70A.15.3010, 70A.300.120, 70A.350.070, 70A.245.020, 70A.65.200, section 3 of this act, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(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 an application for a solid waste permit exemption under RCW 70A.205.260.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70A.205 RCW.

(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.

(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.

(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 2022 c 180 s 813 are each amended to read as follows:

(1) Any civil penalty provided in RCW 18.104.155, 70A.15.3160, 70A.205.280, 70A.300.090, 70A.20.050, 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080, 70A.65.200, 70A.455.090, section 3 of this act, 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) Thirty days after receipt of the notice imposing the penalty;

(b) Thirty 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) Thirty 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 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 and section 3 of this act, 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.

NEW SECTION. Sec. 7. This chapter may be known and cited as the toxic-free cosmetics act.

NEW SECTION. Sec. 8. Sections 1 through 4 and 7 of this act constitute a new chapter in Title 70A RCW.

Passed by the House April 14, 2023.

Passed by the Senate April 8, 2023.

Approved by the Governor May 15, 2023.

Filed in Office of Secretary of State May 16, 2023.

CHAPTER 456

[Second Substitute House Bill 1477]

WORKING FAMILIES' TAX CREDIT—MODIFICATION

AN ACT Relating to making changes to the working families' tax credit that clarify program qualification requirements, allow applications to be submitted for up to three years, and require a biennial program report from the department of revenue; amending RCW 82.08.02061; amending 2021 c 195 s 4 (uncodified); reenacting and amending RCW 82.08.0206; creating new sections; providing an effective date; and providing a contingent expiration date.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 82.08.0206 and 2022 c 41 s 1 and 2022 c 33 s 1 are each reenacted and amended to read as follows:

(1) A working families' tax credit, in the form of a refund of tax due under this chapter and chapter 82.12 RCW, is provided to eligible low-income persons for sales and use taxes paid under this chapter and chapter 82.12 RCW after January 1, 2022.

(2) For purposes of the credit in this section, the following definitions apply:

(a)(i) "Eligible low-income person" means an individual who:

(A) Is eligible for the credit provided in Title 26 U.S.C. Sec. 32 of the internal revenue code; and

(B) Properly files a federal income tax return for the prior federal tax year, and was a Washington resident during the year for which the credit is claimed.

(ii) "Eligible low-income person" also means an individual who(~~is~~

~~(A) Meets~~) meets the requirements provided in (a)(i)(B) of this subsection(~~is~~) and

~~((B) Would))~~ would otherwise qualify for the credit provided in Title 26 U.S.C. Sec. 32 of the internal revenue code except ~~((for the fact))~~ that ~~((the))~~ one or any combination of the following conditions apply:

(A) The individual filed a federal income tax return for the prior federal tax year using a valid individual taxpayer identification number in lieu of a social security number, and the individual's spouse, if any, and all qualifying children, if any, have a valid individual taxpayer identification number or a social security number; or

(B) The individual filed their federal income tax return for the prior federal tax year under the married filing separately status. For purposes of the refund provided in this section, the special rule for separated spouse under Title 26 U.S.C. Sec. 32(d)(2)(B) of the internal revenue code does not apply.

(b) "Income" means earned income as defined by Title 26 U.S.C. Sec. 32 of the internal revenue code.

(c) "Individual" means an individual or an individual and that individual's spouse if they file a federal joint income tax return.

(d) "Internal revenue code" means the United States internal revenue code of 1986, as amended, as of June 9, 2022, or such subsequent date as the department may provide by rule consistent with the purpose of this section.

(e) "Maximum qualifying income" means the maximum federally adjusted gross income for the prior federal tax year.

(f) "Qualifying child" means a qualifying child as defined by Title 26 U.S.C. Sec. 32 of the internal revenue code, except the child may have a valid individual taxpayer identification number in lieu of a social security number.

(g) "Washington resident" means an individual who is physically present and residing in this state for at least 183 days. "Washington resident" also includes an individual who is not physically present and residing in this state for at least 183 days but is the spouse of a Washington resident. For purposes of this subsection, "day" means a calendar day or any portion of a calendar day.

(3)(a) Except as provided in (b) and (c) of this subsection, for calendar year 2023 and thereafter, the working families' tax credit refund amount for the prior calendar year is:

(i) \$300 for eligible persons with no qualifying children;

(ii) \$600 for eligible persons with one qualifying child;

(iii) \$900 for eligible persons with two qualifying children; or

(iv) \$1,200 for eligible persons with three or more qualifying children.

(b) Except as provided in (f) of this subsection, the refund amounts provided in (a) of this subsection will be reduced, rounded to the nearest dollar, as follows:

(i) For eligible persons with no qualifying children, beginning at \$2,500 of income below the federal phase-out income for the prior federal tax year, by 18 percent per additional dollar of income until the minimum credit amount as specified in (c) of this subsection is reached.

(ii) For eligible persons with one qualifying child, beginning at \$5,000 of income below the federal phase-out income for the prior federal tax year, by 12 percent per additional dollar of income until the minimum credit amount as specified in (c) of this subsection is reached.

(iii) For eligible persons with two qualifying children, beginning at \$5,000 of income below the federal phase-out income for the prior federal tax year, by 15 percent per additional dollar of income until the minimum credit amount as specified in (c) of this subsection is reached.

(iv) For eligible persons with three or more qualifying children, beginning at \$5,000 of income below the federal phase-out income for the prior federal tax year, by 18 percent per additional dollar of income until the minimum credit amount as specified in (c) of this subsection is reached.

(c) If the refund for an eligible person as calculated in this section is greater than or equal to one cent, but less than \$50, the refund amount is \$50.

(d) The refund amounts in this section shall be adjusted for inflation every year beginning January 1, 2024, based upon changes in the consumer price index that are published by November 15th of the previous year for the most recent 12-month period. The adjusted refund amounts must be rounded to the nearest \$5.

(e) For purposes of this section, "consumer price index" means, for any 12-month period, the average consumer price index for that 12-month period for the Seattle, Washington area for urban wage earners and clerical workers, all items, compiled by the bureau of labor statistics, United States department of labor.

(f) The percentage rate of remittance reductions in (b) of this subsection must be adjusted every year beginning January 1, 2023, based on calculations by the department that result in the minimum credit being received at the maximum qualifying income level.

(4) The working families' tax credit shall be administered as provided in this subsection.

(a) The refund paid under this section will be paid to eligible filers who apply pursuant to this subsection.

(i) Application must be made to the department in a form and manner determined by the department. If the application process is initially done electronically, the department must provide a paper application upon request. The application must include any information and documentation as required by the department.

(ii) ~~(Application)~~ (A) Except as provided in (a)(ii)(B) of this subsection (4), application for (the) a refund under this section must be made in the year following the year for which the federal tax return was filed, but in no case may any refund be provided for any period before January 1, 2022. The department must use the eligible person's most recent federal tax filing for the tax year for which the refund is being claimed to calculate the refund.

(B)(I) A person may apply for any refund for which they were eligible but did not claim under (a)(ii)(A) of this subsection (4) for up to three additional years. A person must complete an application to claim this refund within the three calendar years after the end of the calendar year in which the federal income tax return for that tax year was legally due for federal income tax purposes, without regard to any federal extension.

(II) If a person seeks to increase the amount of a refund that has been made under this subsection (4), the person must apply for the amended refund within the nonclaims period established under RCW 82.32.060(1).

(III) For applications for refunds under this subsection (4)(a)(ii)(B), the department must use the federal tax filing for the tax year for which a refund is being claimed to calculate the refund.

(iii) A person may not claim a credit on behalf of a deceased individual. No individual may claim a credit under this section for any year in a disallowance period under Title 26 U.S.C. Sec. 32(k)(1) of the internal revenue code or for any year for which the individual is ineligible to claim the credit in Title 26 U.S.C.

Sec. 32 of the internal revenue code by reason of Title 26 U.S.C. Sec. 32(k)(2) of the internal revenue code.

(b) The department shall protect the privacy and confidentiality of personal data of refund recipients in accordance with chapter 82.32 RCW.

(c) The department shall, in conjunction with other agencies or organizations, design and implement a public information campaign to inform potentially eligible persons of the existence of, and requirements for, the credit provided in this section.

(d) The department must work with the internal revenue service to administer the credit on an automatic basis as soon as practicable.

(5) Receipt of ~~((the))~~ a refund under this section may not be used in eligibility determinations for any state income support programs or in making public charge determinations.

(6) The department may adopt rules necessary to implement this section. This includes establishing a date by which applications will be accepted, with the aim of accepting applications as soon as possible.

(7) The department must review the application and determine eligibility for the working families' tax credit based on information provided by the applicant and through audit and other administrative records, including, when it deems it necessary, verification through internal revenue service data.

(8) If, upon review of internal revenue service data or other information obtained by the department, it appears that an individual received a refund that the individual was not entitled to, or received a larger refund than the individual was entitled to, the department may assess against the individual the overpaid amount. The department may also assess such overpaid amount against the individual's spouse if the refund in question was based on both spouses filing a joint federal income tax return for the year for which the refund was claimed.

(a) Interest as provided under RCW 82.32.050 applies to assessments authorized under this subsection (8) starting six months after the date the department issued the assessment until the amount due under this subsection (8) is paid in full to the department. Except as otherwise provided in this subsection, penalties may not be assessed on amounts due under this subsection.

(b) If an amount due under this subsection is not paid in full by the date due, or the department issues a warrant for the collection of amounts due under this subsection, the department may assess the applicable penalties under RCW 82.32.090. Penalties under this subsection (8)(b) may not be made due until six months after the department's issuance of the assessment.

(c) If the department finds by clear, cogent, and convincing evidence that an individual knowingly submitted, caused to be submitted, or consented to the submission of, a fraudulent claim for refund under this section, the department must assess a penalty of 50 percent of the overpaid amount. This penalty is in addition to any other applicable penalties assessed in accordance with (b) of this subsection (8).

(9) If, within the period allowed for refunds under RCW 82.32.060, the department finds that an individual received a lesser refund than the individual was entitled to, the department must remit the additional amount due under this section to the individual.

(10) Interest does not apply to refunds provided under this section.

(11) Chapter 82.32 RCW applies to the administration of this section.

Sec. 2. RCW 82.08.02061 and 2014 c 97 s 317 are each amended to read as follows:

(1) The department must assess the implementation of the working families' tax ~~((exemption))~~ credit in a report to the legislature to identify administrative or resource issues that require legislative action. The department must submit the report to the finance committee of the house of representatives and the ways and means committee of the senate within ~~((eighteen))~~ 18 months of the implementation of the program. The report must also be made available on the public website of the department.

(2) The department must submit a report to the finance committee of the house of representatives and the ways and means committee of the senate on a biennial basis. The report must include relevant data collected from administration of the working families' tax credit, including demographic data. The report must also be made available on the public website of the department. The first report under this subsection is due December 31, 2025, and every two years thereafter.

Sec. 3. 2021 c 195 s 4 (uncodified) is amended to read as follows:

(1) This section is the tax preference performance statement for the tax preference contained in section 2, chapter 195, Laws of 2021 and section 1, chapter . . . Laws of 2023 (section 1 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 legislature categorizes this tax preference as one intended to provide tax relief for certain individuals as indicated in RCW 82.32.808(2)(e).

(3) It is the legislature's specific public policy objective to allow low-income and middle-income workers to recover some or all of the sales tax they pay to support state and local government as a way to increase their economic security and to decrease the regressivity of our state tax code. It is the legislature's intent to provide a sales and use tax credit, in the form of a remittance, to low-income and middle-income working families.

(4) The joint legislative audit and review committee shall review this preference in 2028 and every 10 years thereafter. If a review finds that the working families' tax credit does not provide meaningful financial relief to low-income and middle-income households, ~~((this act shall))~~ RCW 82.08.0206 expires at the end of the calendar year two years after the adoption of the final report containing that finding. The joint legislative audit and review committee shall provide written notice of the expiration date of RCW 82.08.0206 to the department of revenue, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the joint legislative audit and review committee. In its review of the program, the joint legislative audit and review committee should use at least the following metrics: Size of the benefit per household, number of household beneficiaries statewide, and demographic information of beneficiaries to include family size, income level, race and ethnicity, and geographic location.

(5) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative audit and review committee may refer to the remittance data prepared by the department of revenue.

NEW SECTION. **Sec. 4.** RCW 82.32.805 does not apply to this act.

NEW SECTION. **Sec. 5.** This act takes effect January 1, 2024.

NEW SECTION. **Sec. 6.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void.

Passed by the House March 3, 2023.

Passed by the Senate April 12, 2023.

Approved by the Governor May 15, 2023.

Filed in Office of Secretary of State May 16, 2023.

CHAPTER 457

[Engrossed Substitute House Bill 1498]

WILDLAND FIRES—AVIATION USE—DEPARTMENT OF NATURAL RESOURCES

AN ACT Relating to aviation assurance funding in response to wildland fires; adding new sections to chapter 76.04 RCW; creating new sections; and providing an expiration date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** (1) Local and tribal fire departments in the state of Washington serve as frontline responders to wildland fires. The fire chief of each local fire department with jurisdiction over wildland fires is tasked with making rapid decisions, especially during the summer months when weather conditions can cause fires to rapidly enlarge. Flashy fuels, especially during times of low humidity, can be ignited by a single spark and erupt into a rapidly moving incident that can quickly destroy rangelands, ripe dryland crops, and timberlands.

(2) Local fire departments need immediate access to local aviation resources that are certified to fly and drop fire retardants and water to suppress or extinguish wildland fires quickly. The use of aviation assets has proven to be a valuable tool to prevent many wildland fires from growing large and requiring the response of state mobilization and prevent the deployment of state and federal fire agencies and their mobilization partner agencies.

(3) Further, the strategic use of aviation assets in initial attack, or at times when conditions on the ground may warrant additional air support, can prevent fires from becoming uncontrollable. Local fire departments that use aviation assets on initial attack can prevent most fires from requiring a state mobilization. Providing financial assurances for local fire departments to deploy aviation assets will provide greater protection to our state's natural resources, air quality, and communities.

(4) The legislature intends to provide suppression funding to the department of natural resources to support local fire departments in the use of aviation resources certified and trained to operate in wildland fires and drop fire retardant or water to suppress or extinguish fires as an initial attack strategy. Deployment and air operations command will be conducted at the direction of trained air operations commanders.

(5) The legislature intends to authorize the department of natural resources to provide aviation resources to local fire departments statewide for use during the initial attack of wildland fires in order to provide assurance that local fire departments will have sufficient financial capacity to effectively control

wildland fires throughout the length of the fire season. Having assurance that local fire departments can afford to use aircraft under conditions that would warrant their use and at the discretion of the local fire department chief will incentivize the use of aircraft more quickly in order to rapidly suppress the fire and minimize damage to lands, resources, and structures, while protecting regional air quality.

NEW SECTION. Sec. 2. A new section is added to chapter 76.04 RCW to read as follows:

(1) The department shall prepare and submit, consistent with RCW 43.01.036, an appendix on aviation usage by local fire departments for initial attack as a part of its annual wildfire report to the standing committees of the legislature with jurisdiction over wildland firefighting. The department shall submit the report by December 1st of each year. The report must address, at a minimum, the following topics:

(a) The dollar value of funding utilized by local fire departments for initial attack aviation during the year;

(b) The specific local fire departments that utilized this funding during the year;

(c) The wildland fires on which suppression funding was utilized to provide local fire departments initial attack aviation resources during the year, including names, locations, and sizes of fires, and amount of funding utilized on each of the fires; and

(d) A review of lessons learned related to aviation use by local fire departments for initial attack based on the preceding fire season, along with recommendations for future improvements to the wildland fire response process based on the lessons learned.

(2) The department shall consult with the state fire defense committee, fire service representatives, and the state fire marshal's office annually to review aviation program performance and determine aviation needs for the following fire year.

NEW SECTION. Sec. 3. A new section is added to chapter 76.04 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department must use suppression funding to assist local fire departments with aerial fire response capabilities during the critical initial attack phase of fighting a wildland fire.

(2) The department must use suppression funding to assist local fire departments with initial attacks that meet the following requirements:

(a) The local fire department must have entered into a response agreement with the department;

(b) The local fire department must provide documentation to the department that personnel have received training regarding the use of aviation assets in initial attack and criteria to use for determining when to call for aviation assets;

(c) The aviation assets used in initial attack must come from a list of private contractors approved by the department on exclusive use or call-when-needed agreements based upon the annual review of aviation response and aviation needs required in section 2(2) of this act;

(d) Local fire departments must make direct requests to the appropriate coordination center, including the central Washington interagency coordination center, the northeast Washington interagency coordination center, the Blue Mountain interagency coordination center, or the department of natural resources coordination center, in order to ensure the safe coordination of all aircraft; and

(e) Upon receiving a request for aviation assets under this section, the coordinating agency must notify the director of fire protection or that individual's designee to ensure operational knowledge of a potential future request to invoke the fire service mobilization plan under RCW 43.43.960.

NEW SECTION. Sec. 4. (1) The department of natural resources shall convene a work group composed of wildfire aviation subject matter experts, fire service representatives from the Washington fire chiefs association, the Washington state council of firefighters, the Washington state firefighters' association, the Washington state fire commissioners association, wildland fire management staff, and other partners to evaluate the costs and benefits of a state certification program for aircraft and pilots used in wildfire suppression.

(2) The department of natural resources shall include the findings of the work group in a report to be submitted to the wildfire advisory committee and appropriate committees of the legislature by December 1, 2025.

NEW SECTION. Sec. 5. This act expires July 1, 2027.

Passed by the House April 14, 2023.

Passed by the Senate April 10, 2023.

Approved by the Governor May 15, 2023.

Filed in Office of Secretary of State May 16, 2023.

CHAPTER 458

[Engrossed Substitute House Bill 1533]

PERSONAL INFORMATION OF CERTAIN PUBLIC EMPLOYEES—PUBLIC RECORDS ACT EXEMPTION

AN ACT Relating to exempting the disclosure of certain information of agency employees or their dependents who are survivors of domestic violence, sexual assault, harassment, or stalking; amending RCW 42.56.250; creating a new section; providing an expiration date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 42.56.250 and 2020 c 106 s 1 are each amended to read as follows:

(1) The following employment and licensing information is exempt from public inspection and copying under this chapter:

((+)) (a) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination;

((2)) (b) All applications for public employment other than for vacancies in elective office, including the names of applicants, resumes, and other related materials submitted with respect to an applicant;

((3)) (c) Professional growth plans (PGPs) in educator license renewals submitted through the eCert system in the office of the superintendent of public instruction;

~~((4))~~ (d) The following information held by any public agency in personnel records, public employment related records, volunteer rosters, or included in any mailing list of employees or volunteers of any public agency: Residential addresses, residential telephone numbers, personal wireless telephone numbers, personal email addresses, social security numbers, driver's license numbers, identocard numbers, payroll deductions including the amount and identification of the deduction, and emergency contact information of employees or volunteers of a public agency, and the names, dates of birth, residential addresses, residential telephone numbers, personal wireless telephone numbers, personal email addresses, social security numbers, and emergency contact information of dependents of employees or volunteers of a public agency. For purposes of this subsection, "employees" includes independent provider home care workers as defined in RCW 74.39A.240;

~~((5))~~ (e) Information that identifies a person who, while an agency employee: ~~((a))~~ (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and ~~((b))~~ (ii) requests his or her identity or any identifying information not be disclosed;

~~((6))~~ (f) Investigative records compiled by an employing agency in connection with an investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws or an employing agency's internal policies prohibiting discrimination or harassment in employment. Records are exempt in their entirety while the investigation is active and ongoing. After the agency has notified the complaining employee of the outcome of the investigation, the records may be disclosed only if the names of complainants, other accusers, and witnesses are redacted, unless a complainant, other accuser, or witness has consented to the disclosure of his or her name. The employing agency must inform a complainant, other accuser, or witness that his or her name will be redacted from the investigation records unless he or she consents to disclosure;

~~((7))~~ (g) Criminal history records checks for board staff finalist candidates conducted pursuant to RCW 43.33A.025;

~~((8))~~ (h) Photographs and month and year of birth in the personnel files of employees or volunteers of a public agency, including employees and workers of criminal justice agencies as defined in RCW 10.97.030. The news media, as defined in RCW 5.68.010(5), shall have access to the photographs and full date of birth. For the purposes of this subsection, news media does not include any person or organization of persons in the custody of a criminal justice agency as defined in RCW 10.97.030;

~~((9))~~(i)(i) Any employee's name or other personally identifying information, including but not limited to birthdate, job title, addresses of work stations and locations, work email address, work phone number, bargaining unit, or other similar information, maintained by an agency in personnel-related records or systems, or responsive to a request for a list of individuals subject to the commercial purpose prohibition under RCW 42.56.070(8), if the employee has provided:

(A) A sworn statement, signed under penalty of perjury and verified by the director of the employing agency or director's designee, that the employee or a dependent of the employee is a survivor of domestic violence as defined in RCW

10.99.020 or 7.105.010, sexual assault as defined in RCW 70.125.030 or sexual abuse as defined in RCW 7.105.010, stalking as described in RCW 9A.46.110 or defined in RCW 7.105.010, or harassment as described in RCW 9A.46.020 or defined in RCW 7.105.010, and notifying the agency as to why the employee has a reasonable basis to believe that the risk of domestic violence, sexual assault, sexual abuse, stalking, or harassment continues to exist. A sworn statement under this subsection expires after two years, but may be subsequently renewed by providing a new sworn statement to the employee's employing agency; or

(B) Provides proof to the employing agency of the employee's participation or the participation of a dependent in the address confidentiality program under chapter 40.24 RCW.

(ii) Any documentation maintained by an agency to administer this subsection (1)(i) is exempt from disclosure under this chapter and is confidential and may not be disclosed without consent of the employee who submitted the documentation. Agencies may provide information to their employees on how to submit a request to anonymize their work email address.

(iii) For purposes of this subsection (1)(i), "verified" means that the director of the employing agency or director's designee confirmed that the sworn statement identifies the alleged perpetrator or perpetrators by name and, if possible, image or likeness, or that the director or designee obtained from the employee a police report, protection order petition, or other documentation of allegations related to the domestic violence, sexual assault or abuse, stalking, or harassment.

(iv) The exemption in this subsection (1)(i) does not apply to public records requests from the news media as defined in RCW 5.68.010(5);

(j) The global positioning system data that would indicate the location of the residence of a public employee or volunteer using the global positioning system recording device;

~~((14))~~ (k) Until the person reaches eighteen years of age, information, otherwise disclosable under chapter 29A.08 RCW, that relates to a future voter, except for the purpose of processing and delivering ballots; and

~~((14))~~ (l) Voluntarily submitted information collected and maintained by a state agency or higher education institution that identifies an individual state employee's personal demographic details. "Personal demographic details" means race or ethnicity, sexual orientation as defined by RCW 49.60.040~~((26))~~ (27), immigration status, national origin, or status as a person with a disability. This exemption does not prevent the release of state employee demographic information in a deidentified or aggregate format.

~~((12))~~ (2) Upon receipt of a request for information located exclusively in an employee's personnel, payroll, supervisor, or training file, the agency must provide notice to the employee, to any union representing the employee, and to the requestor. The notice must state:

(a) The date of the request;

(b) The nature of the requested record relating to the employee;

(c) That the agency will release any information in the record which is not exempt from the disclosure requirements of this chapter at least ten days from the date the notice is made; and

(d) That the employee may seek to enjoin release of the records under RCW 42.56.540.

NEW SECTION. Sec. 2. (1) By May 1, 2025, the joint legislative audit and review committee must analyze the impacts of section 1 of this act and must submit a report summarizing its analysis to the legislature. In preparing the report, the joint legislative audit and review committee must consult survivors with direct lived experience of domestic violence, sexual assault or abuse, stalking, or harassment. The report must include, at a minimum:

(a) Whether the exemption created in section 1 of this act, and exceptions to the exemption, effectively protects public employees and dependents who are survivors of domestic violence, sexual assault or abuse, stalking, or harassment by protecting their personal information while maintaining public transparency and oversight of governmental operations; and

(b) Whether the exemption created in section 1 of this act, and exceptions to the exemption, should be maintained or modified to ensure the protection of public employees and dependents who are survivors of domestic violence, sexual assault or abuse, stalking, or harassment by protecting their personal information while maintaining public transparency and oversight of governmental operations.

(2) This section expires June 30, 2025.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Passed by the House April 19, 2023.

Passed by the Senate April 7, 2023.

Approved by the Governor May 15, 2023.

Filed in Office of Secretary of State May 16, 2023.

CHAPTER 459

[Substitute House Bill 1638]

STATE TROOPER EXPEDITED RECRUITMENT INCENTIVE PROGRAM

AN ACT Relating to the creation of a state trooper expedited recruitment incentive program; adding a new section to chapter 43.43 RCW; creating a new section; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The legislature finds that the Washington state patrol is experiencing historic levels of trooper vacancies, with almost 30 percent of trooper positions unfilled. At the same time, Washington is experiencing alarming increases in serious and fatal crashes on our roadways. The legislature recognizes that the Washington state patrol is working on strengthening its recruiting efforts, with a focus on broadening outreach to candidates from marginalized communities. This historic confluence of factors justifies extraordinary measures to assist the Washington state patrol in its efforts to attract and retain sufficient numbers of troopers for the protection of the citizens of the state of Washington.

NEW SECTION. Sec. 2. A new section is added to chapter 43.43 RCW to read as follows:

(1) The Washington state patrol shall develop and implement a state trooper expedited recruitment incentive program for the purpose of recruiting and filling vacant trooper positions. Recruitment must redouble the effort to create a more

diverse workforce and must also provide an accelerated pathway for joining the state patrol for individuals who have previously been employed as a general authority peace officer.

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

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

(b) A sign-on bonus or other bonus for each trooper hired through the expedited recruitment incentive program.

(3) The establishment of the state trooper expedited recruitment incentive program is subject to a change to the applicable collective bargaining agreements negotiated with the exclusive bargaining representatives.

(4) This section does not interfere with, impede, or in any way diminish the right of the officers of the Washington state patrol to bargain collectively with the state through the exclusive bargaining representatives as provided for in RCW 41.56.473.

(5) 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. The specific amounts, requirements, and other provisions related to the bonus policy for cadet hires or lateral hires are subject to applicable provisions as set forth in an omnibus transportation appropriations act.

(6) For the purposes of this section:

(a) "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.

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

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Passed by the House April 19, 2023.

Passed by the Senate April 10, 2023.

Approved by the Governor May 15, 2023.

Filed in Office of Secretary of State May 16, 2023.

CHAPTER 460

[Engrossed Substitute House Bill 1678]

DENTAL THERAPY

AN ACT Relating to establishing and authorizing the profession of dental therapy to practice in federally qualified health centers and look-alikes; amending RCW 18.32.030, 18.32.0351, 18.120.020, 18.130.040, 18.260.010, 18.260.040, 18.260.070, 18.260.080, 18.29.050, and 69.41.010; reenacting and amending RCW 43.70.442; adding a new chapter to Title 18 RCW; creating a new section; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The legislature finds that good oral health is an integral piece of overall health and well-being. Without treatment, dental disease compromises overall health and requires increasingly costly interventions. However, most dental disease can be prevented at little cost through routine dental care and disease prevention.

Dental-related issues are a leading reason that Washingtonians seek care in hospital emergency departments, which has become the source of care for many, especially uninsured and low-income populations.

It is the intent of the legislature to expand access to oral health care for all Washingtonians through an evidence-based mid-level dental provider called a dental therapist. Dental therapy is a strategy to address racial and ethnic disparities in health and rural health care access gaps. Dental therapists are also a strategy to increase workforce diversity in health care and expand career opportunities for existing members of the dental care workforce such as dental hygienists.

It is the legislature's intent that dental therapists will meet the needs of local communities as they work under the direction of a dentist licensed in accordance with state or federal law. The legislature intends for dental therapists to be incorporated into the dental care workforce and used to effectively treat more patients.

It is the intent of the legislature to follow the national commission on dental accreditation's standards for dental therapy education. This will ensure that dental therapists are trained to the highest quality standards and provide state-to-state consistency. It is the intent of the legislature that incorporating the commission on dental accreditation's standards for dental therapy education will pave the way for Washington education institutions to become accredited programs and for students to qualify for financial aid.

It is also the intent of the legislature to provide an efficient and reasonable pathway, through a limited license, for federally certified dental health aide therapists or tribally licensed dental therapists to become a Washington state licensed dental therapist.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Close supervision of a dentist" means that a supervising dentist:

(a) Has personally examined and diagnosed the patient and has personally authorized the procedures to be performed;

(b) Is continuously on-site while the procedure in question is being performed; and

(c) Is capable of responding immediately in the event of an emergency.

(2) "Commission" means the dental quality assurance commission established in chapter 18.32 RCW.

(3) "Dental therapist" means a person licensed to practice dental therapy under this chapter.

(4) "Dental therapy" means the services and procedures specified in section 6 of this act.

(5) "Dentist" means a person licensed to practice dentistry under chapter 18.32 RCW or exempt from such licensure pursuant to Title 25 U.S.C. Sec. 1621t of the Indian health care improvement act.

(6) "Denturist" means a person licensed to engage in the practice of denturism under chapter 18.30 RCW.

(7) "Department" means the department of health.

(8) "Off-site supervision" means supervision that does not require the dentist to be personally on-site when services are provided or to previously examine or diagnose the patient.

(9) "Practice plan contract" means a document that is signed by a dentist and a dental therapist and outlines the functions the dentist authorizes the dental therapist to perform and the level and type of dentist supervision that is required.

(10) "Secretary" means the secretary of health.

NEW SECTION. Sec. 3. No person may practice dental therapy or represent himself or herself as a dental therapist without being licensed by the department under this chapter. Every person licensed to practice dental therapy in this state shall renew their license and comply with administrative procedures, administrative requirements, continuing education requirements, and fees provided in RCW 43.70.250 and 43.70.280. The licensing fees for dental therapists may not be subsidized by other health professions. The department shall establish by rule mandatory continuing education requirements to be met by dental therapists applying for license renewal. A dental therapist must obtain liability insurance with coverage equivalent to that of the supervising dentist's liability insurance coverage.

NEW SECTION. Sec. 4. (1) The department shall issue a license to practice as a dental therapist to any applicant who:

(a) Pays any applicable fees established by the secretary under RCW 43.70.110 and 43.70.250;

(b) Except as provided in subsection (2) of this section, successfully completes a dental therapist program that is accredited or has received initial accreditation by the American dental association's commission on dental accreditation;

(c) Passes an examination approved by the commission; and

(d) Submits, on forms provided by the secretary, the applicant's name, address, and other applicable information as determined by the secretary.

(2) Applicants who successfully completed a dental therapist program before September 30, 2022, that was not accredited by the American dental association's commission on dental accreditation but that the commission determines is substantially equivalent to an accredited education program meet the criteria described in subsection (1)(b) of this section if the applicant also, has proof of at least 400 preceptorship hours under the close supervision of a dentist.

(3) When considering and approving the exam under subsection (1)(c) of this section, the committee must consult with tribes that license dental health aide therapists and with dental therapy education programs located in this state.

(4) The secretary in consultation with the commission must establish by rule the procedures to implement this section.

NEW SECTION. Sec. 5. An applicant holding a valid license and currently engaged in practice in another state may be granted a license without examination required by this chapter, on the payment of any required fees, if the secretary determines that the other state's licensing standards are substantively equivalent to the standards in this state: PROVIDED, That the secretary may

require the applicant to: (1) File with the secretary documentation certifying the applicant is licensed to practice in another state; and (2) provide information as the secretary deems necessary pertaining to the conditions and criteria of the uniform disciplinary act, chapter 18.130 RCW, and to demonstrate to the secretary a knowledge of Washington law pertaining to the practice of dental therapy.

NEW SECTION. Sec. 6. (1) Subject to the limitations in this section, a licensed dental therapist may provide the following services and procedures under the supervision of a licensed dentist as provided under section 7 of this act and to the extent the supervising dentist authorizes the service or procedure to be provided by the dental therapist:

(a) Oral health instruction and disease prevention education, including nutritional counseling and dietary analysis;

(b) Comprehensive charting of the oral cavity;

(c) Making radiographs;

(d) Mechanical polishing;

(e) Prophylaxis;

(f) Periodontal scaling and root planing;

(g) Application of topical preventative or prophylactic agents, including fluoride and pit and fissure sealants;

(h) Pulp vitality testing;

(i) Application of desensitizing medication or resin;

(j) Fabrication of athletic mouth guards;

(k) Placement of temporary restorations;

(l) Fabrication of soft occlusal guards;

(m) Tissue conditioning and soft reline;

(n) Atraumatic restorative therapy and interim restorative therapy;

(o) Dressing changes;

(p) Administration of local anesthetic;

(q) Administration of nitrous oxide;

(r) Emergency palliative treatment of dental pain limited to the procedures in this section;

(s) The placement and removal of space maintainers;

(t) Cavity preparation;

(u) Restoration of primary and permanent teeth;

(v) Placement of temporary crowns;

(w) Preparation and placement of preformed crowns for patients 18 years of age or older;

(x) Indirect and direct pulp capping on primary and permanent teeth;

(y) Stabilization of reimplanted teeth;

(z) Extractions of primary teeth;

(aa) Suture removal;

(bb) Brush biopsies;

(cc) Minor adjustments and repairs on removable prostheses;

(dd) Recementing of permanent crowns;

(ee) Oral evaluation and assessment of dental disease and the formulation of an individualized treatment plan. When possible, a dental therapist must collaborate with the supervising dentist to formulate a patient's individualized treatment plan;

(ff) Identification of oral and systemic conditions requiring evaluation and treatment by a dentist, physician, or other health care provider, and management of referrals;

(gg) The supervision of expanded function dental auxiliaries, dental assistants, and dental hygienists. However, a dental therapist may supervise no more than a total of three expanded function dental auxiliaries, dental assistants, and dental hygienists at any one time in any one practice setting. A dental therapist may not supervise an expanded function dental auxiliary, dental assistant, or dental hygienist with respect to tasks that the dental therapist is not authorized to perform;

(hh) Nonsurgical extractions of erupted permanent teeth under limited conditions; and

(ii) The dispensation and oral administration of drugs pursuant to subsection (2) of this section.

(2)(a) A dental therapist may dispense and orally administer the following drugs within the parameters of the practice plan contract established in section 7 of this act: Nonnarcotic analgesics, anti-inflammatories, preventive agents, and antibiotics.

(b) The authority to dispense and orally administer drugs extends only to the drugs identified in this subsection and may be further limited by the practice plan contract.

(c) The authority to dispense includes the authority to dispense sample drugs within the categories established in this subsection if the dispensing is permitted under the practice plan contract.

(d) A dental therapist may not dispense or administer narcotic drugs as defined in chapter 69.50 RCW.

(e) A dental therapist does not have the authority to prescribe drugs.

(3) A dental therapist may only provide services and procedures in which they have been educated.

(4) A dental therapist may not provide any service or procedure that is not both authorized by this section and been authorized by the supervising dentist via inclusion in the dental therapist's practice plan contract.

NEW SECTION. Sec. 7. (1) A dental therapist may only practice dental therapy under the supervision of a dentist and pursuant to a written practice plan contract with the supervising dentist. A dental therapist may not practice independently. In circumstances authorized by the supervising dentist in the written practice plan contract, a dental therapist may provide services under off-site supervision. The contract must, at a minimum, contain the following elements:

(a) The level of supervision required and circumstances when the prior knowledge and consent of the supervising dentist is required;

(b) Practice settings where services and procedures may be provided;

(c) Any limitations on the services or procedures the dental therapist may provide;

(d) Age and procedure-specific practice protocols, including case selection criteria, assessment guidelines, and imaging frequency;

(e) Procedures for creating and maintaining dental records for patients treated by the dental therapist;

(f) A plan to manage medical emergencies in each practice setting where the dental therapist provides care;

(g) A quality assurance plan for monitoring care provided by the dental therapist or, including patient care review, referral follow-up, and a quality assurance chart review;

(h) Protocols for administering and dispensing medications, including the specific circumstances under which the medications may be dispensed and administered;

(i) Criteria relating to the provision of care to patients with specific medical conditions or complex medical histories, including requirements for consultation prior to the initiation of care; and

(j) Specific written protocols governing situations where the dental therapist encounters a patient requiring treatment that exceeds the dental therapist's scope of practice or capabilities and protocols for referral of patients requiring evaluation and treatment by dentists, denturists, physicians, advanced registered nurse practitioners, or other health care providers.

(2) The dental therapist shall accept responsibility for all services and procedures provided by the dental therapist or any auxiliary dental providers the dental therapist is supervising pursuant to the practice plan contract.

(3) A supervising dentist licensed under chapter 18.32 RCW who knowingly permits a dental therapist to provide a service or procedure that is not authorized in the practice plan contract, or any dental therapist who provides a service or procedure that is not authorized in the practice plan contract, commits unprofessional conduct for purposes of chapter 18.130 RCW.

(4) A dentist who enters into a written practice plan contract with a dental therapist shall:

(a) Directly provide or arrange for another dentist, denturist, or specialist to provide any necessary advanced procedures or services needed by the patient or any treatment that exceeds the dental therapist's scope of practice or capabilities;

(b) Ensure that he or she or another dentist is available to the dental therapist for timely communication during treatment if needed.

(5) A dental therapist shall perform only those services authorized by the supervising dentist and written practice plan contract and shall maintain an appropriate level of contact with the supervising dentist.

(6) A supervising dentist may supervise no more than a total of five dental therapists at any one time.

(7) Practice plan contracts must be signed and maintained by both the supervising dentist and the dental therapist.

(8) A dental therapist must submit a signed copy of the practice plan contract to the secretary at the time of licensure renewal. If the practice plan contract is revised in between license renewal, a signed copy of the revised practice plan contract must be submitted as soon as practicable after the revision is made.

NEW SECTION. Sec. 8. Nothing in this chapter prohibits or affects:

(1) The practice of dental therapy by an individual otherwise licensed under this title and performing services within his or her scope of practice;

(2) The practice of dental therapy in the discharge of official duties on behalf of the United States government including, but not limited to, the armed

forces, coast guard, public health service, veterans' bureau, or bureau of Indian affairs;

(3) The practice of dental therapy pursuant to an education program described in section 4 of this act;

(4) The practice of dental therapy under the supervision of a dentist necessary to meet the clinical experience or preceptorship requirements of section 4 of this act; or

(5) The practice of federally certified dental health aide therapists or tribally licensed dental health aide therapists as authorized under chapter 70.350 RCW.

NEW SECTION. Sec. 9. (1) A dental therapist may practice only in federally qualified health centers, tribal federally qualified health centers, and federally qualified health center look-alikes.

(2) A dentist providing dental services at a federally qualified health center is not required to enter a practice plan contract and may not face retaliation or default on a loan repayment contract if the dentist refuses to enter into a practice plan contract or supervise a dental therapist.

(3) For purposes of this section, a "tribal federally qualified health center" means a tribal facility operating in accordance with Title XIX Sec. 1905(l)(2)(B) of the social security act and the Indian self-determination and education assistance act (P.L. 93-638) and that enrolls in Washington medicaid as a tribal federally qualified health center.

NEW SECTION. Sec. 10. The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses, unlicensed practice, and the discipline of persons licensed under this chapter. The dental quality assurance commission is the disciplining authority under this chapter.

NEW SECTION. Sec. 11. (1) The department shall issue a limited license to any applicant who, as determined by the secretary:

(a) Holds a valid license, certification, or recertification in another state, Canadian province, or has been certified or licensed by a federal or tribal governing board in the previous two years, that allows a substantially equivalent, but not the entire scope of practice in section 6 of this act;

(b) Is currently engaged in active practice in another state, Canadian province, or tribe;

(c) Files with the secretary documentation certifying that the applicant:

(i)(A) Has graduated from a dental therapy school accredited by the commission on dental accreditation; or

(B) Has graduated from a dental therapy education program before September 30, 2022, that the dental quality assurance commission determines is substantially equivalent to an accredited education program; and

(ii) Is licensed or certified to practice in another state or Canadian province, or has been certified or licensed by a federal or tribal governing board in the previous two years;

(d) Provides such information as the secretary deems necessary pertaining to the conditions and criteria of the uniform disciplinary act, chapter 18.130 RCW;

(e) Demonstrates to the secretary knowledge of Washington state law pertaining to the practice of dental therapy; and

(f) Pays any required fees.

(2) A person practicing with a limited license granted under this section has the authority to perform only those dental therapy procedures in section 6 of this act that he or she was licensed or certified to practice in their previous state, tribe, or Canadian province.

(3) Upon demonstration of competency in all procedures in section 6 of this act, the limited license holder may apply for licensure as a dental therapist under section 4 of this act.

(4) The term of a limited license issued under this section is the same as the term for an initial limited license issued under RCW 18.29.190.

(5) The department may adopt rules necessary to implement and administer this section.

Sec. 12. RCW 18.32.030 and 2017 c 5 s 5 are each amended to read as follows:

The following practices, acts, and operations are excepted from the operation of the provisions of this chapter:

(1) The rendering of dental relief in emergency cases in the practice of his or her profession by a physician or surgeon, licensed as such and registered under the laws of this state, unless the physician or surgeon undertakes to or does reproduce lost parts of the human teeth in the mouth or to restore or to replace in the human mouth lost or missing teeth;

(2) The practice of dentistry in the discharge of official duties by dentists in the United States federal services on federal reservations, including but not limited to the armed services, coast guard, public health service, veterans' bureau, or bureau of Indian affairs;

(3) Dental schools or colleges approved under RCW 18.32.040, and the practice of dentistry by students in accredited dental schools or colleges approved by the commission, when acting under the direction and supervision of Washington state-licensed dental school faculty;

(4) The practice of dentistry by licensed dentists of other states or countries while appearing as clinicians at meetings of the Washington state dental association, or component parts thereof, or at meetings sanctioned by them, or other groups approved by the commission;

(5) The use of roentgen and other rays for making radiographs or similar records of dental or oral tissues, under the supervision of a licensed dentist or physician;

(6) The making, repairing, altering, or supplying of artificial restorations, substitutions, appliances, or materials for the correction of disease, loss, deformity, malposition, dislocation, fracture, injury to the jaws, teeth, lips, gums, cheeks, palate, or associated tissues or parts; providing the same are made, repaired, altered, or supplied pursuant to the written instructions and order of a licensed dentist which may be accompanied by casts, models, or impressions furnished by the dentist, and the prescriptions shall be retained and filed for a period of not less than three years and shall be available to and subject to the examination of the secretary or the secretary's authorized representatives;

(7) The removal of deposits and stains from the surfaces of the teeth, the application of topical preventative or prophylactic agents, and the polishing and smoothing of restorations, when performed or prescribed by a dental hygienist licensed under the laws of this state;

(8) A qualified and licensed physician and surgeon or osteopathic physician and surgeon extracting teeth or performing oral surgery pursuant to the scope of practice under chapter 18.71 or 18.57 RCW;

(9) The performing of dental operations or services by registered dental assistants and licensed expanded function dental auxiliaries holding a credential issued under chapter 18.260 RCW when performed under the supervision of a licensed dentist, by dental therapists licensed under chapter 18.--- RCW (the new chapter created in section 23 of this act), or by other persons not licensed under this chapter if the person is licensed pursuant to chapter 18.29, 18.57, 18.71, or 18.79 RCW as it applies to registered nurses and advanced registered nurse practitioners, each while acting within the scope of the person's permitted practice under the person's license: PROVIDED HOWEVER, That such persons shall in no event perform the following dental operations or services unless permitted to be performed by the person under this chapter or chapters 18.29, 18.57, 18.71, 18.79 as it applies to registered nurses and advanced registered nurse practitioners, and 18.260 RCW:

(a) Any removal of or addition to the hard or soft tissue of the oral cavity;

(b) Any diagnosis of or prescription for treatment of disease, pain, deformity, deficiency, injury, or physical condition of the human teeth or jaws, or adjacent structure;

(c) Any administration of general or injected local anaesthetic of any nature in connection with a dental operation, including intravenous sedation;

(d) Any oral prophylaxis;

(e) The taking of any impressions of the teeth or jaw or the relationships of the teeth or jaws, for the purpose of fabricating any intra-oral restoration, appliance, or prosthesis;

(10) The performing of dental services described in RCW 18.350.040 by dental anesthesia assistants certified under chapter 18.350 RCW when working under the supervision and direction of an oral and maxillofacial surgeon or dental anesthesiologist; and

(11) The performance of dental health aide therapist services to the extent authorized under chapter 70.350 RCW.

Sec. 13. RCW 18.32.0351 and 2022 c 240 s 1 are each amended to read as follows:

The Washington state dental quality assurance commission is established, consisting of ((seventeen)) 21 members each appointed by the governor to a four-year term. No member may serve more than two consecutive full terms. Members of the commission hold office until their successors are appointed. All members shall be appointed to full four-year terms. Twelve members of the commission must be dentists, four members must be dental therapists licensed under chapter 18.--- RCW (the new chapter created in section 23 of this act), two members must be expanded function dental auxiliaries licensed under chapter 18.260 RCW, and three members must be public members.

Sec. 14. RCW 18.120.020 and 2020 c 80 s 22 are each amended to read as follows:

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

(1) "Applicant group" includes any health professional group or organization, any individual, or any other interested party which proposes that any health professional group not presently regulated be regulated or which proposes to substantially increase the scope of practice of the profession.

(2) "Certificate" and "certification" mean a voluntary process by which a statutory regulatory entity grants recognition to an individual who (a) has met certain prerequisite qualifications specified by that regulatory entity, and (b) may assume or use "certified" in the title or designation to perform prescribed health professional tasks.

(3) "Grandfather clause" means a provision in a regulatory statute applicable to practitioners actively engaged in the regulated health profession prior to the effective date of the regulatory statute which exempts the practitioners from meeting the prerequisite qualifications set forth in the regulatory statute to perform prescribed occupational tasks.

(4) "Health professions" means and includes the following health and health-related licensed or regulated professions and occupations: Podiatric medicine and surgery under chapter 18.22 RCW; chiropractic under chapter 18.25 RCW; dental hygiene under chapter 18.29 RCW; dentistry under chapter 18.32 RCW; denturism under chapter 18.30 RCW; dental anesthesia assistants under chapter 18.350 RCW; dispensing opticians under chapter 18.34 RCW; hearing instruments under chapter 18.35 RCW; naturopaths under chapter 18.36A RCW; embalming and funeral directing under chapter 18.39 RCW; midwifery under chapter 18.50 RCW; nursing home administration under chapter 18.52 RCW; optometry under chapters 18.53 and 18.54 RCW; ophthalmologists under chapter 18.55 RCW; osteopathic medicine and surgery under chapter 18.57 RCW; pharmacy under chapters 18.64 and 18.64A RCW; medicine under chapters 18.71 and 18.71A RCW; emergency medicine under chapter 18.73 RCW; physical therapy under chapter 18.74 RCW; practical nurses under chapter 18.79 RCW; psychologists under chapter 18.83 RCW; registered nurses under chapter 18.79 RCW; occupational therapists licensed under chapter 18.59 RCW; respiratory care practitioners licensed under chapter 18.89 RCW; veterinarians and veterinary technicians under chapter 18.92 RCW; massage therapists under chapter 18.108 RCW; acupuncturists or acupuncture and Eastern medicine practitioners licensed under chapter 18.06 RCW; persons registered under chapter 18.19 RCW; persons licensed as mental health counselors, marriage and family therapists, and social workers under chapter 18.225 RCW; dietitians and nutritionists certified by chapter 18.138 RCW; radiologic technicians under chapter 18.84 RCW; nursing assistants registered or certified under chapter 18.88A RCW; reflexologists certified under chapter 18.108 RCW; medical assistants-certified, medical assistants-hemodialysis technician, medical assistants-phlebotomist, forensic phlebotomist, and medical assistants-registered certified and registered under chapter 18.360 RCW; ((and)) licensed behavior analysts, licensed assistant behavior analysts, and certified behavior technicians under chapter 18.380 RCW; and dental therapists licensed under chapter 18.--- RCW (the new chapter created in section 23 of this act).

(5) "Inspection" means the periodic examination of practitioners by a state agency in order to ascertain whether the practitioners' occupation is being carried out in a fashion consistent with the public health, safety, and welfare.

(6) "Legislative committees of reference" means the standing legislative committees designated by the respective rules committees of the senate and house of representatives to consider proposed legislation to regulate health professions not previously regulated.

(7) "License," "licensing," and "licensure" mean permission to engage in a health profession which would otherwise be unlawful in the state in the absence of the permission. A license is granted to those individuals who meet prerequisite qualifications to perform prescribed health professional tasks and for the use of a particular title.

(8) "Practitioner" means an individual who (a) has achieved knowledge and skill by practice, and (b) is actively engaged in a specified health profession.

(9) "Professional license" means an individual, nontransferable authorization to carry on a health activity based on qualifications which include: (a) Graduation from an accredited or approved program, and (b) acceptable performance on a qualifying examination or series of examinations.

(10) "Public member" means an individual who is not, and never was, a member of the health profession being regulated or the spouse of a member, or an individual who does not have and never has had a material financial interest in either the rendering of the health professional service being regulated or an activity directly related to the profession being regulated.

(11) "Registration" means the formal notification which, prior to rendering services, a practitioner shall submit to a state agency setting forth the name and address of the practitioner; the location, nature and operation of the health activity to be practiced; and, if required by the regulatory entity, a description of the service to be provided.

(12) "Regulatory entity" means any board, commission, agency, division, or other unit or subunit of state government which regulates one or more professions, occupations, industries, businesses, or other endeavors in this state.

(13) "State agency" includes every state office, department, board, commission, regulatory entity, and agency of the state, and, where provided by law, programs and activities involving less than the full responsibility of a state agency.

Sec. 15. RCW 18.130.040 and 2022 c 217 s 5 are each amended to read as follows:

(1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The secretary has authority under this chapter in relation to the following professions:

(i) Dispensing opticians licensed and designated apprentices under chapter 18.34 RCW;

(ii) Midwives licensed under chapter 18.50 RCW;

(iii) Ocularists licensed under chapter 18.55 RCW;

(iv) Massage therapists and businesses licensed under chapter 18.108 RCW;

(v) Dental hygienists licensed under chapter 18.29 RCW;

(vi) Acupuncturists or acupuncture and Eastern medicine practitioners licensed under chapter 18.06 RCW;

(vii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW;

(viii) Respiratory care practitioners licensed under chapter 18.89 RCW;

(ix) Hypnotherapists and agency affiliated counselors registered and advisors and counselors certified under chapter 18.19 RCW;

(x) Persons licensed as mental health counselors, mental health counselor associates, marriage and family therapists, marriage and family therapist associates, social workers, social work associates—advanced, and social work associates—independent clinical under chapter 18.225 RCW;

(xi) Persons registered as nursing pool operators under chapter 18.52C RCW;

(xii) Nursing assistants registered or certified or medication assistants endorsed under chapter 18.88A RCW;

(xiii) Dietitians and nutritionists certified under chapter 18.138 RCW;

(xiv) Substance use disorder professionals, substance use disorder professional trainees, or co-occurring disorder specialists certified under chapter 18.205 RCW;

(xv) Sex offender treatment providers and certified affiliate sex offender treatment providers certified under chapter 18.155 RCW;

(xvi) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;

(xvii) Orthotists and prosthetists licensed under chapter 18.200 RCW;

(xviii) Surgical technologists registered under chapter 18.215 RCW;

(xix) Recreational therapists under chapter 18.230 RCW;

(xx) Animal massage therapists certified under chapter 18.240 RCW;

(xxi) Athletic trainers licensed under chapter 18.250 RCW;

(xxii) Home care aides certified under chapter 18.88B RCW;

(xxiii) Genetic counselors licensed under chapter 18.290 RCW;

(xxiv) Reflexologists certified under chapter 18.108 RCW;

(xxv) Medical assistants-certified, medical assistants-hemodialysis technician, medical assistants-phlebotomist, forensic phlebotomist, and medical assistants-registered certified and registered under chapter 18.360 RCW;

(xxvi) Behavior analysts, assistant behavior analysts, and behavior technicians under chapter 18.380 RCW; and

(xxvii) Birth doula certified under chapter 18.47 RCW.

(b) The boards and commissions having authority under this chapter are as follows:

(i) The podiatric medical board as established in chapter 18.22 RCW;

(ii) The chiropractic quality assurance commission as established in chapter 18.25 RCW;

(iii) The dental quality assurance commission as established in chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW, licenses and registrations issued under chapter 18.260 RCW, licenses issued under chapter 18.--- RCW (the new chapter created in section 23 of this act), and certifications issued under chapter 18.350 RCW;

(iv) The board of hearing and speech as established in chapter 18.35 RCW;

(v) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;

(vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;

(vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapter 18.57 RCW;

(viii) The pharmacy quality assurance commission as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;

(ix) The Washington medical commission as established in chapter 18.71 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;

(x) The board of physical therapy as established in chapter 18.74 RCW;

(xi) The board of occupational therapy practice as established in chapter 18.59 RCW;

(xii) The nursing care quality assurance commission as established in chapter 18.79 RCW governing licenses and registrations issued under that chapter;

(xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW;

(xiv) The veterinary board of governors as established in chapter 18.92 RCW;

(xv) The board of naturopathy established in chapter 18.36A RCW, governing licenses and certifications issued under that chapter; and

(xvi) The board of denturists established in chapter 18.30 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses. The disciplining authority may also grant a license subject to conditions.

(4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the uniform disciplinary act, among the disciplining authorities listed in subsection (2) of this section.

Sec. 16. RCW 18.260.010 and 2007 c 269 s 1 are each amended to read as follows:

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

(1) "Close supervision" means that a supervising dentist or supervising dental therapist whose patient is being treated has personally diagnosed the condition to be treated and has personally authorized the procedures to be performed. The supervising dentist or supervising dental therapist is continuously on-site and physically present in the treatment facility while the procedures are performed by the assistive personnel and capable of responding immediately in the event of an emergency. The term does not require a supervising dentist or supervising dental therapist to be physically present in the operatory.

(2) "Commission" means the Washington state dental quality assurance commission created in chapter 18.32 RCW.

(3) "Dental assistant" means a person who is registered by the commission to provide supportive services to a licensed dentist or a licensed dental therapist to the extent provided in this chapter and under the close supervision of a dentist or close supervision of a dental therapist.

(4) "Dental therapist" means an individual who holds a license to practice as a dental therapist under chapter 18.--- RCW (the new chapter created in section 23 of this act).

(5) "Dentist" means an individual who holds a license to practice dentistry under chapter 18.32 RCW.

~~((5))~~ (6) "Department" means the department of health.

~~((6))~~ (7) "Expanded function dental auxiliary" means a person who is licensed by the commission to provide supportive services to a licensed dentist or dental therapist to the extent provided in this chapter and under the specified level of supervision of a dentist or dental therapist.

~~((7))~~ (8) "General supervision" means that a supervising dentist or dental therapist has examined and diagnosed the patient and provided subsequent instructions to be performed by the assistive personnel, but does not require that the dentist or dental therapist be physically present in the treatment facility.

~~((8))~~ (9) "Secretary" means the secretary of health.

~~((9))~~ (10) "Supervising dental therapist" means a dental therapist licensed under chapter 18.--- RCW (the new chapter created in section 23 of this act) who is responsible for providing the appropriate level of supervision for dental assistants and expanded function dental auxiliaries.

(11) "Supervising dentist" means a dentist licensed under chapter 18.32 RCW that is responsible for providing the appropriate level of supervision for dental assistants and expanded function dental auxiliaries.

Sec. 17. RCW 18.260.040 and 2015 c 120 s 3 are each amended to read as follows:

(1)(a) The commission shall adopt rules relating to the scope of dental assisting services related to patient care and laboratory duties that may be performed by dental assistants.

(b) In addition to the services and duties authorized by the rules adopted under (a) of this subsection, a dental assistant may apply topical anesthetic agents.

(c) All dental services performed by dental assistants under (a) or (b) of this subsection must be performed under the close supervision of a supervising dentist or supervising dental therapist as the dentist or dental therapist may allow.

(2) In addition to any other limitations established by the commission, dental assistants may not perform the following procedures:

(a) Any scaling procedure;

(b) Any oral prophylaxis, except coronal polishing;

(c) Administration of any general or local anesthetic, including intravenous sedation;

(d) Any removal of or addition to the hard or soft tissue of the oral cavity;

(e) Any diagnosis of or prescription for treatment of disease, pain, deformity, deficiency, injury, or physical condition of the human teeth, jaw, or adjacent structures; and

(f) The taking of any impressions of the teeth or jaw or the relationships of the teeth or jaws, for the purpose of fabricating any intra-oral restoration, appliance, or prosthesis, other than impressions allowed as a delegated duty for dental assistants pursuant to rules adopted by the commission.

(3) A dentist or dental therapist may not assign a dental assistant to perform duties until the dental assistant has demonstrated skills necessary to perform competently all assigned duties and responsibilities.

Sec. 18. RCW 18.260.070 and 2007 c 269 s 6 are each amended to read as follows:

(1) The commission shall adopt rules relating to the scope of expanded function dental auxiliary services related to patient care and laboratory duties that may be performed by expanded function dental auxiliaries.

(2) The scope of expanded function dental auxiliary services that the commission identifies in subsection (1) of this section includes:

(a) In addition to the dental assisting services that a dental assistant may perform under the close supervision of a supervising dentist or supervising dental therapist, the performance of the following services under the general supervision of a supervising dentist or supervising dental therapist as the dentist or dental therapist may allow:

(i) Performing coronal polishing;

(ii) Giving fluoride treatments;

(iii) Applying sealants;

(iv) Placing dental x-ray film and exposing and developing the films;

(v) Giving patient oral health instruction; and

(b) Notwithstanding any prohibitions in RCW 18.260.040, the performance of the following services under the close supervision of a supervising dentist or supervising dental therapist as the dentist or dental therapist may allow:

(i) Placing and carving direct restorations; and

(ii) Taking final impressions.

(3) A dentist or dental therapist may not assign an expanded function dental auxiliary to perform services until the expanded function dental auxiliary has demonstrated skills necessary to perform competently all assigned duties and responsibilities.

Sec. 19. RCW 18.260.080 and 2007 c 269 s 7 are each amended to read as follows:

A supervising dentist or supervising dental therapist is responsible for:

(1) Maintaining the appropriate level of supervision for dental assistants and expanded function dental auxiliaries; and

(2) Ensuring that the dental assistants and expanded function dental auxiliaries that the dentist or dental therapist supervises are able to competently perform the tasks that they are assigned.

Sec. 20. RCW 18.29.050 and 2015 c 120 s 1 are each amended to read as follows:

Any person licensed as a dental hygienist in this state may remove deposits and stains from the surfaces of the teeth, may apply topical preventive or prophylactic agents, may polish and smooth restorations, may perform root planing and soft-tissue curettage, and may perform other dental operations and services delegated to them by a licensed dentist or dental therapist. Any person licensed as a dental hygienist in this state may apply topical anesthetic agents under the general supervision, as defined in RCW 18.260.010, of a dentist or a dental therapist: PROVIDED HOWEVER, That licensed dental hygienists shall in no event perform the following dental operations or services:

- (1) Any surgical removal of tissue of the oral cavity;
- (2) Any prescription of drugs or medications requiring the written order or prescription of a licensed dentist or physician, except that a hygienist may place antimicrobials pursuant to the order of a licensed dentist and under the dentist's or dental therapist's required supervision;
- (3) Any diagnosis for treatment or treatment planning; or
- (4) The taking of any impression of the teeth or jaw, or the relationships of the teeth or jaws, for the purpose of fabricating any intra-oral restoration, appliance, or prosthesis, except that a dental hygienist may take an impression for any purpose that is either allowed:
 - (a) For a dental assistant registered under chapter 18.260 RCW; or
 - (b) As a delegated duty for dental hygienists pursuant to rules adopted by the dental quality assurance commission.

Such licensed dental hygienists may perform dental operations and services only under the supervision of a licensed dentist or dental therapist, and under such supervision may be employed by hospitals, boards of education of public or private schools, county boards, boards of health, or public or charitable institutions, or in dental offices.

Sec. 21. RCW 69.41.010 and 2020 c 80 s 40 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise:

(1) "Administer" means the direct application of a legend drug whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:

- (a) A practitioner; or
 - (b) The patient or research subject at the direction of the practitioner.
- (2) "Commission" means the pharmacy quality assurance commission.

(3) "Community-based care settings" include: Community residential programs for persons with developmental disabilities, certified by the department of social and health services under chapter 71A.12 RCW; adult family homes licensed under chapter 70.128 RCW; and assisted living facilities licensed under chapter 18.20 RCW. Community-based care settings do not include acute care or skilled nursing facilities.

(4) "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a legend drug, whether or not there is an agency relationship.

(5) "Department" means the department of health.

(6) "Dispense" means the interpretation of a prescription or order for a legend drug and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

(7) "Dispenser" means a practitioner who dispenses.

(8) "Distribute" means to deliver other than by administering or dispensing a legend drug.

(9) "Distributor" means a person who distributes.

(10) "Drug" means:

(a) Substances recognized as drugs in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, or any supplement to any of them;

(b) Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in human beings or animals;

(c) Substances (other than food, minerals or vitamins) intended to affect the structure or any function of the body of human beings or animals; and

(d) Substances intended for use as a component of any article specified in (a), (b), or (c) of this subsection. It does not include devices or their components, parts, or accessories.

(11) "Electronic communication of prescription information" means the transmission of a prescription or refill authorization for a drug of a practitioner using computer systems. The term does not include a prescription or refill authorization transmitted verbally by telephone nor a facsimile manually signed by the practitioner.

(12) "In-home care settings" include an individual's place of temporary and permanent residence, but does not include acute care or skilled nursing facilities, and does not include community-based care settings.

(13) "Legend drugs" means any drugs which are required by state law or regulation of the pharmacy quality assurance commission to be dispensed on prescription only or are restricted to use by practitioners only.

(14) "Legible prescription" means a prescription or medication order issued by a practitioner that is capable of being read and understood by the pharmacist filling the prescription or the nurse or other practitioner implementing the medication order. A prescription must be hand printed, typewritten, or electronically generated.

(15) "Medication assistance" means assistance rendered by a nonpractitioner to an individual residing in a community-based care setting or in-home care setting to facilitate the individual's self-administration of a legend drug or controlled substance. It includes reminding or coaching the individual, handing the medication container to the individual, opening the individual's medication container, using an enabler, or placing the medication in the individual's hand, and such other means of medication assistance as defined by rule adopted by the department. A nonpractitioner may help in the preparation of legend drugs or controlled substances for self-administration where a practitioner has determined and communicated orally or by written direction that such medication preparation assistance is necessary and appropriate. Medication assistance shall not include assistance with intravenous medications or injectable medications, except prefilled insulin syringes.

(16) "Person" means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

(17) "Practitioner" means:

(a) A physician under chapter 18.71 RCW, an osteopathic physician or an osteopathic physician and surgeon under chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a podiatric physician and surgeon under chapter 18.22 RCW, an acupuncturist or acupuncture and Eastern medicine practitioner to the extent authorized under chapter 18.06 RCW and the rules adopted under RCW 18.06.010(1)((+)) (m), a veterinarian under chapter 18.92 RCW, a registered

nurse, advanced registered nurse practitioner, or licensed practical nurse under chapter 18.79 RCW, an optometrist under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010, a physician assistant under chapter 18.71A RCW, a naturopath licensed under chapter 18.36A RCW, a licensed athletic trainer to the extent authorized under chapter 18.250 RCW, a pharmacist under chapter 18.64 RCW, ~~((~~or~~))~~ when acting under the required supervision of a dentist licensed under chapter 18.32 RCW, a dental hygienist licensed under chapter 18.29 RCW, or a licensed dental therapist to the extent authorized under chapter 18.--- RCW (the new chapter created in section 23 of this act);

(b) A pharmacy, hospital, or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or to administer a legend drug in the course of professional practice or research in this state; and

(c) A physician licensed to practice medicine and surgery or a physician licensed to practice osteopathic medicine and surgery in any state, or province of Canada, which shares a common border with the state of Washington.

(18) "Secretary" means the secretary of health or the secretary's designee.

Sec. 22. RCW 43.70.442 and 2020 c 229 s 1 and 2020 c 80 s 30 are each reenacted and amended to read as follows:

(1)(a) Each of the following professionals certified or licensed under Title 18 RCW shall, at least once every six years, complete training in suicide assessment, treatment, and management that is approved, in rule, by the relevant disciplining authority:

(i) An adviser or counselor certified under chapter 18.19 RCW;

(ii) A substance use disorder professional licensed under chapter 18.205 RCW;

(iii) A marriage and family therapist licensed under chapter 18.225 RCW;

(iv) A mental health counselor licensed under chapter 18.225 RCW;

(v) An occupational therapy practitioner licensed under chapter 18.59 RCW;

(vi) A psychologist licensed under chapter 18.83 RCW;

(vii) An advanced social worker or independent clinical social worker licensed under chapter 18.225 RCW; and

(viii) A social worker associate—advanced or social worker associate— independent clinical licensed under chapter 18.225 RCW.

(b) The requirements in (a) of this subsection apply to a person holding a retired active license for one of the professions in (a) of this subsection.

(c) The training required by this subsection must be at least six hours in length, unless a disciplining authority has determined, under subsection (10)(b) of this section, that training that includes only screening and referral elements is appropriate for the profession in question, in which case the training must be at least three hours in length.

(d) Beginning July 1, 2017, the training required by this subsection must be on the model list developed under subsection (6) of this section. Nothing in this subsection (1)(d) affects the validity of training completed prior to July 1, 2017.

(2)(a) Except as provided in (b) of this subsection:

(i) A professional listed in subsection (1)(a) of this section must complete the first training required by this section by the end of the first full continuing

education reporting period after January 1, 2014, or during the first full continuing education reporting period after initial licensure or certification, whichever occurs later.

(ii) Beginning July 1, 2021, the second training for a psychologist, a marriage and family therapist, a mental health counselor, an advanced social worker, an independent clinical social worker, a social worker associate-advanced, or a social worker associate-independent clinical must be either: (A) An advanced training focused on suicide management, suicide care protocols, or effective treatments; or (B) a training in a treatment modality shown to be effective in working with people who are suicidal, including dialectical behavior therapy, collaborative assessment and management of suicide risk, or cognitive behavior therapy-suicide prevention. If a professional subject to the requirements of this subsection has already completed the professional's second training prior to July 1, 2021, the professional's next training must comply with this subsection. This subsection (2)(a)(ii) does not apply if the licensee demonstrates that the training required by this subsection (2)(a)(ii) is not reasonably available.

(b)(i) A professional listed in subsection (1)(a) of this section applying for initial licensure may delay completion of the first training required by this section for six years after initial licensure if he or she can demonstrate successful completion of the training required in subsection (1) of this section no more than six years prior to the application for initial licensure.

(ii) Beginning July 1, 2021, a psychologist, a marriage and family therapist, a mental health counselor, an advanced social worker, an independent clinical social worker, a social worker associate-advanced, or a social worker associate-independent clinical exempt from his or her first training under (b)(i) of this subsection must comply with the requirements of (a)(ii) of this subsection for his or her first training after initial licensure. If a professional subject to the requirements of this subsection has already completed the professional's first training after initial licensure, the professional's next training must comply with this subsection (2)(b)(ii). This subsection (2)(b)(ii) does not apply if the licensee demonstrates that the training required by this subsection (2)(b)(ii) is not reasonably available.

(3) The hours spent completing training in suicide assessment, treatment, and management under this section count toward meeting any applicable continuing education or continuing competency requirements for each profession.

(4)(a) A disciplining authority may, by rule, specify minimum training and experience that is sufficient to exempt an individual professional from the training requirements in subsections (1) and (5) of this section. Nothing in this subsection (4)(a) allows a disciplining authority to provide blanket exemptions to broad categories or specialties within a profession.

(b) A disciplining authority may exempt a professional from the training requirements of subsections (1) and (5) of this section if the professional has only brief or limited patient contact.

(5)(a) Each of the following professionals credentialed under Title 18 RCW shall complete a one-time training in suicide assessment, treatment, and management that is approved by the relevant disciplining authority:

(i) A chiropractor licensed under chapter 18.25 RCW;

- (ii) A naturopath licensed under chapter 18.36A RCW;
- (iii) A licensed practical nurse, registered nurse, or advanced registered nurse practitioner, other than a certified registered nurse anesthetist, licensed under chapter 18.79 RCW;
- (iv) An osteopathic physician and surgeon licensed under chapter 18.57 RCW, other than a holder of a postgraduate osteopathic medicine and surgery license issued under RCW 18.57.035;
- (v) A physical therapist or physical therapist assistant licensed under chapter 18.74 RCW;
- (vi) A physician licensed under chapter 18.71 RCW, other than a resident holding a limited license issued under RCW 18.71.095(3);
- (vii) A physician assistant licensed under chapter 18.71A RCW;
- (viii) A pharmacist licensed under chapter 18.64 RCW;
- (ix) A dentist licensed under chapter 18.32 RCW;
- (x) A dental hygienist licensed under chapter 18.29 RCW;
- (xi) An athletic trainer licensed under chapter 18.250 RCW;
- (xii) An optometrist licensed under chapter 18.53 RCW;
- (xiii) An acupuncture and Eastern medicine practitioner licensed under chapter 18.06 RCW; ~~(and)~~
- (xiv) A dental therapist licensed under chapter 18.--- RCW (the new chapter created in section 23 of this act); and

(xv) A person holding a retired active license for one of the professions listed in (a)(i) through ~~((xiii))~~ (xiv) of this subsection.

(b)(i) A professional listed in (a)(i) through (vii) of this subsection or a person holding a retired active license for one of the professions listed in (a)(i) through (vii) of this subsection must complete the one-time training by the end of the first full continuing education reporting period after January 1, 2016, or during the first full continuing education reporting period after initial licensure, whichever is later. Training completed between June 12, 2014, and January 1, 2016, that meets the requirements of this section, other than the timing requirements of this subsection (5)(b), must be accepted by the disciplining authority as meeting the one-time training requirement of this subsection (5).

(ii) A licensed pharmacist or a person holding a retired active pharmacist license must complete the one-time training by the end of the first full continuing education reporting period after January 1, 2017, or during the first full continuing education reporting period after initial licensure, whichever is later.

(iii) A licensed dentist, a licensed dental hygienist, or a person holding a retired active license as a dentist shall complete the one-time training by the end of the full continuing education reporting period after August 1, 2020, or during the first full continuing education reporting period after initial licensure, whichever is later. Training completed between July 23, 2017, and August 1, 2020, that meets the requirements of this section, other than the timing requirements of this subsection (5)(b)(iii), must be accepted by the disciplining authority as meeting the one-time training requirement of this subsection (5).

(iv) A licensed optometrist or a licensed acupuncture and Eastern medicine practitioner, or a person holding a retired active license as an optometrist or an acupuncture and Eastern medicine practitioner, shall complete the one-time training by the end of the full continuing education reporting period after August

1, 2021, or during the first full continuing education reporting period after initial licensure, whichever is later. Training completed between August 1, 2020, and August 1, 2021, that meets the requirements of this section, other than the timing requirements of this subsection (5)(b)(iv), must be accepted by the disciplining authority as meeting the one-time training requirement of this subsection (5).

(c) The training required by this subsection must be at least six hours in length, unless a disciplining authority has determined, under subsection (10)(b) of this section, that training that includes only screening and referral elements is appropriate for the profession in question, in which case the training must be at least three hours in length.

(d) Beginning July 1, 2017, the training required by this subsection must be on the model list developed under subsection (6) of this section. Nothing in this subsection (5)(d) affects the validity of training completed prior to July 1, 2017.

(6)(a) The secretary and the disciplining authorities shall work collaboratively to develop a model list of training programs in suicide assessment, treatment, and management. Beginning July 1, 2021, for purposes of subsection (2)(a)(ii) of this section, the model list must include advanced training and training in treatment modalities shown to be effective in working with people who are suicidal.

(b) The secretary and the disciplining authorities shall update the list at least once every two years.

(c) By June 30, 2016, the department shall adopt rules establishing minimum standards for the training programs included on the model list. The minimum standards must require that six-hour trainings include content specific to veterans and the assessment of issues related to imminent harm via lethal means or self-injurious behaviors and that three-hour trainings for pharmacists or dentists include content related to the assessment of issues related to imminent harm via lethal means. When adopting the rules required under this subsection (6)(c), the department shall:

(i) Consult with the affected disciplining authorities, public and private institutions of higher education, educators, experts in suicide assessment, treatment, and management, the Washington department of veterans affairs, and affected professional associations; and

(ii) Consider standards related to the best practices registry of the American foundation for suicide prevention and the suicide prevention resource center.

(d) Beginning January 1, 2017:

(i) The model list must include only trainings that meet the minimum standards established in the rules adopted under (c) of this subsection and any three-hour trainings that met the requirements of this section on or before July 24, 2015;

(ii) The model list must include six-hour trainings in suicide assessment, treatment, and management, and three-hour trainings that include only screening and referral elements; and

(iii) A person or entity providing the training required in this section may petition the department for inclusion on the model list. The department shall add the training to the list only if the department determines that the training meets the minimum standards established in the rules adopted under (c) of this subsection.

(e) By January 1, 2021, the department shall adopt minimum standards for advanced training and training in treatment modalities shown to be effective in working with people who are suicidal. Beginning July 1, 2021, all such training on the model list must meet the minimum standards. When adopting the minimum standards, the department must consult with the affected disciplining authorities, public and private institutions of higher education, educators, experts in suicide assessment, treatment, and management, the Washington department of veterans affairs, and affected professional associations.

(7) The department shall provide the health profession training standards created in this section to the professional educator standards board as a model in meeting the requirements of RCW 28A.410.226 and provide technical assistance, as requested, in the review and evaluation of educator training programs. The educator training programs approved by the professional educator standards board may be included in the department's model list.

(8) Nothing in this section may be interpreted to expand or limit the scope of practice of any profession regulated under chapter 18.130 RCW.

(9) The secretary and the disciplining authorities affected by this section shall adopt any rules necessary to implement this section.

(10) For purposes of this section:

(a) "Disciplining authority" has the same meaning as in RCW 18.130.020.

(b) "Training in suicide assessment, treatment, and management" means empirically supported training approved by the appropriate disciplining authority that contains the following elements: Suicide assessment, including screening and referral, suicide treatment, and suicide management. However, the disciplining authority may approve training that includes only screening and referral elements if appropriate for the profession in question based on the profession's scope of practice. The board of occupational therapy may also approve training that includes only screening and referral elements if appropriate for occupational therapy practitioners based on practice setting.

(11) A state or local government employee is exempt from the requirements of this section if he or she receives a total of at least six hours of training in suicide assessment, treatment, and management from his or her employer every six years. For purposes of this subsection, the training may be provided in one six-hour block or may be spread among shorter training sessions at the employer's discretion.

(12) An employee of a community mental health agency licensed under chapter 71.24 RCW or a chemical dependency program certified under chapter 71.24 RCW is exempt from the requirements of this section if he or she receives a total of at least six hours of training in suicide assessment, treatment, and management from his or her employer every six years. For purposes of this subsection, the training may be provided in one six-hour block or may be spread among shorter training sessions at the employer's discretion.

NEW SECTION. Sec. 23. Sections 1 through 11 of this act constitute a new chapter in Title 18 RCW.

NEW SECTION. Sec. 24. The department of health shall adopt any rules necessary to implement this act.

NEW SECTION. Sec. 25. Sections 1 through 22 of this act take effect January 1, 2024.

Passed by the House March 4, 2023.

Passed by the Senate April 11, 2023.

Approved by the Governor May 15, 2023.

Filed in Office of Secretary of State May 16, 2023.

CHAPTER 461

[House Bill 1696]

CRIME OF STALKING—MODIFICATION

AN ACT Relating to stalking-related offenses; amending RCW 9A.46.110; and repealing RCW 9A.90.130.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 9A.46.110 and 2021 c 215 s 111 are each amended to read as follows:

(1)~~(a)~~ A person commits the crime of stalking if, without lawful authority ~~((and under circumstances not amounting to a felony attempt of another crime: (a) He or she intentionally))~~ the person:

(i) Intentionally and repeatedly harasses ((or repeatedly follows)) another person;

(ii) Intentionally and repeatedly follows another person;

(iii) Intentionally contacts, follows, tracks, or monitors, or attempts to contact, follow, track, or monitor another person after being given actual notice that the person does not want to be contacted, followed, tracked, or monitored; or

(iv) Knowingly and without consent installs or monitors an electronic tracking device, or causes an electronic tracking device to be installed, placed, or used, to track the location of another person; and

(b) The person being harassed ~~((or)), followed, tracked, or monitored suffers substantial emotional distress or is placed in fear that the stalker intends to injure ((the person)) him or her, or another person, or his or her property ((of the person)) or the property of another person, or, in the circumstances identified in (a)(iv) of this subsection, the victim's knowledge of the tracking device would reasonably elicit substantial emotional distress or fear. The feeling of substantial emotional distress or fear must be one that a reasonable person in the same situation would experience ((under all)) given the totality of the circumstances((; and~~

~~(c) The stalker either:~~

~~(i) Intends to frighten, intimidate, or harass the person; or~~

~~(ii) Knows or reasonably should know that the person is afraid, intimidated, or harassed even if the stalker did not intend to place the person in fear or intimidate or harass the person).~~

(2)(a) It is not a defense to the crime of stalking under subsection (1)~~((c)(i))~~ (a)(i), (ii), or (iv) of this section that the stalker was not given actual notice that the person did not want the stalker to contact ~~((or)), follow ((the person)), track, or monitor him or her; and~~

(b) It is not a defense to the crime of stalking under subsection (1)~~((c)(ii))~~ (a)(i) of this section that the stalker did not intend to frighten~~((; or intimidate((; or harass))~~ the person or place the person in substantial emotional distress.

(3) It shall be a defense to the crime of stalking that the defendant is a licensed private investigator acting within the capacity of his or her license as provided by chapter 18.165 RCW.

~~(4) ((Attempts to contact or follow the person after being given actual notice that the person does not want to be contacted or followed constitutes prima facie evidence that the stalker intends to intimidate or harass the person. "Contact" includes, in addition to any other form of contact or communication, the sending of an electronic communication to the person.))~~ The provisions of this section do not apply to the installation, placement, or use of an electronic tracking device by any of the following:

(a) A law enforcement officer, judicial officer, probation or parole officer, or other public employee when any such person is engaged in the lawful performance of official duties and in accordance with state or federal law;

(b) The installation, placement, or use of an electronic tracking device authorized by an order of a state or federal court;

(c) A legal guardian for a disabled adult or a legally authorized individual or organization designated to provide protective services to a disabled adult when the electronic tracking device is installed, placed, or used to track the location of the disabled adult for which the person is a legal guardian or the individual or organization is designated to provide protective services;

(d) A parent or legal guardian of a minor when the electronic tracking device is installed, placed, or used to track the location of that minor unless the parent or legal guardian is subject to a court order that orders the parent or legal guardian not to assault, threaten, harass, follow, or contact that minor;

(e) An employer, school, or other organization, who owns the device on which the tracking device is installed and provides the device to a person for use in connection with the person's involvement with the employer, school, or other organization and the use of the device is limited to recovering lost or stolen items; or

(f) The owner of fleet vehicles, when tracking such vehicles. For the purposes of this section, "fleet vehicle" means any of the following:

(i) One or more motor vehicles owned by a single entity and operated by employees or agents of the entity for business or government purposes;

(ii) Motor vehicles held for lease or rental to the general public; or

(iii) Motor vehicles held for sale, or used as demonstrators, test vehicles, or loaner vehicles, by motor vehicle dealers.

(5)(a) Except as provided in (b) of this subsection, a person who stalks another person is guilty of a gross misdemeanor.

(b) A person who stalks another person is guilty of a class B felony if any of the following applies:

(i) The stalker has previously been convicted in this state or any other state of any crime of harassment, as defined in RCW 9A.46.060(~~, of the same victim or members of the victim's family or household or any person specifically named in a protective order~~);

(ii) ~~((the))~~ The stalking violates any protective order protecting the ~~((person being stalked))~~ victim;

(iii) ~~((the))~~ The stalker has previously been convicted of a gross misdemeanor or felony stalking offense under this section for stalking another person;

(iv) ~~((the))~~ The stalker was armed with a deadly weapon, as defined in RCW 9.94A.825, while stalking the ~~((person))~~ victim;

(v)(A) ~~((the stalker's))~~ The victim is or was a law enforcement officer; judge; juror; attorney; victim advocate; legislator; community corrections' officer; an employee, contract staff person, or volunteer of a correctional agency; court employee, court clerk, or courthouse facilitator; or an employee of the child protective, child welfare, or adult protective services division within the department of social and health services; and

(B) ~~((the))~~ The stalker stalked the victim to retaliate against the victim for an act the victim performed during the course of official duties or to influence the victim's performance of official duties; or

(vi) ~~((the stalker's))~~ The victim is a current, former, or prospective witness in an adjudicative proceeding, and the stalker stalked the victim to retaliate against the victim as a result of the victim's testimony or potential testimony.

(6) As used in this section:

(a) "Actual notice" includes, in addition to any other form of actual notice, circumstances in which the other person has a protective order in effect protecting him or her from the person.

(b) "Contact" includes, in addition to any other form of contact or communication, the sending of an electronic communication to the other person.

(c) "Correctional agency" means a person working for the department of natural resources in a correctional setting or any state, county, or municipally operated agency with the authority to direct the release of a person serving a sentence or term of confinement and includes but is not limited to the department of corrections, the indeterminate sentence review board, and the department of social and health services.

~~((b))~~ (d) "Course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. "Course of conduct" includes, in addition to any other form of communication, contact, or conduct, the sending of an electronic communication, but does not include constitutionally protected free speech. Constitutionally protected activity is not included within the meaning of "course of conduct."

~~((e))~~ (e) "Electronic tracking device" means an electronic device that permits a person to remotely determine or monitor the position and movement of another person, vehicle, device, or other personal possession. As used in this subsection (6)(e), "electronic device" includes computer code or other digital instructions that once installed on a digital device, allows a person to remotely track the position of that device.

(f) "Follows" means deliberately maintaining visual or physical proximity to a specific person over a period of time. A finding that the ~~((alleged))~~ stalker repeatedly and deliberately appears at the person's home, school, place of employment, business, or any other location to maintain visual or physical proximity to the person is sufficient to find that the ~~((alleged))~~ stalker follows the person. It is not necessary to establish that the ~~((alleged))~~ stalker follows the person while in transit from one location to another.

~~((d))~~ (g) "Harasses" means a knowing and willful course of conduct directed at a specific person which seriously alarms, annoys, ~~((harasses))~~ torments, or is detrimental to such person, and which serves no legitimate or

lawful purpose. ~~((The course of conduct shall be such as would cause a reasonable person to suffer substantial emotional distress, and shall actually cause substantial emotional distress to the petitioner, or when the course of conduct would cause a reasonable parent to fear for the well-being of his or her child.~~

~~(e))~~ (h) "Protective order" means any temporary or permanent court order prohibiting or limiting violence against, harassment of, contact or communication with, or physical proximity to another person.

~~((f))~~ (i) "Repeatedly" means on two or more separate occasions.

(j) "Substantial emotional distress" means a mental, emotional, or physical reaction such as anxiety, apprehension, or loss of ability to concentrate or other symptoms, whether or not medical or other professional treatment or counseling is sought or required, which degrades the victim's quality of life.

NEW SECTION, Sec. 2. RCW 9A.90.130 (Cyberstalking) and 2022 c 231 s 3 are each repealed.

Passed by the House April 13, 2023.

Passed by the Senate March 31, 2023.

Approved by the Governor May 15, 2023.

Filed in Office of Secretary of State May 16, 2023.

CHAPTER 462

[Engrossed Second Substitute House Bill 1715]

DOMESTIC VIOLENCE—VARIOUS PROVISIONS

AN ACT Relating to enacting comprehensive protections for victims of domestic violence and other violence involving family members or intimate partners; amending RCW 7.105.155, 7.105.255, 10.99.033, 10.99.040, 9.41.340, 9.41.345, 9.41.801, 9.41.804, 7.105.340, 10.21.050, 40.24.030, 42.17A.710, 9.41.800, and 10.31.100; adding a new section to chapter 2.56 RCW; adding a new section to chapter 7.105 RCW; adding a new section to chapter 43.330 RCW; adding a new section to chapter 28B.20 RCW; adding a new section to chapter 43.101 RCW; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

Part I. Electronic Monitoring with Victim Notification Technology

NEW SECTION, Sec. 101. A new section is added to chapter 2.56 RCW to read as follows:

(1) Subject to funds appropriated for this specific purpose, by June 1, 2024, the Washington courts' board for judicial administration must develop model standards:

(a) Establishing best practices for the operation of electronic monitoring with victim notification technology by monitoring agencies, with the goal of improving victim safety;

(b) Establishing protocols for implementing court orders that include electronic monitoring with victim notification, including protocols for the installation and removal of monitoring devices to ensure uninterrupted monitoring services following release from detainment or incarceration; and

(c) Establishing any additional requirements necessary to promote compliance with RCW 2.56.260 and 9.94A.736, which may include, but not be limited to, training requirements for court officials, peace officers, 911

dispatchers, local corrections officers and staff, and other appropriate practitioners.

(2) In developing the standards required under this section, the Washington courts' board for judicial administration must solicit input from courts of general and limited jurisdiction, local governments, monitoring agencies, and statewide associations representing law enforcement leaders, prosecutors, the department of corrections, domestic violence victims, and domestic violence agencies.

(3) Subject to funds appropriated for this specific purpose, the Washington courts' board for judicial administration must develop a model policy on electronic monitoring with victim notification technology based on best practices where the technology is being currently used in Washington. Each law enforcement agency in the state must adopt its own policy based on the model policy.

(4) For the purposes of this section:

(a) "Electronic monitoring" has the meaning provided in RCW 9.94A.030; and

(b) "Monitoring agency" has the meaning provided in RCW 9.94A.736.

Part II. Civil Proceedings

Sec. 201. RCW 7.105.155 and 2022 c 268 s 10 are each amended to read as follows:

When service is to be completed under this chapter by a law enforcement officer:

(1) The clerk of the court shall have a copy of any order issued under this chapter, the confidential information form, as well as the petition for a protection order and any supporting materials, electronically forwarded on or before the next judicial day to the law enforcement agency in the county or municipality where the respondent resides, as specified in the order, for service upon the respondent. If the respondent has moved from that county or municipality and personal service is not required, the law enforcement agency specified in the order may serve the order;

(2) Service of an order issued under this chapter must take precedence over the service of other documents by law enforcement unless they are of a similar emergency nature;

(3) Where personal service is required, the first attempt at service must occur within 24 hours of receiving the order from the court (~~whenever practicable, but not more than five days after receiving the order~~) unless an emergency situation renders the service infeasible. If an emergency situation prevents a first attempt at service within 24 hours, law enforcement must attempt service as soon as possible. If the first attempt is not successful, no fewer than two additional attempts should be made to serve the order, particularly for respondents who present heightened risk of lethality or other risk of physical harm to the petitioner or petitioner's family or household members. All attempts at service must be documented on a proof of service form and submitted to the court in a timely manner;

(4) If service cannot be completed within 10 calendar days, the law enforcement officer shall notify the petitioner. The petitioner shall provide information sufficient to permit notification. Law enforcement shall continue to attempt to complete service unless otherwise directed by the court. In the event that the petitioner does not provide a service address for the respondent or there

is evidence that the respondent is evading service, the law enforcement officer shall use law enforcement databases to assist in locating the respondent;

(5) If the respondent is in a protected person's presence at the time of contact for service, the law enforcement officer should take reasonable steps to separate the parties when possible prior to completing the service or inquiring about or collecting firearms. When the order requires the respondent to vacate the parties' shared residence, law enforcement shall take reasonable steps to ensure that the respondent has left the premises and is on notice that ~~((his or her))~~ the respondent's return is a violation of the terms of the order. The law enforcement officer shall provide the respondent with copies of all forms with the exception of the confidential information form completed by the protected party and the proof of service form;

(6) Any law enforcement officer who serves a protection order on a respondent with the knowledge that the respondent requires special assistance due to a disability, brain injury, or impairment shall make a reasonable effort to accommodate the needs of the respondent to the extent practicable without compromise to the safety of the petitioner;

(7) Proof of service must be submitted to the court on the proof of service form. The form must include the date and time of service and each document that was served in order for the service to be complete, along with any details such as conduct at the time of service, threats, or avoidance of service, as well as statements regarding possession of firearms, including any denials of ownership despite positive purchase history, active concealed pistol license, or sworn statements in the petition that allege the respondent's access to, or possession of, firearms; or

(8) If attempts at service were not successful, the proof of service form or the form letter showing that the order was not served, and stating the reason it was not served, must be returned to the court by the next judicial day following the last unsuccessful attempt at service. Each attempt at service must be noted and reflected in computer aided dispatch records, with the date, time, address, and reason service was not completed.

Sec. 202. RCW 7.105.255 and 2022 c 268 s 15 are each amended to read as follows:

(1) To help ensure familiarity with the unique nature of protection order proceedings, and an understanding of trauma-informed practices and best practices in the use of new technologies for remote hearings, judicial officers, including persons who serve as judicial officers pro tempore, should receive evidence-based training on procedural justice, trauma-informed practices, gender-based violence dynamics, coercive control, elder abuse, juvenile sex offending, teen dating violence, domestic violence homicide prevention, and requirements and best practices for the surrender of weapons before presiding over protection order hearings. Trainings should be provided on an ongoing basis as best practices, research on trauma, and legislation continue to evolve. As a method of continuous training, court commissioners, including pro tempore commissioners, shall be notified by the presiding judge or court administrator upon revision of any decision made under this chapter.

(2) Subject to funds appropriated for this specific purpose, the administrative office of the courts shall develop training for judicial officers on

the topics listed in subsection (1) of this section, which must be provided free of charge to judicial officers.

NEW SECTION. Sec. 203. A new section is added to chapter 7.105 RCW to read as follows:

(1) The legislature recognizes the inherent volatility and danger associated with domestic violence, particularly when the court has made a finding that an ex parte order to surrender and prohibit weapons is necessary. The risk of domestic violence homicide is most acute when a victim is ending the relationship and throughout legal proceedings. The presence of a firearm in a domestic violence situation increases the risk of homicide by 11 times. The legislature acknowledges the potential for judicial or administrative error in hearings on full protection orders and the significant consequences that can result from such errors. In recognition of the potential for error, the legislature has previously established in RCW 2.24.050 that decisions of court commissioners are subject to revision and the courts have created processes for reconsideration of rulings. Therefore, in any proceeding in which the court enters a temporary protection order that includes a temporary order to surrender and prohibit weapons, and after the hearing the court denies the petition for a full protection order, the order to surrender and prohibit weapons must remain in effect until the period for a petitioner to file a motion for reconsideration or revision has passed. If a motion for reconsideration or revision is filed, the order to surrender and prohibit weapons must remain in effect until the motion for reconsideration or revision is resolved.

(2) At the hearing in which the court denies the petition for a full protection order, if the petitioner is present, the court must notify the petitioner verbally of the procedures and timelines for filing a motion for reconsideration or a motion for revision. The court must provide the petitioner with written information explaining the procedures and timelines for filing a motion for reconsideration or a motion for revision. The information must also include contact information for civil legal aid organizations that may assist the petitioner with a motion for reconsideration or a motion for revision.

(3) Subsections (1) and (2) of this section do not apply if allowing the order to surrender and prohibit weapons to remain in effect would be manifestly unjust including, but not limited to, situations where the court finds the temporary protection order was entirely without merit, the petitioner was engaged in abusive use of litigation, or the petitioner was exerting coercive control, as defined in RCW 7.105.010, over the respondent.

Part III. Domestic Violence Protections

Sec. 301. RCW 10.99.033 and 2019 c 367 s 2 are each amended to read as follows:

(1) All training relating to the handling of domestic violence complaints by law enforcement officers must stress enforcement of criminal laws in domestic situations, availability of community resources, and protection of the victim. Law enforcement agencies and community organizations with expertise in the issue of domestic violence shall cooperate in all aspects of such training.

(2) The criminal justice training commission shall implement by July 28, 2019, a course of instruction for the training of law enforcement officers in Washington in the handling of domestic violence complaints. The basic law

enforcement curriculum of the criminal justice training commission must include at least twenty hours of basic training instruction on the law enforcement response to domestic violence. The course of instruction, the learning and performance objectives, and the standards for the training must be developed by the commission and focus on enforcing the criminal laws, safety of the victim, and holding the perpetrator accountable for the violence. The curriculum must include training on the extent and prevalence of domestic violence, the importance of criminal justice intervention, techniques for responding to incidents that minimize the likelihood of officer injury and that promote victim safety, investigation and interviewing skills, evidence gathering and report writing, assistance to and services for victims and children, verification and enforcement of court orders, liability, and any additional provisions that are necessary to carry out the intention of this subsection.

(3) The criminal justice training commission shall develop and update annually an in-service training program to familiarize law enforcement officers with domestic violence laws. The program must include techniques for handling incidents of domestic violence that minimize the likelihood of injury to the officer and that promote the safety of all parties. The commission shall make the training program available to all law enforcement agencies in the state.

(4) Development of the training in subsections (2) and (3) of this section must be conducted in conjunction with agencies having a primary responsibility for serving victims of domestic violence with emergency shelter and other services, and representatives to the statewide organization providing training and education to these organizations and to the general public.

(5) Subject to funds appropriated for this specific purpose:

(a) The curriculum required in subsection (2) of this section must include trauma-informed investigation and interviewing skills, domestic violence homicide prevention, the intersection of firearms and domestic violence, best practices for serving and enforcing protection orders, and assistance to and services for victims and children; and

(b) The in-service training program required in subsection (3) of this section must include training on domestic violence homicide prevention, the intersection of firearms and domestic violence, best practices for serving and enforcing protection orders, and assistance to and services for victims and children.

Sec. 302. RCW 10.99.040 and 2021 c 215 s 122 are each amended to read as follows:

(1) Because of the serious nature of domestic violence, the court in domestic violence actions:

(a) Shall not dismiss any charge or delay disposition because of concurrent dissolution or other civil proceedings;

(b) Shall not require proof that either party is seeking a dissolution of marriage prior to instigation of criminal proceedings;

(c) Shall waive any requirement that the victim's location be disclosed to any person, other than the attorney of a criminal defendant, upon a showing that there is a possibility of further violence: PROVIDED, That the court may order a criminal defense attorney not to disclose to (~~his or her~~) the attorney's client the victim's location; and

(d) Shall identify by any reasonable means on docket sheets those criminal actions arising from acts of domestic violence; and

(e) Shall not deny issuance of a no-contact order based on the existence of an applicable civil protection order preventing the defendant from contacting the victim.

(2)(a) Because of the likelihood of repeated violence directed at those who have been victims of domestic violence in the past, when any person charged with or arrested for a crime involving domestic violence is released from custody before arraignment or trial on bail or personal recognizance, the court authorizing the release may prohibit that person from having any contact with the victim. The jurisdiction authorizing the release shall determine whether that person should be prohibited from having any contact with the victim. If there is no outstanding restraining or ~~((protective))~~ protection order prohibiting that person from having contact with the victim, the court authorizing release may issue, by telephone, a no-contact order prohibiting the person charged or arrested from having contact with the victim or from knowingly coming within, or knowingly remaining within, a specified distance of a location.

(b) In issuing the order, the court shall consider the provisions of RCW 9.41.800, and shall order the defendant to surrender, and prohibit the person from possessing, all firearms, dangerous weapons, and any concealed pistol license as required in RCW 9.41.800.

(c) The no-contact order shall also be issued in writing as soon as possible, and shall state that it may be extended as provided in subsection (3) of this section. By January 1, 2011, the administrative office of the courts shall develop a pattern form for all no-contact orders issued under this chapter. A no-contact order issued under this chapter must substantially comply with the pattern form developed by the administrative office of the courts.

(3)(a) At the time of arraignment the court shall determine whether a no-contact order shall be issued or extended. So long as the court finds probable cause, the court may issue or extend a no-contact order even if the defendant fails to appear at arraignment. The no-contact order shall terminate if the defendant is acquitted or the charges are dismissed.

(b) In issuing the order, the court shall consider all information documented in the incident report concerning the person's possession of and access to firearms and whether law enforcement took temporary custody of firearms at the time of the arrest. The court may as a condition of release prohibit the defendant from possessing or accessing firearms and order the defendant to immediately surrender all firearms and any concealed pistol license to a law enforcement agency upon release.

(c) If a no-contact order is issued or extended, the court may also include in the conditions of release a requirement that the defendant submit to electronic monitoring as defined in RCW 9.94A.030. If electronic monitoring is ordered, the court shall specify who shall provide the monitoring services, and the terms under which the monitoring shall be performed. Upon conviction, the court may require as a condition of the sentence that the defendant ~~((reimburse the providing agency for))~~ pay the costs of the electronic monitoring. If a defendant enters into a deferred prosecution or stipulated order of continuance, the applicable order or agreement may require the defendant pay the costs of the electronic monitoring.

(4)(a) Willful violation of a court order issued under subsection (2), (3), or (7) of this section is punishable under RCW 7.105.450.

(b) The written order releasing the person charged or arrested shall contain the court's directives and shall bear the legend: "Violation of this order is a criminal offense under chapter 7.105 RCW and will subject a violator to arrest; any assault, drive-by shooting, or reckless endangerment that is a violation of this order is a felony. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order."

(c) A certified copy of the order shall be provided to the victim.

(5) If a no-contact order has been issued prior to charging, that order shall expire at arraignment or within seventy-two hours if charges are not filed.

(6) Whenever a no-contact order is issued, modified, or terminated under subsection (2) or (3) of this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order the law enforcement agency shall enter the order for one year or until the expiration date specified on the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state. Upon receipt of notice that an order has been terminated under subsection (3) of this section, the law enforcement agency shall remove the order from the computer-based criminal intelligence information system.

(7) All courts shall develop policies and procedures by January 1, 2011, to grant victims a process to modify or rescind a no-contact order issued under this chapter. The administrative office of the courts shall develop a model policy to assist the courts in implementing the requirements of this subsection.

Part IV. Firearms and Dangerous Weapons

Sec. 401. RCW 9.41.340 and 2020 c 29 s 5 are each amended to read as follows:

(1)(a) Each law enforcement agency shall develop a notification protocol that ~~((allows))~~:

(i) Allows a family or household member or intimate partner to use an incident or case number to request to be notified when a law enforcement agency returns a privately owned firearm to the individual from whom it was obtained or to an authorized representative of that person; and

(ii) Requires notification to any person identified in a no-contact order, restraining order, or protection order and any identified victim of the crime that resulted in the firearm surrender.

~~((a))~~ (b)(i) Notification may be made via telephone, email, text message, or another method that allows notification to be provided without unnecessary delay.

~~((b))~~ (ii) If a law enforcement agency is in possession of more than one privately owned firearm from ~~((a single person))~~ an individual, notification relating to the return of one firearm shall be considered notification for all privately owned firearms for that person.

(2) A law enforcement agency shall not provide notification to any party other than ~~((a family or household member or intimate partner who has an~~

~~incident or case number and who has requested to be notified pursuant to this section or~~) another criminal justice agency or as authorized or required under subsection (1) of this section.

(3) The information provided by a family or household member or intimate partner pursuant to chapter 130, Laws of 2015, including the existence of the request for notification, is not subject to public disclosure pursuant to chapter 42.56 RCW.

(4) An appointed or elected official, public employee, or public agency as defined in RCW 4.24.470, or combination of units of local government and its employees, as provided in RCW 36.28A.010, are immune from civil liability for damages for any release of information or the failure to release information related to this section, so long as the release or failure was without gross negligence.

(5) An individual who knowingly makes a request for notification under this section based on false information may be held liable under RCW 9A.76.175.

Sec. 402. RCW 9.41.345 and 2020 c 29 s 6 are each amended to read as follows:

(1) Before a law enforcement agency returns a privately owned firearm, the law enforcement agency must:

(a) Confirm that the individual to whom the firearm will be returned is the individual from whom the firearm was obtained or an authorized representative of that person;

(b) Confirm that the individual to whom the firearm will be returned is eligible to possess a firearm pursuant to RCW 9.41.040;

(c) Ensure that the firearm is not otherwise required to be held in custody or otherwise prohibited from being released; ~~(and)~~

(d) Ensure that ~~((twenty-four hours))~~ five business days have elapsed from the time the firearm was obtained by law enforcement ~~(, unless the firearm was seized in connection with a domestic violence call pursuant to RCW 10.99.030, in which case the law enforcement agency must ensure that five business days have elapsed from the time the firearm was obtained); and~~

(e) If a family or household member or intimate partner has requested notification under RCW 9.41.340(1)(a)(i), or notification to an identified victim or protected person is required per RCW 9.41.340(1)(a)(ii), provide notice to the appropriate person within one business day of verifying that the requirements in (a) through (c) of this subsection have been met.

(2)(a) Once the requirements in subsections (1) and (3) of this section have been met, a law enforcement agency must release a firearm to the individual from whom it was obtained or an authorized representative of that person upon request without unnecessary delay.

(b)(i) If a firearm cannot be returned because it is required to be held in custody or is otherwise prohibited from being released, a law enforcement agency must provide written notice to the individual from whom it was obtained within five business days of the individual requesting return of ~~((his or her))~~ the firearm and specify the reason the firearm must be held in custody.

(ii) Notification may be made via email, text message, mail service, or personal service. For methods other than personal service, service shall be considered complete once the notification is sent.

(3) If ~~((a family or household member or intimate partner has requested to be notified pursuant to RCW 9.41.340))~~ notification is required under RCW 9.41.340(1)(a) (i) or (ii), a law enforcement agency must~~(:~~

~~(a) Provide notice to the family or household member or intimate partner within one business day of verifying that the requirements in subsection (1) of this section have been met; and~~

~~(b) Hold))~~ hold the firearm in custody for ~~((seventy-two hours))~~ five business days from the time notification has been provided or information has been entered.

(4)(a) A law enforcement agency may not return a concealed pistol license that has been surrendered to, or impounded by, the law enforcement agency for any reason to the licensee until the law enforcement agency determines the licensee is eligible to possess a firearm under state and federal law and meets the other eligibility requirements for a concealed pistol license under RCW 9.41.070.

(b) A law enforcement agency must release a concealed pistol license to the licensee without unnecessary delay, and in no case longer than five business days, after the law enforcement agency determines the requirements of (a) of this subsection have been met.

(5) The provisions of chapter 130, Laws of 2015 and subsection (4) of this section shall not apply to circumstances where a law enforcement officer has momentarily obtained a firearm or concealed pistol license from an individual and would otherwise immediately return the firearm or concealed pistol license to the individual during the same interaction.

Sec. 403. RCW 9.41.801 and 2022 c 268 s 30 are each amended to read as follows:

(1) Because of the heightened risk of lethality to petitioners when respondents to protection orders become aware of court involvement and continue to have access to firearms, and the frequency of noncompliance with court orders prohibiting possession of firearms, law enforcement and judicial processes must emphasize swift and certain compliance with court orders prohibiting access, possession, and ownership of all firearms.

(2) A law enforcement officer serving a protection order, no-contact order, or restraining order that includes an order to surrender all firearms, dangerous weapons, and a concealed pistol license under RCW 9.41.800 shall inform the respondent that the order is effective upon service and the respondent must immediately surrender all firearms and dangerous weapons in the respondent's custody, control, or possession and any concealed pistol license issued under RCW 9.41.070, and conduct any search permitted by law for such firearms, dangerous weapons, and concealed pistol license. The law enforcement officer shall take possession of all firearms, dangerous weapons, and any concealed pistol license belonging to the respondent that are surrendered, in plain sight, or discovered pursuant to a lawful search. If the order is entered in open court and the respondent appears in person, the respondent shall be provided a copy and further service is not required. If the respondent refuses to receive a copy, an agent of the court may indicate on the record that the respondent refused to receive a copy of the order. If the respondent appears remotely for the hearing, or leaves the hearing before a final ruling is issued or order signed, and the court believes the respondent has sufficient notice such that additional service is not

necessary, the order must recite that the respondent appeared before the court, has actual notice of the order, the necessity for further service is waived, and proof of service of the order is not necessary. The court shall enter the service and receipt into the record. A copy of the order and service shall be transmitted immediately to law enforcement. The respondent must immediately surrender all firearms, dangerous weapons, and any concealed pistol license in a safe manner to the control of the local law enforcement agency on the day of the hearing at which the respondent was present in person or remotely. Alternatively, if personal service by a law enforcement officer is not possible, and the respondent did not appear in person or remotely at the hearing, the respondent shall surrender the firearms in a safe manner to the control of the local law enforcement agency within 24 hours of being served with the order by alternate service.

(3) At the time of surrender, a law enforcement officer taking possession of firearms, dangerous weapons, and any concealed pistol license shall issue a receipt identifying all firearms, dangerous weapons, and any concealed pistol license that have been surrendered and provide a copy of the receipt to the respondent. The law enforcement agency shall file the original receipt with the court within 24 hours after service of the order and retain a copy of the receipt, electronically whenever electronic filing is available.

(4) Upon the sworn statement or testimony of the petitioner or of any law enforcement officer alleging that the respondent has failed to comply with the surrender of firearms or dangerous weapons as required by an order issued under RCW 9.41.800 or 10.99.100, the court shall determine whether probable cause exists to believe that the respondent has failed to surrender all firearms and dangerous weapons in their possession, custody, or control. If probable cause exists that a crime occurred, the court shall issue a warrant describing the firearms or dangerous weapons and authorizing a search of the locations where the firearms and dangerous weapons are reasonably believed to be and the seizure of all firearms and dangerous weapons discovered pursuant to such search.

(5) If a person other than the respondent claims title to any firearms or dangerous weapons surrendered pursuant to this section, and the person is determined by the law enforcement agency to be the lawful owner of the firearm or dangerous weapon, the firearm or dangerous weapon shall be returned to the lawful owner, provided that:

(a) The firearm or dangerous weapon is removed from the respondent's access, custody, control, or possession and the lawful owner agrees by written document signed under penalty of perjury to store the firearm or dangerous weapon in a manner such that the respondent does not have access to or control of the firearm or dangerous weapon;

(b) The firearm or dangerous weapon is not otherwise unlawfully possessed by the owner; and

(c) The requirements of RCW 9.41.345 are met.

(6)(a) Courts shall develop procedures to verify timely and complete compliance with orders to surrender and prohibit weapons under RCW 9.41.800 or 10.99.100, including compliance review hearings to be held as soon as possible upon receipt from law enforcement of proof of service. ~~((A compliance review hearing is not required if the court can otherwise enter findings on the~~

~~record or enter written findings that the proof of surrender or declaration of nonsurrender))~~ For any case where the court has indication that the respondent has in the respondent's possession, custody, or control firearms, dangerous weapons, or a concealed pistol license, a compliance review hearing shall be held. A compliance review hearing may be waived by the court or held at a later date if the information attested to by the person subject to the order, along with verification from law enforcement and any other relevant evidence, makes a sufficient showing that the person has timely and completely surrendered all firearms and dangerous weapons in the person's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070, to a law enforcement agency, and the court is able to make a finding of compliance. If the court does not have a sufficient record before it on which to make such a finding, the court must set a review hearing to occur as soon as possible ((at which the)) and service by law enforcement shall be prioritized to minimize the time during which the respondent could access their firearms, dangerous weapons, or concealed pistol license. The respondent must be present and provide proof of compliance with the court's order. Courts shall make available forms that petitioners may complete and submit to the court in response to a respondent's declaration of whether the respondent has surrendered weapons.

(b) In making its findings regarding compliance, the court should also consider any available department of licensing and Washington state patrol firearm records; for criminal cases, the police report and any documentation of firearms, or their recovery pursuant to RCW 10.99.030(3)(a); and for civil protection order cases, the protection order narrative, any sections of the protection order petition that specifically reference or inquire about firearms and other dangerous weapons, any attachments to the protection order petition, any affidavits from law enforcement or the petitioner in response to a respondent's declaration regarding firearm surrender, or other relevant evidence regarding firearms, dangerous weapons, or a concealed pistol license in the person's custody, control, or possession.

(c) If the court is considering waiving or delaying the compliance review hearing, the petitioner, law enforcement, or the state or city attorney may request that the compliance hearing be held, if there is reasonable suspicion to believe that the respondent has not surrendered all firearms, dangerous weapons, and any concealed pistol license, or is otherwise out of compliance with the court's order.

(7)(a) If a court finds at the compliance review hearing, or any other hearing where compliance with the order to surrender and prohibit weapons is addressed, that there is probable cause to believe the respondent was aware of and failed to fully comply with the order, failed to appear at the compliance review hearing, or violated the order after the court entered findings of compliance, pursuant to its authority under chapter 7.21 RCW, the court may issue an arrest warrant and initiate a contempt proceeding to impose remedial sanctions on its own motion, or upon the motion of the prosecutor, city attorney, or the petitioner's counsel, and issue an order requiring the respondent to appear, with additional sanctions for failure to appear, provide proof of compliance with the order, and show cause why the respondent should not be held in contempt of court.

(b) If the respondent is not present in court at the compliance review hearing or if the court issues an order to appear and show cause after a compliance

review hearing, the clerk of the court shall electronically transmit a copy of the order to show cause to the law enforcement agency where the respondent resides for personal service or service in the manner provided in the civil rules of superior court or applicable statute. Law enforcement shall also serve a copy of the order to show cause on the petitioner, either electronically or in person, at no cost.

(c) The order to show cause served upon the respondent shall state the date, time, and location of the hearing and shall include a warning that the respondent may be held in contempt of court if the respondent fails to promptly comply with the terms of the order to surrender and prohibit weapons and a warning that an arrest warrant could be issued if the respondent fails to appear on the date and time provided in the order.

(d)(i) At the show cause hearing, the respondent must be present and provide proof of compliance with the underlying court order to surrender and prohibit weapons and demonstrate why the relief requested should not be granted.

(ii) The court shall take judicial notice of the receipt filed with the court by the law enforcement agency pursuant to subsection (3) of this section. The court shall also provide sufficient notice to the law enforcement agency of the hearing. Upon receiving notice pursuant to this subsection, a law enforcement agency must:

(A) Provide the court with a complete list of firearms and other dangerous weapons surrendered by the respondent or otherwise belonging to the respondent that are in the possession of the law enforcement agency; and

(B) Provide the court with verification that any concealed pistol license issued to the respondent has been surrendered and ~~((the))~~ an agency with authority to revoke the license has been notified.

(iii) If the law enforcement agency has a reasonable suspicion that the respondent is not in full compliance with the terms of the order, the law enforcement agency must submit the basis for its belief to the court, and may do so through the filing of a declaration.

(e) If the court finds the respondent in contempt, the court may impose remedial sanctions designed to ensure swift compliance with the order to surrender and prohibit weapons.

(f) The court may order a respondent found in contempt of the order to surrender and prohibit weapons to pay for any losses incurred by a party in connection with the contempt proceeding, including reasonable attorneys' fees, service fees, and other costs. The costs of the proceeding shall not be borne by the petitioner.

(8)(a) To help ensure that accurate and comprehensive information about firearms compliance is provided to judicial officers, a representative from either the prosecuting attorney's office or city attorney's office, or both, from the relevant jurisdiction may appear and be heard or submit written information at any hearing that concerns compliance with an order to surrender and prohibit weapons ~~((issued in connection with another type of protection order))~~.

(b) Either the prosecuting attorney's office or city attorney's office, or both, from the relevant jurisdiction may designate an advocate or a staff person from their office who is not an attorney to appear on behalf of their office. Such appearance does not constitute the unauthorized practice of law.

(9)(a) ((An order to surrender and prohibit weapons issued pursuant to RCW 9.41.800 must state that the)) The act of voluntarily surrendering firearms or weapons, ((or)) providing testimony relating to the surrender of firearms or weapons, ((pursuant to such an order,)) or complying with an order to surrender and prohibit weapons issued pursuant to RCW 9.41.800 or 10.99.100, and any information directly or indirectly derived from such act or testimony, may not be used against the ((respondent)) person subject to the order in any criminal prosecution under this chapter, chapter 7.105 RCW, or RCW 9A.56.310, or in any criminal prosecution pursuant to which such order to surrender and prohibit weapons was issued, except a prosecution for perjury, giving a false statement, or otherwise failing to comply with the order. Every such order issued subsequent to the effective date of this section shall contain language consistent with the statutory immunity set forth in this subsection.

(b) If a person subject to such an order invokes the privilege against self-incrimination at the time of issuance of the order or at a subsequent hearing, the court may afford the person subject to the order an opportunity to demonstrate that compliance with the surrender provision of the order would expose that person to a realistic threat of self-incrimination in a subsequent or pending criminal proceeding. The court may conduct this portion of the proceeding ex parte or receive evidence in camera, without the presence of the prosecuting attorney, after the court conducts an analysis under *State v. Bone-Club*, 128 wn.2d 254, and concludes that the courtroom may be closed.

(c) If the person subject to the order establishes such a realistic threat of self-incrimination regarding possible criminal prosecution that is not addressed by the immunity from prosecution set forth in (a) of this subsection, the court shall afford the relevant prosecuting attorney an opportunity to offer an immunity agreement tailored specifically to the firearms or weapons implicated by the potential self-incrimination. To achieve the purposes of this section, any immunity offered should be narrowly tailored to address any realistic threat of self-incrimination while ensuring that any other firearms not implicated are surrendered.

(d) Any immunity from prosecution beyond the immunity set forth in (a) of this subsection, may only be extended by the prosecuting attorney. If the prosecuting attorney declines to extend immunity such that the person subject to the order cannot fully comply with its surrender provision without facing a realistic threat of self-incrimination, the court's order must provide for the surrender of every firearm, dangerous weapon, and concealed pistol license that does not implicate a realistic threat of self-incrimination. The order's prohibitions regarding accessing, purchasing, receiving, or attempting to purchase or receive, any firearms or other dangerous weapons, or concealed pistol license, remain in effect.

(e) Nothing in this section shall be interpreted as diminishing the requirement that the person subject to the order fully comply with the order issued by the court. The burden remains on the person subject to the order to prove compliance.

((b)) (10) To provide relevant information to the court to determine compliance with the order, the court may allow the prosecuting attorney or city attorney to question the respondent regarding compliance.

~~((+0))~~ (11) All law enforcement agencies must have policies and procedures to provide for the acceptance, storage, and return of firearms, dangerous weapons, and concealed pistol licenses that a court requires must be surrendered under RCW 9.41.800. A law enforcement agency holding any firearm or concealed pistol license that has been surrendered under RCW 9.41.800 shall comply with the provisions of RCW 9.41.340 and 9.41.345 before the return of the firearm or concealed pistol license to the owner or individual from whom it was obtained.

~~((+1))~~ (12) The administrative office of the courts shall create a statewide pattern form to assist the courts in ensuring timely and complete compliance in a consistent manner with orders issued under this chapter. The administrative office of the courts shall report annually on the number of ex parte and full orders issued under this chapter by each court, (the degree of compliance, and the number of firearms obtained, and may make recommendations regarding additional procedures) and, if available, the type of protection order, no-contact order, restraining order, or criminal charge with which the order was issued, the duration of the order, the period of time from issuance of the order until the court's finding of compliance, any violations, the nature of the violations, any sanctions imposed, the number of firearms obtained pursuant to each order, whether subsequent orders were issued involving the same respondent, and may make recommendations regarding additional procedures, training, or data collection and reporting to enhance compliance and victim safety.

Sec. 404. RCW 9.41.804 and 2014 c 111 s 5 are each amended to read as follows:

~~((A party ordered))~~ (1) To prove full compliance with the court's order to surrender firearms, dangerous weapons, and ((his or her)) any concealed pistol license under RCW 9.41.800 the person subject to the order must file with the clerk of the court ((a): (a) A completed proof of surrender and receipt form ((or a declaration of nonsurrender form within five judicial days of the entry of the order)); (b) a declaration that the person has no firearms, dangerous weapons, or concealed pistol license; or (c) other evidence sufficient to establish full and timely compliance with the order.

(2) The verification of compliance required in subsection (1) of this section must be provided to the court within 24 hours of service of the order, unless the order is pursuant to a criminal proceeding. In a criminal proceeding, if the person subject to the order is in custody, proof of compliance must be provided to the court before the person subject to the order is released from custody; otherwise, proof of compliance must be provided before the conclusion of the sentencing hearing. If the court finds that surrender of all firearms, dangerous weapons, and any concealed pistol license is not possible prior to release or prior to the conclusion of the hearing, then arrangements for surrender shall be made and approved by the court before the person's release from custody or before the conclusion of the sentencing hearing, and the court shall order a law enforcement officer to accompany the person to the location where the firearms, dangerous weapons, and concealed pistol license are located so that they are surrendered directly to the law enforcement officer. Surrender to local law enforcement shall occur in a safe manner and proof of compliance provided by law enforcement to the court within 24 hours of either the person's release from custody or the conclusion of the sentencing hearing.

(3) By December 30, 2023, the administrative office of the courts shall develop and distribute any new or updated forms necessary to implement subsections (1) and (2) of this section, and other sections of this act where a form needs to be created or updated.

Sec. 405. RCW 7.105.340 and 2022 c 268 s 19 are each amended to read as follows:

(1) Upon the issuance of any extreme risk protection order under this chapter, including a temporary extreme risk protection order, the court shall:

(a) Order the respondent to surrender to the local law enforcement agency all firearms in the respondent's custody, control, or possession, or subject to the respondent's immediate possession or control, and any concealed pistol license issued under RCW 9.41.070; and

(b) Other than for ex parte temporary protection orders, direct law enforcement to revoke any concealed pistol license issued to the respondent.

(2) The law enforcement officer serving any extreme risk protection order under this chapter, including a temporary extreme risk protection order, shall request that the respondent immediately surrender all firearms in ~~((his or her))~~ the respondent's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070, and conduct any search permitted by law for such firearms. The law enforcement officer shall take possession of all firearms belonging to the respondent that are surrendered, in plain sight, or discovered pursuant to a lawful search. If the order is entered in open court and the respondent appears in person, the respondent must be provided a copy and further service is not required. If the respondent refuses to accept a copy, an agent of the court may indicate on the record that the respondent refused to accept a copy of the order. If the respondent appears remotely for the hearing, or leaves the hearing before a final ruling is issued or order signed, and the court believes the respondent has sufficient notice such that additional service is not necessary, the order must recite that the respondent appeared before the court, has actual notice of the order, the necessity for further service is waived, and proof of service of the order is not necessary. The court shall enter the service and receipt into the record. A copy of the order and service must be transmitted immediately to law enforcement. The respondent must immediately surrender all firearms and any concealed pistol license, not previously surrendered, in a safe manner to the control of the local law enforcement agency on the day of the hearing at which the respondent was present in person or remotely. If the respondent is in custody, arrangements to recover the firearms must be made prior to release. Alternatively, if personal service by a law enforcement officer is not possible, and the respondent did not appear in person or remotely at the hearing, the respondent shall surrender the firearms in a safe manner to the control of the local law enforcement agency within 24 hours of being served with the order by alternate service.

(3) At the time of surrender, a law enforcement officer taking possession of a firearm or concealed pistol license shall issue a receipt identifying all firearms that have been surrendered and provide a copy of the receipt to the respondent. Within 72 hours after service of the order, the officer serving the order shall file the original receipt with the court and shall ensure that ~~((his or her))~~ the officer's law enforcement agency retains a copy of the receipt.

(4) Upon the sworn statement or testimony of the petitioner or of any law enforcement officer alleging that the respondent has failed to comply with the surrender of firearms as required by an order issued under this chapter, the court shall determine whether probable cause exists to believe that the respondent has failed to surrender all firearms in (~~his or her~~) the respondent's possession, custody, or control. If probable cause for a violation of the order exists, the court shall issue a warrant describing the firearms and authorizing a search of the locations where the firearms are reasonably believed to be and the seizure of any firearms discovered pursuant to such search.

(5) If a person other than the respondent claims title to any firearms surrendered pursuant to this section, and that person is determined by the law enforcement agency to be the lawful owner of the firearm, the firearm must be returned to that person, provided that:

(a) The firearm is removed from the respondent's custody, control, or possession, and the lawful owner provides written verification to the court regarding how the lawful owner will safely store the firearm in a manner such that the respondent does not have access to, or control of, the firearm for the duration of the order;

(b) The court advises the lawful owner of the penalty for failure to do so; and

(c) The firearm is not otherwise unlawfully possessed by the owner.

(6) Upon the issuance of a one-year extreme risk protection order, the court shall order a new compliance review hearing date and require the respondent to appear not later than three judicial days from the issuance of the order. The court shall require a showing that the respondent has surrendered any firearms in the respondent's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070 to a law enforcement agency. The compliance review hearing is not required upon a satisfactory showing on which the court can otherwise enter findings on the record that the respondent has timely and completely surrendered all firearms in the respondent's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070 to a law enforcement agency, and is in compliance with the order. If the court does not have a sufficient record before it on which to make such a finding, the court must set a review hearing to occur as soon as possible, at which the respondent must be present and provide proof of compliance with the court's order.

(7)(a) If a court finds at the compliance review hearing, or any other hearing where compliance with the order is addressed, that there is probable cause to believe the respondent was aware of, and failed to fully comply with, the order, failed to appear at the compliance review hearing, or violated the order after the court entered findings of compliance, pursuant to its authority under chapter 7.21 RCW, the court may initiate a contempt proceeding on its own motion, or upon the motion of the prosecutor, city attorney, or the petitioner's counsel, to impose remedial sanctions, and issue an order requiring the respondent to appear, provide proof of compliance with the order, and show cause why the respondent should not be held in contempt of court.

(b) If the respondent is not present in court at the compliance review hearing or if the court issues an order to appear and show cause after a compliance review hearing, the clerk of the court shall electronically transmit a copy of the order to show cause to the law enforcement agency where the respondent resides

for personal service or service in the manner provided in the civil rules of superior court or applicable statute.

(c) The order to show cause served upon the respondent shall state the date, time, and location of the hearing, and shall include a warning that the respondent may be held in contempt of court if the respondent fails to promptly comply with the terms of the extreme risk protection order and a warning that an arrest warrant could be issued if the respondent fails to appear on the date and time provided in the order to show cause.

(d)(i) At the show cause hearing, the respondent must be present and provide proof of compliance with the extreme risk protection order and demonstrate why the relief requested should not be granted.

(ii) The court shall take judicial notice of the receipt filed with the court by the law enforcement agency pursuant to subsection (3) of this section. The court shall also provide sufficient notice to the law enforcement agency of the hearing. Upon receiving notice pursuant to this subsection, a law enforcement agency must:

(A) Provide the court with a complete list of firearms surrendered by the respondent or otherwise belonging to the respondent that are in the possession of the law enforcement agency; and

(B) Provide the court with verification that any concealed pistol license issued to the respondent has been surrendered and that a law enforcement agency with authority to revoke the license has been notified.

(iii) If the law enforcement agency has a reasonable suspicion that the respondent is not in full compliance with the terms of the order, the law enforcement agency must submit the basis for its belief to the court, and may do so through the filing of an affidavit.

(e) If the court finds the respondent in contempt, the court may impose remedial sanctions designed to ensure swift compliance with the order to surrender and prohibit weapons.

(f) The court may order a respondent found in contempt of the order to pay for any losses incurred by a party in connection with the contempt proceeding, including reasonable attorneys' fees, service fees, and other costs. The costs of the proceeding must not be borne by the petitioner.

(8)(a) To help ensure that accurate and comprehensive information about firearms compliance is provided to judicial officers, a representative from either the prosecuting attorney's office or city attorney's office, or both, from the relevant jurisdiction may appear and be heard or submit written information at any hearing that concerns compliance with an extreme risk protection order.

(b) Either the prosecuting attorney's office or city attorney's office, or both, from the relevant jurisdiction may designate an advocate or a staff person from their office who is not an attorney to appear on behalf of their office. Such appearance does not constitute the unauthorized practice of law.

(9)(a) An extreme risk protection order must state that the act of voluntarily surrendering firearms, or providing testimony relating to the surrender of firearms, pursuant to such an order, may not be used against the respondent in any criminal prosecution under this chapter, chapter 9.41 RCW, or RCW 9A.56.310.

(b) To provide relevant information to the court to determine compliance with the order, the court may allow the prosecuting attorney or city attorney to question the respondent regarding compliance.

(10) All law enforcement agencies must develop and implement policies and procedures regarding the acceptance, storage, and return of firearms required to be surrendered under this chapter. Any surrendered firearms must be handled and stored properly to prevent damage or degradation in appearance or function, and the condition of the surrendered firearms documented, including by digital photograph. A law enforcement agency holding any surrendered firearm or concealed pistol license shall comply with the provisions of RCW 9.41.340 and 9.41.345 before the return of the firearm or concealed pistol license to the owner or individual from whom it was obtained.

Sec. 406. RCW 10.21.050 and 2018 c 276 s 5 are each amended to read as follows:

The judicial officer in any felony, misdemeanor, or gross misdemeanor case must, in determining whether there are conditions of release that will reasonably assure the safety of any other person and the community, take into account the available information concerning:

(1) The nature and circumstances of the offense charged, including whether the offense is a crime of violence;

(2) The weight of the evidence against the defendant; and

(3) The history and characteristics of the defendant, including:

(a) The ~~((person's))~~ defendant's character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history, and record concerning appearance at court proceedings;

(b) Whether, at the time of the current offense or arrest, the defendant was on community supervision, probation, parole, or on other release pending trial, sentencing, appeal, or completion of sentence for an offense under federal, state, or local law; ~~((and))~~

(c) The nature and seriousness of the danger to any person or the community that would be posed by the defendant's release; and

(d) The defendant's firearms history, including purchase history, any concealed pistol license history, and the requirements of RCW 9.41.800 regarding issuance of an order to surrender and prohibit weapons.

Part V. Residential Protections

Sec. 501. RCW 40.24.030 and 2022 c 231 s 5 are each amended to read as follows:

(1)(a) An adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person, ~~((as defined in RCW 41.88.010,))~~ (b) any election official as described in RCW 9A.90.120 who is a target for threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or (iv), and any ~~((family members))~~ person residing with him or her, and (c) any criminal justice participant as defined in RCW 9A.46.020 who is a target for threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or (iv) and any criminal justice participant as defined in RCW 9A.90.120 who is a target for threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or (iv), and any ~~((family members))~~ person residing with him or her, may apply to the

secretary of state to have an address designated by the secretary of state serve as the person's address or the address of the minor or incapacitated person. The secretary of state shall approve an application if it is filed in the manner and on the form prescribed by the secretary of state and if it contains:

(i) A sworn statement, under penalty of perjury, by the applicant that the applicant has good reason to believe (A) that the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic violence, sexual assault, trafficking, or stalking and that the applicant fears for (~~his or her~~) the applicant's safety or (~~his or her~~) the applicant's children's safety, or the safety of the minor or incapacitated person on whose behalf the application is made(;) (B) that the applicant, as an election official as described in RCW 9A.90.120, is a target for threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or (iv); or (C) that the applicant, as a criminal justice participant as defined in RCW 9A.46.020, is a target for threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or (iv), or that the applicant, as a criminal justice participant as defined in RCW 9A.90.120 is a target for threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or (iv);

(ii) If applicable, a sworn statement, under penalty of perjury, by the applicant, that the applicant has reason to believe they are a victim of (A) domestic violence, sexual assault, or stalking perpetrated by an employee of a law enforcement agency, or(;) (B) threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or (iv) or 9A.46.020(2)(b) (iii) or (iv);

(iii) A designation of the secretary of state as agent for purposes of service of process and for the purpose of receipt of mail;

(iv) The residential address and any telephone number where the applicant can be contacted by the secretary of state, which shall not be disclosed because disclosure will increase the risk of (A) domestic violence, sexual assault, trafficking, or stalking, or (B) threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or (iv) or 9A.46.020(2)(b) (iii) or (iv);

(v) The signature of the applicant and of any individual or representative of any office designated in writing under RCW 40.24.080 who assisted in the preparation of the application, and the date on which the applicant signed the application.

(2) Applications shall be filed with the office of the secretary of state.

(3) Upon filing a properly completed application, the secretary of state shall certify the applicant as a program participant. Applicants shall be certified for four years following the date of filing unless the certification is withdrawn or invalidated before that date. The secretary of state shall by rule establish a renewal procedure.

(4)(a) During the application process, the secretary of state shall provide each applicant a form to direct the department of licensing to change the address of registration for vehicles or vessels solely or jointly registered to the applicant and the address associated with the applicant's driver's license or identicaid to the applicant's address as designated by the secretary of state upon certification in the program. The directive to the department of licensing is only valid if signed by the applicant. The directive may only include information required by the department of licensing to verify the applicant's identity and ownership information for vehicles and vessels. This information is limited to the:

(i) Applicant's full legal name;
(ii) Applicant's Washington driver's license or identicaid number;
(iii) Applicant's date of birth;
(iv) Vehicle identification number and license plate number for each vehicle solely or jointly registered to the applicant; and
(v) Hull identification number or vessel document number and vessel decal number for each vessel solely or jointly registered to the applicant.

(b) Upon certification of the applicants, the secretary of state shall transmit completed and signed directives to the department of licensing.

(c) Within 30 days of receiving a completed and signed directive, the department of licensing shall update the applicant's address on registration and licensing records.

(d) Applicants are not required to sign the directive to the department of licensing to be certified as a program participant.

(5) A person who knowingly provides false or incorrect information upon making an application or falsely attests in an application that disclosure of the applicant's address would endanger (a) the applicant's safety or the safety of the applicant's children or the minor or incapacitated person on whose behalf the application is made, (b) the safety of any election official as described in RCW 9A.90.120 who is a target for threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or (iv), or (c) the safety of any criminal justice participant as defined in RCW 9A.46.020 who is a target for threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or (iv) or of any criminal justice participant as defined in RCW 9A.90.120 who is a target for threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or (iv), or any family members residing with him or her, shall be punished under RCW 40.16.030 or other applicable statutes.

Sec. 502. RCW 42.17A.710 and 2019 c 428 s 36 are each amended to read as follows:

(1) The statement of financial affairs required by RCW 42.17A.700 shall disclose the following information for the reporting individual and each member of the reporting individual's immediate family:

(a) Occupation, name of employer, and business address;

(b) Each bank account, savings account, and insurance policy in which a direct financial interest was held that exceeds twenty thousand dollars at any time during the reporting period; each other item of intangible personal property in which a direct financial interest was held that exceeds two thousand dollars during the reporting period; the name, address, and nature of the entity; and the nature and highest value of each direct financial interest during the reporting period;

(c) The name and address of each creditor to whom the value of two thousand dollars or more was owed; the original amount of each debt to each creditor; the amount of each debt owed to each creditor as of the date of filing; the terms of repayment of each debt; and the security given, if any, for each such debt. Debts arising from a "retail installment transaction" as defined in chapter 63.14 RCW (retail installment sales act) need not be reported;

(d) Every public or private office, directorship, and position held as trustee; except that an elected official or executive state officer need not report the elected official's or executive state officer's service on a governmental board,

commission, association, or functional equivalent, when such service is part of the elected official's or executive state officer's official duties;

(e) All persons for whom any legislation, rule, rate, or standard has been prepared, promoted, or opposed for current or deferred compensation. For the purposes of this subsection, "compensation" does not include payments made to the person reporting by the governmental entity for which the person serves as an elected official or state executive officer or professional staff member for the person's service in office; the description of such actual or proposed legislation, rules, rates, or standards; and the amount of current or deferred compensation paid or promised to be paid;

(f) The name and address of each governmental entity, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from whom compensation has been received in any form of a total value of two thousand dollars or more; the value of the compensation; and the consideration given or performed in exchange for the compensation;

(g) The name of any corporation, partnership, joint venture, association, union, or other entity in which is held any office, directorship, or any general partnership interest, or an ownership interest of ten percent or more; the name or title of that office, directorship, or partnership; the nature of ownership interest; and: (i) With respect to a governmental unit in which the official seeks or holds any office or position, if the entity has received compensation in any form during the preceding twelve months from the governmental unit, the value of the compensation and the consideration given or performed in exchange for the compensation; and (ii) the name of each governmental unit, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from which the entity has received compensation in any form in the amount of ten thousand dollars or more during the preceding twelve months and the consideration given or performed in exchange for the compensation. As used in (g)(ii) of this subsection, "compensation" does not include payment for water and other utility services at rates approved by the Washington state utilities and transportation commission or the legislative authority of the public entity providing the service. With respect to any bank or commercial lending institution in which is held any office, directorship, partnership interest, or ownership interest, it shall only be necessary to report either the name, address, and occupation of every director and officer of the bank or commercial lending institution and the average monthly balance of each account held during the preceding twelve months by the bank or commercial lending institution from the governmental entity for which the individual is an official or candidate or professional staff member, or all interest paid by a borrower on loans from and all interest paid to a depositor by the bank or commercial lending institution if the interest exceeds two thousand four hundred dollars;

(h) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds ten thousand dollars in which any direct financial interest was acquired during the preceding calendar year, and a statement of the amount and nature of the financial interest and of the consideration given in exchange for that interest;

(i) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds ten thousand dollars in which any direct financial interest was divested during the preceding calendar year, and a statement of the amount and nature of the consideration received in exchange for that interest, and the name and address of the person furnishing the consideration;

(j) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds ten thousand dollars in which a direct financial interest was held. If a description of the property has been included in a report previously filed, the property may be listed, for purposes of this subsection (1)(j), by reference to the previously filed report;

(k) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds twenty thousand dollars, in which a corporation, partnership, firm, enterprise, or other entity had a direct financial interest, in which corporation, partnership, firm, or enterprise a ten percent or greater ownership interest was held;

(l) A list of each occasion, specifying date, donor, and amount, at which food and beverage in excess of fifty dollars was accepted under RCW 42.52.150(5);

(m) A list of each occasion, specifying date, donor, and amount, at which items specified in RCW 42.52.010(9) (d) and (f) were accepted; and

(n) Such other information as the commission may deem necessary in order to properly carry out the purposes and policies of this chapter, as the commission shall prescribe by rule.

(2)(a) When judges, prosecutors, sheriffs, participants in the address confidentiality program under RCW 40.24.030, or their immediate family members are required to disclose real property that is the personal residence of the judge, prosecutor, (~~or~~) sheriff, or address confidentiality program participant, the requirements of subsection (1)(h) through (k) of this section may be satisfied for that property by substituting:

(i) The city or town;

(ii) The type of residence, such as a single-family or multifamily residence, and the nature of ownership; and

(iii) Such other identifying information the commission prescribes by rule for the mailing address where the property is located.

(b) Nothing in this subsection relieves the judge, prosecutor, or sheriff of any other applicable obligations to disclose potential conflicts or to recuse oneself.

(3)(a) Where an amount is required to be reported under subsection (1)(a) through (m) of this section, it may be reported within a range as provided in (b) of this subsection.

(b)

Code A	Less than thirty thousand dollars;
Code B	At least thirty thousand dollars, but less than sixty thousand dollars;

Code C	At least sixty thousand dollars, but less than one hundred thousand dollars;
Code D	At least one hundred thousand dollars, but less than two hundred thousand dollars;
Code E	At least two hundred thousand dollars, but less than five hundred thousand dollars;
Code F	At least five hundred thousand dollars, but less than seven hundred and fifty thousand dollars;
Code G	At least seven hundred fifty thousand dollars, but less than one million dollars; or
Code H	One million dollars or more.

(c) An amount of stock may be reported by number of shares instead of by market value. No provision of this subsection may be interpreted to prevent any person from filing more information or more detailed information than required.

(4) Items of value given to an official's or employee's spouse, domestic partner, or family member are attributable to the official or employee, except the item is not attributable if an independent business, family, or social relationship exists between the donor and the spouse, domestic partner, or family member.

Sec. 503. RCW 9.41.800 and 2022 c 268 s 29 are each amended to read as follows:

(1) Any court when entering an order authorized under chapter 7.105 RCW, RCW 9A.40.102, 9A.44.210, 9A.46.080, 9A.88.160, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.26B.020, ((or)) 26.26A.470, or 46.61.5055 shall, upon a showing by a preponderance of the evidence, that a party has: Used, displayed, or threatened to use a firearm or other dangerous weapon in a felony, or is ineligible to possess a firearm under the provisions of RCW 9.41.040:

(a) Require that the party immediately surrender all firearms and other dangerous weapons;

(b) Require that the party immediately surrender any concealed pistol license issued under RCW 9.41.070;

(c) Prohibit the party from accessing, having ~~((in his or her))~~ custody or control, possessing, purchasing, receiving, or attempting to purchase or receive, any firearms or other dangerous weapons;

(d) Prohibit the party from obtaining or possessing a concealed pistol license;

(e) Other than for ex parte temporary protection orders, unless the ex parte temporary protection order was reissued after the party received noticed and had an opportunity to be heard, direct law enforcement to revoke any concealed pistol license issued to the party.

(2) During any period of time that the party is subject to a court order issued under chapter 7.105, 9A.46, 10.99, 26.09, 26.26A, or 26.26B RCW that:

(a) Was issued after a hearing of which the party received actual notice, and at which the party had an opportunity to participate, whether the court then issues a full order or reissues a temporary order. If the court enters an agreed

order by the parties without a hearing, such an order meets the requirements of this subsection;

(b) Restrains the party from harassing, stalking, or threatening an intimate partner of the party, the protected person, or child of the intimate partner, party, or protected person, or engaging in other conduct that would place an intimate partner or protected person in reasonable fear of bodily injury to the intimate partner, protected person, or child; and

(c)(i) Includes a finding that the party represents a credible threat to the physical safety of the intimate partner, protected person, or child; or

(ii) By its terms, explicitly prohibits the use, attempted use, or threatened use of physical force against the intimate partner, protected person, or child that would reasonably be expected to cause bodily injury, the court shall:

(A) Require that the party immediately surrender all firearms and other dangerous weapons;

(B) Require that the party immediately surrender a concealed pistol license issued under RCW 9.41.070;

(C) Prohibit the party from accessing, having (~~in his or her~~) custody or control, possessing, purchasing, receiving, or attempting to purchase or receive, any firearms or other dangerous weapons; and

(D) Prohibit the party from obtaining or possessing a concealed pistol license.

(3) The court may order temporary surrender and prohibit the purchase of all firearms and other dangerous weapons, and any concealed pistol license, without notice to the other party if it finds, on the basis of the moving affidavit or other evidence, that irreparable injury could result if an order is not issued until the time for response has elapsed.

(4) In addition to the provisions of subsections (1) and (3) of this section, the court may enter an order requiring a party to comply with the provisions in subsection (1) of this section if it finds that the possession of a firearm or other dangerous weapon by any party presents a serious and imminent threat to public health or safety, or to the health or safety of any individual.

(5) The requirements of subsections (1) and (4) of this section may be for a period of time less than the duration of the order.

(6) The court shall require the party to surrender all firearms and other dangerous weapons in (~~his or her immediate~~) the party's custody, control, or possession (~~or control~~), or subject to (~~his or her~~) the party's immediate possession or control, and any concealed pistol license issued under RCW 9.41.070, to the local law enforcement agency. (~~Law enforcement officers shall use law enforcement databases to assist in locating the party in situations where the protected person does not know where the party lives or where there is evidence that the party is trying to evade service.~~)

(7) If the court enters a protection order, restraining order, or no-contact order that includes an order to surrender firearms, dangerous weapons, and any concealed pistol license under this section:

(a) The order must be served by a law enforcement officer; (~~and~~)

(b) Law enforcement must immediately ensure entry of the order to surrender and prohibit weapons and the revocation of any concealed pistol license is made into the appropriate databases making the party ineligible to possess firearms and a concealed pistol license; and

(c) Law enforcement officers shall use law enforcement databases to assist in locating the party in situations where the protected person does not know where the party lives or where there is evidence that the party is trying to evade service.

Part VI. Statewide Resources

NEW SECTION. Sec. 601. A new section is added to chapter 43.330 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department shall administer a pilot program to implement domestic violence high risk teams. A domestic violence high risk team must, at a minimum, include the following four elements:

(a) Early identification of the most dangerous cases through evidence-based lethality assessments;

(b) Increased access to supportive services for high-risk victims;

(c) Increased perpetrator monitoring and accountability; and

(d) A coordinated response to high-risk cases through a multidisciplinary team.

(2) A domestic violence program must be the lead or co-lead of the domestic violence high risk teams.

NEW SECTION. Sec. 602. A new section is added to chapter 28B.20 RCW to read as follows:

(1) Subject to funds appropriated for this specific purpose, the University of Washington shall develop a plan to establish a center of excellence in research, policy, and practice to reduce domestic violence.

(2) The plan must be developed with relevant disciplines across the schools of the University of Washington. The school of public health shall lead the development of the plan. The development of the plan must include, but not be limited to, the schools of social work, law, medicine, and nursing, and the Alene Moris women's center.

(3) The University of Washington must develop a report summarizing the plan, which must evaluate, but not be limited to, the following topics:

(a) Conducting scientifically rigorous intimate partner violence research that informs policy and practice in Washington;

(b) Disseminating existing research findings and best practices in order to proliferate evidence-based intimate partner violence policy and practice;

(c) Promoting effective strategies to reduce the incidence of domestic violence and domestic violence homicide; and

(d) Engaging in strategic planning efforts with relevant stakeholders to develop policy recommendations to improve the state's response to domestic violence.

(4) In developing the plan, the University of Washington shall establish an external stakeholder group that shall ensure that all work conducted by the center is informed by survivors of domestic violence, including Black, indigenous, and survivors of color, and LGBTQ survivors, to ensure that research interventions are holistic, trauma-informed, and antiracist and policy recommendations are appropriate and effective for Washington's diverse communities. The University of Washington shall include, but not be limited to, survivors of intimate partner violence, including low-income communities,

immigrants, refugee communities, people with religious diversity, people with physical disabilities, children and other family members of survivors, representatives from systems that interact with survivors and perpetrators, and representatives from communities disproportionately impacted by intimate partner violence in order to guide development of the plan's overarching goals and strategic vision. The University of Washington shall provide stipends to stakeholder participants to the extent necessary to maximize participation.

(5) The University of Washington shall provide a report to the relevant committees of the legislature with its findings and recommendations as soon as practicable, but no later than January 15, 2024.

(6) Subject to funds appropriated for this specific purpose, the University of Washington shall begin implementation of the plan by July 1, 2024.

Part VII. Law Enforcement

NEW SECTION. Sec. 701. A new section is added to chapter 43.101 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the commission must provide ongoing specialized, intensive, and integrative training for persons responsible for investigating domestic violence cases involving intimate partners. The training must be based on a victim-centered, trauma-informed approach to responding to domestic violence. Among other subjects, the training must include content on the neurobiology of trauma and trauma-informed interviewing, counseling, and investigative techniques.

(2) The training must: Be based on research-based practices and standards; offer participants an opportunity to practice interview skills and receive feedback from instructors; minimize the trauma of all persons who are interviewed during investigations; provide methods of reducing the number of investigative interviews necessary whenever possible; assure, to the extent possible, that investigative interviews are thorough, objective, and complete; recognize needs of special populations; recognize the nature and consequences of domestic violence victimization; require investigative interviews to be conducted in a manner most likely to permit the interviewed persons the maximum emotional comfort under the circumstances; address record retention and retrieval; address documentation of investigative interviews; and educate investigators on the best practices for notifying victims of significant events in the investigative process.

(3) In developing the training, the commission must seek advice from the Washington association of sheriffs and police chiefs, organizations representing victims of domestic violence, survivors of domestic violence, and experts on domestic violence and the neurobiology of trauma. The commission must consult with the Washington association of prosecuting attorneys in an effort to design training containing consistent elements for all professionals engaged in interviewing and interacting with domestic violence victims in the criminal legal system.

(4) The commission must develop the training and begin offering it by January 1, 2025. Officers assigned to regularly investigate domestic violence must complete the training within one year of being assigned or by July 1, 2027, whichever is later.

Sec. 702. RCW 10.31.100 and 2021 c 215 s 118 are each amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of an officer, except as provided in subsections (1) through (11) of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis, or involving the acquisition, possession, or consumption of alcohol by a person under the age of twenty-one years under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070 or 9A.52.080, shall have the authority to arrest the person.

(2) A police officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) A domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order has been issued, of which the person has knowledge, under chapter 7.105 RCW, or an order has been issued, of which the person has knowledge, under RCW 26.44.063, or chapter 9A.40, 9A.46, 9A.88, 10.99, 26.09, ~~((26.10,))~~ 26.26A, 26.26B, or 74.34 RCW, or any of the former chapters 7.90, 7.92, and 26.50 RCW, restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence, or restraining the person from going onto the grounds of, or entering, a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle, or requiring the person to submit to electronic monitoring, or, in the case of an order issued under RCW 26.44.063, imposing any other restrictions or conditions upon the person;

(b) An extreme risk protection order has been issued against the person under chapter 7.105 RCW or former RCW 7.94.040, the person has knowledge of the order, and the person has violated the terms of the order prohibiting the person from having in ~~((his or her))~~ the person's custody or control, purchasing, possessing, accessing, or receiving a firearm or concealed pistol license;

(c) A foreign protection order, as defined in RCW 26.52.010, or a Canadian domestic violence protection order, as defined in RCW 26.55.010, has been issued of which the person under restraint has knowledge and the person under restraint has violated a provision of the foreign protection order or the Canadian domestic violence protection order prohibiting the person under restraint from contacting or communicating with another person, or excluding the person under restraint from a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle, or a violation of any provision for which the foreign protection order or the Canadian domestic violence protection order specifically indicates that a violation will be a crime; or

(d) The person is eighteen years or older and within the preceding four hours has assaulted a family or household member or intimate partner as defined in RCW 10.99.020 and the officer believes: (i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition. When the officer has probable cause to believe that family or household members or intimate partners have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary ((physical)) aggressor. In making this determination, the officer shall make every reasonable effort to consider: (A) The intent to protect victims of domestic violence under RCW 10.99.010; (B) the comparative extent of injuries inflicted or serious threats creating fear of physical injury; and (C) the history of domestic violence of each person involved, including whether the conduct was part of an ongoing pattern of abuse.

(3) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:

(a) RCW 46.52.010, relating to duty on striking an unattended car or other property;

(b) RCW 46.52.020, relating to duty in case of injury to, or death of, a person or damage to an attended vehicle;

(c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;

(d) RCW 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs;

(e) RCW 46.61.503 or 46.25.110, relating to persons having alcohol or THC in their system;

(f) RCW 46.20.342, relating to driving a motor vehicle while operator's license is suspended or revoked;

(g) RCW 46.61.5249, relating to operating a motor vehicle in a negligent manner.

(4) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed, in connection with the accident, a violation of any traffic law or regulation.

(5)(a) A law enforcement officer investigating at the scene of a motor vessel accident may arrest the operator of a motor vessel involved in the accident if the officer has probable cause to believe that the operator has committed, in connection with the accident, a criminal violation of chapter 79A.60 RCW.

(b) A law enforcement officer investigating at the scene of a motor vessel accident may issue a citation for an infraction to the operator of a motor vessel involved in the accident if the officer has probable cause to believe that the operator has committed, in connection with the accident, a violation of any boating safety law of chapter 79A.60 RCW.

(6) Any police officer having probable cause to believe that a person has committed or is committing a violation of RCW 79A.60.040 shall have the authority to arrest the person.

(7) An officer may act upon the request of a law enforcement officer, in whose presence a traffic infraction was committed, to stop, detain, arrest, or issue a notice of traffic infraction to the driver who is believed to have committed the infraction. The request by the witnessing officer shall give an officer the authority to take appropriate action under the laws of the state of Washington.

(8) Any police officer having probable cause to believe that a person has committed or is committing any act of indecent exposure, as defined in RCW 9A.88.010, may arrest the person.

(9) A police officer may arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that an antiharassment protection order has been issued of which the person has knowledge under chapter 7.105 RCW or former chapter 10.14 RCW and the person has violated the terms of that order.

(10) Any police officer having probable cause to believe that a person has, within twenty-four hours of the alleged violation, committed a violation of RCW 9A.50.020 may arrest such person.

(11) A police officer having probable cause to believe that a person illegally possesses or illegally has possessed a firearm or other dangerous weapon on private or public elementary or secondary school premises shall have the authority to arrest the person.

For purposes of this subsection, the term "firearm" has the meaning defined in RCW 9.41.010 and the term "dangerous weapon" has the meaning defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

(12) A law enforcement officer having probable cause to believe that a person has committed a violation under RCW 77.15.160(5) may issue a citation for an infraction to the person in connection with the violation.

(13) A law enforcement officer having probable cause to believe that a person has committed a criminal violation under RCW 77.15.809 or 77.15.811 may arrest the person in connection with the violation.

(14) Except as specifically provided in subsections (2), (3), (4), and (7) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.

(15) No police officer may be held criminally or civilly liable for making an arrest pursuant to subsection (2) or (9) of this section if the police officer acts in good faith and without malice.

(16)(a) Except as provided in (b) of this subsection, a police officer shall arrest and keep in custody, until release by a judicial officer on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that the person has violated RCW 46.61.502 or 46.61.504 or an equivalent local ordinance and the police officer: (i) Has knowledge that the person has a prior offense as defined in RCW 46.61.5055 within ten years; or (ii) has knowledge, based on a review of the information available to the officer at the time of arrest, that the person is charged with or is awaiting arraignment for an offense that would qualify as a prior offense as defined in RCW 46.61.5055 if it were a conviction.

(b) A police officer is not required to keep in custody a person under (a) of this subsection if the person requires immediate medical attention and is admitted to a hospital.

Part VIII. Miscellaneous

NEW SECTION. Sec. 801. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 802. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void.

Passed by the House April 22, 2023.

Passed by the Senate April 22, 2023.

Approved by the Governor May 15, 2023.

Filed in Office of Secretary of State May 16, 2023.

CHAPTER 463

[Engrossed Substitute House Bill 1791]

COMMERCIAL AVIATION WORK GROUP

AN ACT Relating to studying the need for increased commercial aviation services; amending 2022 c 186 s 213 (uncodified); adding a new chapter to Title 14 RCW; repealing 2021 c 333 ss 718 and 719 and 2022 c 186 s 707 (uncodified); and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. (1) The legislature finds:

(a) The state's transportation needs are growing and it is imperative that the state plan comprehensively to meet the needs of its citizens, particularly in the fastest growing regions of the state;

(b) That planning for the future of aviation must take a comprehensive coordinated look at the transportation system as a whole;

(c) The pandemic interfered with the ability of the commercial aviation coordinating commission to perform a thorough and complete study of the possibility of a new commercial airport;

(d) The creation of a new primary commercial aviation facility has the potential for environmental, health, social, and economic impacts on the surrounding communities, and the legislature recognizes any preferred location will require substantial environmental, land use, governance, and funding decisions from federal, state, and local governments;

(e) There is expected growth in commercial aviation, general aviation, and air cargo operations; the Puget Sound regional council May 2021 regional aviation baseline study final report estimates that by 2050 capacity restrictions in the central Puget Sound will create a gap between the demand for aviation activities and the capacity for those activities; and

(f) The exploration of alternatives to Seattle-Tacoma international airport is critical to address this anticipated demand through a variety of transportation strategies that may include the creation or expansion of other airports.

(2) The legislature, therefore, intends to replace the commercial aviation coordinating commission with the commercial aviation work group and direct the work group to provide a comprehensive investigation of airport capacity in

the state and the best way to address aviation needs in the context of overall state transportation needs in the next 20 years using independent verifiable data.

NEW SECTION. Sec. 2. (1) The state commercial aviation work group is created to carry out the functions of section 3 of this act. The work group shall consist of 19 voting members.

(2) The governor shall appoint 19 voting members to represent the following interests:

(a) Four as representatives of commercial service airports and ports, one of whom shall represent a port located in a county with a population of 2,000,000 or more, one of whom shall represent a port in eastern Washington with an airport runway of at least 13,500 feet in length, one of whom shall represent a commercial service airport in eastern Washington located in a county with a population of 400,000 or more, and one representing an association of ports;

(b) Two as representatives from the airline industry or businesses dependent upon air service;

(c) One representative from a statewide business association;

(d) Seven citizen representatives with at least two appointed from eastern Washington and at least two appointed from western Washington. The citizen appointees must:

(i) Represent the public interests in the communities that are included in the work group's site research; and

(ii) Understand the impacts of a large commercial aviation facility on a community;

(e) A representative from the freight forwarding industry;

(f) A representative from the trucking industry;

(g) A representative from a community organization that understands the impacts of a large commercial aviation facility on a community; and

(h) Two representatives from statewide environmental organizations.

(3) The work group shall invite the following nonvoting members:

(a) A representative from the Washington state aviation alliance;

(b) Two members from the senate, with one member from each of the two largest caucuses in the senate, appointed by legislative leadership;

(c) Two members from the house of representatives, with one member from each of the two largest caucuses in the house of representatives, appointed by legislative leadership;

(d) A representative from the department of commerce;

(e) A representative from the division of aeronautics of the department of transportation;

(f) A representative from an eastern Washington metropolitan planning organization;

(g) A representative from a western Washington metropolitan planning organization;

(h) A representative from an eastern Washington regional airport; and

(i) A representative from a western Washington regional airport.

(4) The work group shall select a chair from among its voting membership and shall adopt rules related to its powers and duties under section 3 of this act.

(5) Legislative members of the work group are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are

participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW. The work group has all powers necessary to carry out its duties as prescribed by section 3 of this act.

(6) The department of transportation shall provide staff support for coordinating and administering the work group and technical assistance as requested by work group members.

(7) At the direction of the work group, and as resources allow, the department of transportation is authorized to hire consultants to assist with the review and research efforts of the work group.

****NEW SECTION. Sec. 3. (1) The state commercial aviation work group shall comprehensively evaluate the long-range commercial aviation needs of Washington within the broader context of state transportation needs and the specific needs of western Washington. The work group shall review existing data and conduct research to determine Washington's long-range commercial aviation facility needs while considering alternatives to additional airport capacity.***

(2)(a) Except as provided in subsection (3) of this section, the work group shall investigate the expansion of existing aviation facilities and possible siting locations for a new greenfield aviation facilities, with the expected outcome to be a report that compares the strengths and weaknesses of each site considered. In this investigation, the work group shall consider both new sites and those previously identified in previous aviation planning documents. The work group must consider all impacts that, whether by the expansion of a current facility or the location of a new greenfield site, the creation of a new primary commercial aviation facility may have, including impacts on:

(i) Community members and quality of life;

(ii) The environment, including the impacts of a facility on water quality and the ability of the state to meet the greenhouse gas emissions limits established in RCW 70A.45.020;

(iii) County master plans and other local planning and zoning, including development regulations and comprehensive plans adopted under chapter 36.70A RCW; and

(iv) Current airspace operations.

(b) The work group shall:

(i) Perform outreach to and make efforts to collaborate with:

(A) Applicable federal agencies including the federal aviation administration, the United States environmental protection agency, the United States department of defense, and the United States department of energy;

(B) Indian tribes, as defined in RCW 43.376.010, though outreach and collaboration by the work group under this subsection does not constitute or substitute for formal government-to-government consultation under the 1989 State-Tribal Relations/Centennial Accord and chapter 43.376 RCW;

(C) The environmental community;

(D) Local communities;

(E) Economic development agencies;

(ii) Identify potential site infrastructure shortfalls and make recommendations as to how they could be most suitably addressed, including the feasibility of the specific transportation infrastructure required to move

people to the potential site. This process includes the delivery of an adequate supply of aircraft fuel and supporting infrastructure along with facilities needed to transition to the use of sustainable aviation fuels;

(iii) Consider the cost of construction of a facility and supporting infrastructure;

(iv) In cooperation with the federal aviation administration, analyze:

(A) Airspace requirements and airspace restrictions of potential sites;

(B) Any possible terrain and man-made obstacles that could possibly create a hazard to aircraft;

(C) Local weather patterns and microclimates to determine if they will create issues for the operation of large aircraft; and

(v) Carry out other duties as assigned by the legislature.

(3) The work group shall not consider:

(a) Expansion opportunities for a port or county run airport located in a county with a population of 2,000,000 or more; or

(b) The expansion of an existing airport or the siting of a new airport that would be incompatible with the operations of a military installation.

(4) In addition, the work group shall provide information to the transportation committees of the legislature on the future of aviation growth in the state, including potential commercial aviation, general aviation, and air cargo demands, with consideration of new technologies, alternative transportation modes, and the airport of the future.

(5) Nothing in this section shall be construed to endorse, limit, or otherwise alter existing or future plans for capital development and capacity enhancement at existing commercial airports in Washington.

*Sec. 3 was vetoed. See message at end of chapter.

NEW SECTION. Sec. 4. The state commercial aviation work group shall submit a progress report to the governor and the transportation committees of the legislature by July 1, 2024, and annually thereafter. The first report of the work group shall include a list of areas that will not have further review as the areas are in conflict with the operations of a military installation.

*Sec. 5. 2022 c 186 s 213 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—AVIATION—PROGRAM F

<i>Aeronautics Account—State Appropriation</i>	<i>\$8,127,000</i>
<i>Aeronautics Account—Federal Appropriation</i>	<i>\$3,916,000</i>
<i>Aeronautics Account—Private/Local Appropriation</i>	<i>\$60,000</i>
<i>Multimodal Transportation Account—State Appropriation</i>	<i>\$150,000</i>
TOTAL APPROPRIATION	\$12,253,000

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

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

(2) \$257,000 of the aeronautics account—state appropriation is provided solely for supporting the commercial aviation (~~(coordinating commission)~~)

work group, pursuant to section (~~(718, chapter 333, Laws of 2021)~~) 3 of this act.

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

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

(b) Community engagement efforts (~~(may)~~) shall include:

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

(ii) Obtaining input from a representative cross section of the public on the construction of a new airport and the expansion of existing airports to meet future aviation demand;

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

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

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

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

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

*Sec. 5 was vetoed. See message at end of chapter.

NEW SECTION. Sec. 6. Sections 1 through 4 of this act constitute a new chapter in Title 14 RCW.

*NEW SECTION. Sec. 7. The following acts or parts of acts are each repealed:

(1) 2021 c 333 s 718 (uncodified);

(2) 2021 c 333 s 719 (uncodified); and

(3) 2022 c 186 s 707 (uncodified).

*Sec. 7 was vetoed. See message at end of chapter.

*NEW SECTION. Sec. 8. 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.

**Sec. 8 was vetoed. See message at end of chapter.*

Passed by the House April 18, 2023.

Passed by the Senate April 12, 2023.

Approved by the Governor May 15, 2023, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State May 16, 2023.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Sections 3, 5, 7 and 8, Engrossed Substitute House Bill No. 1791 entitled:

"AN ACT Relating to studying the need for increased commercial aviation services."

Engrossed Substitute House Bill 1791 bill creates a new State Commercial Aviation Work Group and directs them to study the need for additional airport capacity in Washington, including siting a new airport. Section 3 directs the Work Group to simultaneously consider expanding capacity at existing airports and siting a new airport. However, it is important for the state to first fully consider increasing capacity at existing airports throughout the state, excluding SeaTac, before it considers siting a new airport.

Section 5 amends the 2022 supplemental transportation budget and redirects funds that have already been spent.

Section 7 repeals three uncodified sections from the 2021 - 2023 budgets that would reinstate an expiration date for the current workgroup of July 1, 2022. Since the current workgroup has been conducting the activities authorized by law subsequent to that date, the authority to carry out those activities cannot be retroactively removed.

Section 8 is an emergency clause. The current Commercial Aviation Coordinating Commission will expire June 30, 2023. The existing Commission is required to report a single site to the legislature by June 15 and that report should reflect the findings of the Commission that they do not have a single site recommendation at this time. Therefore, an emergency clause is not needed.

For these reasons I have vetoed Sections 3, 5, 7 and 8 of Engrossed Substitute House Bill No. 1791.

With the exception of Sections 3, 5, 7 and 8, Engrossed Substitute House Bill No. 1791 is approved."

CHAPTER 464

[Engrossed House Bill 1797]

REAL ESTATE APPRAISERS—VARIOUS PROVISIONS

AN ACT Relating to real estate appraisers; amending RCW 18.140.030; adding new sections to chapter 18.140 RCW; and providing a contingent effective date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. A new section is added to chapter 18.140 RCW to read as follows:

(1) A state-licensed appraiser or state-certified appraiser may perform evaluations for financial institutions. An appraiser performing evaluations is not engaged in real estate appraisal activity, requiring compliance with the uniform standards of professional appraisal practice, when the appraiser includes a disclaimer as described in subsection (3) of this section.

(2) A state-licensed appraiser or state-certified appraiser engaged to perform an evaluation is still engaged in real estate appraisal activity and remains under the regulatory authority of the state of Washington.

(3) When completing an evaluation, the appraiser must include a disclaimer that: (a) Is located immediately above the appraiser's signature; and (b) includes the following language in at least 10-point boldface type: "I am a state-licensed appraiser or a state-certified appraiser. This evaluation was not prepared in my capacity as a real estate appraiser and might not comply with the uniform standards of professional appraisal practice."

(4) As used in this section, "evaluation" means an estimate of the market value of real property or real estate provided to a financial institution in conformance with the interagency appraisal and evaluation guidelines adopted jointly by the federal financial institution's regulatory agencies for use in real estate-related financial transactions that do not require an appraisal. Nothing in this subsection may be construed to excuse a financial institution or affiliate from complying with the provisions of Title XI of the federal financial institutions reform, recovery, and enforcement act of 1989 (12 U.S.C. Sec. 3310 et seq.).

Sec. 2. RCW 18.140.030 and 2005 c 339 s 4 are each amended to read as follows:

The director shall have the following powers and duties:

(1) To adopt rules in accordance with chapter 34.05 RCW necessary to implement this chapter and chapter 18.235 RCW, with the advice and approval of the commission;

(2) To receive and approve or deny applications for certification or licensure as a state-certified or state-licensed real estate appraiser and for registration as a state-registered appraiser trainee under this chapter; to establish appropriate administrative procedures for the processing of such applications; to issue certificates, licenses, or registrations to qualified applicants pursuant to the provisions of this chapter; and to maintain a roster of the names and addresses of individuals who are currently certified, licensed, or registered under this chapter;

(3) To provide administrative assistance to the members of and to keep records for the real estate appraiser commission;

(4) To solicit bids and enter into contracts with educational testing services or organizations for the preparation of questions and answers for certification or licensure examinations;

(5) To administer or contract for administration of certification or licensure examinations at locations and times as may be required to carry out the responsibilities under this chapter;

(6) To enter into contracts for professional services determined to be necessary for adequate enforcement of this chapter;

(7) To consider recommendations by the real estate appraiser commission relating to the experience, education, and examination requirements for each classification of state-certified appraiser and for licensure;

(8) To consider recommendations by the real estate appraiser commission relating to the educational requirements for the state-registered appraiser trainee classification;

(9) To consider recommendations by the real estate appraiser commission relating to the maximum number of state-registered appraiser trainees that each supervisory appraiser will be permitted to supervise;

(10) To consider recommendations by the real estate appraiser commission relating to continuing education requirements as a prerequisite to renewal of certification or licensure;

(11) To consider recommendations by the real estate appraiser commission relating to standards of professional appraisal conduct or practice in the enforcement of this chapter;

(12) To employ such professional, clerical, and technical assistance as may be necessary to properly administer the work of the director;

(13) To establish forms necessary to administer this chapter;

(14) To establish an expert review appraiser roster comprised of state-certified or licensed real estate appraisers whose purpose is to assist the director by applying their individual expertise by reviewing real estate appraisals for compliance with this chapter. Qualifications to act as an expert review appraiser shall be established by the director with the advice of the commission. An application to serve as an expert review appraiser shall be submitted to the real estate appraiser program, and the roster of accepted expert review appraisers shall be maintained by the department. An expert review appraiser may be added to or deleted from that roster by the director. The expert review appraiser shall be reimbursed for expenses in the same manner as the department reimburses the commission; and

(15) To do all other things necessary to carry out the provisions of this chapter and minimally meet the requirements of federal guidelines regarding state certification or licensure of appraisers and registration of state-registered appraiser trainees that the director determines are appropriate for state-certified and state-licensed appraisers and state-registered appraiser trainees in this state, except as provided for in section 1 of this act.

NEW SECTION. Sec. 3. A new section is added to chapter 18.140 RCW to read as follows:

The department shall adopt administrative rule amendments to chapter 308-125 WAC that require:

(1) Appraisers and appraiser trainees to adhere to the nondiscrimination and fair housing provisions as provided in the ethics rule in accordance with the appraisal standards board and the uniform standards of professional appraisal practice;

(2) Appraiser and appraiser trainees to adhere to all education criteria in accordance with the appraiser qualifications board as provided in the real property appraiser qualifications criteria.

NEW SECTION. Sec. 4. (1) This act takes effect upon the adoption of the administrative rules required in section 3 of this act.

(2) The department must provide notice of the effective date of this section to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the department.

Passed by the House April 13, 2023.

Passed by the Senate April 5, 2023.

Approved by the Governor May 15, 2023.

Filed in Office of Secretary of State May 16, 2023.

CHAPTER 465

[Senate Bill 5104]

PUGET SOUND MARINE SHORELINE SURVEYS

AN ACT Relating to surveying Puget Sound marine shoreline habitat; adding new sections to chapter 43.21A RCW; adding a new section to chapter 43.300 RCW; and creating new sections.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The legislature finds that marine nearshore habitat in Puget Sound is important for the recovery of threatened and endangered species of salmon, orcas, and marine birds. Critical nearshore components include forage fish spawning habitat, submerged aquatic vegetation, benthic substrate, adjacent upland vegetation, and the geomorphic processes that support a healthy ecosystem and food web. Establishing and regularly updating a publicly available baseline survey and map of general shoreline conditions, including the presence, location, and condition of nearshore development, is a critical tool for regulatory planning and restoration and mitigation opportunity identification by state agencies, local jurisdictions, tribal governments, and nongovernmental organizations.

NEW SECTION. Sec. 2. A new section is added to chapter 43.21A RCW to read as follows:

(1) The department must conduct and maintain a baseline survey of Puget Sound marine shorelines that utilizes new technology to capture georeferenced oblique aerial and 360 degree on-the-water imagery. Nothing in this section creates a requirement for the department to perform change analysis. However, the software used must have the capacity for change analysis review. These identified technologies are intended to be a minimum requirement and the department may utilize and incorporate additional tools and technologies as they become available. The survey must document and map existing general shoreline conditions, structures, and structure conditions. This information must be available to the public and incorporated into state geographic information system mapping with visual personally identifiable information removed from on-the-water imagery prior to posting.

(2) The initial marine oblique aerial and on-the-water imagery must be completed and publicly available by December 31, 2024, and updated on a regular two-year cycle thereafter. The survey to document and map existing shoreline conditions, structures, and structure conditions must be completed and publicly available by June 30, 2025, and updated on a regular two-year cycle thereafter.

(3) For the purposes of this section, "Puget Sound" means Puget Sound and related inland salt waters of the state of Washington inside the boundary line between Washington and British Columbia, the Strait of Juan de Fuca, Hood Canal, and the San Juan Islands.

NEW SECTION. Sec. 3. A new section is added to chapter 43.21A RCW to read as follows:

The department shall maintain a record of all civil or criminal investigations or enforcement actions in which the department is a participant that utilize georeferenced imagery or surveys produced pursuant to section 2 of this act.

NEW SECTION. Sec. 4. A new section is added to chapter 43.300 RCW to read as follows:

The department shall maintain a record of all civil or criminal investigations or enforcement actions in which the department is a participant that utilize georeferenced imagery or surveys produced pursuant to section 2 of this act.

NEW SECTION. Sec. 5. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void.

Passed by the Senate April 14, 2023.

Passed by the House April 11, 2023.

Approved by the Governor May 15, 2023.

Filed in Office of Secretary of State May 16, 2023.

CHAPTER 466

[Engrossed Second Substitute Senate Bill 5112]

VOTER REGISTRATION—VARIOUS PROVISIONS

AN ACT Relating to updating processes related to voter registration; amending RCW 29A.08.010, 29A.08.030, 29A.08.110, 29A.08.125, 29A.08.210, 29A.08.220, 29A.08.260, 29A.08.270, 29A.08.330, 29A.08.340, 29A.08.350, 29A.08.355, 29A.08.357, 29A.08.359, 29A.08.362, 29A.08.365, 29A.08.370, 46.20.153, 46.20.155, 46.20.156, 46.20.205, 29A.08.625, 29A.08.630, 29A.08.635, 29A.08.710, 29A.08.810, 29A.08.820, 29A.08.835, 29A.08.840, 29A.04.611, 29A.84.110, 29A.04.058, and 29A.08.115; reenacting and amending RCW 29A.08.320; adding a new section to chapter 29A.08 RCW; repealing RCW 29A.08.375; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. A new section is added to chapter 29A.08 RCW to read as follows:

A person applying for government services which require proof of citizenship as part of that application may receive automatic voter registration services by providing the following information:

- (1) Name;
- (2) Residential address;
- (3) Date of birth;
- (4) A signature attesting to the truth of the information provided on the application;
- (5) An address where the person receives mail, if different from the residence address; and
- (6) Presentation of documentation as part of another government transaction confirming the individual is a United States citizen.

Sec. 2. RCW 29A.08.010 and 2019 c 6 s 1 are each amended to read as follows:

(1) The minimum required information provided on a voter registration application (~~(that is required)~~) in order to place a voter registration applicant on the voter registration rolls includes:

- (a) Name;
- (b) Residential address;
- (c) Date of birth;
- (d) A signature attesting to the truth of the information provided on the application; (~~and~~)

(e) An address where the person receives mail, if different from the residence address; and

(f) Affirmation of citizenship which confirms the individual is a United States citizen, in one of the following forms:

(i) A check or indication in the box on a voter registration form confirming ((the individual is a United States citizen)) citizenship; or

(ii) Presentation of documents as part of another government transaction confirming citizenship.

(2) The residential address provided must identify the actual physical residence of the voter in Washington, as defined in RCW 29A.04.151, with detail sufficient to allow the voter to be assigned to the proper precinct and to locate the voter to confirm his or her residence for purposes of verifying qualification to vote under Article VI, section 1 of the state Constitution. A residential address may be either a traditional address or a nontraditional address.

(a) A traditional address consists of a street number and name, optional apartment number or unit number, and city or town, as assigned by a local government, which serves to identify the parcel or building of residence and the unit if a multiunit residence.

(b) A nontraditional address consists of a narrative description of the location of the voter's residence, and may be used when a traditional address has not been assigned or affixed to the voter's residence or when a voter resides on an Indian reservation or Indian lands, pursuant to the conditions in RCW 29A.08.112.

(3) All other information supplied is ancillary and not to be used as grounds for not registering an applicant to vote.

(4) Modification of the language of the official Washington state voter registration form by the voter will not be accepted and will cause the rejection of the registrant's application.

Sec. 3. RCW 29A.08.030 and 2009 c 369 s 7 are each amended to read as follows:

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

(1) "Verification notice" means a notice sent by the county auditor or secretary of state to a voter registration applicant and is used to verify or collect information about the applicant in order to complete the registration. The verification notice must be designed to include a postage prepaid, preaddressed return form by which the applicant may verify or send information.

(2) "Acknowledgment notice" means a notice sent by nonforwardable mail by the county auditor or secretary of state to a registered voter to acknowledge a voter registration transaction or an automatic voter registration transaction, which can include initial registration, ((transfer)) residential address change, or reactivation of an inactive registration, identifying the registrant's precinct and containing such other information as may be required by the secretary of state. An acknowledgment notice may be a voter registration card.

(3) "Automatic voter registration acknowledgment notice package" means a package of information sent by nonforwardable mail by the county auditor, to a registered voter who utilized the automatic voter registration process at the department of licensing, to acknowledge a voter registration transaction, which

can include initial registration, residential address change, or reactivation of an inactive registration. The package must include:

(a) A postage prepaid, preaddressed return form by which the individual may decline to be registered to vote or decline the update;

(b) A statement explaining that the person has become registered to vote or signed up to register to vote, as appropriate, setting forth the qualifications to vote, stating that if the individual does not meet the qualifications to vote, the person shall return the notice and affirmatively decline in writing to register to vote, and that if the person wishes to cancel the voter registration at any time, that the person may contact their county auditor to do so;

(c) Instructions regarding how an individual can obtain more information about the notice and assistance in the individual's preferred language, including languages as set forth in RCW 29A.08.270;

(d) An acknowledgment notice; and

(e) Other information required by the secretary of state.

(4) "Identification notice" means a notice sent to a provisionally registered voter to confirm the applicant's identity.

~~((4))~~ (5) "Confirmation notice" means a notice sent to a registered voter by first-class forwardable mail at the address indicated on the voter's permanent registration record and to any other address at which the county auditor or secretary of state could reasonably expect mail to be received by the voter in order to confirm the voter's residence address. The confirmation notice must be designed to include a postage prepaid, preaddressed return form by which the registrant may verify the address information.

Sec. 4. RCW 29A.08.110 and 2020 c 208 s 14 are each amended to read as follows:

(1) For persons registering under RCW 29A.08.120, 29A.08.123, 29A.08.170, 29A.08.330, 29A.08.340, 29A.08.362, and 29A.08.365, an application is considered complete only if it contains the information required by RCW 29A.08.010. The applicant is considered to be registered to vote as of:

(a) The original date of receipt;

(b) When the person will be at least eighteen years old by the next election;

~~((c))~~

(c) When the person will be at least seventeen years old by the next primary election or presidential primary election and eighteen years old by the general election, whichever is applicable; or

(d) For voters utilizing automatic voter registration under section 1 of this act at the department of licensing, the date that an election official receives the information to register the person to vote, unless:

(i) The voter declines registration by the deadline in RCW 29A.08.359(4)(a); or

(ii) An election official receives the information to register the person to vote after the deadline to register to vote under RCW 29A.08.140(1)(a), in which case the applicant is considered to be registered to vote as of the day after the election.

(2) As soon as practicable, the auditor shall record the appropriate precinct identification, taxing district identification, and date of registration on the voter's record in the state voter registration list. The secretary of state shall, pursuant to RCW 29A.04.611, establish procedures to enable new or updated voter

registrations to be recorded on an expedited basis. Any mailing address provided shall be used only for mail delivery purposes, and not for precinct assignment or residency purposes. ~~((Within sixty))~~

(3) The voter must be sent an acknowledgment notice using first-class nonforwardable mail:

(a) For voters utilizing automatic voter registration services at the department of licensing, within five business days after the receipt of an application or residential address change, or, if the application or residential address change is received after the deadline to register to vote or update a voter registration under RCW 29A.08.140 (1)(a) or (2)(a)(i), within five business days after the election, the auditor shall send an automatic voter registration acknowledgment notice package as required by RCW 29A.08.030.

(b) For all other voters, within 60 days after the receipt of an application or ~~((transfer)) residential address change,~~ the auditor shall send ~~((to the applicant, by first-class nonforwardable mail,))~~ an acknowledgment notice ~~((identifying the registrant's precinct and containing such other information as may be required by the secretary of state. The postal service shall be instructed not to forward a voter registration card to any other address and to return to the auditor any card which is not deliverable))~~ as required by RCW 29A.08.030.

~~((3)) (4)~~ If an application is not complete, the auditor shall promptly mail a verification notice to the applicant. The verification notice shall require the applicant to provide the missing information. If the applicant provides the required information within forty-five days, the applicant shall be registered to vote as of the original date of application. The applicant shall not be placed on the official list of registered voters until the application is complete.

~~((4)) (5)~~ Once a future voter is no longer in pending status, as described in RCW 29A.08.615, his or her application to sign up to register to vote is no longer pending and is subject to this section.

Sec. 5. RCW 29A.08.125 and 2018 c 109 s 7 are each amended to read as follows:

(1) The office of the secretary of state shall maintain a statewide voter registration database. This database must be a centralized, uniform, interactive computerized statewide voter registration list that contains the name and registration information of every registered voter in the state.

(2) The statewide list is the official list of registered voters for the conduct of all elections.

(3) The statewide list must include, but is not limited to, the name, date of birth, residence address, signature, gender, and date of registration of every legally registered voter in the state.

(4) A unique identifier must be assigned to each registered voter in the state.

(5) The database must be coordinated with other government databases within the state including, but not limited to, the department of corrections, the department of licensing, the department of health, ~~((the administrative office of the courts,))~~ and county auditors. The database may also be coordinated with the databases of election officials in other states.

(6) Authorized employees of the secretary of state and each county auditor must have immediate electronic access to the information maintained in the database.

(7) Voter registration information received by each county auditor must be electronically entered into the database. The office of the secretary of state must provide support, as needed, to enable each county auditor to enter and maintain voter registration information in the state database.

(8) The secretary of state has data authority over all voter registration data.

(9) The voter registration database must be designed to accomplish at a minimum, the following:

(a) Comply with the help America vote act of 2002 (P.L. 107-252);

(b) Identify duplicate voter registrations;

(c) Identify suspected duplicate voters;

(d) Screen against any available databases maintained by other government agencies to identify voters who are ineligible to vote due to servicing a sentence of total confinement as the result of a felony conviction, lack of citizenship, or a court finding of mental incompetence;

(e) Provide images of voters' signatures for the purpose of checking signatures on initiative and referendum petitions;

(f) Provide for a comparison between the voter registration database and the department of licensing change of address database;

(g) Provide access for county auditors that includes the capability to update registrations and search for duplicate registrations;

(h) Provide for the cancellation of registrations of voters who have moved out of state; and

(i) Provide for the storage of pending registration records for all future voters who have not yet reached eighteen years of age in a manner that these records will not appear on the official list of registered voters until the future registrant is no longer in pending status as defined under RCW 29A.08.615.

(10) The secretary of state may, upon agreement with other appropriate jurisdictions, screen against any available databases maintained by election officials in other states and databases maintained by federal agencies including, but not limited to, the federal bureau of investigation, the federal court system, the federal bureau of prisons, and the bureau of citizenship and immigration services.

(11) The database shall retain information regarding previous successful appeals of proposed cancellations of registrations in order to avoid repeated cancellations for the same reason.

(12) Each county auditor shall maintain a list of all registered voters within the county that are contained on the official statewide voter registration list. In addition to the information maintained in the statewide database, the county database must also maintain the applicable taxing district and precinct codes for each voter in the county, and a list of elections in which the individual voted.

(13) Each county auditor shall allow electronic access and information transfer between the county's voter registration system and the official statewide voter registration list.

Sec. 6. RCW 29A.08.210 and 2020 c 208 s 3 are each amended to read as follows:

An applicant for voter registration shall complete an application providing the following information concerning ~~((his or her))~~ the applicant's qualifications as a voter in this state:

(1) ~~((The former address of the applicant if previously registered to vote;~~

- ~~(2))~~ The applicant's full name;
- ~~((3))~~ (2) The applicant's date of birth;
- ~~((4))~~ (3) The address of the applicant's residence for voting purposes;
- ~~((5))~~ (4) The mailing address of the applicant if that address is not the same as the address in subsection ~~((4))~~ (3) of this section;
- ~~((6))~~ (5) The ~~((sex))~~ gender of the applicant;
- (6) The former address of the applicant if previously registered to vote;
- (7) The applicant's Washington state driver's license number, Washington state identification card number, or the last four digits of the applicant's social security number if ~~((he or she))~~ the applicant does not have a Washington state driver's license or Washington state identification card;
- (8) A check box allowing the applicant to indicate ~~((that he or she is a member of))~~ membership in the armed forces, national guard, or reserves, or ~~((that he or she is an))~~ overseas voter status;
- (9) ~~((A check box allowing the applicant to acknowledge that he or she is at least sixteen years old;~~
- ~~(10))~~ Clear and conspicuous language, designed to draw the applicant's attention, stating that:
- (a) The applicant must be a United States citizen in order to register to vote; and
- (b) The applicant may register to vote if the applicant is at least sixteen years old and may vote if the applicant will be at least eighteen years old by the next general election, or is at least eighteen years old for special elections;
- ~~((11))~~ (10) A check box and declaration confirming that the applicant is a citizen of the United States;
- ~~((12))~~ (11) The following warning:
- "If you knowingly provide false information on this voter registration form or knowingly make a false declaration about your qualifications for voter registration you will have committed a class C felony that is punishable by imprisonment for up to five years, a fine of up to ten thousand dollars, or both."
- ~~((13))~~ (12) The oath required by RCW 29A.08.230 and a space for the applicant's signature; and
- ~~((14))~~ (13) Any other information that the secretary of state determines is necessary to establish the identity of the applicant and prevent duplicate or fraudulent voter registrations.
- This information shall be recorded on a single registration form to be prescribed by the secretary of state.

Sec. 7. RCW 29A.08.220 and 2013 c 11 s 13 are each amended to read as follows:

- (1) The secretary of state shall specify by rule the format of all voter registration applications. These applications shall be compatible with existing voter registration records. An applicant for voter registration shall be required to complete only one application and to provide the required information other than ~~((his or her))~~ the applicant's signature no more than one time. These applications shall also contain ~~((information))~~ instructions for the voter to use the form to update ~~((his or her))~~ information related to the voter's voter registration.
- (2) Any application format specified by the secretary for use in registering to vote in state and local elections shall satisfy the requirements of the National

Voter Registration Act of 1993 (P.L. 103-31) and the Help America Vote Act of 2002 (P.L. 107-252) for registering to vote in federal elections.

Sec. 8. RCW 29A.08.260 and 2013 c 11 s 15 are each amended to read as follows:

(1) All registration applications required under RCW 29A.08.210 and 29A.08.340 shall be produced and furnished by the secretary of state to the county auditors and the department of licensing.

(2) The county auditor shall distribute forms by which a person may register to vote by mail and ~~((transfer))~~ update the address for any previous registration in this state. The county auditor shall keep a supply of voter registration forms in ~~((his or her))~~ the auditor's office at all times for ~~((political parties and others))~~ people and organizations interested in assisting in voter registration, and shall make every effort to make these forms generally available to the public. The county auditor shall provide voter registration forms to city and town clerks, state offices, schools, fire stations, public libraries, and any other locations considered appropriate by the auditor or secretary of state for extending registration opportunities to all areas of the county. After the initial distribution of voter registration forms to a given location, a representative designated by the official in charge of that location shall notify the county auditor of the need for additional voter registration supplies.

Sec. 9. RCW 29A.08.270 and 2003 c 111 s 139 are each amended to read as follows:

In order to encourage the broadest possible voting participation by all eligible citizens, the secretary of state shall produce voter registration information in the ~~((foreign))~~ various languages required of state agencies.

Sec. 10. RCW 29A.08.320 and 2004 c 267 s 119 and 2004 c 266 s 7 are each reenacted and amended to read as follows:

For persons not performing an automatic voter registration transaction subject to section 1 of this act:

(1) A person may register to vote or ~~((transfer))~~ update their residential address information for a voter registration when ~~((he or she applies))~~ applying for service or assistance and with each renewal, recertification, or change of address at agencies designated under RCW 29A.08.310.

(2) A prospective applicant shall initially be offered a form approved by the secretary of state designed to determine whether the person wishes to register to vote. The form must comply with all applicable state and federal statutes regarding content.

The form shall also contain a box that may be checked by the applicant to ~~((indicate that he or she))~~ decline((s)) to register at the time of the transaction.

If the person indicates an interest in registering or has made no indication as to a desire to register or not register to vote, the person shall be given a mail-in voter registration application or a prescribed agency application as provided by RCW 29A.08.330.

Sec. 11. RCW 29A.08.330 and 2020 c 208 s 5 are each amended to read as follows:

(1) The secretary of state shall prescribe the method of voter registration for each designated agency. The agency shall use either the state voter registration by mail form with a separate declination form for the applicant to ~~((indicate that~~

~~he or she~~) decline(s) to register at this time, or the agency may use a separate form or process approved for use by the secretary of state.

(2) The person providing service at the agency shall offer voter registration services to every client (~~whenever he or she applies~~) at the time of application for service or assistance and with each renewal, recertification, or change of address. The person providing service shall give the applicant the same level of assistance with the voter registration application as is offered to fill out the agency's forms and documents, including information about age and citizenship requirements for voter registration.

(3)(a) The person providing service at the agency shall determine if the prospective applicant wants to register to vote or update (~~his or her~~) the applicant's voter registration by asking the following question of all applicants age 16 or older:

"Do you want to register or sign up to vote or update your voter registration?"

(b) If the applicant chooses to register, sign up, or update a registration, the service agent shall ask the following:

~~((a)) "Are you a United States citizen?"~~

~~((b)) "Are you at least sixteen years old?"~~

If the applicant answers in the affirmative (~~to both questions~~), the agent shall then provide the applicant with a voter registration form and instructions and shall record that the applicant has requested to sign up to vote, register to vote, or update a voter registration. If the applicant answers in the negative to (~~either~~) the question, the agent shall not provide the applicant with a voter registration application.

(4) If an agency uses a computerized application process, it may, in consultation with the secretary of state, develop methods to capture simultaneously the information required for voter registration during a person's computerized application process.

(5) Each designated agency shall transmit the applications to the secretary of state or appropriate county auditor within three business days and must be received by the election official by the required voter registration deadline.

(6) Information that is otherwise disclosable under this chapter cannot be disclosed on the future voter until the person reaches eighteen years of age, except for the purpose of processing and delivering ballots.

Sec. 12. RCW 29A.08.340 and 2013 c 11 s 17 are each amended to read as follows:

(1) A person not performing an automatic voter registration transaction under section 1 of this act may register to vote or update (~~his or her~~) the person's existing voter registration when (~~he or she applies for or renews~~) applying for or renewing a driver's license or identification card under chapter 46.20 RCW.

(2) To register to vote or update a registration, the applicant shall provide the information required by RCW 29A.08.010.

(3) The driver licensing agent shall record that the applicant has requested to register to vote or update a voter registration.

Sec. 13. RCW 29A.08.350 and 2018 c 110 s 106 are each amended to read as follows:

The department of licensing shall produce and transmit to the secretary of state the following information from the records of each individual who requested ~~((a))~~ to register to vote or update the individual's existing voter registration ~~((or update))~~ at a driver's license facility: The name, address, date of birth, any gender ~~((f))~~ information provided by the applicant, the driver's license number, signature image, any language preference information collected, any phone number provided by the voter, any email address provided by the voter, and the date on which the application for voter registration or update was submitted. The secretary of state shall process the registrations and updates as an electronic application. If requested by the secretary of state, the department shall provide copies of the documents submitted to prove citizenship for an individual subject to this section.

Sec. 14. RCW 29A.08.355 and 2020 c 208 s 7 are each amended to read as follows:

(1) The department of licensing must ~~((allow a person age eighteen years or older to be registered to vote or update voter registration information))~~ collect and transmit to the secretary of state voter registration information for all citizens applying for, renewing, or updating an enhanced driver's license or enhanced identicard by automated process at the time of registration, renewal, or change of address if:

(a) The person meets requirements for voter registration;

(b) The person has received or is renewing an enhanced driver's license or enhanced identicard issued under RCW 46.20.202 or is changing the address for an existing enhanced driver's license or enhanced identicard pursuant to RCW 46.20.205; and

(c) The department of licensing record associated with the applicant contains:

(i) The data required to determine whether the applicant meets requirements for voter registration under RCW 29A.08.010;

(ii) Other information as required by the secretary of state; and

(iii) A signature image.

(2) The department of licensing must ~~((allow a person sixteen or seventeen))~~ collect and transmit to the secretary of state voter registration information for all citizens applying for, renewing, or updating an enhanced driver's license or enhanced identicard 16 or 17 years of age ~~((to be signed up to register to vote by automated process at the time of registration, renewal, or change of address))~~ if:

(a) The person meets requirements to sign up to register to vote;

(b) The person has received or is renewing an enhanced driver's license or enhanced identicard issued under RCW 46.20.202 or is changing the address for an existing enhanced driver's license or enhanced identicard pursuant to RCW 46.20.205; and

(c) The department of licensing record associated with the applicant contains:

(i) The data required to determine whether the applicant meets the requirements for voter registration under RCW 29A.08.210, other than age;

(ii) Other information as required by the secretary of state; and

(iii) A signature image.

~~((3) The person must be informed that his or her record will be used for voter registration and offered an opportunity to decline to register.))~~

Sec. 15. RCW 29A.08.357 and 2018 c 110 s 103 are each amended to read as follows:

(1) ~~((If the applicant in))~~ For applicants served under RCW 29A.08.355 ~~((does not decline registration))~~, the application is submitted pursuant to RCW 29A.08.350 and marked as an automatic voter registrant.

(2) For each such application, the secretary of state must obtain a digital copy of the applicant's signature image from the department of licensing.

Sec. 16. RCW 29A.08.359 and 2020 c 208 s 18 are each amended to read as follows:

(1)(a) For persons age eighteen years and older registering under RCW 29A.08.355(1), an application is considered complete only if it contains the information required by RCW 29A.08.010 and other information as required by the secretary of state. The applicant is considered to be registered to vote as of the original date of issuance or renewal or date of change of address of an enhanced driver's license or enhanced identicard issued under RCW 46.20.202 or change of address for an existing enhanced driver's license or enhanced identicard pursuant to RCW 46.20.205.

(b) For persons sixteen or seventeen years of age registering under RCW 29A.08.355(2), an application is considered complete only if it contains the information required by RCW 29A.08.010 and other information as required by the secretary of state. The applicant is considered to be registered to vote as of the date set forth in RCW 29A.08.110(1).

(c) The information must be transmitted ~~((in an expedited manner and must be received by an election official by the required voter registration deadline))~~ daily to the secretary of state. ~~((The))~~

(i) If the information shows no name change or change of residence or mailing address for an existing voter registration, the auditor may choose to send the voter an acknowledgment notice.

(ii) If the information is an application for new registration or updates any element of an existing voter registration, the auditor shall update the voter's record and, if the information updates the voter's name, residence address, or mailing address, record the appropriate precinct identification, taxing district identification, and date of registration on the voter's record in the state voter registration list and send an automatic voter registration acknowledgment notice package within five business days of the original application, or, if the information is received after the deadline to register to vote or update a voter registration under RCW 29A.08.140 (1)(a) or (2)(a)(i), within five business days after the election. Any mailing address provided shall be used only for mail delivery purposes, and not for precinct assignment or residency purposes. ~~((Within sixty days after the receipt of an application or transfer, the auditor shall send to the applicant, by first-class nonforwardable mail, an acknowledgment notice identifying the registrant's precinct and containing such other information as may be required by the secretary of state. The United States postal service shall be instructed not to forward a voter registration card to any other address and to return to the auditor any card which is not deliverable.))~~

(d) An auditor may use other means to communicate with potential and registered voters such as, but not limited to, email, phone, or text messaging. The alternate form of communication must not be in lieu of the ~~((first-class))~~ mail requirements. The auditor shall act in compliance with all voter notification processes established in federal law.

(2) If an application is not complete, the auditor shall promptly mail a verification notice to the applicant. The verification notice must require the applicant to provide the missing information. If the applicant provides the required information within forty-five days, the applicant must be registered to vote. The applicant must not be placed on the official list of registered voters until the application is complete.

(3) If the prospective registration applicant responds to the automatic voter registration acknowledgment notice and declines to register to vote or the information provided by the department of licensing does not indicate citizenship, the information must not be included on the list of registered voters.

(4)(a) For new registrants who decline registration in a reply that is received by the auditor within 15 days from the date of mailing of the automatic voter registration acknowledgment notice package, the voter registration record shall be removed from the list of registered voters, and the person is deemed to have never registered to vote.

(b) If the reply declining registration is received after the deadline, the auditor shall cancel the voter's registration.

(5) The department of licensing is prohibited from sharing data files used by the secretary of state to certify voters registered through the automated process outlined in RCW 29A.08.355 with any federal agency, or state agency other than the secretary of state. Personal information supplied for the purposes of obtaining a driver's license or identicaid is exempt from public inspection pursuant to RCW 42.56.230.

Sec. 17. RCW 29A.08.362 and 2018 c 110 s 201 are each amended to read as follows:

(1) ~~((Beginning July 1, 2019, the))~~ The health benefit exchange shall provide the following information to the secretary of state's office for consenting Washington healthplanfinder applicants who affirmatively indicate that they are interested in registering to vote, including applicants who file changes of address, who reside in Washington, are age eighteen years or older, and are verified citizens, for voter registration purposes:

- (a) Names;
- (b) Traditional or nontraditional residential addresses;
- (c) Mailing addresses, if different from the traditional or nontraditional residential address; and
- (d) Dates of birth.

(2) The health benefit exchange shall consult with the secretary of state's office to ensure that sufficient information is provided to allow the secretary of state to obtain a digital copy of the person's signature when available from the department of licensing and establish other criteria and procedures that are secure and compliant with federal and state voter registration and privacy laws and rules.

~~(3) (If applicable, the health benefit exchange shall report any known barriers or impediments to implementation of this section to the appropriate committees of the legislature and the governor no later than December 1, 2018.~~

~~(4) If the health benefit exchange determines, in consultation with the health care authority, that implementation of chapter 110, Laws of 2018 requires changes subject to approval from the centers for medicare and medicaid services, participation of the health benefit exchange is contingent on receiving that approval.)~~ If the health benefit exchange determines, in consultation with the health care authority, that implementation of an automatic voter registration system requires approval from the centers for medicare and medicaid services, then any implementation is contingent on receiving that approval.

Sec. 18. RCW 29A.08.365 and 2018 c 110 s 202 are each amended to read as follows:

(1) The governor shall make a decision, in consultation with the office of the secretary of state, as to whether each agency identified in subsection ~~((3))~~ (2) of this section shall implement automatic voter registration. The final decision is at the governor's sole discretion.

~~((a))~~ (2) ~~Each agency identified in subsection (3) of this section shall submit a report to the governor and appropriate legislative committees no later than December 1, 2018, describing:~~

~~(i) Steps needed to implement automatic voter registration under chapter 110, Laws of 2018 by July 1, 2019;~~

~~(ii) Barriers to implementation, including ways to mitigate those barriers; and~~

~~(iii) Applicable federal and state privacy protections for voter registration information.~~

~~(b) In preparing the report required under this subsection, the agency may consult with the secretary of state's office to determine automatic voter registration criteria and procedures.~~

~~((3))~~ (3) This section applies to state agencies, other than the health benefit exchange, providing public assistance or services to persons with disabilities, designated pursuant to RCW 29A.08.310(1), that collect, process, and store the following information as part of providing assistance or services:

(a) Names;

(b) Traditional or nontraditional residential addresses;

(c) Dates of birth;

(d) A signature attesting to the truth of the information provided on the application for assistance or services; and

(e) Verification of citizenship information, via social security administration data match or manually verified by the agency during the client transaction.

~~((4))~~ (3) Once an agency has implemented automatic voter registration, it shall continue to provide automatic voter registration unless legislation is enacted that directs the agency to do otherwise.

~~((5))~~ (4) Agencies may not begin verifying citizenship as part of an agency transaction for the sole purpose of providing automatic voter registration.

Sec. 19. RCW 29A.08.370 and 2018 c 110 s 203 are each amended to read as follows:

(1) If a person who is ineligible to vote becomes, in the rare occasion, registered to vote under RCW 29A.08.355 or 29A.08.362 in the absence of a knowing violation by that person of RCW 29A.84.140, that person shall be deemed to have performed an authorized act of registration and such act may not be considered as evidence of a claim to citizenship.

(2) Unless a person willfully and knowingly votes or attempts to vote knowing that he or she is not entitled to vote, a person who is ineligible to vote and becomes registered to vote under RCW 29A.08.355 or 29A.08.362, and subsequently votes or attempts to vote in an election held after the effective date of the person's registration, is not guilty of violating RCW 29A.84.130, and shall be deemed to have performed an authorized act, and such act may not be considered as evidence of a claim to citizenship.

(3) A person who is ineligible to vote, who successfully completes the voter registration process under RCW 29A.08.355 or 29A.08.362 or votes in an election, must have their voter registration, or record of vote, removed from the voter registration database and any other application records.

(4) Should an ineligible individual become registered to vote, the office of the secretary of state and the relevant agency shall jointly determine the cause. If the cause is found to be intentional registration of ineligible persons by a person employed by the state or county government tasked with assisting the public with voter registration, that government employee is subject to the penalties of RCW 29A.84.110.

Sec. 20. RCW 46.20.153 and 2001 c 41 s 15 are each amended to read as follows:

The department shall post signs at each driver licensing facility advertising the availability of voter registration services, of automatic voter registration services for enhanced license and enhanced identification card applicants, and advising of the qualifications to register to vote. The information shall be visible to a person conducting a licensing transaction at the time of the transaction, either as a sign, or as a placard handed to the voter for review. Copies of the information shall be available in the various languages required of state agencies.

Sec. 21. RCW 46.20.155 and 2020 c 208 s 8 are each amended to read as follows:

(1) (~~Before~~) (a) For transactions other than enhanced driver's license or enhanced identicard applicants, before issuing an original license or identicard or renewing a license or identicard under this chapter, the licensing agent shall determine if the applicant wants to register to vote or update his or her voter registration by asking the following question:

"Do you want to register or sign up to vote or update your voter registration?"

The department of licensing, with the approval of the secretary of state, may direct licensing agents to ask a substantially similar question designed to improve applicant understanding.

(b) If the applicant chooses to register, sign up, or update a registration, the agent shall ask the following:

((+)) "Are you a United States citizen?"

~~((2) "Are you at least sixteen years old?")~~

If the applicant answers in the affirmative to ~~((both))~~ the question~~((s))~~, the agent shall then submit the registration, sign up form, or update. If the applicant answers in the negative to ~~((either))~~ the question, the agent shall not submit an application. Information that is otherwise disclosable under chapter 29A.08 RCW cannot be disclosed on the future voter until the person reaches eighteen years of age, except for the purpose of processing and delivering ballots.

(2) The department shall establish a procedure that substantially meets the requirements of subsection (1) of this section when permitting an applicant to renew a license or identicard by mail or by electronic commerce.

(3) If an applicant presents a document demonstrating that the applicant is not a United States citizen at the time of the driver's license or identicard transaction, the licensing agent shall not ask the questions described in subsection (1) of this section, and shall not submit an application. The department, in consultation with the secretary of state, shall determine which types of documents accepted by the department for purposes of a driver's license or identicard transaction demonstrate that an applicant is not a United States citizen at the time of the transaction.

Sec. 22. RCW 46.20.156 and 2020 c 208 s 21 are each amended to read as follows:

For persons eighteen years of age or older who meet requirements for voter registration and persons sixteen or seventeen years of age who meet requirements to sign up to register to vote, who have been issued or are renewing an enhanced driver's license or identicard under RCW 46.20.202 or applying for a change of address for an existing enhanced driver's license or identicard pursuant to RCW 46.20.205, ~~((and have not declined to register to vote,))~~ the department shall produce and transmit to the secretary of state the following information from the records of each individual: The name, address, date of birth, gender of the applicant if provided, the driver's license number, signature image, any language preference information collected, any phone number provided by the voter, any email address provided by the voter, and the date on which the application was submitted. The department and the secretary of state shall process information as an automated application on a daily basis. If requested by the secretary of state, the department shall provide copies of the documents submitted to prove citizenship for an individual subject to this section.

Sec. 23. RCW 46.20.205 and 2017 c 147 s 8 are each amended to read as follows:

Whenever any person, after applying for or receiving a driver's license or identicard, moves from the address named in the application or in the license or identicard issued to him or her, or changes his or her name of record, the person shall, within ten days thereafter, notify the department of the name or address change as provided in RCW 46.08.195. This notification information shall be transmitted to the secretary of state on a daily basis, including the person's name, former name, address, former address, date of birth, signature image, and date of the transaction.

Sec. 24. RCW 29A.08.625 and 2009 c 369 s 30 are each amended to read as follows:

(1) A voter whose registration has been made inactive under this chapter and who requests to vote at an ensuing election before two federal general elections have been held must be allowed to vote a regular ballot applicable to ~~((the registration))~~ the voter's current residence address, and the voter's registration record updated and restored to active status.

(2) ~~((A))~~ An eligible voter whose registration has been properly canceled under this chapter shall ~~((vote a provisional ballot. The voter shall mark the provisional ballot in secrecy, the ballot placed in a security envelope, the security envelope placed in a provisional ballot envelope, and the reasons for the use of the provisional ballot noted.~~

~~(3) Upon receipt of such a voted provisional ballot the auditor shall investigate the circumstances surrounding the original cancellation. If he or she determines that the cancellation was in error, the voter's registration must be immediately reinstated, and the voter's provisional ballot must be counted. If the original cancellation was not in error, the voter must be afforded the opportunity to reregister at his or her correct address, and the voter's provisional ballot must not be counted.)~~ be allowed to register to vote at the voter's current residence address.

Sec. 25. RCW 29A.08.630 and 2009 c 369 s 31 are each amended to read as follows:

(1) The county auditor shall return an inactive voter to active voter status if, prior to the passage of two federal general elections, the voter:

~~((1))~~ (a) Notifies the auditor of a change of address;

~~((2))~~ (b) Responds to a confirmation notice with information that he or she continues to reside at the registration address; or

~~((3))~~ (c) Votes or attempts to vote in a primary, special election, or general election.

(2) If the inactive voter fails to provide ~~((such))~~ a notice or take ~~((such))~~ an action ~~((within that period))~~ as described in subsection (1) of this section, the auditor shall cancel the person's voter registration.

(3) The county auditor must cancel an inactive voter registration when receiving information indicating that the inactive voter has moved out of state or died.

Sec. 26. RCW 29A.08.635 and 2009 c 369 s 32 are each amended to read as follows:

Confirmation notices must be on a form prescribed by, or approved by, the secretary of state and must request that the voter ~~((confirm))~~ verify that ~~((he or she))~~ the voter continues to reside at the address of record and desires to continue to use that address for voting purposes, or provide a new residence address for voting, or provide information that the voter no longer resides in the state. The notice must inform the voter that if the voter does not respond to the notice and does not vote in either of the next two federal general elections, ~~((his or her voter))~~ the voter's registration will be canceled.

Sec. 27. RCW 29A.08.710 and 2018 c 109 s 10 are each amended to read as follows:

(1) The county auditor shall have custody of the original voter registration records and voter registration sign up records for each county. The original voter registration form must be filed without regard to precinct and is considered

confidential and unavailable for public inspection and copying. An automated file of all registered voters must be maintained pursuant to RCW 29A.08.125. An auditor may maintain the automated file in lieu of filing or maintaining the original voter registration forms if the automated file includes all of the information from the original voter registration forms including, but not limited to, a retrievable facsimile of each voter's signature.

(2)(a) The following information contained in voter registration records or files regarding a voter or a group of voters is available for public inspection and copying, except as provided in RCW 40.24.060 and (b) of this subsection: The voter's name, address, political jurisdiction, gender, ~~((date))~~ year of birth, voting record, date of registration, and registration number. No other information from voter registration records or files is available for public inspection or copying.

(b) The personally identifiable information of individuals who are under the age of eighteen are exempt from public inspection and copying until the subject of the record is eighteen years of age, except for the purpose of processing and delivering ballots.

Sec. 28. RCW 29A.08.810 and 2020 c 208 s 6 are each amended to read as follows:

(1) Registration of a person as a voter is presumptive evidence of his or her right to vote. A challenge to the person's right to vote must be based on personal knowledge of one of the following:

(a) The challenged voter has been convicted of a felony that includes serving a sentence of total confinement under jurisdiction of the department of corrections, or a felony conviction in another state's court or federal court and the ~~((voter's civil rights))~~ voter is serving that sentence of total confinement and the person's voting rights have not been restored under RCW 29A.08.520;

(b) The challenged voter has been judicially declared ineligible to vote due to mental incompetency under RCW 29A.08.515;

(c) The challenged voter ~~((does not live))~~ resides at a different address than the residential address provided, and is not subject to RCW 29A.04.151 or 29A.08.112, in which case the challenger must either:

(i) Provide the challenged voter's actual residence on the challenge form; or

(ii) Submit evidence that he or she exercised due diligence to verify that the challenged voter does not reside at the address provided ~~((and to attempt to contact the challenged voter to learn the challenged voter's actual residence, including))~~. The challenger must, at minimum, provide evidence that the challenger personally:

(A) Sent a letter with return service requested to the challenged voter's residential address provided, and to the challenged voter's mailing address, if provided;

(B) ~~((Visited the residential address provided and contacted persons at the address to determine whether the voter resides at the address and, if not, obtained and submitted with the challenge form a signed affidavit subject to the penalties of perjury from a person who owns or manages property, resides, or is employed at the address provided, that to his or her personal knowledge the challenged voter does not reside at the address as provided on the voter registration;~~

~~(C)~~) Searched local telephone directories, including online directories, to determine whether the voter maintains a telephone listing at any address in the county;

~~((D))~~ (C) Searched county auditor property records to determine whether the challenged voter owns any property in the county; ~~(and~~

~~(E))~~ (D) Searched the statewide voter registration database to determine if the voter is registered at any other address in the state; and

(E) Searched the voter registration database of another state to determine if the voter is registered to vote in any other state;

(d) The challenged voter will not be eighteen years of age by the next general election; or

(e) The challenged voter is not a citizen of the United States.

(2) A person's right to vote may be challenged by another registered voter or the county prosecuting attorney.

(3) The challenger must file a signed affidavit subject to the penalties of perjury swearing that, to his or her personal knowledge and belief, having exercised due diligence to personally verify the evidence presented, the challenged voter either is not qualified to vote or does not reside at the address given on his or her voter registration record based on one of the reasons allowed in subsection (1) of this section. The challenger must provide the factual basis for the challenge, including any information required by subsection (1)(c) of this section, in the signed affidavit. The challenge may not be based on unsupported allegations or allegations by anonymous third parties. All documents pertaining to the challenge are public records.

(4) Challenges based on a felony conviction under RCW 29A.08.520 must be heard according to RCW 29A.08.520 and rules adopted by the secretary of state.

Sec. 29. RCW 29A.08.820 and 2013 c 11 s 20 are each amended to read as follows:

(1) Challenges must be filed with the county auditor of the county in which the challenged voter is registered no later than ~~((forty-five))~~ 45 days before the election. The county auditor presides over the hearing.

(2) ~~((Only if))~~ Challenges may be filed after 45 days before the election, only when the challenged voter registered to vote less than ~~((sixty))~~ 60 days before the election, or changed residence less than ~~((sixty))~~ 60 days before the election without ~~((transferring his or her))~~ updating the residence address of the voter's voter registration((, may a)). A challenge may then be filed not later than ~~((ten))~~ 10 days before any primary or election, general or special, or within ~~((ten))~~ 10 days of the voter being added to the voter registration database, whichever is later.

(a) If the challenge is filed ~~((within forty five))~~ after 45 days before an election at which the challenged voter is eligible to vote, a notation of the challenge must be made immediately to the challenged voter's registration in the voter registration system, and the county canvassing board shall preside~~((s))~~ over the hearing.

(b) If the challenge is filed before the challenged voter's ballot is received, the ballot must be ~~((treated))~~ processed as a challenged ballot, and held until the challenge is resolved.

(c) If the challenge is filed after the challenged voter's ballot is received, the challenge cannot affect the current election. However, the process shall proceed until the challenge is resolved.

Sec. 30. RCW 29A.08.835 and 2006 c 320 s 1 are each amended to read as follows:

(1) The county auditor shall, within seventy-two hours of receipt, publish on the auditor's internet website the entire content of any voter challenge filed under chapter 29A.08 RCW. Immediately after publishing any voter challenge, the county auditor shall notify any person who requests to receive such notifications on an ongoing basis.

(2) The information on the website may be removed 45 days following certification of an election. Information related to the challenge must be maintained by the county auditor for the appropriate retention period, and is subject to disclosure upon request.

Sec. 31. RCW 29A.08.840 and 2006 c 320 s 6 are each amended to read as follows:

(1) If the challenge is not in proper form or the factual basis for the challenge does not meet the legal grounds for a challenge, the county auditor may dismiss the challenge and notify the challenger of the reasons for the dismissal. A challenge is not in proper form if it is incomplete on its face or does not substantially comply with the form issued by the secretary of state.

(2) If the challenge is in proper form and the factual basis meets the legal grounds for a challenge, the county auditor must notify the challenged voter and provide a copy of the affidavit. The county auditor shall also provide to any person, upon request, a copy of all materials provided to the challenged voter.

(a) If the challenge is to the residential address provided by the voter, the challenged voter must be provided notice of the exceptions allowed in RCW 29A.08.112 and 29A.04.151, and Article VI, section 4 of the state Constitution (~~A challenged voter~~), and may (~~transfer~~) update the residence address on the voter's voter registration, or reregister until 8:00 p.m. the day (~~before~~) of the election.

(b) The county auditor must schedule a hearing and notify the challenger and the challenged voter of the time and place for the hearing.

(3) All notice must be by certified mail to the address provided in the voter registration record, and any other addresses at which the challenged voter is alleged to reside or the county auditor reasonably expects the voter to receive notice. The challenger and challenged voter may either appear in person or submit testimony by affidavit. Personal appearance may be accomplished using video telecommunications technology if the auditor or canvassing board chooses.

(4) The challenger has the burden to prove by clear and convincing evidence that the challenged voter's registration is improper. The challenged voter must be provided a reasonable opportunity to respond. If the challenge is to the residential address provided by the voter, the challenged voter may provide evidence that he or she resides at the location described in his or her voter's registration records, or meets one of the exceptions allowed in RCW 29A.08.112 or 29A.04.151, or Article VI, section 4 of the state Constitution. If either the

challenger or challenged voter fails to appear at the hearing, the challenge must be resolved based on the available facts.

(5) If the challenge is based on an allegation under RCW 29A.08.810(1) (a), (b), (d), or (e) and the canvassing board sustains the challenge, the voter registration shall be canceled and any challenged ballot shall not be counted. If the challenge is based on an allegation under RCW 29A.08.810(1)(c) and the canvassing board sustains the challenge, the board shall permit the voter to correct ~~((his or her))~~ the residence address on the voter registration and any races and ballot measures on ~~((the))~~ any challenged ballot that the voter would have been qualified to vote for had the registration been correct shall be counted.

(6) If the challenger fails to prove by clear and convincing evidence that the registration is improper, the challenge must be dismissed and ~~((the))~~ any pending challenged ballot must be accepted as valid. ~~((Challenged))~~ All challenged ballots must be resolved before certification of the election. The decision of the county auditor or canvassing board is final subject only to judicial review by the superior court under chapter 34.05 RCW.

Sec. 32. RCW 29A.04.611 and 2011 c 10 s 13 are each amended to read as follows:

The secretary of state as chief election officer shall make reasonable rules in accordance with chapter 34.05 RCW not inconsistent with the federal and state election laws to effectuate any provision of this title and to facilitate the execution of its provisions in an orderly, timely, and uniform manner relating to any federal, state, county, city, town, and district elections. To that end the secretary shall assist local election officers by devising uniform forms and procedures.

In addition to the rule-making authority granted otherwise by this section, the secretary of state shall make rules governing the following provisions:

- (1) The maintenance of voter registration records;
- (2) The preparation, maintenance, distribution, review, and filing of precinct maps;
- (3) Standards for the design, layout, and production of ballots;
- (4) The examination and testing of voting systems for certification;
- (5) The source and scope of independent evaluations of voting systems that may be relied upon in certifying voting systems for use in this state;
- (6) Standards and procedures for the acceptance testing of voting systems by counties;
- (7) Standards and procedures for testing the programming of vote tallying software for specific primaries and elections;
- (8) Standards and procedures for the preparation and use of each type of certified voting system including procedures for the operation of counting centers where vote tallying systems are used;
- (9) Standards and procedures to ensure the accurate tabulation and canvassing of ballots;
- (10) Consistency among the counties of the state in the preparation of ballots, the operation of vote tallying systems, and the canvassing of primaries and elections;
- (11) Procedures to ensure the secrecy of a voter's ballot when a small number of ballots are counted;

(12) The use of substitute devices or means of voting when a voting device is found to be defective, the counting of votes cast on the defective device, the counting of votes cast on the substitute device, and the documentation that must be submitted to the county auditor regarding such circumstances;

(13) Procedures for the transportation of sealed containers of voted ballots or sealed voting devices;

(14) The acceptance and filing of documents via electronic transmission;

(15) Voter registration applications and records;

(16) The use of voter registration information in the conduct of elections;

(17) The coordination, delivery, and processing of voter registration records accepted by driver licensing agents or the department of licensing;

(18) The coordination, delivery, and processing of voter registration records accepted by agencies designated by the governor to provide voter registration services;

(19) Procedures to receive and distribute voter registration applications by mail;

(20) Procedures for a voter to change his or her voter registration address within a county by telephone;

(21) Procedures for a voter to change the name under which he or she is registered to vote;

(22) Procedures for canceling dual voter registration records and for maintaining records of persons whose voter registrations have been canceled;

(23) Procedures for the electronic transfer of voter registration records between county auditors and the office of the secretary of state;

(24) Procedures and forms related to automatic voter registration;

(25) Procedures and forms for declarations of candidacy;

~~((25))~~ (26) Procedures and requirements for the acceptance and filing of declarations of candidacy by electronic means;

~~((26))~~ (27) Procedures for the circumstance in which two or more candidates have a name similar in sound or spelling so as to cause confusion for the voter;

~~((27))~~ (28) Filing for office;

~~((28))~~ (29) The order of positions and offices on a ballot;

~~((29))~~ (30) Sample ballots;

~~((30))~~ (31) Independent evaluations of voting systems(~~(;~~

~~(31) The))~~ and the testing, approval, and certification of voting systems;

(32) The testing of vote tallying software programming;

(33) Standards and procedures to prevent fraud and to facilitate the accurate processing and canvassing of ballots, including standards for the approval and implementation of hardware and software for automated signature verification systems;

(34) Standards and procedures to guarantee the secrecy of ballots;

(35) Uniformity among the counties of the state in the conduct of elections;

(36) Standards and procedures to accommodate overseas voters and service voters;

(37) The tabulation of paper ballots;

(38) The accessibility of voting centers;

(39) The aggregation of precinct results if reporting the results of a single precinct could jeopardize the secrecy of a person's ballot;

- (40) Procedures for conducting a statutory recount;
- (41) Procedures for filling vacancies in congressional offices if the general statutory time requirements for availability of ballots, certification, canvassing, and related procedures cannot be met;
- (42) Procedures for the statistical sampling of signatures for purposes of verifying and canvassing signatures on initiative, referendum, and recall election petitions;
- (43) Standards and deadlines for submitting material to the office of the secretary of state for the voters' pamphlet;
- (44) Deadlines for the filing of ballot titles for referendum bills and constitutional amendments if none have been provided by the legislature;
- (45) Procedures for the publication of a state voters' pamphlet;
- (46) Procedures for conducting special elections regarding nuclear waste sites if the general statutory time requirements for availability of ballots, certification, canvassing, and related procedures cannot be met;
- (47) Procedures for conducting partisan primary elections;
- (48) Standards and procedures for the proper conduct of voting on accessible voting devices;
- (49) Standards for voting technology and systems used by the state or any political subdivision to be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation, including privacy and independence, as other voters;
- (50) All data formats for transferring voter registration data on electronic or machine-readable media for the purpose of administering the statewide voter registration list required by the Help America Vote Act (P.L. 107-252);
- (51) Defining the interaction of electronic voter registration election management systems employed by each county auditor to maintain a local copy of each county's portion of the official state list of registered voters;
- (52) Provisions and procedures to implement the state-based administrative complaint procedure as required by the Help America Vote Act (P.L. 107-252);
- (53) Facilitating the payment of local government grants to local government election officers or vendors; and
- (54) Standards for the verification of signatures on ballot declarations.

Sec. 33. RCW 29A.84.110 and 2003 c 111 s 2105 are each amended to read as follows:

If any county auditor or registration assistant, including government agency employees providing voter registration services under the requirements of state law or the national voter registration act of 1993:

- (1) Willfully neglects or refuses to perform any duty required by law in connection with the registration of voters; or
- (2) Willfully neglects or refuses to perform such duty in the manner required by voter registration law; or
- (3) Enters or causes or permits to be entered on the voter registration records the name of any person in any other manner or at any other time than as prescribed by voter registration law or enters or causes or permits to be entered on such records the name of any person not entitled to be thereon; or
- (4) Destroys, mutilates, conceals, changes, or alters any registration record in connection therewith except as authorized by voter registration law,

~~((he or she))~~ that person is guilty of a gross misdemeanor punishable to the same extent as a gross misdemeanor that is punishable under RCW 9A.20.021.

Sec. 34. RCW 29A.04.058 and 2019 c 391 s 1 are each amended to read as follows:

"Election official" when pertaining to voter registration includes any staff member of the office of the secretary of state, staff of state agencies or offices providing voter registration services, or a staff member of ~~((the))~~ a county auditor's office.

Sec. 35. RCW 29A.08.115 and 2009 c 369 s 11 are each amended to read as follows:

A person or organization collecting voter registration application forms must transmit the forms to the secretary of state or a county auditor within five business days. The registration date on such forms will be the date they are received by the secretary of state or county auditor. A person or organization collecting voter registration forms that intentionally does not transmit the forms to an election office may be subject to penalty under RCW 29A.84.030.

NEW SECTION. **Sec. 36.** RCW 29A.08.375 (Automatic registration—Rule-making authority) and 2018 c 110 s 207 are each repealed.

NEW SECTION. **Sec. 37.** Sections 3, 4, 6, 11, 13 through 16, and 20 through 23 of this act take effect July 15, 2024.

Passed by the Senate April 14, 2023.

Passed by the House April 7, 2023.

Approved by the Governor May 15, 2023.

Filed in Office of Secretary of State May 16, 2023.

CHAPTER 467

[Second Substitute Senate Bill 5134]

DEPARTMENT OF CORRECTIONS—RELEASE FROM CONFINEMENT—MONEY FOR SUBSISTENCE

AN ACT Relating to reentry services and supports; amending RCW 72.02.100 and 72.09.270; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

****NEW SECTION. Sec. 1. The legislature finds that successful rehabilitation and reentry has a positive impact on reduced recidivism rates and increased community safety. The legislature further finds that the success of individuals releasing from confinement in correctional institutions can be increased through access to supportive services, medical assistance, and other necessities. The legislature recognizes that the mortality rate in the first 72 hours following release from confinement is on average 18 times higher than the general population. The legislature further finds that access to basic human needs like food, medication, clothing, transportation, and shelter are necessary supports for most individuals exiting confinement. Therefore, the legislature resolves to enhance recovery, reduce recidivism, and improve public safety by providing increased access to supportive services and assistance following release from confinement.***

**Sec. 1 was vetoed. See message at end of chapter.*

Sec. 2. RCW 72.02.100 and 2022 c 29 s 2 are each amended to read as follows:

(1) Any person serving a sentence for a term of confinement in a state correctional facility for convicted felons, pursuant to court commitment, who is thereafter released upon an order of parole of the indeterminate sentence review board, or who is discharged from custody upon expiration of sentence, or who is ordered discharged from custody by a court of appropriate jurisdiction, shall be entitled to retain his or her earnings from labor or employment while in confinement and shall be supplied by the superintendent of the state correctional facility with suitable and presentable clothing, the sum of no less than \$40 for subsistence, and transportation by the least expensive method of public transportation not to exceed the cost of \$100 to his or her place of residence or the place designated in his or her parole plan, or to the place from which committed if such person is being discharged on expiration of sentence, or discharged from custody by a court of appropriate jurisdiction: PROVIDED, That up to (~~60 additional dollars~~) an additional \$60 may be made available to the parolee for necessary personal and living expenses upon application to and approval by such person's community corrections officer. If in the opinion of the superintendent suitable arrangements have been made to provide the person to be released with suitable clothing and/or the expenses of transportation, the superintendent may consent to such arrangement. If the superintendent has reasonable cause to believe that the person to be released has ample funds, with the exception of earnings from labor or employment while in confinement, to assume the expenses of clothing, transportation, or the expenses for which payments made pursuant to this section or RCW 72.02.110 or any one or more of such expenses, the person released shall be required to assume such expenses.

(2)(a) The department of corrections may provide temporary housing assistance for a person being released from any state correctional facility through the use of rental vouchers, for a period not to exceed six months, if the department finds that such assistance will support the person's release into the community by preventing housing instability or homelessness. The department's authority to provide vouchers under this section is independent of its authority under RCW 9.94A.729; however, a person may not receive a combined total of rental vouchers in excess of six months for each release from a state correctional facility.

(b) The department shall establish policies for prioritizing funds available for housing vouchers under this section for persons at risk of releasing homeless or becoming homeless without assistance while taking into account risk to reoffend.

***Sec. 3.** RCW 72.09.270 and 2021 c 200 s 3 are each amended to read as follows:

(1) The department of corrections shall develop an individual reentry plan as defined in RCW 72.09.015 for every incarcerated individual who is committed to the jurisdiction of the department except:

(a) Incarcerated individuals who are sentenced to life without the possibility of release or sentenced to death under chapter 10.95 RCW; and

(b) Incarcerated individuals who are subject to the provisions of 8 U.S.C. Sec. 1227.

(2) *The individual reentry plan may be one document, or may be a series of individual plans that combine to meet the requirements of this section.*

(3) *In developing individual reentry plans, the department shall assess all incarcerated individuals using standardized and comprehensive tools to identify the criminogenic risks, programmatic needs, and educational and vocational skill levels for each incarcerated individual. The assessment tool should take into account demographic biases, such as culture, age, and gender, as well as the needs of the incarcerated individual, including any learning disabilities, substance abuse or mental health issues, and social or behavior challenges.*

(4)(a) *The initial assessment shall be conducted as early as sentencing, but, whenever possible, no later than forty-five days of being sentenced to the jurisdiction of the department of corrections.*

(b) *The incarcerated individual's individual reentry plan shall be developed as soon as possible after the initial assessment is conducted, but, whenever possible, no later than sixty days after completion of the assessment, and shall be periodically reviewed and updated as appropriate.*

(5) *The individual reentry plan shall, at a minimum, include:*

(a) *A plan to maintain contact with the incarcerated individual's children and family, if appropriate. The plan should determine whether parenting classes, or other services, are appropriate to facilitate successful reunification with the incarcerated individual's children and family;*

(b) *An individualized portfolio for each incarcerated individual that includes the incarcerated individual's education achievements, certifications, employment, work experience, skills, and any training received prior to and during incarceration; and*

(c) *A plan for the incarcerated individual during the period of incarceration through reentry into the community that addresses the needs of the incarcerated individual including education, employment, substance abuse treatment, mental health treatment, family reunification, and other areas which are needed to facilitate a successful reintegration into the community.*

(6)(a) ~~((Prior to))~~ *Within one year prior to the release or discharge of any incarcerated individual, the department shall develop an individual discharge plan and provide reentry linkage case management services as follows:*

(i) Evaluate the incarcerated individual's behavioral health and physical health needs and, to the extent possible, connect the incarcerated individual with ~~((existing services and resources that meet those needs))~~ relevant services, treatment programs, medication-assisted treatment, tribal and urban health clinics, and behavioral health services, and other resources based on the individual's evaluated needs;

(ii) Assist the incarcerated individual with obtaining identification upon release;

(iii) Assist the incarcerated individual with submitting applications for applicable state and federal government assistance and benefits programs on behalf of the incarcerated individual;

(iv) Prepare a 90-day supply of any necessary prescribed medications to be provided upon release, through a combination of a 30-day supply of in-hand medications and 60-day supply of prescriptions, to ensure continuity of care

and that medications are readily available for the incarcerated individual upon release; and

((#)) (v) Connect the incarcerated individual with a community justice center and/or community transition coordination network in the area in which the incarcerated individual will be residing once released from the correctional system if one exists.

(b) If the department recommends partial confinement in an incarcerated individual's individual reentry plan, the department shall maximize the period of partial confinement for the incarcerated individual as allowed pursuant to RCW 9.94A.728 to facilitate the incarcerated individual's transition to the community.

(7) The department shall establish mechanisms for sharing information from individual reentry plans to those persons involved with the incarcerated individual's treatment, programming, and reentry, when deemed appropriate. When feasible, this information shall be shared electronically.

(8)(a) In determining the county of discharge for an incarcerated individual released to community custody, the department may approve a residence location that is not in the incarcerated individual's county of origin if the department determines that the residence location would be appropriate based on any court-ordered condition of the incarcerated individual's sentence, victim safety concerns, and factors that increase opportunities for successful reentry and long-term support including, but not limited to, location of family or other sponsoring persons or organizations that will support the incarcerated individual, ability to complete an educational program that the incarcerated individual is enrolled in, availability of appropriate programming or treatment, and access to housing, employment, and prosocial influences on the person in the community.

(b) In implementing the provisions of this subsection, the department shall approve residence locations in a manner that will not cause any one county to be disproportionately impacted.

(c) If the incarcerated individual is not returned to his or her county of origin, the department shall provide the law and justice council of the county in which the incarcerated individual is placed with a written explanation.

(d)(i) For purposes of this section, except as provided in (d)(ii) of this subsection, the incarcerated individual's county of origin means the county of the incarcerated individual's residence at the time of the incarcerated individual's first felony conviction in Washington state.

(ii) If the incarcerated individual is a homeless person as defined in RCW 43.185C.010, or the incarcerated individual's residence is unknown, then the incarcerated individual's county of origin means the county of the incarcerated individual's first felony conviction in Washington state.

(9) Nothing in this section creates a vested right in programming, education, or other services.

**Sec. 3 was vetoed. See message at end of chapter.*

Passed by the Senate March 6, 2023.

Passed by the House April 19, 2023.

Approved by the Governor May 15, 2023, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State May 16, 2023.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Sections 1 and 3, Second Substitute Senate Bill No. 5134 entitled:

"AN ACT Relating to reentry services and supports."

Section 3 of Second Substitute Senate Bill 5134 expands the Department of Corrections' existing discharge planning requirements by adding a number of reentry linkage case management services to its existing individual reentry planning requirements. For example, Section 3 would require that discharge plans include an evaluation of each person's behavioral and physical health needs, as well as assistance with obtaining identification and completing applications for state and federal government assistance and benefits.

I agree that we should better support individuals who leave prison after completing their sentences and return to the community. Connecting these individuals with treatment and health services will facilitate successful reentry and reduce recidivism. However, the funding provided for Section 3 of this bill is inadequate and the department does not have the capacity to absorb this work within its existing budget. Therefore, I am vetoing Section 3.

Section 1 is the intent section, which states the Legislature's intent to expand the discharge planning requirements. Because I am vetoing Section 3, Section 1 no longer aligns with the bill.

While I am vetoing Sections 1 and 3, I am directing the Department of Corrections to provide a 90-day supply of necessary prescribed medications upon release, as clinically appropriate, through a combination of a 30-day supply of in-hand medications and a 60-day supply of prescriptions. This provision is included in Section 3 of the bill and the department can implement this as part of its Health Services program.

For these reasons I have vetoed Sections 1 and 3 of Second Substitute Senate Bill No. 5134.

With the exception of Sections 1 and 3, Second Substitute Senate Bill No. 5134 is approved."

CHAPTER 468

[Engrossed Substitute Senate Bill 5186]

PUBLIC CONTRACTS—ANTIDISCRIMINATION CLAUSES

AN ACT Relating to requiring antidiscrimination clauses in public contracting; amending RCW 39.26.245 and 39.04.160; and adding a new section to chapter 49.60 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** A new section is added to chapter 49.60 RCW to read as follows:

(1) After January 1, 2024, any contractor, including subcontractors, with the state for public works or for goods or services is subject to the nondiscrimination requirements of this section and any rules and regulations to implement it.

(2) Every state contract and subcontract for public works or for goods or services must contain a nondiscrimination clause prohibiting discrimination on the bases enumerated in subsection (3) of this section. The nondiscrimination clause must contain a provision requiring contractors and subcontractors to give written notice of their obligations under that clause to labor organizations with which they have a collective bargaining or other agreement.

(3) The antidiscrimination clauses required by this section must prohibit any covered contractor or subcontractor from:

(a) Refusing to hire any person because of age, sex, marital status, sexual orientation, gender identity, race, creed, color, national origin, citizenship or immigration status, honorably discharged veteran or military status, the presence

of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability, unless based upon a bona fide occupational qualification: PROVIDED, That the prohibition against discrimination because of such disability shall not apply if the particular disability prevents the proper performance of the particular worker involved: PROVIDED, That this section shall not be construed to require an employer to establish employment goals or quotas based on sexual orientation;

(b) Discharging or barring any person from employment because of age, sex, marital status, sexual orientation, gender identity, race, creed, color, national origin, citizenship or immigration status, honorably discharged veteran or military status, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability;

(c) Discriminating against any person in compensation or in other terms or conditions of employment because of age, sex, marital status, sexual orientation, gender identity, race, creed, color, national origin, citizenship or immigration status, honorably discharged veteran or military status, the presence of any sensory, mental, or physical disability, the use of a trained dog guide or service animal by a person with a disability: PROVIDED, That it shall not be an unfair practice for an employer to segregate washrooms or locker facilities on the basis of sex, or to base other terms and conditions of employment on the sex of employees where the commission by regulation or ruling in a particular instance has found the employment practice to be appropriate for the practical realization of equality of opportunity between the sexes; or

(d) Printing or circulating, or causing to be printed or circulated, any statement, advertisement, or publication, or to use any form of application for employment, or to make any inquiry in connection with prospective employment, which expresses any limitation, specification, or discrimination as to age, sex, marital status, sexual orientation, gender identity, race, creed, color, national origin, citizenship or immigration status, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability, the use of a trained dog guide or service animal by a person with a disability, or any intent to make any such limitation, specification, or discrimination, unless based upon a bona fide occupational qualification: PROVIDED, That nothing contained herein shall prohibit advertising in a foreign language.

(4) The department of enterprise services, in collaboration with the office of minority and women's business enterprises, the office of equity, and the commission, must develop standard template contract provisions for public works and goods and services contracts to meet the provisions of this section.

Sec. 2. RCW 39.26.245 and 2010 c 5 s 6 are each amended to read as follows:

(1) All contracts entered into and purchases made, including leasing or renting, under this chapter on or after September 1, 1983, are subject to the requirements established under chapter 39.19 RCW.

(2) All procurement contracts entered into under this chapter on or after June 10, 2010, are subject to the requirements established under RCW 43.60A.200.

(3) All contracts with the state for goods or services entered into under this chapter on or after January 1, 2024, are subject to the requirements established under section 1 of this act.

Sec. 3. RCW 39.04.160 and 1983 c 120 s 11 are each amended to read as follows:

(1) All contracts entered into under this chapter by the state on or after September 1, 1983, are subject to the requirements established under chapter 39.19 RCW.

(2) All contracts entered into under this chapter by the state on or after January 1, 2024, are subject to the requirements established under section 1 of this act.

Passed by the Senate April 14, 2023.

Passed by the House April 5, 2023.

Approved by the Governor May 15, 2023.

Filed in Office of Secretary of State May 16, 2023.

CHAPTER 469

[Second Substitute Senate Bill 5555]

CERTIFIED PEER SPECIALISTS

AN ACT Relating to addressing the behavioral health workforce shortage and expanding access to peer services by creating the profession of certified peer specialists; amending RCW 18.130.040, 18.130.040, 18.130.175, 43.43.842, and 43.70.250; adding new sections to chapter 71.24 RCW; adding a new section to chapter 48.43 RCW; adding a new chapter to Title 18 RCW; creating a new section; providing an effective date; and providing an expiration date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. (1) The legislature finds that peers play a critical role along the behavioral health continuum of care, from outreach to treatment to recovery support. Peers deal in the currency of hope and motivation and are incredibly adept at supporting people with behavioral health challenges on their recovery journeys. Peers represent the only segment of the behavioral health workforce where there is not a shortage, but a surplus of willing workers. Peers, however, are presently limited to serving only Medicaid recipients and working only in community behavioral health agencies. As a result, youth and adults with commercial insurance have no access to peer services. Furthermore, peers who work in other settings, such as emergency departments and behavioral health urgent care, cannot bill insurance for their services.

(2) Therefore, it is the intent of the legislature to address the behavioral health workforce crisis, expand access to peer services, eliminate financial barriers to professional licensing, and honor the contributions of the peer profession by creating the profession of certified peer specialists.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Advisory committee" means the Washington state certified peer specialist advisory committee established under section 4 of this act.

(2) "Approved supervisor" means:

(a) Until July 1, 2028, a behavioral health provider, as defined in RCW 71.24.025 with at least two years of experience working in a behavioral health practice that employs peer specialists as part of treatment teams; or

(b) A certified peer specialist who has completed:

(i) At least 1,500 hours of work as a fully certified peer specialist engaged in the practice of peer support services, with at least 500 hours attained through the joint supervision of peers in conjunction with another approved supervisor; and

(ii) The training developed by the health care authority under section 13 of this act.

(3) "Certified peer specialist" means a person certified under this chapter to engage in the practice of peer support services.

(4) "Certified peer specialist trainee" means an individual working toward the supervised experience and written examination requirements to become a certified peer specialist under this chapter.

(5) "Department" means the department of health.

(6) "Practice of peer support services" means the provision of interventions by either a person in recovery from a mental health condition or substance use disorder, or both, or the parent or legal guardian of a youth who is receiving or has received behavioral health services. The client receiving the interventions receives them from a person with a similar lived experience as either a person in recovery from a mental health condition or substance use disorder, or both, or the parent or legal guardian of a youth who is receiving or has received behavioral health services. The person provides the interventions through the use of shared experiences to assist a client in the acquisition and exercise of skills needed to support the client's recovery. Interventions may include activities that assist clients in accessing or engaging in treatment and in symptom management; promote social connection, recovery, and self-advocacy; provide guidance in the development of natural community supports and basic daily living skills; and support clients in engagement, motivation, and maintenance related to achieving and maintaining health and wellness goals.

(7) "Secretary" means the secretary of health.

NEW SECTION. Sec. 3. In addition to any other authority, the secretary has the authority to:

(1) Adopt rules under chapter 34.05 RCW necessary to implement this chapter;

(2) Establish all certification, examination, and renewal fees for certified peer specialists in accordance with RCW 43.70.110 and 43.70.250;

(3) Establish forms and procedures necessary to administer this chapter;

(4) Issue certificates to applicants who have met the education, training, and examination requirements for obtaining a certificate and to deny a certificate to applicants who do not meet the requirements;

(5) Coordinate with the health care authority to confirm an applicants' successful completion of the certified peer specialist education course offered by the health care authority under section 13 of this act and successful passage of the associated oral examination as proof of eligibility to take a qualifying written examination for applicants for obtaining a certificate;

(6) Establish practice parameters consistent with the definition of the practice of peer support services;

(7) Provide staffing and administrative support to the advisory committee;

(8) Determine which states have credentialing requirements equivalent to those of this state, and issue certificates to applicants credentialed in those states without examination;

(9) Define and approve any supervised experience requirements for certification;

(10) Assist the advisory committee with the review of peer counselor apprenticeship program applications in the process of being approved and registered under chapter 49.04 RCW;

(11) Adopt rules implementing a continuing competency program; and

(12) Establish by rule the procedures for an appeal of an examination failure.

****NEW SECTION. Sec. 4. (1) The Washington state certified peer specialist advisory committee is established.***

(2)(a) The advisory committee shall consist of 11 members. Nine members must be certified peer specialists. Those nine members shall be inclusive of mental health peers, substance use disorder peers, community-based peers, peers who work in clinical settings, youth peers, adult peers, parent or family peers, and peer supervisors. One member must represent community behavioral health agencies. One member must represent the public at large and may not be a credentialed behavioral health provider. The advisory committee shall be reflective of the community who receives peer services, including people who are Black, indigenous, people of color, and individuals who identify as LGBTQ. All members of the advisory committee must be residents of Washington state. Members may not hold an office in a professional association for peer specialists or be employed by the state. A majority of the members currently serving shall constitute a quorum.

(b) The members shall be appointed by the secretary to serve three-year terms which may be renewed. Initial members shall be appointed to staggered terms which may be less than three years. Initial membership may vary from the requirements in (a) of this subsection to account for the lack of an available credential for certified peer specialists at the time the advisory committee is established. The advisory committee shall select a chair and vice chair.

(3) The department and the health care authority, as appropriate, are encouraged to adopt recommendations as submitted by the advisory committee on topics related to the administration of this chapter and provide their rationale for any formal recommendations of the advisory committee that either agency does not adopt, including:

(a) Advice and recommendations regarding the establishment or implementation of rules related to this chapter;

(b) Advice, recommendations, and consultation regarding professional boundaries, customary practices, and other aspects of peer support as it relates to complaints, investigations, and other disciplinary actions;

(c) Assistance and recommendations to enhance patient and client education;

(d) Assistance and recommendations regarding the written and oral examination to become a certified peer specialist and the examiners conducting the examinations, including recommendations to assure that the examinations, and the manner in which the examinations are administered, are culturally appropriate;

(e) Assistance and recommendations regarding any continuing education and continuing competency programs administered under the provisions of this chapter;

(f) Advice and guidance regarding criteria for certification based on prior experience as a peer specialist attained before July 1, 2025, as described in section 7(2) of this act;

(g) Recommendations for additional supports that may help those practicing as peer counselors as of the effective date of this section to become certified peer specialists;

(h) Advice and guidance on the feasibility and design of a two-phase certification program for peer specialists;

(i) Review of existing health care authority policies and procedures related to peer counselors;

(j) Advice on approving additional education and training entities, other than the health care authority, to conduct the course of instruction in section 13(1)(a) of this act to expand availability of the course, particularly among black, indigenous, people of color, and individuals who identify as LGBTQ;

(k) Advice on approving additional testing entities, other than the health care authority to administer the written and oral examination, including entities owned by black, indigenous, and people of color;

(l) Advice on long-term planning and growth for the future advancement of the peer specialist profession;

(m) Recommendations on recruitment and retention in the peer specialist profession, including among black, indigenous, people of color, and individuals who identify as LGBTQ; and

(n) Recommendations on strategies to eliminate financial barriers to licensing as a certified peer specialist.

(4) Committee members are immune from suit in an action, civil or criminal, based on the department's disciplinary proceedings or other official acts performed in good faith.

(5) Committee members shall be compensated in accordance with RCW 43.03.240, including travel expenses in carrying out his or her authorized duties in accordance with RCW 43.03.050 and 43.03.060.

**Sec. 4 was vetoed. See message at end of chapter.*

NEW SECTION. Sec. 5. Beginning July 1, 2025, except as provided in section 13 of this act, the decision of a person practicing peer support services to become certified under this chapter is voluntary. A person may not use the title certified peer specialist unless the person holds a credential under this chapter.

NEW SECTION. Sec. 6. Nothing in this chapter may be construed to prohibit or restrict:

(1) An individual who holds a credential issued by this state, other than as a certified peer specialist or certified peer specialist trainee, to engage in the practice of an occupation or profession without obtaining an additional credential from the state. The individual may not use the title certified peer specialist unless the individual holds a credential under this chapter; or

(2) The practice of peer support services by a person who is employed by the government of the United States while engaged in the performance of duties prescribed by the laws of the United States.

NEW SECTION. Sec. 7. (1) Beginning July 1, 2025, except as provided in subsections (2) and (3) of this section, the secretary shall issue a certificate to practice as a certified peer specialist to any applicant who demonstrates to the satisfaction of the secretary that the applicant meets the following requirements:

(a) Submission of an attestation to the department that the applicant self-identifies as:

(i) A person with one or more years of recovery from a mental health condition, substance use disorder, or both; or

(ii) The parent or legal guardian of a youth who is receiving or has received behavioral health services;

(b) Successful completion of the education course developed and offered by the health care authority under section 13 of this act;

(c) Successful passage of an oral examination administered by the health care authority upon completion of the education course offered by the health care authority under section 13 of this act;

(d) Successful passage of a written examination administered by the health care authority upon completion of the education course offered by the health care authority under section 13 of this act;

(e) Successful completion of an experience requirement of at least 1,000 supervised hours as a certified peer specialist trainee engaged in the volunteer or paid practice of peer support services, in accordance with the standards in section 8 of this act; and

(f) Payment of the appropriate fee required under this chapter.

(2) The secretary, with the recommendation of the advisory committee, shall establish criteria for the issuance of a certificate to engage in the practice of peer support services based on prior experience as a peer specialist attained before July 1, 2025. The criteria shall establish equivalency standards necessary to be deemed to have met the requirements of subsection (1) of this section. An applicant under this subsection shall have until July 1, 2026, to complete any standards in which the applicant is determined to be deficient.

(3) The secretary, with the recommendation of the advisory committee, shall issue a certificate to engage in the practice of peer support services based on completion of an apprenticeship program registered and approved under chapter 49.04 RCW and reviewed by the advisory committee under section 3 of this act.

(4) A certificate to engage in the practice of peer support services is valid for two years. A certificate may be renewed upon demonstrating to the department that the certified peer specialist has successfully completed 30 hours of continuing education approved by the department. As part of the continuing education requirement, every six years the applicant must submit proof of successful completion of at least three hours of suicide prevention training and at least six hours of coursework in professional ethics and law, which may include topics under RCW 18.130.180.

NEW SECTION. Sec. 8. (1) Beginning July 1, 2025, the secretary shall issue a certificate to practice as a certified peer specialist trainee to any applicant who demonstrates to the satisfaction of the secretary that:

(a) The applicant meets the requirements of section 7 (1)(a), (b), (c), (d), and (4) of this act and is working toward the supervised experience requirements to become a certified peer specialist under this chapter; or

(b) The applicant is enrolled in an apprenticeship program registered and approved under chapter 49.04 RCW and approved by the secretary under section 3 of this act.

(2) An applicant seeking to become a certified peer specialist trainee under this section shall submit to the secretary for approval an attestation, in accordance with rules adopted by the department, that the certified peer specialist trainee is actively pursuing the supervised experience requirements of section 7(1)(d) of this act. This attestation must be updated with the trainee's annual renewal.

(3) A certified peer specialist trainee certified under this section may practice only under the supervision of an approved supervisor. Supervision may be provided through distance supervision. Supervision may be provided by an approved supervisor who is employed by the same employer that employs the certified peer specialist trainee or by an arrangement made with a third-party approved supervisor to provide supervision, or a combination of both types of approved supervisors.

(4) A certified peer specialist trainee certificate is valid for one year and may only be renewed four times.

NEW SECTION. Sec. 9. (1) The date and location of written examinations must be established by the health care authority. Applicants who have been found by the health care authority to meet other requirements for obtaining a certificate must be scheduled for the next examination following the filing of the application. The health care authority shall establish by rule the examination application deadline.

(2) The health care authority shall administer written examinations to each applicant, by means determined most effective, on subjects appropriate to the scope of practice, as applicable. The examinations must be limited to the purpose of determining whether the applicant possesses the minimum skill and knowledge necessary to practice competently.

(3) The examination materials, all grading of the materials, and the grading of any practical work must be preserved for a period of not less than one year after the health care authority has made and published the decisions. All examinations must be conducted under fair and wholly impartial methods.

(4) Any applicant failing to make the required grade in the first written examination may take up to three subsequent written examinations as the applicant desires upon prepaying a fee determined by the health care authority for each subsequent written examination. Upon failing four written examinations, the health care authority may invalidate the original application and require remedial education before the person may take future written examinations.

(5) The health care authority may approve a written examination prepared or administered by a private organization that credentials and renews credentials for peer counselors, or an association of credentialing agencies, for use by an applicant in meeting the credentialing requirements.

NEW SECTION. Sec. 10. The secretary shall establish, by rule, the requirements and fees for renewal of a certificate issued pursuant to this chapter. Fees must be established in accordance with RCW 43.70.110 and 43.70.250. Failure to renew the certificate invalidates the certificate and all privileges

granted by the certificate. If a certificate has lapsed for a period longer than three years, the person shall demonstrate competence to the satisfaction of the secretary by completing continuing competency requirements or meeting other standards determined by the secretary.

NEW SECTION. Sec. 11. (1) The department, in consultation with the advisory committee, shall conduct an assessment and submit a report to the governor and the committees of the legislature with jurisdiction over health policy issues by December 1, 2027.

(2) The report in subsection (1) of this section shall provide:

(a) An analysis of the adequacy of the supply of certified peer specialists serving as approved supervisors pursuant to section 2(2)(b) of this act with respect to the ability to meet the anticipated supervision needs of certified peer specialist trainees upon the expiration of behavioral health providers serving as approved supervisors pursuant to section 2(2)(a) of this act;

(b) An assessment of whether or not it is necessary to extend the expiration of behavioral health providers serving as approved supervisors pursuant to section 2(2)(a) of this act in order to meet the anticipated supervision needs of certified peer specialist trainees;

(c) Recommendations for increasing the supply of certified peer specialists serving as approved supervisors pursuant to section 2(2)(b) of this act, including any potential modifications to the requirements to become an approved supervisor; and

(d) Recommendations for alternative methods of providing supervision to certified peer specialist trainees, including options for team-based supervision that incorporate supervision from both behavioral health providers serving as approved supervisors pursuant to section 2(2)(a) of this act and certified peer specialists serving as approved supervisors pursuant to section 2(2)(b) of this act.

NEW SECTION. Sec. 12. The uniform disciplinary act, chapter 18.130 RCW, governs uncertified practice of peer support services, the issuance and denial of certificates, and the discipline of certified peer specialists and certified peer specialist trainees under this chapter.

NEW SECTION. Sec. 13. A new section is added to chapter 71.24 RCW to read as follows:

(1)(a) By January 1, 2025, the authority must develop a course of instruction to become a certified peer specialist under chapter 18.--- RCW (the new chapter created in section 22 of this act). The course must be approximately 80 hours in duration and based upon the curriculum offered by the authority in its peer counselor training as of the effective date of this section, as well as additional instruction in the principles of recovery coaching and suicide prevention. The authority shall establish a peer engagement process to receive suggestions regarding subjects to be covered in the 80-hour curriculum beyond those addressed in the peer counselor training curriculum and recovery coaching and suicide prevention curricula, including the cultural appropriateness of the 80-hour training. The education course must be taught by certified peer specialists. The education course must be offered by the authority with sufficient frequency to accommodate the demand for training and the needs of the workforce. The authority must establish multiple configurations for offering the education

course, including offering the course as an uninterrupted course with longer class hours held on consecutive days for students seeking accelerated completion of the course and as an extended course with reduced daily class hours, possibly with multiple days between classes, to accommodate students with other commitments. Upon completion of the education course, the student must pass an oral examination administered by the course trainer.

(b) The authority shall develop an expedited course of instruction that consists of only those portions of the curriculum required under (a) of this subsection that exceed the authority's certified peer counselor training curriculum as it exists on the effective date of this section. The expedited training shall focus on assisting persons who completed the authority's certified peer counselor training as it exists on the effective date of this section to meet the education requirements for certification under section 7 of this act.

(2) By January 1, 2025, the authority must develop a training course for certified peer specialists providing supervision to certified peer specialist trainees under section 8 of this act.

(3)(a) By July 1, 2025, the authority shall offer a 40-hour specialized training course in peer crisis response services for individuals employed as peers who work with individuals who may be experiencing a behavioral health crisis. When offering the training course, priority for enrollment must be given to certified peer specialists employed in a crisis-related setting, including entities identified in (b) of this subsection. The training shall incorporate best practices for responding to 988 behavioral health crisis line calls, as well as processes for co-response with law enforcement when necessary.

(b) Beginning July 1, 2025, any entity that uses certified peer specialists as peer crisis responders, may only use certified peer specialists who have completed the training course established by (a) of this subsection. A behavioral health agency that uses certified peer specialists to work as peer crisis responders must maintain the records of the completion of the training course for those certified peer specialists who provide these services and make the records available to the state agency for auditing or certification purposes.

(4) By July 1, 2025, the authority shall offer a course designed to inform licensed or certified behavioral health agencies of the benefits of incorporating certified peer specialists and certified peer specialist trainees into their clinical staff and best practices for incorporating their services. The authority shall encourage entities that hire certified peer specialists and certified peer specialist trainees, including licensed or certified behavioral health agencies, hospitals, primary care offices, and other entities, to have appropriate staff attend the training by making it available in multiple formats.

(5) The authority shall:

(a) Hire clerical, administrative, investigative, and other staff as needed to implement this section to serve as examiners for any practical oral or written examination and assure that the examiners are trained to administer examinations in a culturally appropriate manner and represent the diversity of applicants being tested. The authority shall adopt procedures to allow for appropriate accommodations for persons with a learning disability, other disabilities, and other needs and assure that staff involved in the administration of examinations are trained on those procedures;

(b) Develop oral and written examinations required under this section. The initial examinations shall be adapted from those used by the authority as of the effective date of this section and modified pursuant to input and comments from the Washington state peer specialist advisory committee. The authority shall assure that the examinations are culturally appropriate;

(c) Prepare, grade, and administer, or supervise the grading and administration of written examinations for obtaining a certificate;

(d) Approve entities to provide the educational courses required by this section and approve entities to prepare, grade, and administer written examinations for the educational courses required by this section. In establishing approval criteria, the authority shall consider the recommendations of the Washington state peer specialist advisory committee;

(e) Develop examination preparation materials and make them available to students enrolled in the courses established under this section in multiple formats, including specialized examination preparation support for students with higher barriers to passing the written examination; and

(f) The authority shall administer, through contract, a program to link eligible persons in recovery from behavioral health challenges who are seeking employment as peers with employers seeking to hire peers, including certified peer specialists. The authority must contract for this program with an organization that provides peer workforce development, peer coaching, and other peer supportive services. The contract must require the organization to create and maintain a statewide database which is easily accessible to eligible persons in recovery who are seeking employment as peers and potential employers seeking to hire peers, including certified peer specialists. The program must be fully implemented by July 1, 2024.

(6) For the purposes of this section, the term "peer crisis responder" means a peer specialist certified under chapter 18.--- RCW (the new chapter created in section 22 of this act) who has completed the training under subsection (3) of this section whose job involves responding to behavioral health emergencies, including those dispatched through a 988 crisis hotline or the 911 system.

NEW SECTION. Sec. 14. A new section is added to chapter 71.24 RCW to read as follows:

Behavioral health agencies must reduce the caseload for approved supervisors who are providing supervision to certified peer specialist trainees seeking certification under chapter 18.--- RCW (the new chapter created in section 22 of this act), in accordance with standards established by the Washington state certified peer specialist advisory committee.

NEW SECTION. Sec. 15. A new section is added to chapter 71.24 RCW to read as follows:

(1) Beginning January 1, 2027, a person who engages in the practice of peer support services and who bills a health carrier or medical assistance or whose employer bills a health carrier or medical assistance for those services must hold an active credential as a certified peer specialist or certified peer specialist trainee under chapter 18.--- RCW (the new chapter created in section 22 of this act).

(2) A person who is registered as an agency-affiliated counselor under chapter 18.19 RCW who engages in the practice of peer support services and

whose agency, as defined in RCW 18.19.020, bills medical assistance for those services must hold a certificate as a certified peer specialist or certified peer specialist trainee under chapter 18.--- RCW (the new chapter created in section 22 of this act) no later than January 1, 2027.

NEW SECTION. Sec. 16. A new section is added to chapter 48.43 RCW to read as follows:

By July 1, 2026, each carrier shall provide access to services provided by certified peer specialists and certified peer specialist trainees in a manner sufficient to meet the network access standards set forth in rules established by the office of the insurance commissioner.

Sec. 17. RCW 18.130.040 and 2021 c 179 s 7 are each amended to read as follows:

(1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The secretary has authority under this chapter in relation to the following professions:

(i) Dispensing opticians licensed and designated apprentices under chapter 18.34 RCW;

(ii) Midwives licensed under chapter 18.50 RCW;

(iii) Ocularists licensed under chapter 18.55 RCW;

(iv) Massage therapists and businesses licensed under chapter 18.108 RCW;

(v) Dental hygienists licensed under chapter 18.29 RCW;

(vi) Acupuncturists or acupuncture and Eastern medicine practitioners licensed under chapter 18.06 RCW;

(vii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW;

(viii) Respiratory care practitioners licensed under chapter 18.89 RCW;

(ix) Hypnotherapists and agency affiliated counselors registered and advisors and counselors certified under chapter 18.19 RCW;

(x) Persons licensed as mental health counselors, mental health counselor associates, marriage and family therapists, marriage and family therapist associates, social workers, social work associates—advanced, and social work associates—-independent clinical under chapter 18.225 RCW;

(xi) Persons registered as nursing pool operators under chapter 18.52C RCW;

(xii) Nursing assistants registered or certified or medication assistants endorsed under chapter 18.88A RCW;

(xiii) Dietitians and nutritionists certified under chapter 18.138 RCW;

(xiv) Substance use disorder professionals, substance use disorder professional trainees, or co-occurring disorder specialists certified under chapter 18.205 RCW;

(xv) Sex offender treatment providers and certified affiliate sex offender treatment providers certified under chapter 18.155 RCW;

(xvi) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;

(xvii) Orthotists and prosthetists licensed under chapter 18.200 RCW;

(xviii) Surgical technologists registered under chapter 18.215 RCW;
(xix) Recreational therapists under chapter 18.230 RCW;
(xx) Animal massage therapists certified under chapter 18.240 RCW;
(xxi) Athletic trainers licensed under chapter 18.250 RCW;
(xxii) Home care aides certified under chapter 18.88B RCW;
(xxiii) Genetic counselors licensed under chapter 18.290 RCW;
(xxiv) Reflexologists certified under chapter 18.108 RCW;
(xxv) Medical assistants-certified, medical assistants-hemodialysis technician, medical assistants-phlebotomist, forensic phlebotomist, and medical assistants-registered certified and registered under chapter 18.360 RCW; ~~(and)~~
(xxvi) Behavior analysts, assistant behavior analysts, and behavior technicians under chapter 18.380 RCW; and
(xxvii) Certified peer specialists and certified peer specialist trainees under chapter 18.--- RCW (the new chapter created in section 22 of this act).

(b) The boards and commissions having authority under this chapter are as follows:

- (i) The podiatric medical board as established in chapter 18.22 RCW;
- (ii) The chiropractic quality assurance commission as established in chapter 18.25 RCW;
- (iii) The dental quality assurance commission as established in chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW, licenses and registrations issued under chapter 18.260 RCW, and certifications issued under chapter 18.350 RCW;
- (iv) The board of hearing and speech as established in chapter 18.35 RCW;
- (v) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;
- (vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;
- (vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapter 18.57 RCW;
- (viii) The pharmacy quality assurance commission as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;
- (ix) The Washington medical commission as established in chapter 18.71 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;
- (x) The board of physical therapy as established in chapter 18.74 RCW;
- (xi) The board of occupational therapy practice as established in chapter 18.59 RCW;
- (xii) The nursing care quality assurance commission as established in chapter 18.79 RCW governing licenses and registrations issued under that chapter;
- (xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW;
- (xiv) The veterinary board of governors as established in chapter 18.92 RCW;
- (xv) The board of naturopathy established in chapter 18.36A RCW, governing licenses and certifications issued under that chapter; and
- (xvi) The board of denturists established in chapter 18.30 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses. The disciplining authority may also grant a license subject to conditions.

(4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the uniform disciplinary act, among the disciplining authorities listed in subsection (2) of this section.

Sec. 18. RCW 18.130.040 and 2022 c 217 s 5 are each amended to read as follows:

(1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The secretary has authority under this chapter in relation to the following professions:

(i) Dispensing opticians licensed and designated apprentices under chapter 18.34 RCW;

(ii) Midwives licensed under chapter 18.50 RCW;

(iii) Ocularists licensed under chapter 18.55 RCW;

(iv) Massage therapists and businesses licensed under chapter 18.108 RCW;

(v) Dental hygienists licensed under chapter 18.29 RCW;

(vi) Acupuncturists or acupuncture and Eastern medicine practitioners licensed under chapter 18.06 RCW;

(vii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW;

(viii) Respiratory care practitioners licensed under chapter 18.89 RCW;

(ix) Hypnotherapists and agency affiliated counselors registered and advisors and counselors certified under chapter 18.19 RCW;

(x) Persons licensed as mental health counselors, mental health counselor associates, marriage and family therapists, marriage and family therapist associates, social workers, social work associates—advanced, and social work associates—-independent clinical under chapter 18.225 RCW;

(xi) Persons registered as nursing pool operators under chapter 18.52C RCW;

(xii) Nursing assistants registered or certified or medication assistants endorsed under chapter 18.88A RCW;

(xiii) Dietitians and nutritionists certified under chapter 18.138 RCW;

(xiv) Substance use disorder professionals, substance use disorder professional trainees, or co-occurring disorder specialists certified under chapter 18.205 RCW;

(xv) Sex offender treatment providers and certified affiliate sex offender treatment providers certified under chapter 18.155 RCW;

(xvi) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;

(xvii) Orthotists and prosthetists licensed under chapter 18.200 RCW;

(xviii) Surgical technologists registered under chapter 18.215 RCW;

(xix) Recreational therapists under chapter 18.230 RCW;

(xx) Animal massage therapists certified under chapter 18.240 RCW;

(xxi) Athletic trainers licensed under chapter 18.250 RCW;

(xxii) Home care aides certified under chapter 18.88B RCW;

- (xxiii) Genetic counselors licensed under chapter 18.290 RCW;
- (xxiv) Reflexologists certified under chapter 18.108 RCW;
- (xxv) Medical assistants-certified, medical assistants-hemodialysis technician, medical assistants-phlebotomist, forensic phlebotomist, and medical assistants-registered certified and registered under chapter 18.360 RCW;
- (xxvi) Behavior analysts, assistant behavior analysts, and behavior technicians under chapter 18.380 RCW; ~~(and)~~
- (xxvii) Birth doulas certified under chapter 18.47 RCW; and
- (xxviii) Certified peer specialists and certified peer specialist trainees under chapter 18.--- RCW (the new chapter created in section 22 of this act).

(b) The boards and commissions having authority under this chapter are as follows:

- (i) The podiatric medical board as established in chapter 18.22 RCW;
 - (ii) The chiropractic quality assurance commission as established in chapter 18.25 RCW;
 - (iii) The dental quality assurance commission as established in chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW, licenses and registrations issued under chapter 18.260 RCW, and certifications issued under chapter 18.350 RCW;
 - (iv) The board of hearing and speech as established in chapter 18.35 RCW;
 - (v) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;
 - (vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;
 - (vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapter 18.57 RCW;
 - (viii) The pharmacy quality assurance commission as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;
 - (ix) The Washington medical commission as established in chapter 18.71 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;
 - (x) The board of physical therapy as established in chapter 18.74 RCW;
 - (xi) The board of occupational therapy practice as established in chapter 18.59 RCW;
 - (xii) The nursing care quality assurance commission as established in chapter 18.79 RCW governing licenses and registrations issued under that chapter;
 - (xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW;
 - (xiv) The veterinary board of governors as established in chapter 18.92 RCW;
 - (xv) The board of naturopathy established in chapter 18.36A RCW, governing licenses and certifications issued under that chapter; and
 - (xvi) The board of denturists established in chapter 18.30 RCW.
- (3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses. The disciplining authority may also grant a license subject to conditions.

(4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the uniform disciplinary act, among the disciplining authorities listed in subsection (2) of this section.

Sec. 19. RCW 18.130.175 and 2022 c 43 s 10 are each amended to read as follows:

(1) In lieu of disciplinary action under RCW 18.130.160 and if the disciplining authority determines that the unprofessional conduct may be the result of an applicable impairing or potentially impairing health condition, the disciplining authority may refer the license holder to a physician health program or a voluntary substance use disorder monitoring program approved by the disciplining authority.

The cost of evaluation and treatment shall be the responsibility of the license holder, but the responsibility does not preclude payment by an employer, existing insurance coverage, or other sources. Evaluation and treatment shall be provided by providers approved by the entity or the commission. The disciplining authority may also approve the use of out-of-state programs. Referral of the license holder to the physician health program or voluntary substance use disorder monitoring program shall be done only with the consent of the license holder. Referral to the physician health program or voluntary substance use disorder monitoring program may also include probationary conditions for a designated period of time. If the license holder does not consent to be referred to the program or does not successfully complete the program, the disciplining authority may take appropriate action under RCW 18.130.160 which includes suspension of the license unless or until the disciplining authority, in consultation with the director of the applicable program, determines the license holder is able to practice safely. The secretary shall adopt uniform rules for the evaluation by the disciplining authority of return to substance use or program violation on the part of a license holder in the program. The evaluation shall encourage program participation with additional conditions, in lieu of disciplinary action, when the disciplining authority determines that the license holder is able to continue to practice with reasonable skill and safety.

(2) In addition to approving the physician health program or the voluntary substance use disorder monitoring program that may receive referrals from the disciplining authority, the disciplining authority may establish by rule requirements for participation of license holders who are not being investigated or monitored by the disciplining authority. License holders voluntarily participating in the approved programs without being referred by the disciplining authority shall not be subject to disciplinary action under RCW 18.130.160 for their impairing or potentially impairing health condition, and shall not have their participation made known to the disciplining authority, if they meet the requirements of this section and the program in which they are participating.

(3) The license holder shall sign a waiver allowing the program to release information to the disciplining authority if the licensee does not comply with the requirements of this section or is unable to practice with reasonable skill or safety. The physician health program or voluntary substance use disorder program shall report to the disciplining authority any license holder who fails to comply with the requirements of this section or the program or who, in the opinion of the program, is unable to practice with reasonable skill or safety. License holders shall report to the disciplining authority if they fail to comply

with this section or do not complete the program's requirements. License holders may, upon the agreement of the program and disciplining authority, reenter the program if they have previously failed to comply with this section.

(4) Program records including, but not limited to, case notes, progress notes, laboratory reports, evaluation and treatment records, electronic and written correspondence within the program, and between the program and the participant or other involved entities including, but not limited to, employers, credentialing bodies, referents, or other collateral sources, relating to license holders referred to or voluntarily participating in approved programs are confidential and exempt from disclosure under chapter 42.56 RCW and shall not be subject to discovery by subpoena or admissible as evidence except:

(a) To defend any civil action by a license holder regarding the restriction or revocation of that individual's clinical or staff privileges, or termination of a license holder's employment. In such an action, the program will, upon subpoena issued by either party to the action, and upon the requesting party seeking a protective order for the requested disclosure, provide to both parties of the action written disclosure that includes the following information:

(i) Verification of a health care professional's participation in the physician health program or voluntary substance use disorder monitoring program as it relates to aspects of program involvement at issue in the civil action;

(ii) The dates of participation;

(iii) Whether or not the program identified an impairing or potentially impairing health condition;

(iv) Whether the health care professional was compliant with the requirements of the physician health program or voluntary substance use disorder monitoring program; and

(v) Whether the health care professional successfully completed the physician health program or voluntary substance use disorder monitoring program; and

(b) Records provided to the disciplining authority for cause as described in subsection (3) of this section. Program records relating to license holders mandated to the program, through order or by stipulation, by the disciplining authority or relating to license holders reported to the disciplining authority by the program for cause, must be released to the disciplining authority at the request of the disciplining authority. Records held by the disciplining authority under this section are exempt from chapter 42.56 RCW and are not subject to discovery by subpoena except by the license holder.

(5) This section does not affect an employer's right or ability to make employment-related decisions regarding a license holder. This section does not restrict the authority of the disciplining authority to take disciplinary action for any other unprofessional conduct.

(6) A person who, in good faith, reports information or takes action in connection with this section is immune from civil liability for reporting information or taking the action.

(a) The immunity from civil liability provided by this section shall be liberally construed to accomplish the purposes of this section, and applies to both license holders and students and trainees when students and trainees of the applicable professions are served by the program. The persons entitled to immunity shall include:

(i) An approved physician health program or voluntary substance use disorder monitoring program;

(ii) The professional association affiliated with the program;

(iii) Members, employees, or agents of the program or associations;

(iv) Persons reporting a license holder as being possibly impaired or providing information about the license holder's impairment; and

(v) Professionals supervising or monitoring the course of the program participant's treatment or rehabilitation.

(b) The courts are strongly encouraged to impose sanctions on program participants and their attorneys whose allegations under this subsection are not made in good faith and are without either reasonable objective, substantive grounds, or both.

(c) The immunity provided in this section is in addition to any other immunity provided by law.

(7) In the case of a person who is applying to be a substance use disorder professional or substance use disorder professional trainee certified under chapter 18.205 RCW, an agency affiliated counselor registered under chapter 18.19 RCW, or a peer specialist or peer specialist trainee certified under chapter 18.--- RCW (the new chapter created in section 22 of this act), if the person is:

(a) Less than one year in recovery from a substance use disorder, the duration of time that the person may be required to participate in an approved substance use disorder monitoring program may not exceed the amount of time necessary for the person to achieve one year in recovery; or

(b) At least one year in recovery from a substance use disorder, the person may not be required to participate in the approved substance use disorder monitoring program.

~~(8) ((In the case of a person who is applying to be an agency affiliated counselor registered under chapter 18.19 RCW and practices or intends to practice as a peer counselor in an agency, as defined in RCW 18.19.020, if the person is:~~

~~(a) Less than one year in recovery from a substance use disorder, the duration of time that the person may be required to participate in the approved substance use disorder monitoring program may not exceed the amount of time necessary for the person to achieve one year in recovery; or~~

~~(b) At least one year in recovery from a substance use disorder, the person may not be required to participate in the approved substance use disorder monitoring program)) The provisions of subsection (7) of this section apply to any person employed as a peer specialist as of July 1, 2025, participating in a program under this section as of July 1, 2025, and applying to become a certified peer specialist under section 7 of this act, regardless of when the person's participation in a program began. To this extent, subsection (7) of this section applies retroactively, but in all other respects it applies prospectively.~~

Sec. 20. RCW 43.43.842 and 2021 c 215 s 150 are each amended to read as follows:

(1)(a) The secretary of social and health services and the secretary of health shall adopt additional requirements for the licensure or relicensure of agencies, facilities, and licensed individuals who provide care and treatment to vulnerable adults, including nursing pools registered under chapter 18.52C RCW. These additional requirements shall ensure that any person associated with a licensed

agency or facility having unsupervised access with a vulnerable adult shall not be the respondent in an active vulnerable adult protection order under chapter 7.105 RCW, nor have been: (i) Convicted of a crime against children or other persons as defined in RCW 43.43.830, except as provided in this section; (ii) convicted of crimes relating to financial exploitation as defined in RCW 43.43.830, except as provided in this section; or (iii) found in any disciplinary board final decision to have abused a vulnerable adult as defined in RCW 43.43.830.

(b) A person associated with a licensed agency or facility who has unsupervised access with a vulnerable adult shall make the disclosures specified in RCW 43.43.834(2). The person shall make the disclosures in writing, sign, and swear to the contents under penalty of perjury. The person shall, in the disclosures, specify all crimes against children or other persons, all crimes relating to financial exploitation, and all crimes relating to drugs as defined in RCW 43.43.830, committed by the person.

(2) The rules adopted under this section shall permit the licensee to consider the criminal history of an applicant for employment in a licensed facility when the applicant has one or more convictions for a past offense and:

(a) The offense was simple assault, assault in the fourth degree, or the same offense as it may be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(b) The offense was prostitution, or the same offense as it may be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(c) The offense was theft in the third degree, or the same offense as it may be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(d) The offense was theft in the second degree, or the same offense as it may be renamed, and five or more years have passed between the most recent conviction and the date of application for employment;

(e) The offense was forgery, or the same offense as it may be renamed, and five or more years have passed between the most recent conviction and the date of application for employment;

(f) The department of social and health services reviewed the employee's otherwise disqualifying criminal history through the department of social and health services' background assessment review team process conducted in 2002, and determined that such employee could remain in a position covered by this section; or

(g) The otherwise disqualifying conviction or disposition has been the subject of a pardon, annulment, or other equivalent procedure.

The offenses set forth in (a) through (g) of this subsection do not automatically disqualify an applicant from employment by a licensee. Nothing in this section may be construed to require the employment of any person against a licensee's judgment.

(3) The rules adopted pursuant to subsection (2) of this section may not allow a licensee to automatically deny an applicant with a conviction for an offense set forth in subsection (2) of this section for a position as a substance use disorder professional or substance use disorder professional trainee certified under chapter 18.205 RCW, as an agency affiliated counselor registered under

chapter 18.19 RCW practicing as a peer counselor in an agency or facility, or as a peer specialist or peer specialist trainee certified under chapter 18.--- RCW (the new chapter created in section 22 of this act), if:

(a) At least one year has passed between the applicant's most recent conviction for an offense set forth in subsection (2) of this section and the date of application for employment;

(b) The offense was committed as a result of the applicant's substance use or untreated mental health symptoms; and

(c) The applicant is at least one year in recovery from a substance use disorder, whether through abstinence or stability on medication-assisted therapy, or in recovery from a mental health disorder.

~~(4) ((The rules adopted pursuant to subsection (2) of this section may not allow a licensee to automatically deny an applicant with a conviction for an offense set forth in subsection (2) of this section for a position as an agency affiliated counselor registered under chapter 18.19 RCW practicing as a peer counselor in an agency or facility if:~~

~~(a) At least one year has passed between the applicant's most recent conviction for an offense set forth in subsection (2) of this section and the date of application for employment;~~

~~(b) The offense was committed as a result of the person's substance use or untreated mental health symptoms; and~~

~~(c) The applicant is at least one year in recovery from a substance use disorder, whether through abstinence or stability on medication-assisted therapy, or in recovery from mental health challenges.~~

(5)) In consultation with law enforcement personnel, the secretary of social and health services and the secretary of health shall investigate, or cause to be investigated, the conviction record and the protection proceeding record information under this chapter of the staff of each agency or facility under their respective jurisdictions seeking licensure or relicensure. An individual responding to a criminal background inquiry request from his or her employer or potential employer shall disclose the information about his or her criminal history under penalty of perjury. The secretaries shall use the information solely for the purpose of determining eligibility for licensure or relicensure. Criminal justice agencies shall provide the secretaries such information as they may have and that the secretaries may require for such purpose.

Sec. 21. RCW 43.70.250 and 2019 c 415 s 966 are each amended to read as follows:

(1) It shall be the policy of the state of Washington that the cost of each professional, occupational, or business licensing program be fully borne by the members of that profession, occupation, or business.

(2) The secretary shall from time to time establish the amount of all application fees, license fees, registration fees, examination fees, permit fees, renewal fees, and any other fee associated with licensing or regulation of professions, occupations, or businesses administered by the department. Any and all fees or assessments, or both, levied on the state to cover the costs of the operations and activities of the interstate health professions licensure compacts with participating authorities listed under chapter 18.130 RCW shall be borne by the persons who hold licenses issued pursuant to the authority and procedures established under the compacts. In fixing said fees, the secretary shall set the

fees for each program at a sufficient level to defray the costs of administering that program and the cost of regulating licensed volunteer medical workers in accordance with RCW 18.130.360, except as provided in RCW 18.79.202. In no case may the secretary (~~(increase a licensing fee for an ambulatory surgical facility licensed under chapter 70.230 RCW during the 2019-2021 fiscal biennium, nor may he or she commence the adoption of rules to increase a licensing fee during the 2019-2021 fiscal biennium))~~ impose any certification, examination, or renewal fee upon a person seeking certification as a certified peer specialist trainee under chapter 18.--- RCW (the new chapter created in section 22 of this act) or, between July 1, 2025, and July 1, 2030, impose a certification, examination, or renewal fee of more than \$100 upon any person seeking certification as a certified peer specialist under chapter 18.--- RCW (the new chapter created in section 22 of this act).

(3) All such fees shall be fixed by rule adopted by the secretary in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

NEW SECTION. Sec. 22. Sections 1 through 12 of this act constitute a new chapter in Title 18 RCW.

NEW SECTION. Sec. 23. Section 17 of this act expires October 1, 2023.

NEW SECTION. Sec. 24. Section 18 of this act takes effect October 1, 2023.

NEW SECTION. Sec. 25. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void.

Passed by the Senate April 18, 2023.

Passed by the House April 12, 2023.

Approved by the Governor May 15, 2023, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State May 16, 2023.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Section 4, Second Substitute Senate Bill No. 5555 entitled:

"AN ACT Relating to addressing the behavioral health workforce shortage and expanding access to peer services by creating the profession of certified peer specialists."

This bill is incredibly important for the development of our peer workforce. Creating the credentialing process is one that we have done for many professions and it is equally important here.

Section 4 creates a state certified peer specialist advisory committee. However, though most professions do include an advisory committee or board, the advisory committee in section 4 goes too far into the roles and responsibilities of the authorized agency and places agency responsibilities with an outside entity.

I will note that one of the advisory committee's responsibilities outlined in section 4 is to advise on rulemaking. I am instructing the Department of Health to ensure that there is extensive community engagement through the rulemaking process as this new credential is being developed.

For these reasons I have vetoed Section 4 of Second Substitute Senate Bill No. 5555.

With the exception of Section 4, Second Substitute Senate Bill No. 5555 is approved."

CHAPTER 470

[House Bill 1066]

TECHNICAL CORRECTIONS

AN ACT Relating to making technical corrections and removing obsolete language from the Revised Code of Washington pursuant to RCW 1.08.025; amending RCW 10.99.033, 7.68.360, 18.85.285, 19.27.190, 24.46.010, 28A.160.090, 28A.515.320, 28B.30.537, 28B.30.900, 28B.50.281, 28C.18.130, 28C.18.140, 31.24.030, 34.05.330, 35.02.260, 35.13.171, 35.21.300, 36.01.120, 36.70A.085, 36.70A.131, 36.70B.040, 36.70B.080, 36.93.080, 36.110.030, 39.04.156, 39.19.240, 39.34.230, 39.35D.080, 39.44.210, 39.44.230, 39.84.090, 40.10.020, 41.06.072, 43.20A.037, 43.20A.790, 43.21A.510, 43.21A.515, 43.21A.612, 43.21G.010, 43.22.495, 43.22A.020, 43.23.035, 43.30.835, 43.31.205, 43.31.504, 43.31.970, 43.63A.115, 43.63A.135, 43.63A.155, 43.63A.230, 43.63A.275, 43.63A.400, 43.63A.410, 43.63A.720, 43.63A.735, 43.63A.764, 43.70.540, 43.132.030, 43.132.810, 43.133.030, 43.133.050, 43.150.040, 43.163.020, 43.163.120, 43.168.010, 43.176.030, 43.176.901, 43.180.040, 43.180.200, 43.180.220, 43.185A.100, 43.185C.200, 43.210.030, 43.210.060, 43.270.020, 43.270.070, 43.270.080, 43.310.020, 43.325.100, 43.325.110, 43.330.065, 43.330.904, 43.332.010, 47.01.440, 47.12.064, 47.39.040, 47.39.069, 47.39.090, 47.50.090, 47.76.230, 49.04.200, 50.38.030, 50.72.030, 53.36.030, 54.16.285, 54.52.020, 57.46.010, 57.46.020, 59.18.440, 59.24.020, 59.24.050, 59.24.060, 59.28.030, 59.28.040, 59.28.050, 59.28.060, 59.28.120, 64.34.442, 66.08.195, 66.08.198, 67.28.8001, 67.38.070, 70.62.290, 70.114A.070, 70.136.030, 70A.50.020, 70A.205.210, 70A.205.710, 71.09.255, 72.09.055, 72.65.210, 76.56.020, 79.105.600, 79A.30.050, 79A.50.100, 79A.60.480, 80.36.440, 80.80.050, 80.80.080, 90.56.280, 9.41.280, 9.41.284, 9.41.305, 9A.44.050, 9A.44.100, 9.94A.838, 9A.44.128, 9A.72.160, 10.31.115, 43.20A.715, 82.04.758, 43.41.425, 64.38.110, 72.01.412, 88.02.620, and 28A.705.010; reenacting and amending RCW 10.99.080, 28A.300.145, 43.03.305, 43.185B.020, 46.04.670, 46.68.340, 53.08.370, 54.16.330, 70A.15.3150, 79.64.100, 43.21J.030, and 9A.44.010; reenacting RCW 10.99.030, 46.25.010, 66.24.210, 66.24.495, 69.50.530, 69.50.540, 70.47.020, 74.09.053, 82.38.060, and 82.42.040; creating a new section; decodifying RCW 28A.300.2851, 28A.300.807, 43.10.300, 43.280.091, and 44.82.010; repealing 2011 1st sp. sess. c 35 s 3 (uncodified); providing a contingent effective date; and providing expiration dates.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. RCW 1.08.025 directs the code reviser, with the approval of the statute law committee, to prepare legislation for submission to the legislature "concerning deficiencies, conflicts, or obsolete provisions" in statutes. This act makes technical, nonsubstantive amendments as follows:

(1) Part 1 of this act merges multiple amendments created when sections were amended without reference to other amendments made in the same session.

(2) Part 2 of this act updates references in the code to the "department of community, trade, and economic development" with the "department of commerce," in accordance with the renaming of that department by chapter 565, Laws of 2009.

(3) Section 3001 of this act adds an expiration date to amendments to RCW 51.32.099. The underlying section expired June 30, 2016, but expiration dates for three amendatory sections were apparently omitted in error.

(4) Section 3002 of this act repeals an expiration date for 2011 amendments to RCW 74.60.020 and 74.60.090. The repealed expiration date conflicts with the expiration date provided in RCW 74.60.901.

(5) Section 3003 of this act decodifies groups that are no longer active.

(6) Sections 3004 through 3006 of this act reorganize subsection numbering so that distinct criminal penalties are located in separate paragraphs.

(7) Sections 3007 through 3010 of this act correct terminology relating to behavioral health disorders in certain sex offense statutes.

(8) Section 3011 of this act updates a reference to a federal law which was reclassified and renumbered in 2017.

(9) Section 3012 of this act updates a subsection reference in RCW 9A.72.160.

(10) Sections 3013 through 3015 of this act replace instances of the word "marijuana" with "cannabis," in accordance with chapter 16, Laws of 2022.

(11) Section 3016 of this act corrects an erroneous section reference.

(12) Section 3017 of this act changes the term "apartment" to "lot" in a section of chapter 64.38 RCW, relating to homeowners' associations.

(13) Sections 3018 and 3019 of this act correct an erroneous subsection reference.

(14) Sections 3020 and 3021 of this act replace an erroneous usage of the word "county" with "country."

(15) Section 3022 of this act amends cross-references in the interstate compact on educational opportunity for military children.

PART 1

MERGING MULTIPLE AMENDMENTS

Sec. 1001. RCW 10.99.030 and 2019 c 367 s 1 and 2019 c 110 s 2 are each reenacted to read as follows:

(1) The primary duty of peace officers, when responding to a domestic violence situation, is to enforce the laws allegedly violated and to protect the complaining party.

(2)(a) When a peace officer responds to a domestic violence call and has probable cause to believe that a crime has been committed, the peace officer shall exercise arrest powers with reference to the criteria in RCW 10.31.100. The officer shall notify the victim of the victim's right to initiate a criminal proceeding in all cases where the officer has not exercised arrest powers or decided to initiate criminal proceedings by citation or otherwise. The parties in such cases shall also be advised of the importance of preserving evidence.

(b) A peace officer responding to a domestic violence call shall take a complete offense report including the officer's disposition of the case.

(3)(a) A peace officer who responds to a domestic violence call and has probable cause to believe that a crime has been committed shall:

(i) Seize all firearms and ammunition the peace officer has reasonable grounds to believe were used or threatened to be used in the commission of the offense;

(ii) Seize all firearms in plain sight or discovered pursuant to a lawful search; and

(iii) Request consent to take temporary custody of any other firearms and ammunition to which the alleged abuser has access until a judicial officer has heard the matter.

(b) The peace officer shall separate the parties and then inquire of the victim: (i) If there are any firearms or ammunition in the home that are owned or possessed by either party; (ii) if the alleged abuser has access to any other firearms located off-site; and (iii) whether the alleged abuser has an active concealed pistol license, so that there is a complete record for future court proceedings. The inquiry should make clear to the victim that the peace officer is not asking only about whether a firearm was used at the time of the incident but also under other circumstances, such as whether the alleged abuser has kept a firearm in plain sight in a manner that is coercive, has threatened use of firearms in the past, or has additional firearms in a vehicle or other location. Law

enforcement personnel may use a pictorial display of common firearms to assist the victim in identifying firearms.

(c) The peace officer shall document all information about firearms and concealed pistol licenses in the incident report. The incident report must be coded to indicate the presence of or access to firearms so that personal recognizance screeners, prosecutors, and judicial officers address the heightened risk to victim, family, and peace officer safety due to the alleged abuser's access to firearms.

(d) A law enforcement agency shall comply with the provisions of RCW 9.41.340 and 9.41.345 before the return of any firearm or ammunition seized under this subsection to the owner or individual from who the firearm or ammunition was obtained.

(4) When a peace officer responds to a domestic violence call:

(a) The officer shall advise victims of all reasonable means to prevent further abuse, including advising each person of the availability of a shelter or other services in the community, and giving each person immediate notice of the legal rights and remedies available. The notice shall include handing each person a copy of the following statement:

"IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the city or county prosecuting attorney to file a criminal complaint. You also have the right to file a petition in superior, district, or municipal court requesting an order for protection from domestic abuse which could include any of the following: (a) An order restraining your abuser from further acts of abuse; (b) an order directing your abuser to leave your household; (c) an order preventing your abuser from entering your residence, school, business, or place of employment; (d) an order awarding you or the other parent custody of or visitation with your minor child or children; (e) an order restraining your abuser from molesting or interfering with minor children in your custody; and (f) an order requiring your abuser to turn in any firearms and concealed pistol license in the abuser's possession or control to law enforcement and prohibiting the abuser from possessing or accessing firearms or a concealed pistol license for the duration of the civil order. The forms you need to obtain a protection order are available in any municipal, district, or superior court.

Information about shelters and alternatives to domestic violence is available from a statewide twenty-four-hour toll-free hotline at (include appropriate phone number). The battered women's shelter and other resources in your area are (include local information)"; and

(b) The officer is encouraged to inform victims that information on traumatic brain injury can be found on the statewide website developed under RCW 74.31.070.

(5) The peace officer may offer, arrange, or facilitate transportation for the victim to a hospital for treatment of injuries or to a place of safety or shelter.

(6) An appointed or elected public official, public employee, or public agency as defined in RCW 4.24.470, or units of local government and its employees, as provided in RCW 36.28A.010, are immune from civil liability for damages arising out of the seizure or lack of seizure of a firearm, unless it is shown that the official, employee, or agency acted with gross negligence or in bad faith.

**Sec. 1002. RCW 10.99.033 and 2019 c 367 s 2 are each amended to read as follows:*

(1) All training relating to the handling of domestic violence complaints by law enforcement officers must stress enforcement of criminal laws in domestic situations, availability of community resources, and protection of the victim. Law enforcement agencies and community organizations with expertise in the issue of domestic violence shall cooperate in all aspects of such training.

(2) The criminal justice training commission shall implement by July 28, 2019, a course of instruction for the training of law enforcement officers in Washington in the handling of domestic violence complaints. The basic law enforcement curriculum of the criminal justice training commission must include at least twenty hours of basic training instruction on the law enforcement response to domestic violence. The course of instruction, the learning and performance objectives, and the standards for the training must be developed by the commission and focus on enforcing the criminal laws, safety of the victim, and holding the perpetrator accountable for the violence. The curriculum must include training on the extent and prevalence of domestic violence, the importance of criminal justice intervention, techniques for responding to incidents that minimize the likelihood of officer injury and that promote victim safety, investigation and interviewing skills, evidence gathering and report writing, assistance to and services for victims and children, understanding the risks of traumatic brain injury posed by domestic violence, verification and enforcement of court orders, liability, and any additional provisions that are necessary to carry out the intention of this subsection.

(3) The criminal justice training commission shall develop and update annually an in-service training program to familiarize law enforcement officers with domestic violence laws. The program must include techniques for handling incidents of domestic violence that minimize the likelihood of injury to the officer and that promote the safety of all parties. The commission shall make the training program available to all law enforcement agencies in the state.

(4) Development of the training in subsections (2) and (3) of this section must be conducted in conjunction with agencies having a primary responsibility for serving victims of domestic violence with emergency shelter and other services, and representatives to the statewide organization providing training and education to these organizations and to the general public.

**Sec. 1002 was vetoed. See message at end of chapter.*

Sec. 1003. RCW 10.99.080 and 2015 c 275 s 14 and 2015 c 265 s 24 are each reenacted and amended to read as follows:

(1) All superior courts, and courts organized under Title 3 or 35 RCW, may impose a penalty of one hundred dollars, plus an additional fifteen dollars on any

~~((person))~~ adult offender convicted of a crime involving domestic violence; in no case shall a penalty assessment exceed one hundred fifteen dollars on any adult offender convicted of a crime involving domestic violence. The assessment shall be in addition to, and shall not supersede, any other penalty, restitution, fines, or costs provided by law.

(2) Revenue from the:

(a) One hundred dollar assessment shall be used solely for the purposes of establishing and funding domestic violence advocacy and domestic violence prevention and prosecution programs in the city or county of the court imposing the assessment. Such revenue from the assessment shall not be used for indigent criminal defense. If the city or county does not have domestic violence advocacy or domestic violence prevention and prosecution programs, cities and counties may use the revenue collected from the assessment to contract with recognized community-based domestic violence program providers.

(b) Fifteen dollar assessment must be remitted monthly to the state treasury for deposit in the domestic violence prevention account.

(3) The one hundred dollar assessment imposed under this section shall not be subject to any state or local remittance requirements under chapter 3.46, 3.50, 3.62, 7.68, 10.82, or 35.20 RCW.

(4) For the purposes of this section, "convicted" includes a plea of guilty, a finding of guilt regardless of whether the imposition of the sentence is deferred or any part of the penalty is suspended, or the levying of a fine. For the purposes of this section, "domestic violence" has the same meaning as that term is defined under RCW 10.99.020 and includes violations of equivalent local ordinances.

(5) When determining whether to impose a penalty assessment under this section, judges are encouraged to solicit input from the victim or representatives for the victim in assessing the ability of the convicted offender to pay the penalty, including information regarding current financial obligations, family circumstances, and ongoing restitution.

Sec. 1004. RCW 28A.300.145 and 2013 c 85 s 1 and 2013 c 10 s 3 are each reenacted and amended to read as follows:

(1) The Washington coalition of sexual assault programs, in consultation with the Washington association of sheriffs and police chiefs, the Washington association of prosecuting attorneys, the Washington state school directors' association, the association of Washington school principals, the center for children and youth justice, youthcare, the committee for children, the department of ~~((early learning))~~ children, youth, and families, the department of social and health services, the office of crime victims advocacy, other relevant organizations, and the office of the superintendent of public instruction, shall by June 1, 2014, update existing educational materials made available throughout the state to inform parents, students, school districts, and other interested community members about:

(a) The laws related to sex offenses, including the legal elements of ~~((sexual [sex]))~~ sex offenses under chapter 9A.44 RCW where a minor is a victim, the consequences upon conviction, and sex offender registration, community notification, and the classification of sex offenders based on an assessment of the risk of reoffending;

(b) How to recognize behaviors characteristic of sex offenses and sex offenders;

(c) How to prevent victimization, particularly that of young children;
 (d) How to take advantage of community resources for victims of sexual assault;

(e) How to prevent children from being recruited into sex trafficking; and
 ((6)) (f) Other information as deemed appropriate.

(2) By September 1, 2014, and biennially thereafter, the Washington coalition of sexual assault programs, in consultation with the Washington association of sheriffs and police chiefs, the Washington association of prosecuting attorneys, and the office of the superintendent of public instruction, shall review and update the educational materials developed under subsection (1) of this section to assure that they remain current and accurate, and are age-appropriate for a variety of ages.

(3) Every public school that offers sexual health education must assure that sexual health education complies with existing requirements in the January 2005 guidelines for sexual health information and disease prevention developed by the department of health and the superintendent of public instruction. Specifically, sexual health education must attempt to achieve the objective "take responsibility for and understand the consequences of their own behavior" and the objective "avoid exploitive or manipulative relationships." To do this, sexual health education programs should include age-appropriate information about the legal elements of (~~(sexual [sex])~~) sex offenses under chapter 9A.44 RCW where a minor is a victim and the consequences upon conviction, as well as the other information required to be included in informational materials prepared pursuant to subsection (1) of this section. Public schools that offer sexual health education are encouraged to incorporate the materials developed under subsection (1) of this section into the curriculum.

Sec. 1005. RCW 43.03.305 and 2011 c 254 s 1 and 2011 c 60 s 34 are each reenacted and amended to read as follows:

There is created a commission to be known as the Washington citizens' commission on salaries for elected officials, to consist of members appointed by the governor as provided in this section.

(1) One registered voter from each congressional district shall be selected by the secretary of state from among those registered voters eligible to vote at the time persons are selected for appointment to serve on the commission. The secretary shall establish policies and procedures for conducting the selection by lot. The policies and procedures shall include, but not be limited to, those for notifying persons selected and for providing a new selection from a congressional district if a person selected from the district declines appointment to the commission or if, following the person's appointment, the person's position on the commission becomes vacant before the end of the person's term of office.

(2) Seven commission members, all residents of this state, shall be selected jointly by the speaker of the house of representatives and the president of the senate. The persons selected under this subsection shall have had experience in the field of personnel management. Of these seven members, one shall be selected from each of the following five sectors in this state: Private institutions of higher education; business; professional personnel management; legal profession; and organized labor. Of the two remaining members, one shall be a person recommended to the speaker and the president by the chair of the

Washington personnel resources board and one shall be a person recommended by majority vote of the presidents of the state's four-year institutions of higher education.

(3) The secretary of state shall forward the names of persons selected under subsection (1) of this section and the speaker of the house of representatives and president of the senate shall forward the names of persons selected under subsection (2) of this section to the governor who shall appoint these persons to the commission. Except as provided in subsection (6) of this section, all members shall serve four-year terms and the names of the persons selected for appointment to the commission shall be forwarded to the governor not later than the first day of July every two years.

(4) No person may be appointed to more than two terms. No member of the commission may be removed by the governor during his or her term of office unless for cause of incapacity, incompetence, neglect of duty, or malfeasance in office or for a disqualifying change of residence.

The unexcused absence of any person who is a member of the commission from two consecutive meetings of the commission shall constitute the relinquishment of that person's membership on the commission. Such a relinquishment creates a vacancy in that person's position on the commission. A member's absence may be excused by the chair of the commission upon the member's written request if the chair believes there is just cause for the absence. Such a request must be received by the chair before the meeting for which the absence is to be excused. A member's absence from a meeting of the commission may also be excused during the meeting for which the member is absent by the affirmative vote of a majority of the members of the commission present at the meeting.

(5) No state official, public employee, or lobbyist, or immediate family member of the official, employee, or lobbyist, subject to the registration requirements of chapter ~~((42.17-01))~~ 42.17A RCW is eligible for membership on the commission.

As used in this subsection the phrase "immediate family" means the parents, spouse or domestic partner, siblings, children, or dependent relative of the official or lobbyist whether or not living in the household of the official or lobbyist, and the parent, spouse or domestic partner, sibling, child, or dependent relative of the employee, living in the household of the employee or who is dependent in whole or in part for his or her support upon the earnings of the state employee.

(6)(a) Upon a vacancy in any position on the commission, a successor shall be selected and appointed to fill the unexpired term. The selection and appointment shall be concluded within thirty days of the date the position becomes vacant and shall be conducted in the same manner as originally provided.

(b) Initial members appointed from congressional districts created after July 22, 2011, shall be selected and appointed in the manner provided in subsection (1) of this section. The selection and appointment must be concluded within ninety days of the date the district is created. The term of an initial member appointed under this subsection terminates July 1st of an even-numbered year so that at no point may the terms of more than one-half plus one of the members selected under subsection (1) of this section terminate in the same year.

**Sec. 1006. RCW 43.185B.020 and 2022 c 266 s 3 and 2022 c 165 s 8 are each reenacted and amended to read as follows:*

(1) The department shall establish the affordable housing advisory board to consist of ~~((23))~~ 24 members.

(a) The following ~~((20))~~ 21 members shall be appointed by the governor:

(i) Two representatives of the residential construction industry;

(ii) Two representatives of the home mortgage lending profession;

(iii) One representative of the real estate sales profession;

(iv) One representative of the apartment management and operation industry;

(v) One representative of the for-profit housing development industry;

(vi) One representative of for-profit rental housing owners;

(vii) One representative of the nonprofit housing development industry;

(viii) One representative of homeless shelter operators;

(ix) One representative of lower-income persons;

(x) One representative of special needs populations;

(xi) One representative of public housing authorities as created under chapter 35.82 RCW;

(xii) Two representatives of the Washington association of counties, one representative shall be from a county that is located east of the crest of the Cascade mountains;

(xiii) Two representatives of the association of Washington cities, one representative shall be from a city that is located east of the crest of the Cascade mountains;

(xiv) One representative to serve as chair of the affordable housing advisory board;

(xv) One representative of organizations that operate site-based permanent supportive housing and deliver onsite supportive housing services; ~~((and))~~

(xvi) One representative at large; and

~~((xvi))~~ (xvii) One representative from a unit owners' association as defined in RCW 64.34.020 or 64.90.010.

(b) The following three members shall serve as ex officio, nonvoting members:

(i) The director or the director's designee;

(ii) The executive director of the Washington state housing finance commission or the executive director's designee; and

(iii) The secretary of social and health services or the secretary's designee.

(2)(a) The members of the affordable housing advisory board appointed by the governor shall be appointed for four-year terms, except that the chair shall be appointed to serve a two-year term. The terms of five of the initial appointees shall be for two years from the date of appointment and the terms of six of the initial appointees shall be for three years from the date of appointment. The governor shall designate the appointees who will serve the two-year and three-year terms. The members of the advisory board shall serve without compensation, but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(b) The governor, when making appointments to the affordable housing advisory board, shall make appointments that reflect the cultural diversity of the state of Washington.

(3) The affordable housing advisory board shall serve as the department's principal advisory body on housing and housing-related issues, and replaces the department's existing boards and task forces on housing and housing-related issues.

(4) The affordable housing advisory board shall meet regularly and may appoint technical advisory committees, which may include members of the affordable housing advisory board, as needed to address specific issues and concerns.

(5) The department, in conjunction with the Washington state housing finance commission and the department of social and health services, shall supply such information and assistance as are deemed necessary for the advisory board to carry out its duties under this section.

(6) The department shall provide administrative and clerical assistance to the affordable housing advisory board.

**Sec. 1006 was vetoed. See message at end of chapter.*

Sec. 1007. RCW 46.04.670 and 2019 c 214 s 7 and 2019 c 170 s 2 are each reenacted and amended to read as follows:

(1) "Vehicle" means a device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway.

(2) "Vehicle" excludes:

(a) A power wheelchair or device other than a bicycle moved by human or animal power or used exclusively upon stationary rails or tracks;

(b) A moped, for the purposes of chapter 46.70 RCW;

(c) A bicycle or a motorized foot scooter, for the purposes of chapter 46.12, 46.16A, or 46.70 RCW, or for RCW 82.12.045;

(d) An electric personal assistive mobility device or a motorized foot scooter, for the purposes of chapter 46.12, 46.16A, 46.29, 46.37, or 46.70 RCW;

(e) A golf cart, except for the purposes of chapter 46.61 RCW; and

(f) A personal delivery device as defined in RCW 46.75.010, except for the purposes of chapter 46.61 RCW.

**Sec. 1008. RCW 46.25.010 and 2019 c 195 s 1 and 2019 c 44 s 3 are each reenacted to read as follows:*

The definitions set forth in this section apply throughout this chapter.

(1) "Alcohol" means any substance containing any form of alcohol, including but not limited to ethanol, methanol, propanol, and isopropanol.

(2) "Alcohol concentration" means:

(a) The number of grams of alcohol per one hundred milliliters of blood;
or

(b) The number of grams of alcohol per two hundred ten liters of breath.

(3) "Commercial driver's license" (CDL) means a license issued to an individual under chapter 46.20 RCW that has been endorsed in accordance with the requirements of this chapter to authorize the individual to drive a class of commercial motor vehicle.

(4) The "commercial driver's license information system" (CDLIS) is the information system established pursuant to 49 U.S.C. Sec. 31309 to serve as a

clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers.

(5) "Commercial learner's permit" (CLP) means a permit issued under RCW 46.25.052 for the purposes of behind-the-wheel training.

(6) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

(a) Has a gross combination weight rating or gross combination weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater, inclusive of any towed unit or units with a gross vehicle weight rating or gross vehicle weight of more than 4,536 kilograms (10,000 pounds), whichever is greater; or

(b) Has a gross vehicle weight rating or gross vehicle weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater; or

(c) Is designed to transport sixteen or more passengers, including the driver; or

(d) Is of any size and is used in the transportation of hazardous materials as defined in this section; or

(e) Is a school bus regardless of weight or size.

(7) "Conviction" means an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, entry into a deferred prosecution program under chapter 10.05 RCW, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated.

(8) "Disqualification" means a prohibition against driving a commercial motor vehicle.

(9) "Drive" means to drive, operate, or be in physical control of a motor vehicle in any place open to the general public for purposes of vehicular traffic. For purposes of RCW 46.25.100, 46.25.110, and 46.25.120, "drive" includes operation or physical control of a motor vehicle anywhere in the state.

(10) "Drugs" are those substances as defined by RCW 69.04.009, including, but not limited to, those substances defined by 49 C.F.R. Sec. 40.3.

(11) "Employer" means any person, including the United States, a state, or a political subdivision of a state, who owns or leases a commercial motor vehicle, or assigns a person to drive a commercial motor vehicle.

(12) "Gross vehicle weight rating" (GVWR) means the value specified by the manufacturer as the maximum loaded weight of a single vehicle. The GVWR of a combination or articulated vehicle, commonly referred to as the "gross combined weight rating" or GCWR, is the GVWR of the power unit plus the GVWR of the towed unit or units. If the GVWR of any unit cannot be determined, the actual gross weight will be used. If a vehicle with a GVWR of less than 11,794 kilograms (26,001 pounds or less) has been structurally modified to carry a heavier load, then the actual gross weight capacity of the modified vehicle, as determined by RCW 46.44.041 and 46.44.042, will be used as the GVWR.

(13) *"Hazardous materials"* means any material that has been designated as hazardous under 49 U.S.C. Sec. 5103 and is required to be placarded under subpart F of 49 C.F.R. Part 172 or any quantity of a material listed as a select agent or toxin in 42 C.F.R. Part 73.

(14) *"Motor vehicle"* means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power used on highways, or any other vehicle required to be registered under the laws of this state, but does not include a vehicle, machine, tractor, trailer, or semitrailer operated exclusively on a rail.

(15)(a) *"Nondomiciled CLP or CDL"* means a permit or license, respectively, issued under RCW 46.25.054 to a person who meets one of the following criteria:

(i) Is domiciled in a foreign country as provided in 49 C.F.R. Sec. 383.23(b)(1) as it existed on October 1, 2017, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section; or

(ii) Is domiciled in another state as provided in 49 C.F.R. Sec. 383.23(b)(2) as it existed on October 1, 2017, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section.

(b) The definition in this subsection (15) applies exclusively to the use of the term in this chapter and is not to be applied in any other chapter of the Revised Code of Washington.

(16) *"Out-of-service order"* means a declaration by an authorized enforcement officer of a federal, state, Canadian, Mexican, or local jurisdiction that a driver, a commercial motor vehicle, or a motor carrier operation is out-of-service pursuant to 49 C.F.R. Secs. 386.72, 392.5, 395.13, 396.9, or compatible laws, or the North American uniform out-of-service criteria.

(17) *"Positive alcohol confirmation test"* means an alcohol confirmation test that:

(a) Has been conducted by a breath alcohol technician under 49 C.F.R. Part 40; and

(b) Indicates an alcohol concentration of 0.04 or more.

A report that a person has refused an alcohol test, under circumstances that constitute the refusal of an alcohol test under 49 C.F.R. Part 40, will be considered equivalent to a report of a positive alcohol confirmation test for the purposes of this chapter.

(18) *"School bus"* means a commercial motor vehicle used to transport preprimary, primary, or secondary school students from home to school, from school to home, or to and from school-sponsored events. School bus does not include a bus used as a common carrier.

(19) *"Serious traffic violation"* means:

(a) Excessive speeding, defined as fifteen miles per hour or more in excess of the posted limit;

(b) Reckless driving, as defined under state or local law;

(c) Driving while using a personal electronic device, defined as a violation of RCW 46.61.672, which includes in the activities it prohibits driving while holding a personal electronic device in either or both hands and using a hand

or finger for texting, or an equivalent administrative rule or local law, ordinance, rule, or resolution;

(d) A violation of a state or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with an accident or collision resulting in death to any person;

(e) Driving a commercial motor vehicle without obtaining a commercial driver's license;

(f) Driving a commercial motor vehicle without a commercial driver's license in the driver's possession; however, any individual who provides proof to the court by the date the individual must appear in court or pay any fine for such a violation, that the individual held a valid CDL on the date the citation was issued, is not guilty of a "serious traffic violation";

(g) Driving a commercial motor vehicle without the proper class of commercial driver's license endorsement or endorsements for the specific vehicle group being operated or for the passenger or type of cargo being transported; and

(h) Any other violation of a state or local law relating to motor vehicle traffic control, other than a parking violation, that the department determines by rule to be serious.

(20) "State" means a state of the United States and the District of Columbia.

(21) "Substance abuse professional" means an alcohol and drug specialist meeting the credentials, knowledge, training, and continuing education requirements of 49 C.F.R. Sec. 40.281.

(22) "Tank vehicle" means any commercial motor vehicle that is designed to transport any liquid or gaseous materials within a tank or tanks having an individual rated capacity of more than one hundred nineteen gallons and an aggregate rated capacity of one thousand gallons or more that is either permanently or temporarily attached to the vehicle or the chassis. A commercial motor vehicle transporting an empty storage container tank, not designed for transportation, with a rated capacity of one thousand gallons or more that is temporarily attached to a flatbed trailer is not considered a tank vehicle.

(23) "Type of driving" means one of the following:

(a) "Nonexcepted interstate," which means the CDL or CLP holder or applicant operates or expects to operate in interstate commerce, is both subject to and meets the qualification requirements under 49 C.F.R. Part 391 as it existed on April 30, 2019, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section, and is required to obtain a medical examiner's certificate under 49 C.F.R. Sec. 391.45 as it existed on April 30, 2019, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section;

(b) "Excepted interstate," which means the CDL or CLP holder or applicant operates or expects to operate in interstate commerce, but engages exclusively in transportation or operations excepted under 49 C.F.R. Secs. 390.3(f), 391.2, 391.68, or 398.3, as they existed on April 30, 2019, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section, from all or parts of the qualification requirements

of 49 C.F.R. Part 391 as it existed on April 30, 2019, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section, and is required to obtain a medical examiner's certificate in accordance with procedures provided in 49 C.F.R. Sec. 391.45 as it existed on April 30, 2019, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section;

(c) "Nonexcepted intrastate," which means the CDL or CLP holder or applicant operates only in intrastate commerce and is required to obtain a medical examiner's certificate in accordance with procedures provided in 49 C.F.R. Sec. 391.45 as it existed on April 30, 2019, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section; or

(d) "Excepted intrastate," which means the CDL or CLP holder wishes to maintain a CDL or CLP but not operate a commercial motor vehicle without changing his or her self-certification type.

(24) "United States" means the fifty states and the District of Columbia.

(25) "Verified positive drug test" means a drug test result or validity testing result from a laboratory certified under the authority of the federal department of health and human services that:

(a) Indicates a drug concentration at or above the cutoff concentration established under 49 C.F.R. Sec. 40.87; and

(b) Has undergone review and final determination by a medical review officer.

A report that a person has refused a drug test, under circumstances that constitute the refusal of a federal department of transportation drug test under 49 C.F.R. Part 40, will be considered equivalent to a report of a verified positive drug test for the purposes of this chapter.

(26) "Collector truck" means a vehicle that:

(a) Has current registration;

(b) Is older than thirty years old;

(c) Is a vehicle that meets the weight criteria of subsection (6) of this section;

(d) Is capable of safely operating on the highway;

(e) Is used for occasional use to and from truck conventions, auto shows, circuses, parades, displays, special excursions, and antique vehicle club meetings;

(f) Is used for the pleasure of others without compensation; and

(g) Is not used in the operations of a common or contract motor carrier and not used for commercial purposes.

(27) "Collector truck operator" means an operator of a noncommercial vehicle that is being exclusively owned and operated as a collector truck.

*Sec. 1008 was vetoed. See message at end of chapter.

Sec. 1009. RCW 46.68.340 and 2013 2nd sp.s. c 35 s 14 and 2013 2nd sp.s. c 4 s 986 are each reenacted and amended to read as follows:

The ignition interlock device revolving account is created in the state treasury. All receipts from the fee assessed under RCW 46.20.385(6) must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used for administering and operating the ignition interlock device revolving account program ((and)),

implementing effective strategies to reduce motor vehicle-related deaths and serious injuries, such as those found in the Washington state strategic highway safety plan: Target Zero, and during the 2013-2015 fiscal biennium, the legislature may appropriate moneys from the ignition interlock device revolving account for substance abuse programs for offenders.

Sec. 1010. RCW 53.08.370 and 2021 c 294 s 9 and 2021 c 293 s 3 are each reenacted and amended to read as follows:

(1) A port district in existence on June 8, 2000, may construct, purchase, acquire, develop, finance, lease, license, handle, provide, add to, contract for, interconnect, alter, improve, repair, operate, and maintain any telecommunications facilities within or without the district's limits for the following purposes:

(a) For the district's own use;

(b) For the provision of wholesale telecommunications services within or without the district's limits; or

(c) For the provision of retail telecommunications services as authorized ~~((#))~~ under this section.

(2) Except as provided in subsection (8) of this section, a port district providing wholesale or retail telecommunications services under this section shall ensure that rates, terms, and conditions for such services are not unduly or unreasonably discriminatory or preferential. Rates, terms, and conditions are discriminatory or preferential when a port district offering such rates, terms, and conditions to an entity for wholesale or retail telecommunications services does not offer substantially similar rates, terms, and conditions to all other entities seeking substantially similar services.

(3) When a port district establishes a separate utility function for the provision of wholesale or retail telecommunications services, it shall account for any and all revenues and expenditures related to its wholesale or retail telecommunications facilities and services separately from revenues and expenditures related to its internal telecommunications operations. Any revenues received from the provision of wholesale or retail telecommunications services must be dedicated to the utility function that includes the provision of wholesale or retail telecommunications services for costs incurred to build and maintain the telecommunications facilities until such time as any bonds or other financing instruments executed after June 8, 2000, and used to finance the telecommunications facilities are discharged or retired.

(4) When a port district establishes a separate utility function for the provision of wholesale or retail telecommunications services, all telecommunications services rendered by the separate function to the district for the district's internal telecommunications needs shall be charged at its true and full value. A port district may not charge its nontelecommunications operations rates that are preferential or discriminatory compared to those it charges entities purchasing wholesale or retail telecommunications services.

(5) A port district shall not exercise powers of eminent domain to acquire telecommunications facilities or contractual rights held by any other person or entity to telecommunications facilities.

(6) Except as otherwise specifically provided, a port district may exercise any of the powers granted to it under this title and other applicable laws in

carrying out the powers authorized under this section. Nothing in chapter 81, Laws of 2000 limits any existing authority of a port district under this title.

(7) A port district with telecommunications facilities for use in the provision of wholesale or retail telecommunications in accordance with subsection (1) of this section may be subject to local leasehold excise taxes under RCW 82.29A.040.

(8)(a) A port district under this section may select a telecommunications company to operate all or a portion of the port district's telecommunications facilities.

(b) For the purposes of this section "telecommunications company" means any for-profit entity owned by investors that sells telecommunications services to end users.

(c) Nothing in this subsection (8) is intended to limit or otherwise restrict any other authority provided by law.

(9) A port district may provide retail telecommunications services within or without the district's limits.

(10)(a) A port district may provide retail telecommunications services to end users in unserved areas.

(b) A port district must notify and consult with the governor's statewide broadband office within 30 days of its decision to provide retail telecommunications services to unserved areas. The governor's statewide broadband office must post notices received from a port district pursuant to this subsection on its public website.

(c) Any port district that intends to provide retail telecommunications services to unserved areas must submit a telecommunications infrastructure and service plan to the governor's statewide broadband office that will be published on the office's website. Submission of plans will enable the governor's statewide broadband office: (i) To better understand infrastructure deployment; (ii) to potentially allocate funding for unserved areas; (iii) to advance the state policy objectives; (iv) to determine whether the plan aligns with state policy objectives and broadband priorities; (v) to measure progress toward serving those in unserved areas; (vi) to report on the feasibility and sustainability of the project; and (vii) to confirm that the project is within an unserved area. The telecommunications infrastructure and service plans shall include, but not be limited to, the following:

(A) Map and description of how the deployment of proposed broadband infrastructure will achieve at a minimum 100 megabits per second download speed and at a minimum 20 megabits per second upload speed and then increases to be consistent with the stated long-term state broadband speed goals for unserved areas;

(B) Project timeline prioritization of unserved areas; and

(C) Description of potential state and federal funding available to provide service to the unserved area.

(d) A port district that exercises its authority under (a) of this subsection to provide retail telecommunications services may use state funds, federal funds appropriated through the state, or federal funds dedicated for projects in unserved areas to fund projects identified in the submitted telecommunications infrastructure and service plan required in (c) of this subsection.

(e) A port district providing retail telecommunications services under this subsection must operate an open access network.

(f) Provisions in this subsection do not apply to the provision of wholesale telecommunications services authorized in this section.

(g) For the purposes of this subsection:

(i) "Open access network" means a network that, during the useful life of the infrastructure, ensures service providers may use network services and facilities at rates, terms, and conditions that are not discriminatory or preferential between providers, and employs accountable interconnection arrangements published and available publicly.

(ii) "Unserved areas" means areas of Washington in which households and businesses lack access to broadband service of speeds at a minimum of 100 megabits per second download and at a minimum 20 megabits per second upload.

Sec. 1011. RCW 54.16.330 and 2021 c 294 s 2 and 2021 c 293 s 1 [2] are each reenacted and amended to read as follows:

(1) A public utility district in existence on June 8, 2000, may construct, purchase, acquire, develop, finance, lease, license, handle, provide, add to, contract for, interconnect, alter, improve, repair, operate, and maintain any telecommunications facilities within or without the district's limits for the following purposes:

(a) For the district's internal telecommunications needs;

(b) For the provision of wholesale telecommunications services as follows:

(i) Within the district and by contract with another public utility district;

(ii) Within an area in an adjoining county that is already provided electrical services by the district; or

(iii) Within an adjoining county that does not have a public utility district providing electrical or telecommunications services headquartered within the county's boundaries, but only if the district providing telecommunications services is not authorized to provide electrical services; or

(c) For the provision of retail telecommunications services as authorized in this section.

(2) A public utility district providing wholesale or retail telecommunications services shall ensure that rates, terms, and conditions for such services are not unduly or unreasonably discriminatory or preferential. Rates, terms, and conditions are discriminatory or preferential when a public utility district offering rates, terms, and conditions to an entity for wholesale or retail telecommunications services does not offer substantially similar rates, terms, and conditions to all other entities seeking substantially similar services.

(3) A public utility district providing wholesale or retail telecommunications services shall not be required to, but may, establish a separate utility system or function for such purpose. In either case, a public utility district providing wholesale or retail telecommunications services shall separately account for any revenues and expenditures for those services according to standards established by the state auditor pursuant to its authority in chapter 43.09 RCW and consistent with the provisions of this title. Any revenues received from the provision of wholesale or retail telecommunications services must be dedicated to costs incurred to build and maintain any telecommunications facilities constructed, installed, or acquired to provide such

services, including payments on debt issued to finance such services, until such time as any bonds or other financing instruments executed after June 8, 2000, and used to finance such telecommunications facilities are discharged or retired.

(4) When a public utility district provides wholesale or retail telecommunications services, all telecommunications services rendered to the district for the district's internal telecommunications needs shall be allocated or charged at its true and full value. A public utility district may not charge its nontelecommunications operations rates that are preferential or discriminatory compared to those it charges entities purchasing wholesale or retail telecommunications services.

(5) If a person or entity receiving retail telecommunications services from a public utility district under this section has a complaint regarding the reasonableness of the rates, terms, conditions, or services provided, the person or entity may file a complaint with the district commission.

(6) A public utility district shall not exercise powers of eminent domain to acquire telecommunications facilities or contractual rights held by any other person or entity to telecommunications facilities.

(7) Except as otherwise specifically provided, a public utility district may exercise any of the powers granted to it under this title and other applicable laws in carrying out the powers authorized under this section. Nothing in chapter 81, Laws of 2000 limits any existing authority of a public utility district under this title.

(8) A public utility district may provide retail telecommunications services or telecommunications facilities within the district's limits or without the district's limits by contract with another public utility district, any political subdivision of the state authorized to provide retail telecommunications services in the state, or with any federally recognized tribe located in the state of Washington.

~~((10))~~ (9)(a) A public utility district may provide retail telecommunications services to end users in unserved areas.

(b) A public utility district must notify and consult with the governor's statewide broadband office within 30 days of its decision to provide retail telecommunications services to unserved areas. The governor's statewide broadband office must post notices received from a public utility district pursuant to this subsection on its public website.

(c) Any public utility district that intends to provide retail telecommunications services to unserved areas must submit a telecommunications infrastructure and service plan to the governor's statewide broadband office that will be published on the office's website. Submission of plans will enable the governor's statewide broadband office: (i) To better understand infrastructure deployment; (ii) to potentially allocate funding for unserved areas; (iii) to advance the state policy objectives; (iv) to determine whether the plan aligns with state policy objectives and broadband priorities; (v) to measure progress toward serving those in unserved areas; (vi) to report on the feasibility and sustainability of the project; and (vii) to confirm that the project is within an unserved area. The telecommunications infrastructure and service plans shall include, but not be limited to, the following:

(A) Map and description of how the deployment of proposed broadband infrastructure will achieve at a minimum 100 megabits per second download

speed and at a minimum 20 megabits per second upload speed and then increases to be consistent with the stated long-term state broadband speed goals for unserved areas;

(B) Project timeline prioritization of unserved areas; and

(C) Description of potential state and federal funding available to provide service to the unserved area.

(d) A public utility district that exercises its authority under (a) of this subsection to provide retail telecommunications services may use state funds, federal funds appropriated through the state, or federal funds dedicated for projects in unserved areas to fund projects identified in the submitted telecommunications infrastructure and service plan required in (c) of this subsection.

(e) A public utility district providing retail telecommunications services under this subsection must operate an open access network.

(f) This section does not apply to retail internet services provided by a public utility district under RCW 54.16.420.

(g) Provisions in this subsection do not apply to the provision of wholesale telecommunications services authorized in this section.

(h) For the purposes of this subsection:

(i) "Open access network" means a network that, during the useful life of the infrastructure, ensures service providers may use network services and facilities at rates, terms, and conditions that are not discriminatory or preferential between providers, and employs accountable interconnection arrangements published and available publicly.

(ii) "Unserved areas" means areas of Washington in which households and businesses lack access to broadband service of speeds at a minimum of 100 megabits per second download and at a minimum 20 megabits per second upload.

Sec. 1012. RCW 66.24.210 and 2016 c 235 s 12 and 2016 c 225 s 1 are each reenacted to read as follows:

(1) There is hereby imposed upon all wines except cider sold to wine distributors within the state a tax at the rate of twenty and one-fourth cents per liter. Any domestic winery or certificate of approval holder acting as a distributor of its own production must pay taxes imposed by this section. There is hereby imposed on all cider sold to wine distributors within the state a tax at the rate of three and fifty-nine one-hundredths cents per liter. However, wine sold or shipped in bulk from one winery to another winery is not subject to such tax.

(a) The tax provided for in this section shall be collected by direct payments based on wine purchased by wine distributors.

(b) Except as provided in subsection (7) of this section, every person purchasing wine under the provisions of this section must on or before the twentieth day of each month report to the board all purchases during the preceding calendar month in such manner and upon such forms as may be prescribed by the board, and with such report must pay the tax due from the purchases covered by such report unless the same has previously been paid. Any such purchaser of wine whose applicable tax payment is not postmarked by the twentieth day following the month of purchase will be assessed a penalty at the rate of two percent a month or fraction thereof. The board may require that every

such person shall execute to and file with the board a bond to be approved by the board, in such amount as the board may fix, securing the payment of the tax. If any such person fails to pay the tax when due, the board may suspend or cancel the license until all taxes are paid.

(c) Any licensed retailer authorized to purchase wine from a certificate of approval holder with a direct shipment endorsement or a domestic winery must make monthly reports to the liquor and cannabis board on wine purchased during the preceding calendar month in the manner and upon such forms as may be prescribed by the board.

(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section. All revenues collected during any month from this additional tax must be transferred to the state general fund by the twenty-fifth day of the following month.

(3) An additional tax is imposed on wines subject to tax under subsection (1) of this section, at the rate of one-fourth of one cent per liter for wine sold after June 30, 1987. After June 30, 1996, such additional tax does not apply to cider. An additional tax of five one-hundredths of one cent per liter is imposed on cider sold after June 30, 1996. All revenues collected under this subsection (3) shall be disbursed quarterly to the Washington wine commission for use in carrying out the purposes of chapter 15.88 RCW.

(4) An additional tax is imposed on all wine subject to tax under subsection (1) of this section. The additional tax is equal to twenty-three and forty-four one-hundredths cents per liter on fortified wine as defined in RCW 66.04.010 when bottled or packaged by the manufacturer, one cent per liter on all other wine except cider, and eighteen one-hundredths of one cent per liter on cider. All revenues collected during any month from this additional tax shall be deposited in the state general fund by the twenty-fifth day of the following month.

(5)(a) An additional tax is imposed on all cider subject to tax under subsection (1) of this section. The additional tax is equal to two and four one-hundredths cents per liter of cider sold after June 30, 1996, and before July 1, 1997, and is equal to four and seven one-hundredths cents per liter of cider sold after June 30, 1997.

(b) All revenues collected from the additional tax imposed under this subsection (5) must be deposited in the state general fund.

(6) For the purposes of this section, "cider" means table wine that contains not less than one-half of one percent of alcohol by volume and not more than eight and one-half percent of alcohol by volume and is made from the normal alcoholic fermentation of the juice of sound, ripe apples or pears. "Cider" includes, but is not limited to, flavored, sparkling, or carbonated cider and cider made from condensed apple or pear must.

(7) For the purposes of this section, out-of-state wineries must pay taxes under this section on wine sold and shipped directly to Washington state residents in a manner consistent with the requirements of a wine distributor under subsections (1) through (4) of this section, except wineries shall be responsible for the tax and not the resident purchaser.

(8) Notwithstanding any other provision of this section, any domestic winery or wine certificate of approval holder acting as a distributor of its own production that had total taxable sales of wine in Washington state of six thousand gallons or less during the calendar year preceding the date on which

the tax would otherwise be due is not required to pay taxes under this section more often than annually.

Sec. 1013. RCW 66.24.495 and 2021 c 176 s 5234 and 2021 c 6 s 10 are each reenacted to read as follows:

(1)(a) There shall be a license to be designated as a nonprofit arts organization license. This shall be a special license to be issued to any nonprofit arts organization which sponsors and presents productions or performances of an artistic or cultural nature in a specific theater or other appropriate designated indoor premises approved by the board. The license shall permit the licensee to sell liquor to patrons of productions or performances for consumption on the premises at these events. The fee for the license shall be two hundred fifty dollars per annum.

(b) The annual fee in (a) of this subsection is waived during the 12-month period beginning with the second calendar month after February 28, 2021, for:

(i) Licenses that expire during the 12-month waiver period under this subsection (1)(b); and

(ii) Licenses issued to persons previously licensed under this section at any time during the 12-month period prior to the 12-month waiver period under this subsection (1)(b).

(c) The waiver in (b) of this subsection does not apply to any licensee that:

(i) Had their license suspended by the board for health and safety violations of state COVID-19 guidelines; or

(ii) Received an order of immediate restraint or citation from the department of labor and industries for allowing an employee to perform work where business activity was prohibited in violation of an emergency proclamation of the governor under RCW 43.06.220.

(d) Upon request of the department of revenue, the board and the department of labor and industries must both provide a list of persons that they have determined to be ineligible for a fee waiver under (b) of this subsection for the reasons described in (c) of this subsection. Unless otherwise agreed, any list must be received by the department of revenue no later than 15 calendar days after the request is made.

(2) For the purposes of this section, the term "nonprofit arts organization" means an organization which is organized and operated for the purpose of providing artistic or cultural exhibitions, presentations, or performances or cultural or art education programs, as defined in subsection (3) of this section, for viewing or attendance by the general public. The organization must be a not-for-profit corporation under chapter 24.03A RCW and managed by a governing board of not less than eight individuals none of whom is a paid employee of the organization or by a corporation sole under chapter 24.12 RCW. In addition, the corporation must satisfy the following conditions:

(a) No part of its income may be paid directly or indirectly to its members, stockholders, officers, directors, or trustees except in the form of services rendered by the corporation in accordance with its purposes and bylaws;

(b) Salary or compensation paid to its officers and executives must be only for actual services rendered, and at levels comparable to the salary or compensation of like positions within the state;

(c) Assets of the corporation must be irrevocably dedicated to the activities for which the license is granted and, on the liquidation, dissolution, or

abandonment by the corporation, may not inure directly or indirectly to the benefit of any member or individual except a nonprofit organization, association, or corporation;

(d) The corporation must be duly licensed or certified when licensing or certification is required by law or regulation;

(e) The proceeds derived from sales of liquor, except for reasonable operating costs, must be used in furtherance of the purposes of the organization;

(f) Services must be available regardless of race, color, national origin, or ancestry; and

(g) The board shall have access to its books in order to determine whether the corporation is entitled to a license.

(3) The term "artistic or cultural exhibitions, presentations, or performances or cultural or art education programs" includes and is limited to:

(a) An exhibition or presentation of works of art or objects of cultural or historical significance, such as those commonly displayed in art or history museums;

(b) A musical or dramatic performance or series of performances; or

(c) An educational seminar or program, or series of such programs, offered by the organization to the general public on an artistic, cultural, or historical subject.

Sec. 1014. RCW 69.50.530 and 2022 c 169 s 1 and 2022 c 16 s 100 are each reenacted to read as follows:

The dedicated cannabis account is created in the state treasury. All moneys received by the board, or any employee thereof, from cannabis-related activities must be deposited in the account. Unless otherwise provided in chapter 4, Laws of 2015 2nd sp. sess., all cannabis excise taxes collected from sales of cannabis, useable cannabis, cannabis concentrates, and cannabis-infused products under RCW 69.50.535, and the license fees, penalties, and forfeitures derived under this chapter from cannabis producer, cannabis processor, cannabis researcher, and cannabis retailer licenses, must be deposited in the account. Moneys in the account may only be spent after appropriation.

Sec. 1015. RCW 69.50.540 and 2022 c 169 s 2 and 2022 c 16 s 102 are each reenacted to read as follows:

(1) For the purposes of this subsection (1), the legislature must appropriate the amounts provided in this subsection:

(a) \$12,500,000 annually to the board for administration of this chapter as appropriated in the omnibus appropriations act;

(b) \$11,000,000 annually to the department of health for the following:

(i) Creation, implementation, operation, and management of a cannabis, vapor product, and commercial tobacco education and public health program that contains the following:

(A) A cannabis use public health hotline that provides referrals to substance abuse treatment providers, uses evidence-based or research-based public health approaches to minimizing the harms associated with cannabis use, and does not solely advocate an abstinence-only approach;

(B) Programs that support development and implementation of coordinated intervention strategies for the prevention and reduction of commercial tobacco, vapor product, and cannabis use by youth and cannabis cessation treatment

services, including grant programs to local health departments or other local community agencies;

(C) Media-based education campaigns across television, internet, radio, print, and out-of-home advertising, separately targeting youth and adults, that provide medically and scientifically accurate information about the health and safety risks posed by cannabis use; and

(D) Outreach to priority populations regarding commercial tobacco, vapor product, and cannabis use, prevention, and cessation; and

(ii) The Washington poison control center;

(c)(i) \$3,000,000 annually to the department of commerce to fund cannabis social equity grants under RCW 43.330.540; and

(ii) \$200,000 annually to the department of commerce to fund technical assistance through a roster of mentors under RCW 43.330.540;

(d) \$200,000 annually, until June 30, 2032, to the health care authority to contract with the Washington state institute for public policy to conduct the cost-benefit evaluations and produce the reports described in RCW 69.50.550;

(e) \$25,000 annually to the University of Washington alcohol and drug abuse institute for the creation, maintenance, and timely updating of web-based public education materials providing medically and scientifically accurate information about the health and safety risks posed by cannabis use;

(f) \$300,000 annually to the University of Washington and \$175,000 annually to the Washington State University for research on the short-term and long-term effects of cannabis use to include, but not be limited to, formal and informal methods for estimating and measuring intoxication and impairments, and for the dissemination of such research;

(g) \$550,000 annually to the office of the superintendent of public instruction to fund grants to building bridges programs under chapter 28A.175 RCW;

(h) \$2,423,000 for fiscal year 2022 and \$2,423,000 for fiscal year 2023 to the Washington state patrol for a drug enforcement task force;

(i) \$270,000 for fiscal year 2022 and \$290,000 for fiscal year 2023 to the department of ecology for implementation of accreditation of cannabis product testing laboratories;

(j) \$800,000 for each of fiscal years 2020 through 2023 to the department of health for the administration of the cannabis authorization database; and

(k) \$621,000 for fiscal year 2022 and \$635,000 for fiscal year 2023 to the department of agriculture for compliance-based laboratory analysis of pesticides in cannabis.

(2) Subsections (1)(a) through (g) of this section must be adjusted annually based on the United States bureau of labor statistics' consumer price index for the Seattle area.

(3) After appropriation of the amounts identified in subsection (1) of this section, the legislature must annually appropriate such remaining amounts for the purposes listed in this subsection (3) as follows:

(a) Fifty-two percent to the state basic health plan trust account to be administered by the Washington basic health plan administrator and used as provided under chapter 70.47 RCW;

(b) Eleven percent to the health care authority to:

(i) Design and administer the Washington state healthy youth survey, analyze the collected data, and produce reports, in collaboration with the office of the superintendent of public instruction, department of health, department of commerce, family policy council, and board. The survey must be conducted at least every two years and include questions regarding, but not necessarily limited to, academic achievement, age at time of substance use initiation, antisocial behavior of friends, attitudes toward antisocial behavior, attitudes toward substance use, laws and community norms regarding antisocial behavior, family conflict, family management, parental attitudes toward substance use, peer rewarding of antisocial behavior, perceived risk of substance use, and rebelliousness. Funds disbursed under this subsection may be used to expand administration of the healthy youth survey to student populations attending institutions of higher education in Washington;

(ii) Develop, implement, maintain, and evaluate programs and practices aimed at the prevention or reduction of maladaptive substance use, substance use disorder, substance abuse or substance dependence, as these terms are defined in the diagnostic and statistical manual of mental disorders, among middle school and high school-age students, whether as an explicit goal of a given program or practice or as a consistently corresponding effect of its implementation, mental health services for children and youth, and services for pregnant and parenting women. In deciding which programs and practices to fund under this subsection (3)(b)(ii), the director of the health care authority must consult, at least annually, with the University of Washington's social development research group and the University of Washington's alcohol and drug abuse institute; and

(iii) Contract with community health centers to provide primary health and dental care services, migrant health services, and maternity health care services as provided under RCW 41.05.220;

(c)(i) One and one-half percent to counties, cities, and towns where licensed cannabis retailers are physically located. Each jurisdiction must receive a share of the revenue distribution under this subsection (3)(c)(i) based on the proportional share of the total revenues generated in the individual jurisdiction from the taxes collected under RCW 69.50.535, from licensed cannabis retailers physically located in each jurisdiction. For purposes of this subsection (3)(c), 100 percent of the proportional amount attributed to a retailer physically located in a city or town must be distributed to the city or town;

(ii) Three and one-half percent to counties, cities, and towns ratably on a per capita basis. Counties must receive 60 percent of the distribution based on each county's total proportional population. Funds may only be distributed to jurisdictions that do not prohibit the siting of any state licensed cannabis producer, processor, or retailer;

(iii) By September 15th of each year, the board must provide the state treasurer the annual distribution amount made under this subsection (3)(c), if any, for each county and city as determined in (c)(i) and (ii) of this subsection; and

(iv) Distribution amounts allocated to each county, city, and town in (c)(i) and (ii) of this subsection must be distributed in four installments by the last day of each fiscal quarter; and

(d) Thirty-two percent must be deposited in the state general fund.

Sec. 1016. RCW 70.47.020 and 2011 1st sp.s. c 15 s 83, 2011 1st sp.s. c 9 s 3, and 2011 c 284 s 1 are each reenacted to read as follows:

As used in this chapter:

(1) "Director" means the director of the Washington state health care authority.

(2) "Health coverage tax credit eligible enrollee" means individual workers and their qualified family members who lose their jobs due to the effects of international trade and are eligible for certain trade adjustment assistance benefits; or are eligible for benefits under the alternative trade adjustment assistance program; or are people who receive benefits from the pension benefit guaranty corporation and are at least fifty-five years old.

(3) "Health coverage tax credit program" means the program created by the Trade Act of 2002 (P.L. 107-210) that provides a federal tax credit that subsidizes private health insurance coverage for displaced workers certified to receive certain trade adjustment assistance benefits and for individuals receiving benefits from the pension benefit guaranty corporation.

(4) "Managed health care system" means: (a) Any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof, that provides directly or by contract basic health care services, as defined by the director and rendered by duly licensed providers, to a defined patient population enrolled in the plan and in the managed health care system; or (b) a self-funded or self-insured method of providing insurance coverage to subsidized enrollees provided under RCW 41.05.140 and subject to the limitations under RCW 70.47.100(9).

(5) "Nonparticipating provider" means a person, health care provider, practitioner, facility, or entity, acting within their authorized scope of practice or licensure, that does not have a written contract to participate in a managed health care system's provider network, but provides services to plan enrollees who receive coverage through the managed health care system.

(6) "Nonsubsidized enrollee" means an individual, or an individual plus the individual's spouse or dependent children: (a) Who is not eligible for medicare; (b) who is not confined or residing in a government-operated institution, unless he or she meets eligibility criteria adopted by the director; (c) who is accepted for enrollment by the director as provided in RCW 48.43.018, either because the potential enrollee cannot be required to complete the standard health questionnaire under RCW 48.43.018, or, based upon the results of the standard health questionnaire, the potential enrollee would not qualify for coverage under the Washington state health insurance pool; (d) who resides in an area of the state served by a managed health care system participating in the plan; (e) who chooses to obtain basic health care coverage from a particular managed health care system; and (f) who pays or on whose behalf is paid the full costs for participation in the plan, without any subsidy from the plan.

(7) "Premium" means a periodic payment, which an individual, their employer or another financial sponsor makes to the plan as consideration for enrollment in the plan as a subsidized enrollee, a nonsubsidized enrollee, or a health coverage tax credit eligible enrollee.

(8) "Rate" means the amount, negotiated by the director with and paid to a participating managed health care system, that is based upon the enrollment of

subsidized, nonsubsidized, and health coverage tax credit eligible enrollees in the plan and in that system.

(9) "Subsidy" means the difference between the amount of periodic payment the director makes to a managed health care system on behalf of a subsidized enrollee plus the administrative cost to the plan of providing the plan to that subsidized enrollee, and the amount determined to be the subsidized enrollee's responsibility under RCW 70.47.060(2).

(10) "Subsidized enrollee" means:

(a) An individual, or an individual plus the individual's spouse or dependent children:

(i) Who is not eligible for medicare;

(ii) Who is not confined or residing in a government-operated institution, unless he or she meets eligibility criteria adopted by the director;

(iii) Who is not a full-time student who has received a temporary visa to study in the United States;

(iv) Who resides in an area of the state served by a managed health care system participating in the plan;

(v) Until March 1, 2011, whose gross family income at the time of enrollment does not exceed two hundred percent of the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services;

(vi) Who chooses to obtain basic health care coverage from a particular managed health care system in return for periodic payments to the plan;

(vii) Who is not receiving or has not been determined to be currently eligible for federally financed categorically needy or medically needy programs under chapter 74.09 RCW, except as provided under RCW 70.47.110; and

(viii) After February 28, 2011, who is in the basic health transition eligibles population under 1115 medicaid demonstration project number 11-W-00254/10;

(b) An individual who meets the requirements in (a)(i) through (iv), (vi), and (vii) of this subsection and who is a foster parent licensed under chapter 74.15 RCW and whose gross family income at the time of enrollment does not exceed three hundred percent of the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services; and

(c) To the extent that state funds are specifically appropriated for this purpose, with a corresponding federal match, an individual, or an individual's spouse or dependent children, who meets the requirements in (a)(i) through (iv), (vi), and (vii) of this subsection and whose gross family income at the time of enrollment is more than two hundred percent, but less than two hundred fifty-one percent, of the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services.

(11) "Washington basic health plan" or "plan" means the system of enrollment and payment for basic health care services, administered by the plan director through participating managed health care systems, created by this chapter.

Sec. 1017. RCW 70A.15.3150 and 2021 c 317 s 24 and 2021 c 315 s 15 are each reenacted and amended to read as follows:

(1) Any person who knowingly violates any of the provisions of this chapter, chapter 70A.25, 70A.60, or 70A.535 RCW, or any ordinance,

resolution, or regulation in force pursuant thereto is guilty of a gross misdemeanor and upon conviction thereof shall be punished by a fine of not more than ten thousand dollars, or by imprisonment in the county jail for up to three hundred sixty-four days, or by both for each separate violation.

(2) Any person who negligently releases into the ambient air any substance listed by the department of ecology as a hazardous air pollutant, other than in compliance with the terms of an applicable permit or emission limit, and who at the time negligently places another person in imminent danger of death or substantial bodily harm is guilty of a gross misdemeanor and shall, upon conviction, be punished by a fine of not more than ten thousand dollars, or by imprisonment for up to three hundred sixty-four days, or both.

(3) Any person who knowingly releases into the ambient air any substance listed by the department of ecology as a hazardous air pollutant, other than in compliance with the terms of an applicable permit or emission limit, and who knows at the time that he or she thereby places another person in imminent danger of death or substantial bodily harm, is guilty of a class C felony and shall, upon conviction, be punished by a fine of not less than fifty thousand dollars, or by imprisonment for not more than five years, or both.

(4) Any person who knowingly fails to disclose a potential conflict of interest under RCW 70A.15.2000 is guilty of a gross misdemeanor, and upon conviction thereof shall be punished by a fine of not more than five thousand dollars.

**Sec. 1018. RCW 74.09.053 and 2009 c 568 s 6 and 2009 c 479 s 62 are each reenacted to read as follows:*

(1) Beginning in November 2012, the department of social and health services, in coordination with the health care authority, shall by November 15th of each year report to the legislature:

(a) The number of medical assistance recipients who: (i) Upon enrollment or recertification had reported being employed, and beginning with the 2008 report, the month and year they reported being hired; or (ii) upon enrollment or recertification had reported being the dependent of someone who was employed, and beginning with the 2008 report, the month and year they reported the employed person was hired. For recipients identified under (a)(i) and (ii) of this subsection, the department shall report the basis for their medical assistance eligibility, including but not limited to family medical coverage, transitional medical assistance, children's medical coverage, aged coverage, or coverage for persons with disabilities; member months; and the total cost to the state for these recipients, expressed as general fund-state and general fund-federal dollars. The information shall be reported by employer size for employers having more than fifty employees as recipients or with dependents as recipients. This information shall be provided for the preceding January and June of that year.

(b) The following aggregated information: (i) The number of employees who are recipients or with dependents as recipients by private and governmental employers; (ii) the number of employees who are recipients or with dependents as recipients by employer size for employers with fifty or fewer employees, fifty-one to one hundred employees, one hundred one to one thousand employees, one thousand one to five thousand employees and more

than five thousand employees; and (iii) the number of employees who are recipients or with dependents as recipients by industry type.

(2) For each aggregated classification, the report will include the number of hours worked, the number of department of social and health services covered lives, and the total cost to the state for these recipients. This information shall be for each quarter of the preceding year.

**Sec. 1018 was vetoed. See message at end of chapter.*

Sec. 1019. RCW 79.64.100 and 2012 2nd sp.s. c 7 s 928 and 2012 c 166 s 5 are each reenacted and amended to read as follows:

(1) There is created a forest development account in the state treasury. The state treasurer shall keep an account of all sums deposited, expended, or withdrawn from the account.

(2)(a) Any sums placed in the forest development account shall be pledged for the purpose of:

(i) Paying interest and principal on the bonds issued by the department under RCW 79.22.080 and 79.22.090 and the provisions of this chapter; and

(ii) The purchase of land for growing timber.

(b) Any bonds issued shall constitute a first and prior claim and lien against the account for the payment of principal and interest.

(3) No sums for the purposes identified in subsection (2) of this section shall be withdrawn or paid out of the account except upon approval of the department.

~~((4))~~ (a) Appropriations may be made by the legislature from the forest development account to the department for the purpose of:

~~((a))~~ (i) Carrying on the activities of the department on state forestlands;

~~((b))~~ (ii) Establishing a state forestland pool under RCW 79.22.140 and carrying on the activities of the department on lands included in the land pool;

~~((c))~~ (iii) Carrying on the activities of the department on lands managed on a sustained yield basis as provided for in RCW 79.10.320; and

~~((d))~~ (iv) Reimbursement of expenditures that have been made or may be made from the resource management cost account created in RCW 79.64.020 in the management of state forestlands.

(b) For the 2011-2013 fiscal biennium, moneys from the forest development account shall be distributed as directed in section 706, chapter 7, Laws of 2012 2nd sp. sess. to the beneficiaries of the revenues derived from state forestlands. During the 2011-2013 fiscal biennium, the legislature may appropriate moneys in the forest development account to support emergency fire suppression activities in a manner that, at a maximum, represents the proportion of land that the department manages in comparison to the total land the department conducts emergency fire suppression activities on.

Sec. 1020. RCW 82.38.060 and 2013 c 225 s 107 and 2013 c 23 s 332 are each reenacted to read as follows:

If tax on fuel placed in the fuel supply tanks of motor vehicles for taxable use on Washington highways can be more accurately determined on a mileage basis the department is authorized to adopt such basis. In the absence of records showing the number of miles actually operated per gallon of fuel consumed, fuel consumption must be calculated by the department.

Sec. 1021. RCW 82.42.040 and 2013 c 225 s 304 and 2013 c 23 s 335 are each reenacted to read as follows:

(1) Application for a license must be made to the department. The application must be filed in a manner prescribed by the department and must contain information the department requires.

(2) For purposes of this section, the term "applicant" has the same meaning as provided for "person" in RCW 82.42.010.

(3) An application for a license must contain the following information to the extent it applies to the applicant:

(a) Proof, as the department may require, concerning the applicant's identity;

(b) The applicant's business structure and place of business, including proof the applicant is licensed to conduct business in this state;

(c) The employment history of the applicant and any partner, officer, or director of the applicant;

(d) A bank reference and whether the applicant or any partner, officer, or director of the applicant has ever been adjudged bankrupt or has an unsatisfied judgment;

(e) Whether the applicant has been adjudged guilty of a crime or suffered a civil judgment directly related to the distribution and sale of fuel within the last ten years;

(f) Each state, province, or country that the applicant intends to import fuel from by means other than bulk transfer. An applicant must also show proof that the applicant has maintained the appropriate license required of each state, province, or country; and

(g) Each state, province, or country that the applicant intends to export fuel to by means other than bulk transfer. An applicant must also show proof that the applicant has maintained the appropriate license required of each state, province, or country.

(4) An applicant must submit a surety bond in an amount, form, and manner set by the department. In lieu of a bond, an applicant may provide evidence to the department of sufficient assets to adequately meet tax payments, penalties, interest, or other obligations arising out of this chapter.

(5) For the purposes of considering any application for a license, the department may inspect, cause an inspection, investigate, or cause an investigation of the records of this or any other state, province, country, or the federal government to ascertain the veracity of the information on the application and the applicant's criminal, civil, and licensing history.

(6) An applicant who makes a false statement of a material fact on the application may be prosecuted for false swearing as defined by RCW 9A.72.040.

PART 2

CORRECTING REFERENCES TO THE DEPARTMENT OF COMMERCE

Sec. 2001. RCW 7.68.360 and 2005 c 358 s 2 are each amended to read as follows:

(1) By July 1, 2005, the director of the department of (~~community, trade, and economic development~~) commerce, or the director's designee, shall within existing resources convene and chair a work group to develop written protocols for delivery of services to victims of trafficking of humans. The director shall invite appropriate federal agencies to consult with the work group for the

purpose of developing protocols that, to the extent possible, are in concert with federal statutes, regulations, and policies. In addition to the director of the department of (~~community, trade, and economic development~~) commerce, the following shall be members of the work group: The secretary of the department of health, the secretary of the department of social and health services, the attorney general, the director of the department of labor and industries, the commissioner of the employment security department, a representative of the Washington association of prosecuting attorneys, the chief of the Washington state patrol, two members selected by the Washington association of sheriffs and police chiefs, and five members, selected by the director of the department of (~~community, trade, and economic development~~) commerce from a list submitted by public and private sector organizations that provide assistance to persons who are victims of trafficking. The attorney general, the chief of the Washington state patrol, and the secretaries or directors may designate a person to serve in their place.

Members of the work group shall serve without compensation.

(2) The protocols must meet all of the following minimum standards:

(a) The protocols must apply to the following state agencies: The department of (~~community, trade, and economic development~~) commerce, the department of health, the department of social and health services, the attorney general's office, the Washington state patrol, the department of labor and industries, and the employment security department;

(b) The protocols must provide policies and procedures for interagency coordinated operations and cooperation with government agencies and nongovernmental organizations, agencies, and jurisdictions, including law enforcement agencies and prosecuting attorneys;

(c) The protocols must include the establishment of a database electronically available to all affected agencies which contains the name, address, and telephone numbers of agencies that provide services to victims of human trafficking; and

(d) The protocols must provide guidelines for providing for the social service needs of victims of trafficking of humans, including housing, health care, and employment.

(3) By January 1, 2006, the work group shall finalize the written protocols and submit them with a report to the legislature and the governor.

(4) The protocols shall be reviewed on a biennial basis by the work group to determine whether revisions are appropriate. The director of the department of (~~community, trade, and economic development~~) commerce, or the director's designee, shall within existing resources reconvene and chair the work group for this purpose.

Sec. 2002. RCW 18.85.285 and 2008 c 23 s 37 are each amended to read as follows:

(1) Brokers and managing brokers must submit complete copies of their transactions to their firm. The designated broker shall keep adequate records of all real estate transactions handled by or through the firm or firms to which the designated broker is registered. The records shall include, but are not limited to, a copy of the purchase and sale agreement, earnest money receipt, and an itemization of the receipts and disbursements with each transaction. These

records and all other records specified by the director by rule are open to inspection by the director or the director's authorized representatives.

(2) If any licensee exercises control over real estate transaction funds, those funds are considered trust funds.

(3) Every real estate licensee shall deliver or cause to be delivered to all parties signing the same, within a reasonable time after signing, purchase and sale agreements, listing agreements, and all other like or similar instruments signed by the parties.

(4) Every real estate firm that keeps separate real estate trust fund accounts must keep the accounts in a recognized Washington state depository. A real estate firm must maintain an adequate amount of funds in the trust fund accounts to facilitate the opening of the trust fund accounts or to prevent the closing of the trust fund accounts.

(5) All licensees shall keep separate and apart and physically segregated from the licensees' own funds, all funds or moneys including advance fees of clients that are being held by the licensees pending the closing of a real estate sale or transaction, or that have been collected for the clients and are being held for disbursement for or to the clients.

(6) A firm is not required to maintain a trust fund account for transactions concerning a purchase and sale agreement that instructs the broker to deliver the earnest money check directly to a named closing agent or to the seller.

(7) Brokers must deposit all funds into their firm's trust bank account the next banking day following receipt of the funds unless the purchase and sale agreement provides for deferred deposit or delivery. In that event, the broker must promptly deposit or deliver funds in accordance with the terms of the purchase and sale agreement.

(8)(a) If a real estate broker receives or maintains earnest money or client funds for deposit, the real estate firm shall maintain a pooled interest-bearing trust account for deposit of client funds, with the exception of property management trust accounts.

(b) The interest accruing on this account, net of any reasonable and appropriate financial institution service charges or fees, shall be paid to the state treasurer for deposit in the Washington housing trust fund created in RCW 43.185.030 and the real estate education program account created in RCW 18.85.321. Appropriate service charges or fees are those charges made by financial institutions on other demand deposit or "now" accounts. The firm or designated broker is not required to notify the client of the intended use of the funds.

(c) The department shall adopt rules that will serve as guidelines in the choice of an account specified in this subsection.

(9) If trust funds are claimed by more than one party, the designated broker or designated broker's delegate must promptly provide written notification to all contracting parties to a real estate transaction of the intent of the designated broker or designated broker's delegate to disburse client funds. The notification must include the names and addresses of all parties to the contract, the amount of money held and to whom it will be disbursed, and the date of disbursement that must occur no later than thirty consecutive days after the notification date.

(10) For an account created under subsection (8) of this section, the designated or managing broker shall direct the depository institution to:

(a) Remit interest or dividends, net of any reasonable and appropriate service charges or fees, on the average monthly balance in the account, or as otherwise computed in accordance with an institution's standard accounting practice, at least quarterly, to the state treasurer for deposit in the housing trust fund created by RCW 43.185.030 and the real estate education program account created in RCW 18.85.321; and

(b) Transmit to the director of ~~((community, trade, and economic development))~~ commerce a statement showing the name of the person or entity for whom the remittance is spent, the rate of interest applied, and the amount of service charges deducted, if any, and the account balance(s) of the period in which the report is made, with a copy of the statement to be transmitted to the depositing person or firm.

(11) The director of ~~((community, trade, and economic development))~~ commerce shall forward a copy of the reports required by subsection (10) of this section to the department to aid in the enforcement of the requirements of this section consistent with the normal enforcement and auditing practices of the department.

(12)(a) This section does not relieve any real estate broker, managing broker, or firm of any obligation with respect to the safekeeping of clients' funds.

(b) Any violation by real estate brokers, managing brokers, or firms of any of the provisions of this section, RCW 18.85.361, or chapter 18.235 RCW is grounds for disciplinary action against the licenses issued to the brokers, managing brokers, or firms.

Sec. 2003. RCW 19.27.190 and 1996 c 186 s 501 are each amended to read as follows:

(1)(a) Not later than January 1, 1991, the state building code council, in consultation with the department of ~~((community, trade, and economic development))~~ commerce, shall establish interim requirements for the maintenance of indoor air quality in newly constructed residential buildings. In establishing the interim requirements, the council shall take into consideration differences in heating fuels and heating system types. These requirements shall be in effect July 1, 1991, through June 30, 1993.

(b) The interim requirements for new electrically space heated residential buildings shall include ventilation standards which provide for mechanical ventilation in areas of the residence where water vapor or cooking odors are produced. The ventilation shall be exhausted to the outside of the structure. The ventilation standards shall further provide for the capacity to supply outside air to each bedroom and the main living area through dedicated supply air inlet locations in walls, or in an equivalent manner. At least one exhaust fan in the home shall be controlled by a dehumidistat or clock timer to ensure that sufficient whole house ventilation is regularly provided as needed.

(c)(i) For new single-family residences with electric space heating systems, zero lot line homes, each unit in a duplex, and each attached housing unit in a planned unit development, the ventilation standards shall include fifty cubic feet per minute of effective installed ventilation capacity in each bathroom and one hundred cubic feet per minute of effective installed ventilation capacity in each kitchen.

(ii) For other new residential units with electric space heating systems the ventilation standards may be satisfied by the installation of two exhaust fans

with a combined effective installed ventilation capacity of two hundred cubic feet per minute.

(iii) Effective installed ventilation capacity means the capability to deliver the specified ventilation rates for the actual design of the ventilation system. Natural ventilation and infiltration shall not be considered acceptable substitutes for mechanical ventilation.

(d) For new residential buildings that are space heated with other than electric space heating systems, the interim standards shall be designed to result in indoor air quality equivalent to that achieved with the interim ventilation standards for electric space heated homes.

(e) The interim requirements for all newly constructed residential buildings shall include standards for indoor air quality pollutant source control, including the following requirements: All structural panel components of the residence shall comply with appropriate standards for the emission of formaldehyde; the back-drafting of combustion by-products from combustion appliances shall be minimized through the use of dampers, vents, outside combustion air sources, or other appropriate technologies; and, in areas of the state where monitored data indicate action is necessary to inhibit indoor radon gas concentrations from exceeding appropriate health standards, entry of radon gas into homes shall be minimized through appropriate foundation construction measures.

(2) No later than January 1, 1993, the state building code council, in consultation with the department of (~~community, trade, and economic development~~) commerce, shall establish final requirements for the maintenance of indoor air quality in newly constructed residences to be in effect beginning July 1, 1993. For new electrically space heated residential buildings, these requirements shall maintain indoor air quality equivalent to that provided by the mechanical ventilation and indoor air pollutant source control requirements included in the February 7, 1989, Bonneville power administration record of decision for the environmental impact statement on new energy efficient homes programs (DOE/EIS-0127F) built with electric space heating. In residential units other than single-family, zero lot line, duplexes, and attached housing units in planned unit developments, ventilation requirements may be satisfied by the installation of two exhaust fans with a combined effective installed ventilation capacity of two hundred cubic feet per minute. For new residential buildings that are space heated with other than electric space heating systems, the standards shall be designed to result in indoor air quality equivalent to that achieved with the ventilation and source control standards for electric space heated homes. In establishing the final requirements, the council shall take into consideration differences in heating fuels and heating system types.

Sec. 2004. RCW 24.46.010 and 1995 c 399 s 12 are each amended to read as follows:

It is the finding of the legislature that foreign trade zones serve an important public purpose by the creation of employment opportunities within the state and that the establishment of zones designed to accomplish this purpose is to be encouraged. It is the further intent of the legislature that the department of (~~community, trade, and economic development~~) commerce provide assistance to entities planning to apply to the United States for permission to establish such zones.

Sec. 2005. RCW 28A.160.090 and 1995 c 399 s 20 are each amended to read as follows:

Each school district board shall determine its own policy as to whether or not its school buses will be rented or leased for the purposes of RCW 28A.160.080, and if the board decision is to rent or lease, under what conditions, subject to the following:

(1) Such renting or leasing may take place only after the director of ~~((community, trade, and economic development))~~ commerce or any of his or her agents so authorized has, at the request of an involved governmental agency, declared that an emergency exists in a designated area insofar as the need for additional transport is concerned.

(2) The agency renting or leasing the school buses must agree, in writing, to reimburse the school district for all costs and expenses related to their use and also must provide an indemnity agreement protecting the district against any type of claim or legal action whatsoever, including all legal costs incident thereto.

Sec. 2006. RCW 28A.515.320 and 1996 c 186 s 503 are each amended to read as follows:

The common school construction fund is to be used exclusively for the purpose of financing the construction of facilities for the common schools. The sources of said fund shall be: (1) Those proceeds derived from sale or appropriation of timber and other crops from school and state land other than those granted for specific purposes; (2) the interest accruing on the permanent common school fund less the allocations to the state treasurer's service ~~((account fund))~~ fund pursuant to RCW 43.08.190 and the state investment board expense account pursuant to RCW 43.33A.160 together with all rentals and other revenue derived therefrom and from land and other property devoted to the permanent common school fund; (3) all moneys received by the state from the United States under the provisions of section 191, Title 30, United States Code, Annotated, and under section 810, chapter 12, Title 16, (Conservation), United States Code, Annotated, except moneys received before June 30, 2001, and when thirty megawatts of geothermal power is certified as commercially available by the receiving utilities and the department of ~~((community, trade, and economic development))~~ commerce, eighty percent of such moneys, under the Geothermal Steam Act of 1970 pursuant to RCW 43.140.030; and (4) such other sources as the legislature may direct. That portion of the common school construction fund derived from interest on the permanent common school fund may be used to retire such bonds as may be authorized by law for the purpose of financing the construction of facilities for the common schools.

The interest accruing on the permanent common school fund less the allocations to the state treasurer's service fund pursuant to RCW 43.08.190 and the state investment board expense account pursuant to RCW 43.33A.160 together with all rentals and other revenues accruing thereto pursuant to subsection (2) of this section prior to July 1, 1967, shall be exclusively applied to the current use of the common schools.

To the extent that the moneys in the common school construction fund are in excess of the amount necessary to allow fulfillment of the purpose of said fund, the excess shall be available for deposit to the credit of the permanent common school fund or available for the current use of the common schools, as the

legislature may direct. Any money from the common school construction fund which is made available for the current use of the common schools shall be restored to the fund by appropriation, including interest income (~~(forgone~~ ~~[forgone])~~) forgone, before the end of the next fiscal biennium following such use.

Sec. 2007. RCW 28B.30.537 and 1998 c 245 s 20 are each amended to read as follows:

The IMPACT center shall:

(1) Coordinate the teaching, research, and extension expertise of the college of agriculture and home economics at Washington State University to assist in:

(a) The design and development of information and strategies to expand the long-term international markets for Washington agricultural products; and

(b) The dissemination of such information and strategies to Washington exporters, overseas users, and public and private trade organizations;

(2) Research and identify current impediments to increased exports of Washington agricultural products, and determine methods of surmounting those impediments and opportunities for exporting new agricultural products and commodities to foreign markets;

(3) Prepare curricula to present and distribute information concerning international trade in agricultural commodities and products to students, exporters, international traders, and the public;

(4) Provide high quality research and graduate education and professional nondegree training in international trade in agricultural commodities in cooperation with other existing programs;

(5) Ensure that activities of the center adequately reflect the objectives for the state's agricultural market development programs established by the department of agriculture as the lead state agency for such programs under chapter 43.23 RCW; and

(6) Link itself through cooperative agreements with the center for international trade in forest products at the University of Washington, the state department of agriculture, the department of (~~(community, trade, and economic development)~~) commerce, Washington's agriculture businesses and associations, and other state agency data collection, processing, and dissemination efforts.

Sec. 2008. RCW 28B.30.900 and 1996 c 186 s 201 are each amended to read as follows:

(1) All powers, duties, and functions of the state energy office under RCW 43.21F.045 relating to implementing energy education, applied research, and technology transfer programs shall be transferred to Washington State University.

(2) The specific programs transferred to Washington State University shall include but not be limited to the following: Renewable energy, energy software, industrial energy efficiency, education and information, energy ideas clearinghouse, and telecommunications.

(3)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the state energy office pertaining to the powers, functions, and duties transferred shall be delivered to the custody of Washington State University. All cabinets, furniture, office equipment, software, database, motor vehicles, and other tangible property employed by the state

energy office in carrying out the powers, functions, and duties transferred shall be made available to Washington State University.

(b) Any appropriations made to, any other funds provided to, or any grants made to or contracts with the state energy office for carrying out the powers, functions, and duties transferred shall, on July 1, 1996, be transferred and credited to Washington State University.

(c) Whenever any question arises as to the transfer of any funds, books, documents, records, papers, files, software, database, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, an arbitrator mutually agreed upon by the parties in dispute shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(d) All rules and all pending business before the state energy office pertaining to the powers, functions, and duties transferred shall be continued and acted upon by Washington State University. All existing contracts, grants, and obligations, excluding personnel contracts and obligations, shall remain in full force and shall be assigned to and performed by Washington State University.

(e) The transfer of the powers, duties, and functions of the state energy office does not affect the validity of any act performed before July 1, 1996.

(f) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of the office of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation.

(4) Washington State University shall enter into an interagency agreement with the department of ~~((community, trade, and economic development))~~ commerce regarding the relationship between policy development and public outreach. The department of ~~((community, trade, and economic development))~~ commerce shall provide Washington State University available existing and future oil overcharge restitution and federal energy block funding for a minimum period of five years to carry out energy programs. Nothing in chapter 186, Laws of 1996 prohibits Washington State University from seeking grant funding for energy-related programs directly from other entities.

(5) Washington State University shall select and appoint existing state energy office employees to positions to perform the duties and functions transferred. Employees appointed by Washington State University are exempt from the provisions of chapter 41.06 RCW unless otherwise designated by the institution. Any future vacant or new positions will be filled using Washington State University's standard hiring procedures.

Sec. 2009. RCW 28B.50.281 and 2017 c 39 s 1 are each amended to read as follows:

(1) The state board shall work with the leadership team, the Washington state apprenticeship and training council, and the office of the superintendent of public instruction to jointly develop, by June 30, 2010, curricula and training programs, to include on-the-job training, classroom training, and safety and health training, for the development of the skills and qualifications identified by the department of ~~((community, trade, and economic development))~~ commerce under section 7 of this act.

(2) The board shall target a portion of any federal stimulus funding received to ensure commensurate capacity for high employer-demand programs of study developed under this section. To that end, the state board must coordinate with the department, the leadership team, the workforce board, or another appropriate state agency in the application for and receipt of any funding that may be made available through the federal youthbuild program, workforce innovation and opportunity act, job corps, or other relevant federal programs.

(3) The board shall provide an interim report to the appropriate committees of the legislature by December 1, 2011, and a final report by December 1, 2013, detailing the effectiveness of, and any recommendations for improving, the worker training curricula and programs established in this section.

(4) Existing curricula and training programs or programs provided by community and technical colleges in the state developed under this section must be recognized as programs of study under RCW 28B.50.273.

(5) Subject to available funding, the board may grant enrollment priority to persons who qualify for a waiver under RCW 28B.15.522 and who enroll in curricula and training programs provided by community or technical colleges in the state that have been developed in accordance with this section.

(6) The college board may prioritize workforce training programs that lead to a credential, certificate, or degree in green economy jobs. For purposes of this section, green economy jobs include those in the primary industries of a green economy including clean energy, high-efficiency building, green transportation, and environmental protection. Prioritization efforts may include but are not limited to: (a) Prioritization of the use of high employer-demand funding for workforce training programs in green economy jobs, if the programs meet minimum criteria for identification as a high-demand program of study as defined by the state board for community and technical colleges, however any additional community and technical college high-demand funding authorized for the 2009-2011 fiscal biennium and thereafter may be subject to prioritization; (b) increased outreach efforts to public utilities, education, labor, government, and private industry to develop tailored, green job training programs; and (c) increased outreach efforts to target populations. Outreach efforts shall be conducted in partnership with local workforce development councils.

(7) The definitions in RCW 43.330.010 apply to this section and RCW 28B.50.282.

Sec. 2010. RCW 28C.18.130 and 2008 c 103 s 3 are each amended to read as follows:

(1) Subject to funding provided for the purposes of this section, the board, in consultation with the state board for community and technical colleges, the department of ~~((community, trade, and economic development))~~ commerce, and the employment security department, shall allocate grants on a competitive basis to establish and support industry skill panels.

(2) Eligible applicants for the grants allocated under this section include, but are not limited to, workforce development councils, community and technical colleges, economic development councils, private career schools, chambers of commerce, trade associations, and apprenticeship councils.

(3) Entities applying for a grant under this section shall provide an employer match of at least twenty-five percent to be eligible. The local match may include in-kind services.

(4) It shall be the role of industry skill panels funded under this chapter to enable businesses in the industry to address workforce skill needs. Industry skill panels shall identify workforce strategies to meet the needs in order to benefit employers and workers across the industry. Examples of strategies include, but are not limited to: Developing career guidance materials; producing or updating skill standards and curricula; designing training programs and courses; developing technical assessments and certifications; arranging employer mentoring, tutoring, and internships; identifying private sector assistance in providing faculty or equipment to training providers; and organizing industry conferences disseminating best practices. The products and services of particular skill panels shall depend upon the needs of the industry.

Sec. 2011. RCW 28C.18.140 and 2008 c 103 s 4 are each amended to read as follows:

The board shall establish industry skill panel standards that identify the expectations for industry skill panel products and services. The board shall establish the standards in consultation with labor, the state board for community and technical colleges, the employment security department, the institute of workforce development and economic sustainability, and the department of ~~((community, trade, and economic development))~~ commerce. Continued funding of particular industry skill panels shall be based on meeting the standards established by the board under this section. Beginning December 1, 2008, the board shall report annually to the governor and the economic development and higher education committees of the legislature on the results of the industry skill panels funded under this chapter in meeting the standards.

Sec. 2012. RCW 31.24.030 and 2006 c 87 s 6 are each amended to read as follows:

In furtherance of its purposes and in addition to the powers now or hereafter conferred on business corporations by Title 23B RCW and upon limited liability companies by chapter 25.15 RCW, as applicable, a business development company has, subject to the restrictions and limitations in this section, the following powers:

(1) To assess stockholders, or a class of stockholders, of the business development company, if authorized by the articles of incorporation and approved by the department pursuant to a plan of assessment as provided for in RCW 31.24.066;

(2) To make qualified loans to borrowers in relation to business development projects;

(3) To make qualified investments in businesses in relation to business development projects;

(4) To facilitate and arrange qualified participation loans by qualified loan participants to borrowers in relation to business development projects;

(5) To participate in the partial funding of qualified participation loans;

(6) To elect, appoint, and employ officers, agents, and employees;

(7) To make contracts and incur liabilities for any of the purposes of the business development company. However, a business development company shall not incur any secondary liability by way of guaranty or endorsement of the obligations of any person, firm, company, association, or trust, or in any other manner;

(8) To the extent permitted by other applicable law, to borrow money from the federal small business administration and any other similar federal or state agency, for any of the purposes of a business development company;

(9) To borrow money from a financial institution or other financial entity;

(10) To issue bonds, debentures, notes, or other evidence of indebtedness, whether secured or unsecured, and to secure the same by mortgage, pledge, deed of trust, or other lien on its property, franchises, rights, and privileges of every kind and nature or any part or interest therein, without securing stockholder approval;

(11) To purchase, receive, hold, lease, or otherwise acquire, and to sell, convey, transfer, lease, or otherwise dispose of real and personal property, together with such rights and privileges as may be incidental and appurtenant thereto and the use thereof, including, but not restricted to, any real or personal property acquired by the business development company in the satisfaction of debts or enforcement of obligations;

(12) To acquire the good will, business, rights, real and personal property, and other assets, or any part thereof, or interest therein, of any persons, firms, corporations, limited liability companies, partnerships, limited partnerships, associations, or trusts, and to assume, undertake, or pay the obligations, debts, and liabilities of any such person, firm, corporation, limited liability company, partnership, limited partnership, association, or trust;

(13) To acquire improved or unimproved real estate for the purpose of constructing industrial plants or other business establishments thereon or for the purpose of disposing of such real estate to others for the construction of industrial plants or other business establishments; and to acquire, construct or reconstruct, alter, repair, maintain, operate, sell, convey, transfer, lease, or otherwise dispose of industrial plants or business establishments;

(14) To acquire, subscribe for, own, hold, sell, assign, transfer, mortgage, pledge, or otherwise dispose of the stock, shares, bonds, debentures, notes, or other securities and evidences of interest in, or indebtedness of, any person, firm, limited liability company, partnership, limited partnership, association, or trust, and while the owner or holder thereof to exercise all the rights, powers, and privileges of ownership, including the right to vote thereon;

(15) To mortgage, pledge, or otherwise encumber any property, right or things of value, acquired pursuant to the powers contained in subsections (11), (12), and (14) of this section, as security for the payment of any part of the purchase price thereof;

(16) To cooperate with and avail itself of the facilities and assistance programs of the United States department of commerce, the United States department of the treasury, the United States department of housing and urban development, the department of ~~((community, trade, and economic development))~~ commerce, and any other similar state or federal governmental agencies; and to cooperate with and assist, and otherwise encourage organizations in the various communities of the state in the promotion, assistance, and development of the business prosperity and economic welfare of such communities or of this state or of any part thereof; and

(17) To do all acts and things necessary or convenient to carry out the powers expressly granted in this chapter.

Sec. 2013. RCW 34.05.330 and 1998 c 280 s 5 are each amended to read as follows:

(1) Any person may petition an agency requesting the adoption, amendment, or repeal of any rule. The office of financial management shall prescribe by rule the format for such petitions and the procedure for their submission, consideration, and disposition and provide a standard form that may be used to petition any agency. Within sixty days after submission of a petition, the agency shall either (a) deny the petition in writing, stating (i) its reasons for the denial, specifically addressing the concerns raised by the petitioner, and, where appropriate, (ii) the alternative means by which it will address the concerns raised by the petitioner, or (b) initiate rule-making proceedings in accordance with RCW 34.05.320.

(2) If an agency denies a petition to repeal or amend a rule submitted under subsection (1) of this section, and the petition alleges that the rule is not within the intent of the legislature or was not adopted in accordance with all applicable provisions of law, the person may petition for review of the rule by the joint administrative rules review committee under RCW 34.05.655.

(3) If an agency denies a petition to repeal or amend a rule submitted under subsection (1) of this section, the petitioner, within thirty days of the denial, may appeal the denial to the governor. The governor shall immediately file notice of the appeal with the code reviser for publication in the Washington state register. Within forty-five days after receiving the appeal, the governor shall either (a) deny the petition in writing, stating (i) his or her reasons for the denial, specifically addressing the concerns raised by the petitioner, and, (ii) where appropriate, the alternative means by which he or she will address the concerns raised by the petitioner; (b) for agencies listed in RCW 43.17.010, direct the agency to initiate rule-making proceedings in accordance with this chapter; or (c) for agencies not listed in RCW 43.17.010, recommend that the agency initiate rule-making proceedings in accordance with this chapter. The governor's response to the appeal shall be published in the Washington state register and copies shall be submitted to the chief clerk of the house of representatives and the secretary of the senate.

(4) In petitioning for repeal or amendment of a rule under this section, a person is encouraged to address, among other concerns:

- (a) Whether the rule is authorized;
- (b) Whether the rule is needed;
- (c) Whether the rule conflicts with or duplicates other federal, state, or local laws;
- (d) Whether alternatives to the rule exist that will serve the same purpose at less cost;
- (e) Whether the rule applies differently to public and private entities;
- (f) Whether the rule serves the purposes for which it was adopted;
- (g) Whether the costs imposed by the rule are unreasonable;
- (h) Whether the rule is clearly and simply stated;
- (i) Whether the rule is different than a federal law applicable to the same activity or subject matter without adequate justification; and
- (j) Whether the rule was adopted according to all applicable provisions of law.

(5) The department of (~~community, trade, and economic development~~) commerce and the office of financial management shall coordinate efforts among agencies to inform the public about the existence of this rules review process.

(6) The office of financial management shall initiate the rule making required by subsection (1) of this section by September 1, 1995.

Sec. 2014. RCW 35.02.260 and 1995 c 399 s 34 are each amended to read as follows:

The department of (~~community, trade, and economic development~~) commerce shall identify federal, state, and local agencies that should receive notification that a new city or town is about to incorporate and shall assist newly formed cities and towns during the interim period before the official date of incorporation in providing such notification to the identified agencies.

Sec. 2015. RCW 35.13.171 and 2009 c 549 s 2010 are each amended to read as follows:

Within thirty days after the filing of a city's or town's annexation resolution pursuant to RCW 35.13.015 with the board of county commissioners or within thirty days after filing with the county commissioners a petition calling for an election on annexation, as provided in RCW 35.13.020, or within thirty days after approval by the legislative body of a city or town of a petition of property owners calling for annexation, as provided in RCW 35.13.130, the mayor of the city or town concerned that is not subject to the jurisdiction of a boundary review board under chapter 36.93 RCW, shall convene a review board composed of the following persons:

(1) The mayor of the city or town initiating the annexation by resolution, or the mayor in the event of a twenty percent annexation petition pursuant to RCW 35.13.020, or an alternate designated by the mayor;

(2) The chair of the board of county commissioners of the county wherein the property to be annexed is situated, or an alternate designated by him or her;

(3) The director of (~~community, trade, and economic development~~) commerce, or an alternate designated by the director;

Two additional members to be designated, one by the mayor of the annexing city, which member shall be a resident property owner of the city, and one by the chair of the county legislative authority, which member shall be a resident of and a property owner or a resident or a property owner if there be no resident property owner in the area proposed to be annexed, shall be added to the original membership and the full board thereafter convened upon call of the mayor: PROVIDED FURTHER, That three members of the board shall constitute a quorum.

Sec. 2016. RCW 35.21.300 and 1995 c 399 s 36 are each amended to read as follows:

(1) The lien for charges for service by a city waterworks, or electric light or power plant may be enforced only by cutting off the service until the delinquent and unpaid charges are paid, except that until June 30, 1991, utility service for residential space heating may be terminated between November 15 and March 15 only as provided in subsections (2) and (4) of this section. In the event of a disputed account and tender by the owner of the premises of the amount the owner claims to be due before the service is cut off, the right to refuse service to

any premises shall not accrue until suit has been entered by the city and judgment entered in the case.

(2) Utility service for residential space heating shall not be terminated between November 15 through March 15 if the customer:

(a) Notifies the utility of the inability to pay the bill, including a security deposit. This notice should be provided within five business days of receiving a payment overdue notice unless there are extenuating circumstances. If the customer fails to notify the utility within five business days and service is terminated, the customer can, by paying reconnection charges, if any, and fulfilling the requirements of this section, receive the protections of this chapter;

(b) Provides self-certification of household income for the prior twelve months to a grantee of the department of (~~community, trade, and economic development~~) commerce which administers federally funded energy assistance programs. The grantee shall determine that the household income does not exceed the maximum allowed for eligibility under the state's plan for low-income energy assistance under 42 U.S.C. 8624 and shall provide a dollar figure that is seven percent of household income. The grantee may verify information in the self-certification;

(c) Has applied for home heating assistance from applicable government and private sector organizations and certifies that any assistance received will be applied to the current bill and future utility bills;

(d) Has applied for low-income weatherization assistance to the utility or other appropriate agency if such assistance is available for the dwelling;

(e) Agrees to a payment plan and agrees to maintain the payment plan. The plan will be designed both to pay the past due bill by the following October 15 and to pay for continued utility service. If the past due bill is not paid by the following October 15, the customer shall not be eligible for protections under this chapter until the past due bill is paid. The plan shall not require monthly payments in excess of seven percent of the customer's monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter during November 15 through March 15. A customer may agree to pay a higher percentage during this period, but shall not be in default unless payment during this period is less than seven percent of monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter. If assistance payments are received by the customer subsequent to implementation of the plan, the customer shall contact the utility to reformulate the plan; and

(f) Agrees to pay the moneys owed even if he or she moves.

(3) The utility shall:

(a) Include in any notice that an account is delinquent and that service may be subject to termination, a description of the customer's duties in this section;

(b) Assist the customer in fulfilling the requirements under this section;

(c) Be authorized to transfer an account to a new residence when a customer who has established a plan under this section moves from one residence to another within the same utility service area;

(d) Be permitted to disconnect service if the customer fails to honor the payment program. Utilities may continue to disconnect service for those practices authorized by law other than for nonpayment as provided for in this section. Customers who qualify for payment plans under this section who default on their payment plans and are disconnected can be reconnected and maintain

the protections afforded under this chapter by paying reconnection charges, if any, and by paying all amounts that would have been due and owing under the terms of the applicable payment plan, absent default, on the date on which service is reconnected; and

(e) Advise the customer in writing at the time it disconnects service that it will restore service if the customer contacts the utility and fulfills the other requirements of this section.

(4) All municipal utilities shall offer residential customers the option of a budget billing or equal payment plan. The budget billing or equal payment plan shall be offered low-income customers eligible under the state's plan for low-income energy assistance prepared in accordance with 42 U.S.C. 8624(C)(1) without limiting availability to certain months of the year, without regard to the length of time the customer has occupied the premises, and without regard to whether the customer is the tenant or owner of the premises occupied.

(5) An agreement between the customer and the utility, whether oral or written, shall not waive the protections afforded under this chapter.

Sec. 2017. RCW 36.01.120 and 1995 c 399 s 40 are each amended to read as follows:

It is the finding of the legislature that foreign trade zones serve an important public purpose by the creation of employment opportunities within the state and that the establishment of zones designed to accomplish this purpose is to be encouraged. It is the further intent of the legislature that the department of (~~community, trade, and economic development~~) commerce provide assistance to entities planning to apply to the United States for permission to establish such zones.

Sec. 2018. RCW 36.70A.085 and 2022 c 252 s 2 are each amended to read as follows:

(1) Comprehensive plans of cities that have a marine container port with annual operating revenues in excess of sixty million dollars within their jurisdiction must include a container port element.

(2) Comprehensive plans of cities that include all or part of a port district with annual operating revenues in excess of twenty million dollars may include a marine industrial port element. Prior to adopting a marine industrial port element under this subsection (2), the commission of the applicable port district must adopt a resolution in support of the proposed element.

(3) Port elements adopted under subsections (1) and (2) of this section must be developed collaboratively between the city, the applicable port, and the applicable tribe, which shall comply with RCW 36.70A.040(8), and must establish policies and programs that:

(a) Define and protect the core areas of port and port-related industrial uses within the city;

(b) Provide reasonably efficient access to the core area through freight corridors within the city limits; and

(c) Identify and resolve key land use conflicts along the edge of the core area, and minimize and mitigate, to the extent practicable, incompatible uses along the edge of the core area.

(4) Port elements adopted under subsections (1) and (2) of this section must be:

(a) Completed and approved by the city according to the schedule specified in RCW 36.70A.130; and

(b) Consistent with the economic development, transportation, and land use elements of the city's comprehensive plan, and consistent with the city's capital facilities plan.

(5) In adopting port elements under subsections (1) and (2) of this section, cities and ports must: Ensure that there is consistency between the port elements and the port comprehensive scheme required under chapters 53.20 and 53.25 RCW; and retain sufficient planning flexibility to secure emerging economic opportunities.

(6) In developing port elements under subsections (1) and (2) of this section, a city may utilize one or more of the following approaches:

(a) Creation of a port overlay district that protects container port uses;

(b) Use of industrial land banks;

(c) Use of buffers and transition zones between incompatible uses;

(d) Use of joint transportation funding agreements;

(e) Use of policies to encourage the retention of valuable warehouse and storage facilities;

(f) Use of limitations on the location or size, or both, of nonindustrial uses in the core area and surrounding areas; and

(g) Use of other approaches by agreement between the city and the port.

(7) The department of ~~((community, trade, and economic development))~~ commerce must provide matching grant funds to cities meeting the requirements of subsection (1) of this section to support development of the required container port element.

(8) Any planned improvements identified in port elements adopted under subsections (1) and (2) of this section must be transmitted by the city to the transportation commission for consideration of inclusion in the statewide transportation plan required under RCW 47.01.071.

Sec. 2019. RCW 36.70A.131 and 1998 c 286 s 7 are each amended to read as follows:

As part of the review required by RCW 36.70A.130(1), a county or city shall review its mineral resource lands designations adopted pursuant to RCW 36.70A.170 and mineral resource lands development regulations adopted pursuant to RCW 36.70A.040 and 36.70A.060. In its review, the county or city shall take into consideration:

(1) New information made available since the adoption or last review of its designations or development regulations, including data available from the department of natural resources relating to mineral resource deposits; and

(2) New or modified model development regulations for mineral resource lands prepared by the department of natural resources, the department of ~~((community, trade, and economic development))~~ commerce, or the Washington state association of counties.

Sec. 2020. RCW 36.70B.040 and 1997 c 429 s 46 are each amended to read as follows:

(1) A proposed project's consistency with a local government's development regulations adopted under chapter 36.70A RCW, or, in the absence of applicable development regulations, the appropriate elements of the comprehensive plan

adopted under chapter 36.70A RCW shall be decided by the local government during project review by consideration of:

- (a) The type of land use;
 - (b) The level of development, such as units per acre or other measures of density;
 - (c) Infrastructure, including public facilities and services needed to serve the development; and
 - (d) The characteristics of the development, such as development standards.
- (2) In deciding whether a project is consistent, the determinations made pursuant to RCW 36.70B.030(2) shall be controlling.

(3) For purposes of this section, the term "consistency" shall include all terms used in this chapter and chapter 36.70A RCW to refer to performance in accordance with this chapter and chapter 36.70A RCW, including but not limited to compliance, conformity, and consistency.

(4) Nothing in this section requires documentation, dictates an agency's procedures for considering consistency, or limits a city or county from asking more specific or related questions with respect to any of the four main categories listed in subsection (1)(a) through (d) of this section.

(5) The department of (~~community, trade, and economic development~~) commerce is authorized to develop and adopt by rule criteria to assist local governments planning under RCW 36.70A.040 to analyze the consistency of project actions. These criteria shall be jointly developed with the department of ecology.

**Sec. 2021. RCW 36.70B.080 and 2004 c 191 s 2 are each amended to read as follows:*

(1) Development regulations adopted pursuant to RCW 36.70A.040 must establish and implement time periods for local government actions for each type of project permit application and provide timely and predictable procedures to determine whether a completed project permit application meets the requirements of those development regulations. The time periods for local government actions for each type of complete project permit application or project type should not exceed one hundred twenty days, unless the local government makes written findings that a specified amount of additional time is needed to process specific complete project permit applications or project types.

The development regulations must, for each type of permit application, specify the contents of a completed project permit application necessary for the complete compliance with the time periods and procedures.

(2)(a) Counties subject to the requirements of RCW 36.70A.215 and the cities within those counties that have populations of at least twenty thousand must, for each type of permit application, identify the total number of project permit applications for which decisions are issued according to the provisions of this chapter. For each type of project permit application identified, these counties and cities must establish and implement a deadline for issuing a notice of final decision as required by subsection (1) of this section and minimum requirements for applications to be deemed complete under RCW 36.70B.070 as required by subsection (1) of this section.

(b) Counties and cities subject to the requirements of this subsection also must prepare annual performance reports that include, at a minimum, the

following information for each type of project permit application identified in accordance with the requirements of (a) of this subsection:

(i) Total number of complete applications received during the year;

(ii) Number of complete applications received during the year for which a notice of final decision was issued before the deadline established under this subsection;

(iii) Number of applications received during the year for which a notice of final decision was issued after the deadline established under this subsection;

(iv) Number of applications received during the year for which an extension of time was mutually agreed upon by the applicant and the county or city;

(v) Variance of actual performance, excluding applications for which mutually agreed time extensions have occurred, to the deadline established under this subsection during the year; and

(vi) The mean processing time and the number standard deviation from the mean.

(c) Counties and cities subject to the requirements of this subsection must:

(i) Provide notice of and access to the annual performance reports through the county's or city's website; and

(ii) Post electronic facsimiles of the annual performance reports through the county's or city's website. Postings on a county's or city's website indicating that the reports are available by contacting the appropriate county or city department or official do not comply with the requirements of this subsection.

If a county or city subject to the requirements of this subsection does not maintain a website, notice of the reports must be given by reasonable methods, including but not limited to those methods specified in RCW 36.70B.110(4).

(3) Nothing in this section prohibits a county or city from extending a deadline for issuing a decision for a specific project permit application for any reasonable period of time mutually agreed upon by the applicant and the local government.

(4) The department of ~~((community, trade, and economic development))~~ commerce shall work with the counties and cities to review the potential implementation costs of the requirements of subsection (2) of this section. The department, in cooperation with the local governments, shall prepare a report summarizing the projected costs, together with recommendations for state funding assistance for implementation costs, and provide the report to the governor and appropriate committees of the senate and house of representatives by January 1, 2005.

**Sec. 2021 was vetoed. See message at end of chapter.*

Sec. 2022. RCW 36.93.080 and 1995 c 399 s 44 are each amended to read as follows:

Expenditures by the board shall be subject to the provisions of chapter 36.40 RCW and other statutes relating to expenditures by counties. The department of ~~((community, trade, and economic development))~~ commerce shall on a quarterly basis remit to each county one-half of the actual costs incurred by the county for the operation of the boundary review board within individual counties as provided for in this chapter. However, in the event no funds are appropriated to

the said agency for this purpose, this shall not in any way affect the operation of the boundary review board.

Sec. 2023. RCW 36.110.030 and 1995 c 399 s 45 are each amended to read as follows:

A statewide jail industries board of directors is established. The board shall consist of the following members:

(1) One sheriff and one police chief, to be selected by the Washington association of sheriffs and police chiefs;

(2) One county commissioner or one county councilmember to be selected by the Washington state association of counties;

(3) One city official to be selected by the association of Washington cities;

(4) Two jail administrators to be selected by the Washington state jail association, one of whom shall be from a county or a city with an established jail industries program;

(5) One prosecuting attorney to be selected by the Washington association of prosecuting attorneys;

(6) One administrator from a city or county corrections department to be selected by the Washington correctional association;

(7) One county clerk to be selected by the Washington association of county clerks;

(8) Three representatives from labor to be selected by the governor. The representatives may be chosen from a list of nominations provided by statewide labor organizations representing a cross section of trade organizations;

(9) Three representatives from business to be selected by the governor. The representatives may be chosen from a list of nominations provided by statewide business organizations representing a cross section of businesses, industries, and all sizes of employers;

(10) The governor's representative from the employment security department;

(11) One member representing crime victims, to be selected by the governor;

(12) One member representing online law enforcement officers, to be selected by the governor;

(13) One member from the department of ~~((community, trade, and economic development))~~ commerce to be selected by the governor;

(14) One member representing higher education, vocational education, or adult basic education to be selected by the governor; and

(15) The governor's representative from the correctional industries division of the state department of corrections shall be an ex officio member for the purpose of coordination and cooperation between prison and jail industries and to further a positive relationship between state and local government offender programs.

**Sec. 2024. RCW 39.04.156 and 2000 c 138 s 104 are each amended to read as follows:*

The department of ~~((community, trade, and economic development))~~ commerce, in cooperation with the municipal research and services center, shall prepare a small works roster manual and periodically notify the different

types of local government authorized to use a small works roster process about this authority.

**Sec. 2024 was vetoed. See message at end of chapter.*

Sec. 2025. RCW 39.19.240 and 2005 c 302 s 5 are each amended to read as follows:

(1) The office shall, in consultation with the state treasurer and the department of ~~((community, trade, and economic development))~~ commerce, compile information on minority and women's business enterprises that have received financial assistance through a qualified public depository under the provisions of RCW 43.86A.060. The information shall include, but is not limited to:

- (a) Name of the qualified public depository;
- (b) Geographic location of the minority or women's business enterprise;
- (c) Name of the minority or women's business enterprise;
- (d) Date of last certification by the office and certification number;
- (e) Type of business;
- (f) Amount and term of the loan to the minority or women's business enterprise; and

(g) Other information the office deems necessary for the implementation of this section.

(2) The office shall notify the state treasurer of minority or women's business enterprises that are no longer certified under the provisions of this chapter. The written notification shall contain information regarding the reason for the decertification and information on financing provided to the minority or women's business enterprise under RCW 43.86A.060.

(3) The office shall, in consultation with the state treasurer and the department of ~~((community, trade, and economic development))~~ commerce, monitor the performance of loans made to minority and women-owned business enterprises under RCW 43.86A.060.

Sec. 2026. RCW 39.34.230 and 2008 c 181 s 101 are each amended to read as follows:

(1) During a covered emergency, the department of ~~((community, trade, and economic development))~~ commerce may enter into interlocal agreements under this chapter with one or more public agencies for the purposes of providing mutual aid and cooperation to any public agency affected by the cause of the emergency.

(2) All legal liability by a public agency and its employees for damage to property or injury or death to persons caused by acts done or attempted during, or while traveling to or from, a covered emergency, or in preparation for a covered emergency, pursuant to an interlocal agreement entered into under this section, or under the color of this section in a bona fide attempt to comply therewith, shall be the obligation of the state of Washington. Suits may be instituted and maintained against the state for the enforcement of such liability, or for the indemnification of any public agency or its employees for damage done to their private property, or for any judgment against them for acts done in good faith in compliance with this chapter: PROVIDED, That the foregoing shall not be construed to result in indemnification in any case of willful misconduct, gross negligence, or bad faith on the part of any public agency or any of a public agency's employees: PROVIDED, That should the United States

or any agency thereof, in accordance with any federal statute, rule, or regulation, provide for the payment of damages to property and/or for death or injury as provided for in this section, then and in that event there shall be no liability or obligation whatsoever upon the part of the state of Washington for any such damage, death, or injury for which the United States government assumes liability.

(3) For purposes of this section, "covered emergency" means an emergency for which the governor has proclaimed a state of emergency under RCW 43.06.010, and for which the governor has authorized the department of ~~((community, trade, and economic development))~~ commerce to enter into interlocal agreements under this section.

(4) This section shall not affect the right of any person to receive benefits to which he or she would otherwise be entitled under the workers' compensation law, or under any pension or retirement law, nor the right of any such person to receive any benefits or compensation under any act of congress.

**Sec. 2027. RCW 39.35D.080 and 2005 c 12 s 12 are each amended to read as follows:*

Except as provided in this section, affordable housing projects funded out of the state capital budget are exempt from the provisions of this chapter. On or before July 1, 2008, the department of ~~((community, trade, and economic development))~~ commerce shall identify, implement, and apply a sustainable building program for affordable housing projects that receive housing trust fund (under chapter 43.185 RCW) funding in a state capital budget. The department of ~~((community, trade, and economic development))~~ commerce shall not develop its own sustainable building standard, but shall work with stakeholders to adopt an existing sustainable building standard or criteria appropriate for affordable housing. Any application of the program to affordable housing, including any monitoring to track the performance of either sustainable features or energy standards or both, is the responsibility of the department of ~~((community, trade, and economic development))~~ commerce. Beginning in 2009 and ending in 2016, the department of ~~((community, trade, and economic development))~~ commerce shall report to the department as required under RCW 39.35D.030(3)(b).

**Sec. 2027 was vetoed. See message at end of chapter.*

Sec. 2028. RCW 39.44.210 and 1995 c 399 s 54 are each amended to read as follows:

For each state or local government bond issued, the underwriter of the issue shall supply the department of ~~((community, trade, and economic development))~~ commerce with information on the bond issue within twenty days of its issuance. In cases where the issuer of the bond makes a direct or private sale to a purchaser without benefit of an underwriter, the issuer shall supply the required information. The bond issue information shall be provided on a form prescribed by the department of ~~((community, trade, and economic development))~~ commerce and shall include but is not limited to: (1) The par value of the bond issue; (2) the effective interest rates; (3) a schedule of maturities; (4) the purposes of the bond issue; (5) cost of issuance information; and (6) the type of bonds that are issued. A copy of the bond covenants shall be supplied with this information.

For each state or local government bond issued, the issuer's bond counsel promptly shall provide to the underwriter or to the department of (~~community, trade, and economic development~~) commerce information on the amount of any fees charged for services rendered with regard to the bond issue.

Each local government that issues any type of bond shall make a report annually to the department of (~~community, trade, and economic development~~) commerce that includes a summary of all the outstanding bonds of the local government as of the first day of January in that year. Such report shall distinguish the outstanding bond issues on the basis of the type of bond, as defined in RCW 39.44.200, and shall report the local government's outstanding indebtedness compared to any applicable limitations on indebtedness, including RCW 35.42.200, 39.30.010, and 39.36.020.

Sec. 2029. RCW 39.44.230 and 1995 c 399 s 55 are each amended to read as follows:

The department of (~~community, trade, and economic development~~) commerce may adopt rules and regulations pursuant to the administrative procedure act to require (1) the submission of bond issuance information by underwriters and bond counsel to the department of (~~community, trade, and economic development~~) commerce in a timely manner and (2) the submission of additional information on bond issues by state and local governments, including summaries of outstanding bond issues.

Sec. 2030. RCW 39.84.090 and 1998 c 245 s 34 are each amended to read as follows:

(1) Prior to issuance of any revenue bonds, each public corporation shall submit a copy of its enabling ordinance and charter, a description of any industrial development facility proposed to be undertaken, and the basis for its qualification as an industrial development facility to the department of (~~community, trade, and economic development~~) commerce.

(2) If the industrial development facility is not eligible under this chapter, the department of (~~community, trade, and economic development~~) commerce shall give notice to the public corporation, in writing and by certified mail, within twelve working days of receipt of the description.

(3) The department of (~~community, trade, and economic development~~) commerce shall provide such advice and assistance to public corporations and municipalities which have created or may wish to create public corporations as the public corporations or municipalities request and the department of (~~community, trade, and economic development~~) commerce considers appropriate.

Sec. 2031. RCW 40.10.020 and 1995 c 399 s 58 are each amended to read as follows:

The state archivist is authorized to reproduce those documents designated as essential records by the several elected and appointed officials of the state and local government by microfilm or other miniature photographic process and to assist and cooperate in the storage and safeguarding of such reproductions in such place as is recommended by the state archivist with the advice of the director of (~~community, trade, and economic development~~) commerce. The state archivist shall coordinate the essential records protection program and shall carry out the provisions of the state emergency plan as they relate to the

preservation of essential records. The state archivist is authorized to charge the several departments of the state and local government the actual cost incurred in reproducing, storing and safeguarding such documents: PROVIDED, That nothing herein shall authorize the destruction of the originals of such documents after reproduction thereof.

Sec. 2032. RCW 41.06.072 and 1995 c 399 s 59 are each amended to read as follows:

In addition to the exemptions set forth in this chapter, this chapter shall not apply within the department of (~~community, trade, and economic development~~) commerce to the director, one confidential secretary, the deputy directors, all assistant directors, the state historic preservation officer, and up to two professional staff members within the emergency management program.

Sec. 2033. RCW 43.20A.037 and 1995 c 399 s 65 are each amended to read as follows:

(1) The department shall identify and catalog real property that is no longer required for department purposes and is suitable for the development of affordable housing for very low-income, and moderate-income households as defined in RCW 43.63A.510. The inventory shall include the location, approximate size, and current zoning classification of the property. The department shall provide a copy of the inventory to the department of (~~community, trade, and economic development~~) commerce by November 1, 1993, and every November 1 thereafter.

(2) By November 1 of each year, beginning in 1994, the department shall purge the inventory of real property of sites that are no longer available for the development of affordable housing. The department shall include an updated listing of real property that has become available since the last update. As used in this section, "real property" means buildings, land, or buildings and land.

Sec. 2034. RCW 43.20A.790 and 1999 c 267 s 2 are each amended to read as follows:

(1) The department shall collaborate with the department of (~~community, trade, and economic development~~) commerce in the development of the coordinated and comprehensive plan for homeless families with children required under RCW 43.63A.650, which designates the department of (~~community, trade, and economic development~~) commerce as the state agency with primary responsibility for providing shelter and housing services to homeless families with children. In fulfilling its responsibilities to collaborate with the department of (~~community, trade, and economic development~~) commerce pursuant to RCW 43.63A.650, the department shall develop, administer, supervise, and monitor its portion of the plan. The department's portion of the plan shall contain at least the following elements:

- (a) Coordination or linkage of services with shelter and housing;
- (b) Accommodation and addressing the needs of homeless families in the design and administration of department programs;
- (c) Participation of the department's local offices in the identification, assistance, and referral of homeless families; and
- (d) Ongoing monitoring of the efficiency and effectiveness of the plan's design and implementation.

(2) The department shall include community organizations involved in the delivery of services to homeless families with children, and experts in the development and ongoing evaluation of the plan.

(3) The duties under this section shall be implemented within amounts appropriated for that specific purpose by the legislature in the operating and capital budgets.

Sec. 2035. RCW 43.21A.510 and 1995 c 399 s 66 are each amended to read as follows:

In order to assist the department of (~~community, trade, and economic development~~) commerce in providing information to businesses interested in locating in Washington state, the department shall develop an environmental profile of the state. This profile shall identify the state's natural resources and describe how these assets are valuable to industry. Examples of information to be included are water resources and quality, air quality, and recreational opportunities related to natural resources.

Sec. 2036. RCW 43.21A.515 and 1995 c 399 s 67 are each amended to read as follows:

In order to emphasize the importance of the state's environmental laws and regulations and to facilitate compliance with them, the department of ecology shall provide assistance to businesses interested in locating in Washington state. When the department of (~~community, trade, and economic development~~) commerce receives a query from an interested business through its industrial marketing activities, it shall arrange for the department of ecology to provide information on the state's environmental laws and regulations and methods of compliance. This section shall facilitate compliance with state environmental laws and regulations and shall not weaken their application or effectiveness.

Sec. 2037. RCW 43.21A.612 and 1995 c 399 s 68 are each amended to read as follows:

Before the director shall construct said steam generating facility within the state, or make application for any permit, license or other right necessary thereto, the director shall give notice thereof by publishing once a week for four consecutive weeks in a newspaper of general circulation in the county or counties in which such project is located a statement of intention setting forth the general nature, extent and location of the project. If any public utility in the state or any operating agency desires to construct such facility, such utility or operating agency shall notify the director thereof within ten days after the last date of publication of such notice. If the director determines that it is in the best public interest that the director proceed with such construction rather than the public utility or operating agency, the director shall so notify the director of (~~community, trade, and economic development~~) commerce, who shall set a date for hearing thereon. If after considering the evidence introduced the director of (~~community, trade, and economic development~~) commerce finds that the public utility or operating agency making the request intends to immediately proceed with such construction and is financially capable of carrying out such construction and further finds that the plan of such utility or operating agency is equally well adapted to serve the public interest, the director shall enter an order so finding and such order shall divest the director of authority to proceed further with such construction or acquisition until such time as the other public utility or

agency voluntarily causes an assignment of its right or interest in the project to the director or fails to procure any further required governmental permit, license or authority or having procured such, has the same revoked or withdrawn, in accordance with the laws and regulations of such governmental entity, in which event the director shall have the same authority to proceed as though the director had originally entered an order so authorizing the director to proceed. If, after considering the evidence introduced, the director of (~~community, trade, and economic development~~) commerce finds that the public utility or agency making the request does not intend to immediately proceed with such construction or acquisition or is not financially capable of carrying out such construction or acquisition, or finds that the plan of such utility or operating agency is not equally well adapted to serve the public interest, the director shall then enter an order so finding and authorizing the director to proceed with the construction or acquisition of the facility.

Sec. 2038. RCW 43.21G.010 and 1996 c 186 s 507 are each amended to read as follows:

The legislature finds that energy in various forms is increasingly subject to possible shortages and supply disruptions, to the point that there may be foreseen an emergency situation, and that without the ability to institute appropriate emergency measures to regulate the production, distribution, and use of energy, a severe impact on the public health, safety, and general welfare of our state's citizens may occur. The prevention or mitigation of such energy shortages or disruptions and their effects is necessary for preservation of the public health, safety, and general welfare of the citizens of this state.

It is the intent of this chapter to:

- (1) Establish necessary emergency powers for the governor and define the situations under which such powers are to be exercised;
- (2) Provide penalties for violations of this chapter.

It is further the intent of the legislature that in developing proposed orders under the powers granted in RCW 43.21G.040 as now or hereafter amended the governor may utilize, on a temporary or ad hoc basis, the knowledge and expertise of persons experienced in the technical aspects of energy supply, distribution, or use. Such utilization shall be in addition to support received by the governor from the department of (~~community, trade, and economic development~~) commerce under RCW 43.21F.045 and 43.21F.065 and from other state agencies.

Sec. 2039. RCW 43.21J.030 and 2007 c 341 s 62 and 2007 c 241 s 4 are each reenacted and amended to read as follows:

- (1) There is created the environmental enhancement and job creation task force within the office of the governor. The purpose of the task force is to provide a coordinated and comprehensive approach to implementation of chapter 516, Laws of 1993. The task force shall consist of the commissioner of public lands, the director of the department of fish and wildlife, the director of the department of ecology, the director of the parks and recreation commission, the timber team coordinator, the executive director of the workforce training and education coordinating board, and the executive director of the Puget Sound partnership, or their designees. The task force may seek the advice of the following agencies and organizations: The department of (~~community, trade,~~

~~and economic development~~) commerce, the conservation commission, the employment security department, the recreation and conservation office, appropriate federal agencies, appropriate special districts, the Washington state association of counties, the association of Washington cities, labor organizations, business organizations, timber-dependent communities, environmental organizations, and Indian tribes. The governor shall appoint the task force chair. Members of the task force shall serve without additional pay. Participation in the work of the committee by agency members shall be considered in performance of their employment. The governor shall designate staff and administrative support to the task force and shall solicit the participation of agency personnel to assist the task force.

(2) The task force shall have the following responsibilities:

(a) Soliciting and evaluating, in accordance with the criteria set forth in RCW 43.21J.040, requests for funds from the environmental and forest restoration account and making distributions from the account. The task force shall award funds for projects and training programs it approves and may allocate the funds to state agencies for disbursement and contract administration;

(b) Coordinating a process to assist state agencies and local governments to implement effective environmental and forest restoration projects funded under this chapter;

(c) Considering unemployment profile data provided by the employment security department.

(3) Beginning July 1, 1994, the task force shall have the following responsibilities:

(a) To solicit and evaluate proposals from state and local agencies, private nonprofit organizations, and tribes for environmental and forest restoration projects;

(b) To rank the proposals based on criteria developed by the task force in accordance with RCW 43.21J.040; and

(c) To determine funding allocations for projects to be funded from the account created in RCW 43.21J.020 and for projects or programs as designated in the omnibus operating and capital appropriations acts.

****Sec. 2040. RCW 43.22.495 and 2007 c 432 s 7 are each amended to read as follows:***

Beginning on July 1, 2007, the department of labor and industries shall perform all the consumer complaint and related functions of the state administrative agency that are required for purposes of complying with the regulations established by the federal department of housing and urban development for manufactured housing, including the preparation and submission of the state administrative plan.

The department of labor and industries may enter into state or local interagency agreements to coordinate site inspection activities with record monitoring and complaint handling. The interagency agreement may also provide for the reimbursement for cost of work that an agency performs. The department may include other related areas in any interagency agreements which are necessary for the efficient provision of services.

The directors of the department of (~~community, trade, and economic development~~) commerce and the department of labor and industries shall

immediately take such steps as are necessary to ensure that chapter 432, Laws of 2007 is implemented on July 1, 2007.

**Sec. 2040 was vetoed. See message at end of chapter.*

**Sec. 2041. RCW 43.22A.020 and 2007 c 432 s 1 are each amended to read as follows:*

Beginning on July 1, 2007, the department shall perform all the consumer complaint and related functions of the state administrative agency that are required for purposes of complying with the regulations established by the federal department of housing and urban development for manufactured housing, including the preparation and submission of the state administrative plan.

The department may enter into state or local interagency agreements to coordinate site inspection activities with record monitoring and complaint handling. The interagency agreement may also provide for the reimbursement for cost of work that an agency performs. The department may include other related areas in any interagency agreements which are necessary for the efficient provision of services.

The department of (~~community, trade, and economic development~~) commerce shall transfer all records, files, books, and documents necessary for the department to assume these new functions.

The directors of (~~community, trade, and economic development~~) commerce and of labor and industries shall immediately take such steps as are necessary to ensure that chapter 432, Laws of 2007 is implemented on July 1, 2007.

**Sec. 2041 was vetoed. See message at end of chapter.*

Sec. 2042. RCW 43.23.035 and 1995 c 399 s 70 are each amended to read as follows:

The department of agriculture is hereby designated as the agency of state government for the administration and implementation of state agricultural market development programs and activities, both domestic and foreign, and shall, in addition to the powers and duties otherwise imposed by law, have the following powers and duties:

(1) To study the potential marketability of various agricultural commodities of this state in foreign and domestic trade;

(2) To collect, prepare, and analyze foreign and domestic market data;

(3) To establish a program to promote and assist in the marketing of Washington-bred horses: PROVIDED, That the department shall present a proposal to the legislature no later than December 1, 1986, that provides for the elimination of all state funding for the program after June 30, 1989;

(4) To encourage and promote the sale of Washington's agricultural commodities and products at the site of their production through the development and dissemination of referral maps and other means;

(5) To encourage and promote those agricultural industries, such as the wine industry, which attract visitors to rural areas in which other agricultural commodities and products are produced and are, or could be, made available for sale;

(6) To encourage and promote the establishment and use of public markets in this state for the sale of Washington's agricultural products;

(7) To maintain close contact with foreign firms and governmental agencies and to act as an effective intermediary between foreign nations and Washington traders;

(8) To publish and disseminate to interested citizens and others information which will aid in carrying out the purposes of chapters 43.23, 15.64, 15.65, and 15.66 RCW;

(9) To encourage and promote the movement of foreign and domestic agricultural goods through the ports of Washington;

(10) To conduct an active program by sending representatives to, or engaging representatives in, foreign countries to promote the state's agricultural commodities and products;

(11) To assist and to make Washington agricultural concerns more aware of the potentials of foreign trade and to encourage production of those commodities that will have high export potential and appeal;

(12) To coordinate the trade promotional activities of appropriate federal, state, and local public agencies, as well as civic organizations; and

(13) To develop a coordinated marketing program with the department of ~~((community, trade, and economic development))~~ commerce, utilizing existing trade offices and participating in mutual trade missions and activities.

As used in this section, "agricultural commodities" includes products of both terrestrial and aquatic farming.

Sec. 2043. RCW 43.30.835 and 2009 c 163 s 2 are each amended to read as follows:

(1) The department may develop and implement forest biomass energy demonstration projects, one east of the crest of the Cascade mountains and one west of the crest of the Cascade mountains. The demonstration projects must be designed to:

(a) Reveal the utility of Washington's public and private forest biomass feedstock;

(b) Create green jobs and generate renewable energy;

(c) Generate revenues or improve asset values for beneficiaries of state lands and state forestlands;

(d) Improve forest health, reduce pollution, and restore ecological function; and

(e) Avoid interfering with the current working area for forest biomass collection surrounding an existing fixed location biomass energy production site.

(2) To develop and implement the forest biomass energy demonstration projects, the department may form forest biomass energy partnerships or cooperatives.

(3) The forest biomass energy partnerships or cooperatives are encouraged to be public-private partnerships focused on convening the entities necessary to grow, harvest, process, transport, and utilize forest biomass to generate renewable energy. Particular focus must be given to recruiting and employing emerging technologies that can locally process forest biomass feedstock to create local green jobs and reduce transportation costs.

(4) The forest biomass energy partnerships or cooperatives may include, but are not limited to: Entrepreneurs or organizations developing and operating emerging technology to process forest biomass; industrial electricity producers; contractors capable of providing the local labor needed to collect, process, and

transport forest biomass feedstocks; tribes; federal land management agencies; county, city, and other local governments; the department of (~~community, trade, and economic development~~) commerce; state trust land managers; an organization dedicated to protecting and strengthening the jobs, rights, and working conditions of Washington's working families; accredited research institution representatives; an industrial timberland manager; a small forestland owner; and a not-for-profit conservation organization.

Sec. 2044. RCW 43.31.205 and 1993 c 280 s 41 are each amended to read as follows:

In an effort to enhance the economy of the Tri-Cities area, the department of (~~community, trade, and economic development~~) commerce is directed to promote the existence of the lease between the state of Washington and the federal government executed September 10, 1964, covering one thousand acres of land lying within the Hanford reservation near Richland, Washington, and the opportunity of subleasing the land to entities for nuclear-related industry, in agreement with the terms of the lease. When promoting the existence of the lease, the department shall work in cooperation with any associate development organization located in or near the Tri-Cities area.

Sec. 2045. RCW 43.31.504 and 1993 c 280 s 45 are each amended to read as follows:

The child care facility fund committee is established within the business assistance center of the department of (~~community, trade, and economic development~~) commerce. The committee shall administer the child care facility fund, with review by the director of (~~community, trade, and economic development~~) commerce.

(1) The committee shall have five members. The director of (~~community, trade, and economic development~~) commerce shall appoint the members, who shall include:

(a) Two persons experienced in investment finance and having skills in providing capital to new businesses, in starting and operating businesses, and providing professional services to small or expanding businesses;

(b) One person representing a philanthropic organization with experience in evaluating funding requests;

(c) One child care services expert; and

(d) One early childhood development expert.

In making these appointments, the director shall give careful consideration to ensure that the various geographic regions of the state are represented and that members will be available for meetings and are committed to working cooperatively to address child care needs in Washington state.

(2) The committee shall elect officers from among its membership and shall adopt policies and procedures specifying the lengths of terms, methods for filling vacancies, and other matters necessary to the ongoing functioning of the committee.

(3) Committee members shall serve without compensation, but may request reimbursement for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(4) Committee members shall not be liable to the state, to the child care facility fund, or to any other person as a result of their activities, whether

ministerial or discretionary, as members except for willful dishonesty or intentional violation of the law. The department of (~~community, trade, and economic development~~) commerce may purchase liability insurance for members and may indemnify these persons against the claims of others.

Sec. 2046. RCW 43.31.970 and 2009 c 459 s 18 are each amended to read as follows:

The department of (~~community, trade, and economic development~~) commerce must distribute to local governments model ordinances, model development regulations, and guidance for local governments for siting and installing electric vehicle infrastructure, and in particular battery charging stations, and appropriate handling, recycling, and storage of electric vehicle batteries and equipment, when available. The model ordinances, model development regulations, and guidance must be developed by a federal or state agency, or nationally recognized organizations with specific expertise in land-use regulations or electric vehicle infrastructure.

Sec. 2047. RCW 43.63A.115 and 1993 c 280 s 60 are each amended to read as follows:

(1) The community action agency network, established initially under the federal economic opportunity act of 1964 and subsequently under the federal community services block grant program of 1981, as amended, shall be a delivery system for federal and state antipoverty programs in this state, including but not limited to the community services block grant program, the low-income energy assistance program, and the federal department of energy weatherization program.

(2) Local community action agencies comprise the community action agency network. The community action agency network shall serve low-income persons in the counties. Each community action agency and its service area shall be designated in the state federal community service block grant plan as prepared by the department of (~~community, trade, and economic development~~) commerce.

(3) Funds for antipoverty programs may be distributed to the community action agencies by the department of (~~community, trade, and economic development~~) commerce and other state agencies in consultation with the authorized representatives of community action agency networks.

Sec. 2048. RCW 43.63A.135 and 2006 c 371 s 234 are each amended to read as follows:

(1) The department of (~~community, trade, and economic development~~) commerce must establish a competitive process to solicit proposals for and prioritize projects whose primary objective is to assist nonprofit youth organizations in acquiring, constructing, or rehabilitating facilities used for the delivery of nonresidential services, excluding outdoor athletic fields.

(2) The department of (~~community, trade, and economic development~~) commerce must establish a competitive process to prioritize applications for the assistance as follows:

(a) The department of (~~community, trade, and economic development~~) commerce must conduct a statewide solicitation of project applications from local governments, nonprofit organizations, and other entities, as determined by the department of (~~community, trade, and economic development~~) commerce.

The department of (~~community, trade, and economic development~~) commerce must evaluate and rank applications in consultation with a citizen advisory committee using objective criteria. Projects must have a major recreational component, and must have either an educational or social service component. At a minimum, applicants must demonstrate that the requested assistance will increase the efficiency or quality of the services it provides to youth. The evaluation and ranking process must also include an examination of existing assets that applicants may apply to projects. Grant assistance under this section may not exceed twenty-five percent of the total cost of the project. The nonstate portion of the total project cost may include cash, the value of real property when acquired solely for the purpose of the project, and in-kind contributions.

(b) The department of (~~community, trade, and economic development~~) commerce must submit a prioritized list of recommended projects to the governor and the legislature in the department of (~~community, trade, and economic development's~~) commerce's biennial capital budget request beginning with the 2005-2007 biennium and thereafter. The list must include a description of each project, the amount of recommended state funding, and documentation of nonstate funds to be used for the project. The total amount of recommended state funding for projects on a biennial project list must not exceed eight million dollars. The department of (~~community, trade, and economic development~~) commerce may not sign contracts or otherwise financially obligate funds under this section until the legislature has approved a specific list of projects.

(c) In contracts for grants authorized under this section the department of (~~community, trade, and economic development~~) commerce must include provisions that require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee must repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

Sec. 2049. RCW 43.63A.155 and 1993 c 280 s 61 are each amended to read as follows:

The department of (~~community, trade, and economic development~~) commerce shall retain the bond information it receives under RCW 39.44.210 and 39.44.230 and shall publish summaries of local government bond issues at least once a year.

The department of (~~community, trade, and economic development~~) commerce shall adopt rules under chapter 34.05 RCW to implement RCW 39.44.210 and 39.44.230.

Sec. 2050. RCW 43.63A.230 and 2005 c 136 s 2 are each amended to read as follows:

The department of (~~community, trade, and economic development~~) commerce shall provide technical assistance to cooperatives authorized under chapter 23.78 RCW and conduct educational programs on employee ownership and self-management. The department shall include information on the option of employee ownership wherever appropriate in its various programs.

Sec. 2051. RCW 43.63A.275 and 1993 c 280 s 67 are each amended to read as follows:

(1) Each biennium the department of (~~community, trade, and economic development~~) commerce shall distribute such funds as are appropriated for retired senior volunteer programs (RSVP) as follows:

(a) At least sixty-five percent of the moneys may be distributed according to formulae and criteria to be determined by the department of (~~community, trade, and economic development~~) commerce in consultation with the RSVP directors association.

(b) Up to twenty percent of the moneys may be distributed by competitive grant process to develop RSVP projects in counties not presently being served, or to expand existing RSVP services into counties not presently served.

(c) Ten percent of the moneys may be used by the department of (~~community, trade, and economic development~~) commerce for administration, monitoring of the grants, and providing technical assistance to the RSVP projects.

(d) Up to five percent of the moneys may be used to support projects that will benefit RSVPs statewide.

(2) Grants under subsection (1) of this section shall give priority to programs in the areas of education, tutoring, English as a second language, combating of and education on drug abuse, housing and homeless, and respite care, and shall be distributed in accordance with the following:

(a) None of the grant moneys may be used to displace any paid employee in the area being served.

(b) Grants shall be made for programs that focus on:

(i) Developing new roles for senior volunteers in nonprofit and public organizations with special emphasis on areas targeted in section 1, chapter 65, Laws of 1992. The roles shall reflect the diversity of the local senior population and shall respect their life experiences;

(ii) Increasing the expertise of volunteer managers and RSVP managers in the areas of communication, recruitment, motivation, and retention of today's over-sixty population;

(iii) Increasing the number of senior citizens recruited, referred, and placed with nonprofit and public organizations; and

(iv) Providing volunteer support such as: Mileage to and from the volunteer assignment, recognition, and volunteer insurance.

Sec. 2052. RCW 43.63A.400 and 1993 c 280 s 72 are each amended to read as follows:

The department of (~~community, trade, and economic development~~) commerce shall distribute grants to eligible public radio and television broadcast stations under RCW 43.63A.410 and 43.63A.420 to assist with programming, operations, and capital needs.

Sec. 2053. RCW 43.63A.410 and 1993 c 280 s 73 are each amended to read as follows:

(1) Eligibility for grants under this section shall be limited to broadcast stations which are:

(a) Licensed to Washington state organizations, nonprofit corporations, or other entities under section 73.621 of the regulations of the federal communications commission; and

(b) Qualified to receive community service grants from the federally chartered corporation for public broadcasting. Eligibility shall be established as of February 28th of each year.

(2) The formula in this subsection shall be used to compute the amount of each eligible station's grant under this section.

(a) Appropriations under this section shall be divided into a radio fund, which shall be twenty-five percent of the total appropriation under this section, and a television fund, which shall be seventy-five percent of the total appropriation under this section. Each of the two funds shall be divided into a base grant pool, which shall be fifty percent of the fund, and an incentive grant pool, which shall be the remaining fifty percent of the fund.

(b) Each eligible participating public radio station shall receive an equal share of the radio base grant pool, plus a share of the radio incentive grant pool equal to the proportion its nonfederal financial support bears to the sum of all participating radio stations' nonfederal financial support as most recently reported to the corporation for public broadcasting.

(c) Each eligible participating public television station shall receive an equal share of the television base grant pool, plus a share of the television incentive grant pool equal to the proportion its nonfederal financial support bears to the sum of all participating television stations' nonfederal financial support as most recently reported to the corporation for public broadcasting.

(3) Annual financial reports to the corporation for public broadcasting by eligible stations shall also be submitted by the stations to the department of ~~((community, trade, and economic development))~~ commerce.

Sec. 2054. RCW 43.63A.720 and 1995 c 353 s 7 are each amended to read as follows:

There is established in the department of ~~((community, trade, and economic development))~~ commerce a grant program to enhance funding for prostitution prevention and intervention services. Activities that can be funded through this grant program shall provide effective prostitution prevention and intervention services, such as counseling, parenting, housing relief, education, and vocational training, that:

(1) Comprehensively address the problems of persons who are prostitutes; and

(2) Enhance the ability of persons to leave or avoid prostitution.

Sec. 2055. RCW 43.63A.735 and 1995 c 353 s 10 are each amended to read as follows:

(1) Subject to funds appropriated by the legislature, including funds in the prostitution prevention and intervention account, the department of ~~((community, trade, and economic development))~~ commerce shall make awards under the grant program established by RCW 43.63A.720.

(2) Awards shall be made competitively based on the purposes of and criteria in RCW 43.63A.720 through 43.63A.730.

(3) Activities funded under this section may be considered for funding in future years, but shall be considered under the same terms and criteria as new

activities. Funding of a program or activity under this chapter shall not constitute an obligation by the state of Washington to provide ongoing funding.

(4) The department of (~~(community, trade, and economic development)~~) commerce may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the grant program established under RCW 43.63A.720 and expend the same or any income from these sources according to the terms of the gifts, grants, or endowments.

(5) The department of (~~(community, trade, and economic development)~~) commerce may expend up to five percent of the funds appropriated for the grant program for administrative costs and grant supervision.

Sec. 2056. RCW 43.63A.764 and 2008 c 327 s 13 are each amended to read as follows:

The definitions in this section apply throughout RCW 43.63A.125, this section, and RCW 43.63A.766 and 43.63A.768 unless the context clearly requires otherwise.

(1) "Department" means the department of (~~(community, trade, and economic development)~~) commerce.

(2) "Distressed community" means: (a) A county that has an unemployment rate that is twenty percent above the state average for the immediately previous three years; (b) an area within a county that the department determines to be a low-income community, using as guidance the low-income community designations under the community development financial institutions fund's new markets tax credit program of the United States department of the treasury; or (c) a school district in which at least fifty percent of local elementary students receive free and reduced-price meals.

(3) "Nonprofit organization" means an organization that is tax exempt, or not required to apply for an exemption, under section 501(c)(3) of the federal internal revenue code of 1986, as amended.

(4) "Technical assistance" means professional services provided under contract to nonprofit organizations for feasibility studies, planning, and project management related to acquiring, constructing, or rehabilitating nonresidential community services facilities.

Sec. 2057. RCW 43.70.540 and 2005 c 282 s 45 are each amended to read as follows:

The legislature recognizes that the state patrol, the administrative office of the courts, the sheriffs' and police chiefs' association, the department of social and health services, the department of (~~(community, trade, and economic development)~~) commerce, the sentencing guidelines commission, the department of corrections, and the superintendent of public instruction each have comprehensive data and analysis capabilities that have contributed greatly to our current understanding of crime and violence, and their causes.

The legislature finds, however, that a single health-oriented agency must be designated to provide consistent guidelines to all these groups regarding the way in which their data systems collect this important data. It is not the intent of the legislature by RCW 43.70.545 to transfer data collection requirements from existing agencies or to require the addition of major new data systems. It is rather the intent to make only the minimum required changes in existing data

systems to increase compatibility and comparability, reduce duplication, and to increase the usefulness of data collected by these agencies in developing more accurate descriptions of violence.

Sec. 2058. RCW 43.132.030 and 1995 c 399 s 80 are each amended to read as follows:

The director of financial management is hereby empowered to designate the director of (~~(community, trade, and economic development)~~) commerce as the official responsible for the preparation of fiscal notes authorized and required by this chapter. It is the intent of the legislature that when necessary the resources of other state agencies, appropriate legislative staffs, and the various associations of local government may be employed in the development of such fiscal notes.

Sec. 2059. RCW 43.132.810 and 2000 c 182 s 6 are each amended to read as follows:

The office of financial management, in consultation with the department of (~~(community, trade, and economic development)~~) commerce, shall prepare a report for the legislature on or before December 31st of every even-numbered year on local government fiscal notes, and reports on the fiscal impacts on local governments arising from selected laws, that were prepared over the preceding two-year period.

Sec. 2060. RCW 43.133.030 and 1995 c 399 s 81 are each amended to read as follows:

The office of financial management and the department of (~~(community, trade, and economic development)~~) commerce shall, in cooperation with appropriate legislative committees and legislative staff, establish a procedure for the provision of sunrise notes on the expected impact of bills and resolutions that authorize the creation of new boards and new types of special purpose districts.

Sec. 2061. RCW 43.133.050 and 1995 c 399 s 82 are each amended to read as follows:

(1) The office of financial management shall prepare sunrise notes for legislation concerning the creation of new boards. The department of (~~(community, trade, and economic development)~~) commerce shall prepare sunrise notes for legislation creating new types of special purpose districts.

(2) A sunrise note shall be prepared for all executive and agency request legislation that creates a board or special purpose district.

(3) The office of financial management or the department of (~~(community, trade, and economic development)~~) commerce shall also provide a sunrise note at the request of any committee of the legislature.

Sec. 2062. RCW 43.150.040 and 1995 c 399 s 84 are each amended to read as follows:

The governor may establish a statewide center for volunteerism and citizen service within the department of (~~(community, trade, and economic development)~~) commerce and appoint an executive administrator, who may employ such staff as necessary to carry out the purposes of this chapter. The provisions of chapter 41.06 RCW do not apply to the executive administrator and the staff.

Sec. 2063. RCW 43.163.020 and 1995 c 399 s 89 are each amended to read as follows:

The Washington economic development finance authority is established as a public body corporate and politic, with perpetual corporate succession, constituting an instrumentality of the state of Washington exercising essential governmental functions. The authority is a public body within the meaning of RCW 39.53.010.

The authority shall consist of (~~eighteen~~ ~~[seventeen]~~) 17 members as follows: The director of the department of (~~community, trade, and economic development~~) commerce, the director of the department of agriculture, the state treasurer, one member from each caucus in the house of representatives appointed by the speaker of the house, one member from each caucus in the senate appointed by the president of the senate, and ten public members with one representative of women-owned businesses and one representative of minority-owned businesses and with at least three of the members residing east of the Cascades. The public members shall be residents of the state appointed by the governor on the basis of their interest or expertise in trade, agriculture or business finance or jobs creation and development. One of the public members shall be appointed by the governor as chair of the authority and shall serve as chair of the authority at the pleasure of the governor. The authority may select from its membership such other officers as it deems appropriate.

The term of the persons appointed by the governor as public members of the authority, including the public member appointed as chair, shall be four years from the date of appointment, except that the term of three of the initial appointees shall be for two years from the date of appointment and the term of four of the initial appointees shall be for three years from the date of appointment. The governor shall designate the appointees who will serve the two-year and three-year terms.

In the event of a vacancy on the authority due to death, resignation or removal of one of the public members, or upon the expiration of the term of one of the public members, the governor shall appoint a successor for the remainder of the unexpired term. If either of the state offices is abolished, the resulting vacancy on the authority shall be filled by the state officer who shall succeed substantially to the power and duties of the abolished office.

Any public member of the authority may be removed by the governor for misfeasance, malfeasance or willful neglect of duty after notice and a public hearing, unless such notice and hearing shall be expressly waived in writing by the affected public member.

The state officials serving in ex officio capacity may each designate an employee of their respective departments to act on their behalf in all respects with regard to any matter to come before the authority. Such designations shall be made in writing in such manner as is specified by the rules of the authority.

The members of the authority shall serve without compensation but shall be entitled to reimbursement, solely from the funds of the authority, for expenses incurred in the discharge of their duties under this chapter. The authority may borrow funds from the department for the purpose of reimbursing members for expenses; however, the authority shall repay the department as soon as practicable.

A majority of the authority shall constitute a quorum.

Sec. 2064. RCW 43.163.120 and 1998 c 245 s 51 are each amended to read as follows:

The authority shall receive no appropriation of state funds. The department of (~~community, trade, and economic development~~) commerce shall provide staff to the authority, to the extent permitted by law, to enable the authority to accomplish its purposes; the staff from the department of (~~community, trade, and economic development~~) commerce may assist the authority in organizing itself and in designing programs, but shall not be involved in the issuance of bonds or in making credit decisions regarding financing provided to borrowers by the authority.

Sec. 2065. RCW 43.168.010 and 1999 c 164 s 501 are each amended to read as follows:

The legislature finds that:

(1) The economic health and well-being of the state, particularly in areas of high unemployment, economic stagnation, and poverty, is of substantial public concern.

(2) The consequences of minimal economic activity and persistent unemployment and underemployment are serious threats to the safety, health, and welfare of residents of these areas, decreasing the value of private investments and jeopardizing the sources of public revenue.

(3) The economic and social interdependence of communities and the vitality of industrial and economic activity necessitates, and is in part dependent on preventing substantial dislocation of residents and rebuilding the diversification of the areas' economy.

(4) The ability to remedy problems in stagnant areas of the state is beyond the power and control of the regulatory process and influence of the state, and the ordinary operations of private enterprise without additional governmental assistance are insufficient to adequately remedy the problems of poverty and unemployment.

(5) The revitalization of depressed communities requires the stimulation of private investment, the development of new business ventures, the provision of capital to ventures sponsored by local organizations and capable of growth in the business markets, and assistance to viable, but under-financed, small businesses in order to create and preserve jobs that are sustainable in the local economy.

Therefore, the legislature declares there to be a substantial public purpose in providing capital to promote economic development and job creation in areas of economic stagnation, unemployment, and poverty. To accomplish this purpose, the legislature hereby creates the rural Washington loan fund and vests in the department of (~~community, trade, and economic development~~) commerce the authority to spend federal funds to stimulate the economy of distressed areas.

Sec. 2066. RCW 43.176.030 and 2004 c 237 s 3 are each amended to read as follows:

(1) The small business incubator program is created in the department of (~~community, trade, and economic development~~) commerce to provide start-up and operating assistance to qualified small business incubators.

(2) The department shall award grants to qualified small business incubator organizations for:

(a) Construction and equipment costs, up to a maximum of three million dollars per recipient; and

(b) Provision of technical assistance to small businesses, up to a maximum of one hundred twenty-five thousand dollars per year per recipient.

(3) The department shall:

(a) Require a grant recipient to show that it has the resources to complete the project in a timely manner and the state grant is not the sole source of funds;

(b) Develop, in conjunction with the Washington association of small business incubators, criteria for receipt of grant funds, including criteria related to organizational capacity, community need, and the availability of other economic development resources;

(c) Accept and receive grants, gifts, and pledges of funds for the support of the small business incubator program, which shall be deposited in the small business incubator account established in RCW 43.176.040; and

(d) Integrate the promotion of small business incubators as economic development tools in its strategic plan.

Sec. 2067. RCW 43.176.901 and 2004 c 237 s 6 are each amended to read as follows:

The department of ~~((community, trade, and economic development))~~ commerce shall have no duty to provide services related to the small business incubator and entrepreneurship assistance act of 2004 unless and until the small business incubator program and related administrative expenses are funded by the legislature.

Sec. 2068. RCW 43.180.040 and 1995 c 399 s 98 are each amended to read as follows:

(1) There is hereby established a public body corporate and politic, with perpetual corporate succession, to be known as the Washington state housing finance commission. The commission is an instrumentality of the state exercising essential government functions and, for purposes of the code, acts as a constituted authority on behalf of the state when it issues bonds pursuant to this chapter. The commission is a "public body" within the meaning of RCW 39.53.010.

(2) The commission shall consist of the following voting members:

(a) The state treasurer, ex officio;

(b) The director of ~~((community, trade, and economic development))~~ commerce, ex officio;

(c) An elected local government official, ex officio, with experience in local housing programs, who shall be appointed by the governor with the consent of the senate;

(d) A representative of housing consumer interests, appointed by the governor with the consent of the senate;

(e) A representative of labor interests, appointed by the governor, with the consent of the senate, after consultation with representatives of organized labor;

(f) A representative of low-income persons, appointed by the governor with the consent of the senate;

(g) Five members of the public appointed by the governor, with the consent of the senate, on the basis of geographic distribution and their expertise in housing, real estate, finance, energy efficiency, or construction, one of whom shall be appointed by the governor as chair of the commission and who shall

serve on the commission and as chair of the commission at the pleasure of the governor.

The term of the persons appointed by the governor, other than the chair, shall be four years from the date of their appointment, except that the terms of three of the initial appointees shall be for two years from the date of their appointment. The governor shall designate the appointees who will serve the two-year terms. An appointee may be removed by the governor for cause pursuant to RCW 43.06.070 and 43.06.080. The governor shall fill any vacancy in an appointed position by appointment for the remainder of the unexpired term. If the department of (~~community development~~) commerce is abolished, the resulting vacancy shall be filled by a state official who shall be appointed to the commission by the governor. If this official occupies an office or position for which senate confirmation is not required, then his or her appointment to the commission shall be subject to the consent of the senate. The members of the commission shall be compensated in accordance with RCW 43.03.240 and may be reimbursed, solely from the funds of the commission, for expenses incurred in the discharge of their duties under this chapter, subject to the provisions of RCW 43.03.050 and 43.03.060. A majority of the commission constitutes a quorum. Designees shall be appointed in such manner and shall exercise such powers as are specified by the rules of the commission.

(3) The commission may adopt an official seal and may select from its membership a vice chair, a secretary, and a treasurer. The commission shall establish rules concerning its exercise of the powers authorized by this chapter. The rules shall be adopted in conformance with chapter 34.05 RCW.

Sec. 2069. RCW 43.180.200 and 1995 c 399 s 99 are each amended to read as follows:

For purposes of the code:

(1) The legislature reserves the right at any time to alter or change the structure, organization, programs, or activities of the commission and to terminate the commission, so long as the action does not impair any outstanding contracts entered into by the commission;

(2) Any net earnings of the commission beyond that necessary to retire its bonds and to carry out the purposes of this chapter shall not inure to the benefit of any person other than the state;

(3) Upon dissolution of the commission, title to all of its remaining property shall vest in the state;

(4) The commission constitutes the only housing finance agency of the state of Washington; and

(5) In order to take advantage of the maximum amount of tax exempt bonds for housing financing available pursuant to the code, any state ceiling with respect to housing shall be allocated in accordance with the following formula:

(a) Eighty percent of the state ceiling shall be allocated to the commission and twenty percent shall be allocated to the other issuing authorities in the state.

(b) The allocation to the issuing authorities other than the commission shall be distributed to such issuing authorities in amounts as determined following public notice by the department of (~~community, trade, and economic development~~) commerce pursuant to rules promulgated by it. The distribution shall be in response to applications received from such issuing authorities and shall be based on the following factors: (i) The amount of housing to be made

available by such applicant; (ii) the population within the jurisdiction of the applicant; (iii) coordination with other applicable federal and state housing programs; (iv) the likelihood of implementing the proposed financing during that year; and (v) consistency with the plan of the commission. On or before February 1 of each year, the department of (~~community, trade, and economic development~~) commerce shall distribute the state ceiling allocation among such issuing authorities and any unused portion shall be added to the allocation of the commission. Each issuing authority other than the commission shall confirm its allocation distribution by providing to the department of (~~community, trade, and economic development~~) commerce no later than June 1 a copy of an executed bond purchase contract or alternative documentation deemed sufficient by the commission to evidence the reasonable likelihood of the allocation distribution being fully used. Any portion of such allocation not so confirmed shall be added to the allocation of the commission on July 1. Prior to July 1, the commission shall provide written notice of the allocation decrease to the affected issuing authority. The reallocation shall not limit the authority of the commission to assign a portion of its allocation pursuant to subsection (5)(c) of this section.

(c) The commission may assign a portion of its allocation to another issuing agency.

**Sec. 2070. RCW 43.180.220 and 1994 c 235 s 1 are each amended to read as follows:*

The commission, in cooperation with the department of (~~community, trade, and economic development~~) commerce, and the state investment board, shall develop and implement a housing finance program that:

(1) Provides subsidized or unsubsidized mortgage financing for single-family homeownership, including a single condominium unit, located in the state of Washington;

(2) Requests the state investment board to make investments, within its policies and investment guidelines, in mortgage-backed securities that are collateralized by loans made within the state of Washington; and

(3) Provides flexible loan underwriting guidelines, including but not limited to provisions that will allow reduced downpayment requirements for the purchaser.

**Sec. 2070 was vetoed. See message at end of chapter.*

**Sec. 2071. RCW 43.185A.100 and 2006 c 349 s 11 are each amended to read as follows:*

The department, the housing finance commission, the affordable housing advisory board, and all local governments, housing authorities, and other nonprofits receiving state housing funds or financing through the housing finance commission shall, by December 31, 2006, and annually thereafter, review current housing reporting requirements related to housing programs and services and give recommendations to streamline and simplify all planning and reporting requirements to the department of (~~community, trade, and economic development~~) commerce, which will compile and present the recommendations annually to the legislature. The entities listed in this section shall also give recommendations for additional legislative actions that could promote affordable housing and end homelessness.

**Sec. 2071 was vetoed. See message at end of chapter.*

Sec. 2072. RCW 43.185C.200 and 2007 c 483 s 604 are each amended to read as follows:

(1) The department of ((community, trade, and economic development)) commerce shall establish a pilot program to provide grants to eligible organizations, as described in RCW 43.185.060, to provide transitional housing assistance to offenders who are reentering the community and are in need of housing.

(2) There shall be a minimum of two pilot programs established in two counties. The pilot programs shall be selected through a request for proposal process and in consultation with the department of corrections. The department shall select the pilot sites by January 1, 2008.

(3) The pilot program shall:

(a) Be operated in collaboration with the community justice center existing in the location of the pilot site;

(b) Offer transitional supportive housing that includes individual support and mentoring available on an ongoing basis, life skills training, and close working relationships with community justice centers and community corrections officers. Supportive housing services can be provided directly by the housing operator, or in partnership with community-based organizations;

(c) In providing assistance, give priority to offenders who are designated as high risk or high needs as well as those determined not to have a viable release plan by the department of corrections;

(d) Optimize available funding by utilizing cost-effective community-based shared housing arrangements or other noninstitutional living arrangements; and

(e) Provide housing assistance for a period of time not to exceed twelve months for a participating offender.

(4) The department may also use up to twenty percent of the funding appropriated in the operating budget for this section to support the development of additional supportive housing resources for offenders who are reentering the community.

(5) The department shall:

(a) Collaborate with the department of corrections in developing criteria to determine who will qualify for housing assistance; and

(b) Gather data, and report to the legislature by November 1, 2008, on the number of offenders seeking housing, the number of offenders eligible for housing, the number of offenders who receive the housing, and the number of offenders who commit new crimes while residing in the housing to the extent information is available.

(6) The department of corrections shall collaborate with organizations receiving grant funds to:

(a) Help identify appropriate housing solutions in the community for offenders;

(b) Where possible, facilitate an offender's application for housing prior to discharge;

(c) Identify enhancements to training provided to offenders prior to discharge that may assist an offender in effectively transitioning to the community;

(d) Maintain communication between the organization receiving grant funds, the housing provider, and corrections staff supervising the offender; and

(e) Assist the offender in accessing resources and services available through the department of corrections and a community justice center.

(7) The state, department of (~~community, trade, and economic development~~) commerce, department of corrections, local governments, local housing authorities, eligible organizations as described in RCW 43.185.060, and their employees are not liable for civil damages arising from the criminal conduct of an offender solely due to the placement of an offender in housing provided under this section or the provision of housing assistance.

(8) Nothing in this section allows placement of an offender into housing without an analysis of the risk the offender may pose to that particular community or other residents.

Sec. 2073. RCW 43.210.030 and 1998 c 109 s 2 are each amended to read as follows:

The small business export finance assistance center and its branches shall be governed and managed by a board of seven directors appointed by the governor, with the advice of the board, and confirmed by the senate. The directors shall serve terms of four years following the terms of service established by the initial appointments after June 11, 1998. Three appointees, including directors on June 11, 1998, who are reappointed, must serve initial terms of two years and, if a director is reappointed that director may serve a consecutive four-year term. Four appointees, including directors on June 11, 1998, who are reappointed, must serve initial terms of four years and, if a director is reappointed that director may serve a consecutive four-year term. After the initial appointments, directors may serve two consecutive terms. The directors may provide for the payment of their expenses. The directors shall include the director of (~~community, trade, and economic development~~) commerce or the director's designee; representatives of a large financial institution engaged in financing export transactions in the state of Washington; a small financial institution engaged in financing export transactions in the state of Washington; a large exporting company domiciled in the state of Washington; a small exporting company in the state of Washington; organized labor in a trade involved in international commerce; and a representative at large. To the extent possible, appointments to the board shall reflect geographical balance and the diversity of the state population. Any vacancies on the board due to the expiration of a term or for any other reason shall be filled by appointment by the governor for the unexpired term.

Sec. 2074. RCW 43.210.060 and 1995 c 399 s 108 are each amended to read as follows:

The department of (~~community, trade, and economic development~~) commerce or its statutory successor shall adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this chapter.

Sec. 2075. RCW 43.270.020 and 2001 c 48 s 2 are each amended to read as follows:

(1) There is established in the department of (~~community, trade, and economic development~~) commerce a grant program to provide incentive for and support for communities to develop targeted and coordinated strategies to reduce the incidence and impact of alcohol, tobacco, or other drug abuse, or violence.

(2) The department of (~~community, trade, and economic development~~) commerce shall make awards, subject to funds appropriated by the legislature, under the following terms:

(a) Starting July 1, 2001, funds will be available to countywide programs through a formula developed by the department of (~~community, trade, and economic development~~) commerce in consultation with program contractors, which will take into consideration county population size.

(b) In order to be eligible for consideration, applicants must demonstrate, at a minimum:

(i) That the community has developed and is committed to carrying out a coordinated strategy of prevention, treatment, and law enforcement activities;

(ii) That the community has considered research-based theory when developing its strategy;

(iii) That proposals submitted for funding are based on a local assessment of need and address specific objectives contained in a coordinated strategy of prevention, treatment, and law enforcement against alcohol, tobacco, or other drug abuse, or violence;

(iv) Evidence of active participation in preparation of the proposal and specific commitments to implementing the community-wide agenda by leadership from education, law enforcement, local government, tribal government, and treatment entities in the community, and the opportunity for meaningful involvement from others such as neighborhood and citizen groups, businesses, human service, health and job training organizations, and other key elements of the community, particularly those whose responsibilities in law enforcement, treatment, prevention, education, or other community efforts provide direct, ongoing contact with substance abusers or those who exhibit violent behavior, or those at risk for alcohol, tobacco, or other drug abuse, or violent behavior;

(v) Evidence of additional local resources committed to the applicant's strategy totaling at least twenty-five percent of funds awarded under this section. These resources may consist of public or private funds, donated goods or services, and other measurable commitments, including in-kind contributions such as volunteer services, materials, supplies, physical facilities, or a combination thereof; and

(vi) That the funds applied for, if received, will not be used to replace funding for existing activities.

(c) At a minimum, grant applications must include the following:

(i) A definition of geographic area;

(ii) A needs assessment describing the extent and impact of alcohol, tobacco, or other drug abuse, and violence in the community, including an explanation of those who are most severely impacted and those most at risk of substance abuse or violent behavior;

(iii) An explanation of the community-wide strategy for prevention, treatment, and law enforcement activities related to alcohol, tobacco, or other drug abuse, or violence, with particular attention to those who are most severely impacted and/or those most at risk of alcohol, tobacco, or other drug abuse, or violent behavior;

(iv) An explanation of who was involved in development of the strategy and what specific commitments have been made to carry it out;

(v) Identification of existing prevention, education, treatment, and law enforcement resources committed by the applicant, including financial and other support, and an explanation of how the applicant's strategy involves and builds on the efforts of existing organizations or coalitions that have been carrying out community efforts against alcohol, tobacco, or other drug abuse, or violence;

(vi) Identification of activities that address specific objectives in the strategy for which additional resources are needed;

(vii) Identification of additional local resources, including public or private funds, donated goods or services, and other measurable commitments, that have been committed to the activities identified in (c)(vi) of this subsection;

(viii) Identification of activities that address specific objectives in the strategy for which funding is requested;

(ix) For each activity for which funding is requested, an explanation in sufficient detail to demonstrate:

(A) Feasibility through deliberative design, specific objectives, and a realistic plan for implementation;

(B) A rationale for how this activity will achieve measurable results and how it will be evaluated;

(C) That funds requested are necessary and appropriate to effectively carry out the activity; and

(x) Identification of a contracting agent meeting state requirements for each activity proposed for funding.

Each contracting agent must execute a written agreement with its local community mobilization advisory board that reflects the duties and powers of each party.

(3) Activities that may be funded through this grant program include those that:

(a) Prevent alcohol, tobacco, or other drug abuse, or violence through educational efforts, development of positive alternatives, intervention with high-risk groups, and other prevention strategies;

(b) Support effective treatment by increasing access to and availability of treatment opportunities, particularly for underserved or highly impacted populations, developing aftercare and support mechanisms, and other strategies to increase the availability and effectiveness of treatment;

(c) Provide meaningful consequences for participation in illegal activity and promote safe and healthy communities through support of law enforcement strategies;

(d) Create or build on efforts by existing community programs, coordinate their efforts, and develop cooperative efforts or other initiatives to make most effective use of resources to carry out the community's strategy against alcohol, tobacco, or other drug abuse, or violence; and

(e) Other activities that demonstrate both feasibility and a rationale for how the activity will achieve measurable results in the strategy against alcohol, tobacco, or other drug abuse, or violence.

Sec. 2076. RCW 43.270.070 and 2001 c 48 s 3 are each amended to read as follows:

The department of ((community, trade, and economic development)) commerce shall ask communities for suggestions on state practices, policies, and priorities that would help communities implement their strategies against

alcohol, tobacco, or other drug abuse, or violence. The department of (~~community, trade, and economic development~~) commerce shall review and respond to those suggestions making necessary changes where feasible, making recommendations to the legislature where appropriate, and providing an explanation as to why suggested changes cannot be accomplished, if the suggestions cannot be acted upon.

Sec. 2077. RCW 43.270.080 and 2001 c 48 s 4 are each amended to read as follows:

The department of (~~community, trade, and economic development~~) commerce may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of RCW 43.270.010 through 43.270.080 and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

Sec. 2078. RCW 43.310.020 and 1995 c 399 s 116 are each amended to read as follows:

(1) The department of (~~community, trade, and economic development~~) commerce may recommend existing programs or contract with either school districts or community organizations, or both, through a request for proposal process for the development, administration, and implementation in the county of community-based gang risk prevention and intervention pilot programs.

(2) Proposals by the school district for gang risk prevention and intervention pilot program grant funding shall begin with school years no sooner than the 1994-95 session, and last for a duration of two years.

(3) The school district or community organization proposal shall include:

(a) A description of the program goals, activities, and curriculum. The description of the program goals shall include a list of measurable objectives for the purpose of evaluation by the department of (~~community, trade, and economic development~~) commerce. To the extent possible, proposals shall contain empirical data on current problems, such as dropout rates and occurrences of violence on and off campus by school-age individuals.

(b) A description of the individual school or schools and the geographic area to be affected by the program.

(c) A demonstration of broad-based support for the program from business and community organizations.

(d) A clear description of the experience, expertise, and other qualifications of the community organizations to conduct an effective prevention and intervention program in cooperation with a school or a group of schools.

(e) A proposed budget for expenditure of the grant.

(4) Grants awarded under this section may not be used for the administrative costs of the school district or the individual school.

Sec. 2079. RCW 43.325.100 and 2007 c 348 s 403 are each amended to read as follows:

(1) The department of (~~community, trade, and economic development~~) commerce and the department of ecology shall develop a framework for the state of Washington to participate in emerging regional, national, and to the extent possible, global markets to mitigate climate change, on a multisector basis. This framework must include, but not be limited to, credible, verifiable, replicable

inventory and accounting methodologies for each sector involved, along with the completion of the stakeholder process identified in executive order number 07-02 creating the Washington state climate change challenge.

(2) The department of (~~community, trade, and economic development~~) commerce and the department of ecology shall include the forestry sector and work closely with the department of natural resources on those recommendations.

(3) The department must provide a report to the legislature by December 1, 2008. The report may be included within the report produced for executive order number 07-02.

Sec. 2080. RCW 43.325.110 and 2007 c 348 s 408 are each amended to read as follows:

(1) The vehicle electrification demonstration grant program is established within the department of (~~community, trade, and economic development~~) commerce. The director may establish policies and procedures necessary for processing, reviewing, and approving applications made under this chapter.

(2) The director may approve an application for a vehicle electrification demonstration project only if the director finds:

(a) The applicant is a state agency, public school district, public utility district, or a political subdivision of the state, including port districts, counties, cities, towns, special purpose districts, and other municipal corporations or quasi-municipal corporations or a state institution of higher education;

(b) The project partially funds the purchase of or conversion of existing vehicles to plug-in hybrid electric vehicles or battery electric vehicles for use in the applicant's fleet or operations;

(c) The project partners with an electric utility and demonstrates technologies to allow controlled vehicle charging, including the use of power electronics or wireless technologies, to regulate time-of-day and duration of charging;

(d) The project provides matching resources; and

(e) The project provides evaluation of fuel savings, greenhouse gas reductions, battery capabilities, energy management system, charge controlling technologies, and other relevant information determined on the advice of the vehicle electrification work group.

(3) The director may approve an application for a vehicle electrification demonstration project if the project, in addition to meeting the requirements of subsection (2) of this section, also demonstrates charging using on-site renewable resources or vehicle-to-grid capabilities that enable the vehicle to discharge electricity into the grid.

Sec. 2081. RCW 43.330.065 and 1996 c 253 s 303 are each amended to read as follows:

The department of (~~community, trade, and economic development~~) commerce, in consultation with the office of protocol, the office of the secretary of state, the department of agriculture, and the employment security department shall identify up to fifteen countries that are of strategic importance to the development of Washington's international trade relations.

Sec. 2082. RCW 43.330.904 and 1996 c 186 s 101 are each amended to read as follows:

(1) All powers, duties, and functions of the state energy office relating to energy resource policy and planning and energy facility siting are transferred to the department of (~~community, trade, and economic development~~) commerce. All references to the director or the state energy office in the Revised Code of Washington shall be construed to mean the director or the department of (~~community, trade, and economic development~~) commerce when referring to the functions transferred in this section.

The director shall appoint an assistant director for energy policy, and energy policy staff shall have no additional responsibilities beyond activities concerning energy policy.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the state energy office pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the department of (~~community, trade, and economic development~~) commerce. All cabinets, furniture, office equipment, software, database, motor vehicles, and other tangible property employed by the state energy office in carrying out the powers, functions, and duties transferred shall be made available to the department of (~~community, trade, and economic development~~) commerce.

(b) Any appropriations made to the state energy office for carrying out the powers, functions, and duties transferred shall, on July 1, 1996, be transferred and credited to the department of (~~community, trade, and economic development~~) commerce.

(c) Whenever any question arises as to the transfer of any funds, books, documents, records, papers, files, software, database, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the state energy office engaged in performing the powers, functions, and duties pertaining to the energy facility site evaluation council are transferred to the jurisdiction of the department of (~~community, trade, and economic development~~) commerce. All employees engaged in energy facility site evaluation council duties classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of (~~community, trade, and economic development~~) commerce to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the state energy office pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the department of (~~community, trade, and economic development~~) commerce. All existing contracts and obligations shall remain in full force and shall be performed by the department of (~~community, trade, and economic development~~) commerce.

(5) The transfer of the powers, duties, and functions of the state energy office does not affect the validity of any act performed before July 1, 1996.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of the office of financial management shall certify the apportionments to the agencies affected, the state

auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation.

(7) The department of (~~community, trade, and economic development~~) commerce shall direct the closure of the financial records of the state energy office.

(8) Responsibility for implementing energy education, applied research, and technology transfer programs rests with Washington State University. The department of (~~community, trade, and economic development~~) commerce shall provide Washington State University available existing and future oil overcharge restitution and federal energy block funding for a minimum period of five years to carry out energy programs under an interagency agreement with the department of (~~community, trade, and economic development~~) commerce. The interagency agreement shall also outline the working relationship between the department of (~~community, trade, and economic development~~) commerce and Washington State University as it pertains to the relationship between energy policy development and public outreach. Nothing in chapter 186, Laws of 1996 prohibits Washington State University from seeking grant, contract, or fee-for-service funding for energy or related programs directly from other entities.

Sec. 2083. RCW 43.332.010 and 2003 c 346 s 2 are each amended to read as follows:

(1) The office of the Washington state trade representative is created in the office of the governor. The office shall serve as the state's official liaison with foreign governments on trade matters.

(2) The office shall:

(a) Work with the department of (~~community, trade, and economic development~~) commerce, the department of agriculture, and other appropriate state agencies, and within the agencies' existing resources, review and analyze proposed and enacted international trade agreements and provide an assessment of the impact of the proposed or enacted agreement on Washington's businesses and firms;

(b) Provide input to the office of the United States trade representative in the development of international trade, commodity, and direct investment policies that reflect the concerns of the state of Washington;

(c) Serve as liaison to the legislature on matters of trade policy oversight including, but not limited to, updates to the legislature regarding the status of trade negotiations, trade litigation, and the impacts of trade policy on Washington state businesses;

(d) Work with the international trade division of the department of (~~community, trade, and economic development~~) commerce and the international marketing program of the Washington state department of agriculture to develop a statewide strategy designed to increase the export of Washington goods and services, particularly goods and services from small and medium-sized businesses; and

(e) Conduct other activities the governor deems necessary to promote international trade and foreign investment within the state.

(3) The office shall prepare and submit an annual report on its activities under subsection (2) of this section to the governor and appropriate committees of the legislature.

Sec. 2084. RCW 47.01.440 and 2011 c 171 s 103 are each amended to read as follows:

(1) To support the implementation of RCW 47.04.280 and 47.01.078(4), the department shall adopt broad statewide goals to reduce annual per capita vehicle miles traveled by 2050 consistent with the stated goals of executive order 07-02. Consistent with these goals, the department shall:

~~((+))~~ (a) Establish the following benchmarks using a statewide baseline of seventy-five billion vehicle miles traveled less the vehicle miles traveled attributable to vehicles licensed under RCW 46.16A.455 and weighing ten thousand pounds or more, which are exempt from this section:

~~((+))~~ (i) Decrease the annual per capita vehicle miles traveled by eighteen percent by 2020;

~~((+))~~ (ii) Decrease the annual per capita vehicle miles traveled by thirty percent by 2035; and

~~((+))~~ (iii) Decrease the annual per capita vehicle miles traveled by fifty percent by 2050;

~~((+))~~ (b) By July 1, 2008, establish and convene a collaborative process to develop a set of tools and best practices to assist state, regional, and local entities in making progress towards the benchmarks established in (a) of this subsection ~~((+)) of this section~~). The collaborative process must provide an opportunity for public review and comment and must:

~~((+))~~ (i) Be jointly facilitated by the department, the department of ecology, and the department of ~~((community, trade, and economic development))~~ commerce;

~~((+))~~ (ii) Provide for participation from regional transportation planning organizations, the Washington state transit association, the Puget Sound clean air agency, a statewide business organization representing the sale of motor vehicles, at least one major private employer that participates in the commute trip reduction program, and other interested parties, including but not limited to parties representing diverse perspectives on issues relating to growth, development, and transportation;

~~((+))~~ (iii) Identify current strategies to reduce vehicle miles traveled in the state as well as successful strategies in other jurisdictions that may be applicable in the state;

~~((+))~~ (iv) Identify potential new revenue options for local and regional governments to authorize to finance vehicle miles traveled reduction efforts;

~~((+))~~ (v) Provide for the development of measurement tools that can, with a high level of confidence, measure annual progress toward the benchmarks at the local, regional, and state levels, measure the effects of strategies implemented to reduce vehicle miles traveled and adequately distinguish between common travel purposes, such as moving freight or commuting to work, and measure trends of vehicle miles traveled per capita on a five-year basis;

~~((+))~~ (vi) Establish a process for the department to periodically evaluate progress toward the vehicle miles traveled benchmarks, measure achieved and projected emissions reductions, and recommend whether the benchmarks should be adjusted to meet the state's overall goals for the reduction of greenhouse gas emissions;

~~((g))~~ (vii) Estimate the projected reductions in greenhouse gas emissions if the benchmarks are achieved, taking into account the expected implementation of existing state and federal mandates for vehicle technology and fuels, as well as expected growth in population and vehicle travel;

~~((h))~~ (viii) Examine access to public transportation for people living in areas with affordable housing to and from employment centers, and make recommendations for steps necessary to ensure that areas with affordable housing are served by adequate levels of public transportation; and

~~((i))~~ (vix) By December 1, 2008, provide a report to the transportation committees of the legislature on the collaborative process and resulting recommended tools and best practices to achieve the reduction in annual per capita vehicle miles traveled goals.

~~((j))~~ (2) Included in the December 1, 2008, report to the transportation committees of the legislature, the department shall identify strategies to reduce vehicle miles traveled in the state as well as successful strategies in other jurisdictions that may be applicable in the state that recognize the differing urban and rural transportation requirements.

~~((k))~~ (3) Prior to implementation of the goals in this section, the department, in consultation with the department of ~~((community, trade, and economic development))~~ commerce, cities, counties, local economic development organizations, and local and regional chambers of commerce, shall provide a report to the appropriate committees of the legislature on the anticipated impacts of the goals established in this section on the following:

(a) The economic hardship on small businesses as it relates to the ability to hire and retain workers who do not reside in the county in which they are employed;

(b) Impacts on low-income residents;

(c) Impacts on agricultural employers and their employees, especially on the migrant farmworker community;

(d) Impacts on distressed rural counties; and

(e) Impacts in counties with more than fifty percent of the land base of the county in public or tribal lands.

Sec. 2085. RCW 47.12.064 and 1995 c 399 s 121 are each amended to read as follows:

(1) The department shall identify and catalog real property that is no longer required for department purposes and is suitable for the development of affordable housing for very low-income, low-income, and moderate-income households as defined in RCW 43.63A.510. The inventory shall include the location, approximate size, and current zoning classification of the property. The department shall provide a copy of the inventory to the department of ~~((community, trade, and economic development))~~ commerce by November 1, 1993, and every November 1 thereafter.

(2) By November 1 of each year, beginning in 1994, the department shall purge the inventory of real property of sites that are no longer available for the development of affordable housing. The department shall include an updated listing of real property that has become available since the last update. As used in this section, "real property" means buildings, land, or buildings and land.

Sec. 2086. RCW 47.39.040 and 1995 c 399 s 122 are each amended to read as follows:

The establishment of planning and design standards for items provided for in RCW 47.39.050 shall be coordinated by the department of (~~(community, trade, and economic development)~~) commerce. The department of transportation, parks and recreation commission, and any other departments or commissions whose interests are affected shall prepare, submit, and file with the department of (~~(community, trade, and economic development)~~) commerce standards relating to the scenic and recreational highway system. If varying planning and design standards are filed, the department of (~~(community, trade, and economic development)~~) commerce shall consult with the submitting agencies on the merits of the several proposals and, based upon such consultation, establish a set of standards. Pursuant to the planning and design standards so established, the department of transportation and the parks and recreation commission shall develop the highways and areas adjacent thereto to accomplish the purposes of this chapter, but the department shall retain exclusive authority over the highway right-of-way.

Responsibility for construction and maintenance is hereby established between the department and the parks and recreation commission with the department responsible for activities financed with funds provided for under RCW 47.39.030(1) and the parks and recreation commission responsible for activities financed from other sources of funds. By mutual consent, responsibility for development and/or maintenance may be transferred between the two agencies.

Sec. 2087. RCW 47.39.069 and 1999 c 218 s 4 are each amended to read as follows:

(1) The department, in consultation with the department of (~~(community, trade, and economic development)~~) commerce, the department of natural resources, the parks and recreation commission, affected cities, towns, and counties, federally recognized tribes, regional transportation planning organizations, Washington-based automobile clubs, statewide bicycling organizations, and other interested parties, shall develop by December 31, 1999, criteria for assessing scenic byways and heritage tour routes and an appropriate method of nomination and application for the designation and removal of the designation of the byways. Factors the department may take into consideration, but is not limited by, are: (a) Scenic quality of the byway; (b) natural aspects, such as geological formations, water bodies, vegetation, and wildlife; (c) historic elements; (d) cultural features such as the arts, crafts, music, customs, or traditions of a distinct group of people; (e) archaeological features; (f) recreational activities; (g) roadway safety including accommodations for bicycle and pedestrian travel, tour buses, and automobiles; (h) scenic byway and local and regional byway management plans; and (i) local public involvement and support for the byway.

(2) The criteria developed in subsection (1) of this section must not impose nor require regulation of privately owned lands or property rights.

(3) Any person may nominate a roadway, path, or trail for inclusion in the scenic byway program. The department shall assess nominations in accordance with the criteria developed under subsection (1) of this section. The department shall submit its recommendations for scenic byway and heritage tour route

designations to the commission for its approval and official designation of the roadway, path, or trail as a scenic byway or a heritage tour route. All decisions made by the commission relating to scenic byway and heritage tour route designations are final.

(4) The department shall apply the criteria in subsection (1) of this section to state highways that are currently not a part of the designated scenic and recreational highway system. The department shall respond to local requests for route evaluation as defined in subsection (3) of this section.

(5) Once the commission has designated a roadway as a scenic byway, the department may submit an individual nomination to the federal highway administration for its consideration of whether the roadway qualifies to be designated as a national scenic byway or an All-American Roadway.

Sec. 2088. RCW 47.39.090 and 1995 c 399 s 123 are each amended to read as follows:

In developing the scenic and recreational highways program, the department shall consult with the department of ~~((community, trade, and economic development))~~ commerce, the department of natural resources, the parks and recreation commission, affected cities, towns, and counties, regional transportation planning organizations, statewide bicycling organizations, and other interested parties. The scenic and recreational highways program may identify entire highway loops or similar tourist routes that could be developed to promote tourist activity and provide concurrent economic growth while protecting the scenic and recreational quality surrounding state highways.

Sec. 2089. RCW 47.50.090 and 1995 c 399 s 124 are each amended to read as follows:

(1) The department shall develop, adopt, and maintain an access control classification system for all routes on the state highway system, the purpose of which shall be to provide for the implementation and continuing applications of the provision of this chapter.

(2) The principal component of the access control classification system shall be access management standards, the purpose of which shall be to provide specific minimum standards to be adhered to in the planning for and approval of access to state highways.

(3) The control classification system shall be developed consistent with the following:

(a) The department shall, no later than January 1, 1993, adopt rules setting forth procedures governing the implementation of the access control classification system required by this chapter. The rule shall provide for input from the entities described in (b) of this subsection as well as for public meetings to discuss the access control classification system. Nothing in this chapter shall affect the validity of the department's existing or subsequently adopted rules concerning access to the state highway system. Such rules shall remain in effect until repealed or replaced by the rules required by this chapter.

(b) The access control classification system shall be developed in cooperation with counties, cities and towns, the department of ~~((community, trade, and economic development))~~ commerce, regional transportation planning organizations, and other local governmental entities, and for city streets

designated as state highways pursuant to chapter 47.24 RCW, adopted with the concurrence of the city design standards committee.

(c) The rule required by this section shall provide that assignment of a road segment to a specific access category be made in consideration of the following criteria:

- (i) Local land use plans and zoning, as set forth in comprehensive plans;
- (ii) The current functional classification as well as potential future functional classification of each road on the state highway system;
- (iii) Existing and projected traffic volumes;
- (iv) Existing and projected state, local, and metropolitan planning organization transportation plans and needs;
- (v) Drainage requirements;
- (vi) The character of lands adjoining the highway;
- (vii) The type and volume of traffic requiring access;
- (viii) Other operational aspects of access;
- (ix) The availability of reasonable access by way of county roads and city streets to a state highway; and

(x) The cumulative effect of existing and projected connections on the state highway system's ability to provide for the safe and efficient movement of people and goods within the state.

(d) Access management standards shall include, but not be limited to, connection location standards, safety factors, design and construction standards, desired levels of service, traffic control devices, and effective maintenance of the roads. The standards shall also contain minimum requirements for the spacing of connections, intersecting streets, roads, and highways.

(e) An access control category shall be assigned to each segment of the state highway system by July 1, 1993.

Sec. 2090. RCW 47.76.230 and 2007 c 234 s 94 are each amended to read as follows:

(1) The department of transportation shall continue its responsibility for the development and implementation of the state rail plan and programs, and the utilities and transportation commission shall continue its responsibility for railroad safety issues.

(2) The department of transportation shall maintain an enhanced data file on the rail system. Proprietary annual station traffic data from each railroad and the modal use of major shippers must be obtained to the extent that such information is available.

(3) The department of transportation shall provide technical assistance, upon request, to state agencies and local interests. Technical assistance includes, but is not limited to, the following:

- (a) Rail project cost-benefit analyses conducted in accordance with methodologies recommended by the federal railroad administration;
- (b) Assistance in the formation of county rail districts and port districts; and
- (c) Feasibility studies for rail service continuation or rail service assistance, or both.

(4) With funding authorized by the legislature, the department of transportation, in collaboration with the department of (~~community, trade, and economic development~~) **commerce**, and local economic development agencies, and other interested public and private organizations, shall develop a cooperative

process to conduct community and business information programs and to regularly disseminate information on rail matters.

Sec. 2091. RCW 49.04.200 and 2009 c 536 s 12 are each amended to read as follows:

(1) The council must evaluate the potential of existing apprenticeship and training programs that would produce workers with the skills needed to conduct energy audits and provide energy efficiency services and deliver its findings to the department of ~~((community, trade, and economic development))~~ commerce, the leadership team, and the appropriate committees of the legislature as soon as possible, but no later than January 18, 2010.

(2) The council may prioritize workforce training programs that lead to apprenticeship programs in green economy jobs. For purposes of this section, green economy jobs include those in the primary industries of a green economy, including clean energy, the forestry industry, high-efficiency building, green transportation, and environmental protection. Prioritization efforts may include but are not limited to: (a) Prioritization of the use of high employer-demand funding for workforce training programs in green economy jobs; (b) increased outreach efforts to public utilities, education, labor, government, and private industry to develop tailored, green job training programs; and (c) increased outreach efforts to target populations. Outreach efforts shall be conducted in partnership with local workforce development councils.

(3) The definitions in RCW 43.330.010 apply to this section.

Sec. 2092. RCW 50.38.030 and 1995 c 399 s 142 are each amended to read as follows:

The employment security department shall consult with the following agencies prior to the issuance of the state occupational forecast:

(1) Office of financial management;

(2) Department of ~~((community, trade, and economic development))~~ commerce;

(3) Department of labor and industries;

(4) State board for community and technical colleges;

(5) Superintendent of public instruction;

(6) Department of social and health services;

(7) Workforce training and education coordinating board; and

(8) Other state and local agencies as deemed appropriate by the commissioner of the employment security department.

These agencies shall cooperate with the employment security department, submitting information relevant to the generation of occupational forecasts.

Sec. 2093. RCW 50.72.030 and 1994 sp.s. c 3 s 3 are each amended to read as follows:

The Washington youthbuild program is established within the department. The commissioner, in cooperation and consultation with the director of the department of ~~((community, trade, and economic development))~~ commerce, shall:

(1) Make grants, up to the lesser of three hundred thousand dollars or twenty-five percent of the total costs of the youthbuild activities, to applicants eligible to provide education and employment training under federal or state employment training programs, for the purpose of carrying out a wide range of

multidisciplinary activities and services to assist economically disadvantaged youth under the federal opportunities for youth: Youthbuild program (106 Stat. 3723; 42 U.S.C. Sec. 8011), or locally developed youthbuild-type programs for economically disadvantaged youth; and

(2) Coordinate youth employment and training efforts under the department's jurisdiction and cooperate with other agencies and departments providing youth services to ensure that funds appropriated for the purposes of this chapter will be used to supplement funding from federal, state, local, or private sources.

Sec. 2094. RCW 53.36.030 and 1996 c 66 s 1 are each amended to read as follows:

(1)(a) Except as provided in (b) of this subsection, a port district may at any time contract indebtedness or borrow money for district purposes and may issue general obligation bonds therefor not exceeding an amount, together with any existing indebtedness of the district not authorized by the voters, of one-fourth of one percent of the value of the taxable property in the district.

(b) Port districts having less than eight hundred million dollars in value of taxable property during 1991 may at any time contract indebtedness or borrow money for port district purposes and may issue general obligation bonds therefor not exceeding an amount, combined with existing indebtedness of the district not authorized by the voters, of three-eighths of one percent of the value of the taxable property in the district. Prior to contracting for any indebtedness authorized by this subsection (1)(b), the port district must have a comprehensive plan for harbor improvements or industrial development and a long-term financial plan approved by the department of (~~community, trade, and economic development~~) commerce. The department of (~~community, trade, and economic development~~) commerce is immune from any liability for its part in reviewing or approving port district's improvement or development plans, or financial plans. Any indebtedness authorized by this subsection (1)(b) may be used only to acquire or construct a facility, and, prior to contracting for such indebtedness, the port district must have a lease contract for a minimum of five years for the facility to be acquired or constructed by the debt.

(2) With the assent of three-fifths of the voters voting thereon at a general or special port election called for that purpose, a port district may contract indebtedness or borrow money for district purposes and may issue general obligation bonds therefor provided the total indebtedness of the district at any such time shall not exceed three-fourths of one percent of the value of the taxable property in the district.

(3) In addition to the indebtedness authorized under subsections (1) and (2) of this section, port districts having less than two hundred million dollars in value of taxable property and operating a municipal airport may at any time contract indebtedness or borrow money for airport capital improvement purposes and may issue general obligation bonds therefor not exceeding an additional one-eighth of one percent of the value of the taxable property in the district without authorization by the voters; and, with the assent of three-fifths of the voters voting thereon at a general or special port election called for that purpose, may contract indebtedness or borrow money for airport capital improvement purposes and may issue general obligation bonds therefor for an additional three-eighths of one percent provided the total indebtedness of the

district for all port purposes at any such time shall not exceed one and one-fourth percent of the value of the taxable property in the district.

(4) Any port district may issue general district bonds evidencing any indebtedness, payable at any time not exceeding fifty years from the date of the bonds. Any contract for indebtedness or borrowed money authorized by RCW 53.36.030(1)(b) shall not exceed twenty-five years. The bonds shall be issued and sold in accordance with chapter 39.46 RCW.

(5) Elections required under this section shall be held as provided in RCW 39.36.050.

(6) For the purpose of this section, "indebtedness of the district" shall not include any debt of a countywide district with a population less than twenty-five hundred people when the debt is secured by a mortgage on property leased to the federal government; and the term "value of the taxable property" shall have the meaning set forth in RCW 39.36.015.

(7) This section does not apply to a loan made under a loan agreement under chapter 39.69 RCW, and a computation of indebtedness under this chapter must exclude the amount of a loan under such a loan agreement.

**Sec. 2095. RCW 54.16.285 and 1995 c 399 s 144 are each amended to read as follows:*

(1) A district providing utility service for residential space heating shall not terminate such utility service between November 15 through March 15 if the customer:

(a) Notifies the utility of the inability to pay the bill, including a security deposit. This notice should be provided within five business days of receiving a payment overdue notice unless there are extenuating circumstances. If the customer fails to notify the utility within five business days and service is terminated, the customer can, by paying reconnection charges, if any, and fulfilling the requirements of this section, receive the protections of this chapter;

(b) Provides self-certification of household income for the prior twelve months to a grantee of the department of (~~community, trade, and economic development~~) commerce which administers federally funded energy assistance programs. The grantee shall determine that the household income does not exceed the maximum allowed for eligibility under the state's plan for low-income energy assistance under 42 U.S.C. 8624 and shall provide a dollar figure that is seven percent of household income. The grantee may verify information provided in the self-certification;

(c) Has applied for home heating assistance from applicable government and private sector organizations and certifies that any assistance received will be applied to the current bill and future utility bills;

(d) Has applied for low-income weatherization assistance to the utility or other appropriate agency if such assistance is available for the dwelling;

(e) Agrees to a payment plan and agrees to maintain the payment plan. The plan will be designed both to pay the past due bill by the following October 15 and to pay for continued utility service. If the past due bill is not paid by the following October 15, the customer shall not be eligible for protections under this chapter until the past due bill is paid. The plan shall not require monthly payments in excess of seven percent of the customer's monthly income plus one-twelfth of any arrearage accrued from the date application is made and

thereafter during November 15 through March 15. A customer may agree to pay a higher percentage during this period, but shall not be in default unless payment during this period is less than seven percent of monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter. If assistance payments are received by the customer subsequent to implementation of the plan, the customer shall contact the utility to reformulate the plan; and

(f) Agrees to pay the moneys owed even if he or she moves.

(2) The utility shall:

(a) Include in any notice that an account is delinquent and that service may be subject to termination, a description of the customer's duties in this section;

(b) Assist the customer in fulfilling the requirements under this section;

(c) Be authorized to transfer an account to a new residence when a customer who has established a plan under this section moves from one residence to another within the same utility service area;

(d) Be permitted to disconnect service if the customer fails to honor the payment program. Utilities may continue to disconnect service for those practices authorized by law other than for nonpayment as provided for in this section. Customers who qualify for payment plans under this section who default on their payment plans and are disconnected can be reconnected and maintain the protections afforded under this chapter by paying reconnection charges, if any, and by paying all amounts that would have been due and owing under the terms of the applicable payment plan, absent default, on the date on which service is reconnected; and

(e) Advise the customer in writing at the time it disconnects service that it will restore service if the customer contacts the utility and fulfills the other requirements of this section.

(3) All districts providing utility service for residential space heating shall offer residential customers the option of a budget billing or equal payment plan. The budget billing or equal payment plan shall be offered low-income customers eligible under the state's plan for low-income energy assistance prepared in accordance with 42 U.S.C. 8624(C)(1) without limiting availability to certain months of the year, without regard to the length of time the customer has occupied the premises, and without regard to whether the customer is the tenant or owner of the premises occupied.

(4) An agreement between the customer and the utility, whether oral or written, shall not waive the protections afforded under this chapter.

**Sec. 2095 was vetoed. See message at end of chapter.*

Sec. 2096. RCW 54.52.020 and 2007 c 132 s 2 are each amended to read as follows:

All assistance provided under this chapter shall be disbursed by the grantee, charitable organization, or district. When applicable, the public utility district will be paid on behalf of the customer by the grantee or the charitable organization. When direct vendor payment is not feasible, a check will be issued jointly payable to the customer and the public utility district. The availability of funds for assistance to a district's low-income customers as a result of voluntary contributions shall not reduce the amount of assistance for which the district's customers are eligible under the federally funded energy assistance programs

administered by the grantee of the department of (~~community, trade, and economic development~~) commerce within the district's service area. When applicable, the grantee or charitable organization shall provide the district with a quarterly report on January 15th, April 15th, July 15th, and October 15th which includes information concerning the total amount of funds received from the district, the names of all recipients of assistance from these funds, the amount received by each recipient, and the amount of funds received from the district currently on hand and available for future low-income assistance.

Sec. 2097. RCW 57.46.010 and 1996 c 230 s 1401 are each amended to read as follows:

A district may include along with, or as part of its regular customer billings, a request for voluntary contributions to assist qualified low-income residential customers of the district in paying their district bills. All funds received by the district in response to such requests shall be transmitted to the grantee of the department of (~~community, trade, and economic development~~) commerce which administers federally funded energy assistance programs for the state in the district's service area or to a charitable organization within the district's service area. All such funds shall be used solely to supplement assistance to low-income residential customers of the district in paying their district bills. The grantee or charitable organization shall be responsible to determine which of the district's customers are qualified for low-income assistance and the amount of assistance to be provided to those who are qualified.

Sec. 2098. RCW 57.46.020 and 1996 c 230 s 1402 are each amended to read as follows:

All assistance provided under this chapter shall be disbursed by the grantee or charitable organization. Where possible the district shall be paid on behalf of the customer by the grantee or the charitable organization. When direct vendor payment is not feasible, a check shall be issued jointly payable to the customer and the district. The availability of funds for assistance to a district's low-income customers as a result of voluntary contributions shall not reduce the amount of assistance for which the district's customers are eligible under the federally funded energy assistance programs administered by the grantee of the department of (~~community, trade, and economic development~~) commerce within the district's service area. The grantee or charitable organization shall provide the district with a quarterly report on January 15th, April 15th, July 15th, and October 15th which includes information concerning the total amount of funds received from the district, the names of all recipients of assistance from these funds, the amount received by each recipient, and the amount of funds received from the district currently on hand and available for future low-income assistance.

Sec. 2099. RCW 59.18.440 and 1997 c 452 s 17 are each amended to read as follows:

(1) Any city, town, county, or municipal corporation that is required to develop a comprehensive plan under RCW 36.70A.040(1) is authorized to require, after reasonable notice to the public and a public hearing, property owners to provide their portion of reasonable relocation assistance to low-income tenants upon the demolition, substantial rehabilitation whether due to code enforcement or any other reason, or change of use of residential property,

or upon the removal of use restrictions in an assisted-housing development. No city, town, county, or municipal corporation may require property owners to provide relocation assistance to low-income tenants, as defined in this chapter, upon the demolition, substantial rehabilitation, upon the change of use of residential property, or upon the removal of use restrictions in an assisted-housing development, except as expressly authorized herein or when authorized or required by state or federal law. As used in this section, "assisted housing development" means a multifamily rental housing development that either receives government assistance and is defined as federally assisted housing in RCW 59.28.020, or that receives other federal, state, or local government assistance and is subject to use restrictions.

(2) As used in this section, "low-income tenants" means tenants whose combined total income per dwelling unit is at or below fifty percent of the median income, adjusted for family size, in the county where the tenants reside.

The department of ~~((community, trade, and economic development))~~ commerce shall adopt rules defining county median income in accordance with the definitions promulgated by the federal department of housing and urban development.

(3) A requirement that property owners provide relocation assistance shall include the amounts of such assistance to be provided to low-income tenants. In determining such amounts, the jurisdiction imposing the requirement shall evaluate, and receive public testimony on, what relocation expenses displaced tenants would reasonably incur in that jurisdiction including:

- (a) Actual physical moving costs and expenses;
- (b) Advance payments required for moving into a new residence such as the cost of first and last month's rent and security and damage deposits;
- (c) Utility connection fees and deposits; and
- (d) Anticipated additional rent and utility costs in the residence for one year after relocation.

(4)(a) Relocation assistance provided to low-income tenants under this section shall not exceed two thousand dollars for each dwelling unit displaced by actions of the property owner under subsection (1) of this section. A city, town, county, or municipal corporation may make future annual adjustments to the maximum amount of relocation assistance required under this subsection in order to reflect any changes in the housing component of the consumer price index as published by the United States department of labor, bureau of labor statistics.

(b) The property owner's portion of any relocation assistance provided to low-income tenants under this section shall not exceed one-half of the required relocation assistance under (a) of this subsection in cash or services.

(c) The portion of relocation assistance not covered by the property owner under (b) of this subsection shall be paid by the city, town, county, or municipal corporation authorized to require relocation assistance under subsection (1) of this section. The relocation assistance may be paid from proceeds collected from the excise tax imposed under RCW 82.46.010.

(5) A city, town, county, or municipal corporation requiring the provision of relocation assistance under this section shall adopt policies, procedures, or regulations to implement such requirement. Such policies, procedures, or regulations shall include provisions for administrative hearings to resolve

disputes between tenants and property owners relating to relocation assistance or unlawful detainer actions during relocation, and shall require a decision within thirty days of a request for a hearing by either a tenant or property owner.

Judicial review of an administrative hearing decision relating to relocation assistance may be had by filing a petition, within ten days of the decision, in the superior court in the county where the residential property is located. Judicial review shall be confined to the record of the administrative hearing and the court may reverse the decision only if the administrative findings, inferences, conclusions, or decision is:

- (a) In violation of constitutional provisions;
 - (b) In excess of the authority or jurisdiction of the administrative hearing officer;
 - (c) Made upon unlawful procedure or otherwise is contrary to law; or
 - (d) Arbitrary and capricious.
- (6) Any city, town, county, or municipal corporation may require relocation assistance, under the terms of this section, for otherwise eligible tenants whose living arrangements are exempted from the provisions of this chapter under RCW 59.18.040(3) and if the living arrangement is considered to be a rental or lease not defined as a retail sale under RCW 82.04.050.

(7)(a) Persons who move from a dwelling unit prior to the application by the owner of the dwelling unit for any governmental permit necessary for the demolition, substantial rehabilitation, or change of use of residential property or prior to any notification or filing required for condominium conversion shall not be entitled to the assistance authorized by this section.

(b) Persons who move into a dwelling unit after the application for any necessary governmental permit or after any required condominium conversion notification or filing shall not be entitled to the assistance authorized by this section if such persons receive written notice from the property owner prior to taking possession of the dwelling unit that specifically describes the activity or condition that may result in their temporary or permanent displacement and advises them of their ineligibility for relocation assistance.

Sec. 2100. RCW 59.24.020 and 1995 c 399 s 157 are each amended to read as follows:

(1) The department of (~~community, trade, and economic development~~) commerce shall establish the rental security deposit guarantee program. Through this program the department of (~~community, trade, and economic development~~) commerce shall provide grants and technical assistance to local governments or nonprofit corporations, including local housing authorities as defined in RCW 35.82.030, who operate emergency housing shelters or transitional housing programs. The grants are to be used for the payment of residential rental security deposits under this chapter. The technical assistance is to help the local government or nonprofit corporation apply for grants and carry out the program. In order to be eligible for grants under this program, the recipient local government or nonprofit corporation shall provide fifteen percent of the total amount needed for the security deposit. The security deposit may include last month's rent where such rent is required as a normal practice by the landlord.

(2) The grants and matching funds shall be placed by the recipient local government or nonprofit corporation in a revolving loan fund and deposited in a

bank or savings institution in an account that is separate from all other funds of the recipient. The funds and interest earned on these funds shall be utilized only as collateral to guarantee the payment of a security deposit required by a residential rental property owner as a condition for entering into a rental agreement with a prospective tenant.

(3) Prospective tenants who are eligible to participate in the rental security deposit guarantee program shall be limited to homeless persons or families who are residing in an emergency shelter or transitional housing operated by a local government or a nonprofit corporation, or to families who are temporarily residing in a park, car, or are otherwise without adequate shelter. The local government or nonprofit corporation shall make a determination regarding the person's or family's eligibility to participate in this program and a determination that a local rental unit is available for occupation. A determination of eligibility shall include, but is not limited to: (a) A determination that the person or family is homeless or is in transitional housing; (b) a verification of income and that the person or family can reasonably make the monthly rental payment; and (c) a determination that the person or family does not have the financial resources to make the rental security deposit.

Sec. 2101. RCW 59.24.050 and 1995 c 399 s 158 are each amended to read as follows:

The department of ~~((community, trade, and economic development))~~ commerce may adopt rules to implement this chapter, including but not limited to: (1) The eligibility of and the application process for local governments and nonprofit corporations; (2) the criteria by which grants and technical assistance shall be provided to local governments and nonprofit corporations; and (3) the criteria local governments and nonprofit corporations shall use in entering into contracts with tenants and rental property owners.

**Sec. 2102. RCW 59.24.060 and 1995 c 399 s 159 are each amended to read as follows:*

The department of ~~((community, trade, and economic development))~~ commerce may receive such gifts, grants, or endowments from public or private sources, as may be made from time to time, in trust or otherwise, to be used by the department of ~~((community, trade, and economic development))~~ commerce for its programs, including the rental security deposit guarantee program. Funds from the housing trust fund, chapter 43.185 RCW, up to one hundred thousand dollars, may be used for the rental security deposit guarantee program by the department of ~~((community, trade, and economic development))~~ commerce, local governments, and nonprofit organizations, provided all the requirements of this chapter and chapter 43.185 RCW are met.

**Sec. 2102 was vetoed. See message at end of chapter.*

Sec. 2103. RCW 59.28.030 and 2000 c 255 s 2 are each amended to read as follows:

(1) This chapter shall not apply to the expiration or termination of a housing assistance contract between a public housing agency and an owner of existing housing participating in either the section 8 certificate or voucher program (42 U.S.C. Sec. 1437f).

(2) An owner of federally assisted housing shall not be required to give notice of a prepayment under this chapter, if the owner has: (a) Entered into an

agreement with a federal, state, or local agency continuing existing, or imposing new, low-income use restrictions for at least twenty years that ensure that the tenants residing in the development at the time of prepayment are not involuntarily displaced except for good cause and that the housing will continue to serve very low and low-income families and persons in need of affordable housing; and (b) served notice of the agreement on the clerk of the city, or county if in an unincorporated area, in which the property is located, on any public housing agency that would be responsible for administering tenant-based rental assistance to persons who would otherwise be displaced from this housing, and on the department of ~~((community, trade, and economic development))~~ commerce by regular and certified mail and posted a copy of the agreement in a conspicuous place at the development where it is likely to be seen by the tenants. The posted agreement shall be maintained intact and in legible form for the life of the agreement.

(3) An owner of federally assisted housing is not required to give notice that a rental assistance contract is expiring if: (a) The owner has entered into an agreement with the United States department of housing and urban development or other federal, state, or local agency to renew the rental assistance contract for a minimum of five years subject to the availability of adequate appropriations; (b) the agreement itself does not expire in less than twelve months; and (c) the owner has served written notice of the agreement on the clerk of the city, or county if in an unincorporated area, in which the property is located, on any public housing agency that would be responsible for administering tenant-based rental assistance to persons who would otherwise be displaced from this housing, and on the department of ~~((community, trade, and economic development))~~ commerce, by regular and certified mail and posted these notices in a conspicuous place at the development where they are likely to be seen by the tenants. The posted notices shall be maintained intact and in legible form for the life of the agreement to renew the rental assistance contract.

Sec. 2104. RCW 59.28.040 and 2002 c 30 s 3 are each amended to read as follows:

Except as provided in RCW 59.28.030, all owners of federally assisted housing shall, at least twelve months before the expiration of the rental assistance contract or prepayment of a mortgage or loan, serve a written notice of the anticipated expiration or prepayment date on each tenant household residing in the housing, on the clerk of the city, or clerk of the county legislative authority if in an unincorporated area, in which the property is located, on any public housing agency that would be responsible for administering tenant-based rental assistance to persons who would otherwise be displaced from this housing, and on the department of ~~((community, trade, and economic development))~~ commerce, by regular and certified mail. All owners of federally assisted housing shall also serve written notice of the anticipated expiration or prepayment date on each tenant household that moves into the housing after the initial notice has been given, but before the expiration of the rental assistance contract or prepayment of the mortgage or loan. This notice shall be given before a new tenant is asked to execute a rental agreement or required to pay any deposits.

Sec. 2105. RCW 59.28.050 and 1995 c 399 s 161 are each amended to read as follows:

This chapter shall not in any way prohibit an owner of federally assisted housing from terminating a rental assistance contract or prepaying a mortgage or loan. The requirement in this chapter for notice shall not be construed as conferring any new or additional regulatory power upon the city or county clerk or upon the department of (~~community, trade, and economic development~~) commerce.

Sec. 2106. RCW 59.28.060 and 2000 c 255 s 4 are each amended to read as follows:

(1) The notice to tenants required by RCW 59.28.040 shall state:

(a) Whether the owner (i) intends to prepay the mortgage or loan or allow the rental assistance contract to expire in order to operate the housing without any low-income use restrictions, (ii) plans on renewing the rental assistance contract subject to the availability of adequate appropriations, or (iii) is seeking additional financial incentives or higher rents as a condition of remaining in the federal program; (b) the reason the owner plans on taking this action; (c) the owner's plans for the project, including any timetables or deadlines for actions to be taken by the owner and any specific federal, state, or local agency approvals that the owner is required to obtain; (d) the anticipated date of the prepayment of the mortgage or loan or expiration of the rental assistance contract; (e) the effect, if any, that prepayment of the mortgage or loan or expiration of the rental assistance contract will have upon the tenants' rent and other terms of their rental agreement; and (f) that additional information will be served on the city or county, on the local public housing agency, and on the department of (~~community, trade, and economic development~~) commerce and will be posted at the development. The owner shall also include with the notice written information, prepared by the department of (~~community, trade, and economic development~~) commerce under RCW 59.28.120(1), concerning the legal rights, responsibilities, and options of owners and tenants when an owner intends to prepay a mortgage or loan or terminate a rental assistance contract.

(2) The notice to the city or county clerk and to the department of (~~community, trade, and economic development~~) commerce required by RCW 59.28.040 shall state: (a) The name, location, and project number of the federally assisted housing and the type of assistance received from the federal government; (b) the number and size of units; (c) the age, race, family size, and estimated incomes of the tenants who will be affected by the prepayment of the loan or mortgage or expiration of the federal assistance contract; (d) the current rents and projected rent increases for each affected tenant after the prepayment of the mortgage or loan or expiration of the rental assistance contract without disclosing the identities of the affected tenants; (e) the availability and type, if any, of rental assistance after the prepayment of the mortgage or loan or expiration of the rental assistance contract; and (f) the age, race, family size, and estimated incomes of any applicants on the project's waiting list without disclosing the identities of the applicants. The owner shall attach to this notice a copy of the notice the owner sends to the tenants under this chapter.

(3) All owners of federally assisted housing shall immediately post a copy of any notices they send the city or county clerk, any public housing agency, and the department of (~~community, trade, and economic development~~) commerce,

under RCW 59.28.040, in a conspicuous place at the development where they are likely to be seen by current and prospective tenants. The notices shall be maintained intact and in legible form for twelve months from the date they are posted.

All owners of federally assisted housing shall, upon request of any state or local agency, provide the agency with a copy of any rent comparability study, market analysis, or projected budget that they submit to the United States department of housing and urban development or other federal agency in conjunction with the prepayment of their mortgage or loan or in anticipation of the expiration of their rental assistance contract, together with any physical inspection reports or capital needs assessments completed by the owner or federal agency within the last three years.

Sec. 2107. RCW 59.28.120 and 2000 c 255 s 7 are each amended to read as follows:

The department of ~~((community, trade, and economic development))~~ commerce shall within ninety days after March 31, 2000, consult with all interested stakeholders and develop and provide to owners and tenants of federally assisted housing, state and local agencies, and other interested persons all of the following:

(1) Written information concerning the legal rights, responsibilities, and options of owners and tenants when an owner intends to prepay a mortgage or loan or terminate a rental assistance contract. This information shall include the name and telephone number of any qualified legal aid program that provides civil legal services to indigent persons and of any other state, regional, or local organization that can be contacted to request additional information about an owner's responsibilities and the rights and options of an affected tenant;

(2) Written information sufficient to enable an owner of federally assisted housing to comply with the notification requirements of this chapter, including the name and address of any public housing agency that would be responsible for administering tenant-based rental assistance to persons who would otherwise be displaced from federally assisted housing; and

(3) Any other information or technical assistance the department determines will further the purposes of this chapter.

Sec. 2108. RCW 64.34.442 and 2008 c 113 s 3 are each amended to read as follows:

(1) All cities and counties planning under RCW 36.70A.040, which have allowed any conversion condominiums within the jurisdiction within the previous twelve-month period, must report annually to the department of ~~((community, trade, and economic development))~~ commerce the following information:

- (a) The total number of apartment units converted into condominiums;
- (b) The total number of conversion condominium projects; and
- (c) The total number of apartment tenants who receive relocation assistance.

(2) Upon completion of a conversion condominium project, a city or county may require the declarant to provide the information described in subsection (1) of this section to the appropriately designated department or agency in the city or county for the purpose of complying with subsection (1) of this section.

Sec. 2109. RCW 66.08.195 and 2001 c 8 s 1 are each amended to read as follows:

For the purposes of this chapter:

(1) "Border area" means any incorporated city or town, or unincorporated area, located within seven miles of the Washington-Canadian border or any unincorporated area that is a point of land surrounded on three sides by salt water and adjacent to the Canadian border.

(2) "Border area per-capita law-enforcement spending" equals total per capita expenditures in a border area on: Law enforcement operating costs, court costs, law enforcement-related insurance, and detention expenses, minus funds allocated to a border area under RCW 66.08.190 and 66.08.196.

(3) "Border-crossing traffic total" means the number of vehicles, vessels, and aircraft crossing into the United States through a United States customs service border crossing that enter into the border area during a federal fiscal year, using border crossing statistics and criteria included in guidelines adopted by the department of (~~community, trade, and economic development~~) commerce.

(4) "Border-related crime statistic" means the sum of infractions and citations issued, and arrests of persons permanently residing outside Washington state in a border area during a calendar year.

Sec. 2110. RCW 66.08.198 and 1995 c 159 s 4 are each amended to read as follows:

The department of (~~community, trade, and economic development~~) commerce shall develop guidelines to determine the figures used under the three distribution factors defined in RCW 66.08.195. At the request of any border community, the department may review these guidelines once every three years.

Sec. 2111. RCW 67.28.8001 and 1997 c 452 s 6 are each amended to read as follows:

(1) Each municipality imposing a tax under chapter 67.28 RCW shall submit a report to the department of (~~community, trade, and economic development~~) commerce on October 1, 1998, and October 1, 2000. Each report shall include the following information:

(a) The rate of tax imposed under chapter 67.28 RCW;

(b) The total revenue received under chapter 67.28 RCW for each of the preceding six years;

(c) A list of projects and activities funded with revenue received under chapter 67.28 RCW; and

(d) The amount of revenue under chapter 67.28 RCW expended for each project and activity.

(2) The department of (~~community, trade, and economic development~~) commerce shall summarize and analyze the data received under subsection (1) of this section in a report submitted to the legislature on January 1, 1999, and January 1, 2001. The report shall include, but not be limited to, analysis of factors contributing to growth in revenue received under chapter 67.28 RCW and the effects of projects and activities funded with revenue received under chapter 67.28 RCW on tourism growth.

Sec. 2112. RCW 67.38.070 and 1995 c 399 s 167 are each amended to read as follows:

The comprehensive cultural arts, stadium and convention plan adopted by the district shall be reviewed by the department of (~~community, trade, and economic development~~) commerce to determine:

- (1) Whether the plan will enhance the progress of the state and provide for the general welfare of the population; and
- (2) Whether such plan is eligible for matching federal funds.

After reviewing the comprehensive cultural arts, stadium and convention plan, the department of (~~community, trade, and economic development~~) commerce shall have sixty days in which to approve such plan and to certify to the state treasurer that such district shall be eligible to receive funds. To be approved a plan shall provide for coordinated cultural arts, stadium and convention planning, and be consistent with the public cultural arts, stadium and convention coordination criteria in a manner prescribed by chapter 35.60 RCW. In the event such comprehensive plan is disapproved and ruled ineligible to receive funds, the department of (~~community, trade, and economic development~~) commerce shall provide written notice to the district within thirty days as to the reasons for such plan's disapproval and such ineligibility. The district may resubmit such plan upon reconsideration and correction of such deficiencies cited in such notice of disapproval.

Sec. 2113. RCW 70.62.290 and 1994 c 250 s 8 are each amended to read as follows:

Rules establishing fire and life safety requirements, not inconsistent with the provisions of this chapter, shall continue to be adopted by the director of (~~community, trade, and economic development~~) commerce, through the director of fire protection.

Sec. 2114. RCW 70.114A.070 and 1995 c 220 s 7 are each amended to read as follows:

The department of (~~community, trade, and economic development~~) commerce shall contract with private, nonprofit corporations to provide technical assistance to any private individual or nonprofit organization wishing to construct temporary or permanent worker housing. The assistance may include information on state and local application and approval procedures, information or assistance in applying for federal, state, or local financial assistance, including tax incentives, information on cost-effective housing designs, or any other assistance the department of (~~community, trade, and economic development~~) commerce may deem helpful in obtaining the active participation of private individuals or groups in constructing or operating temporary or permanent worker housing.

Sec. 2115. RCW 70.136.030 and 1995 c 399 s 197 are each amended to read as follows:

The governing body of each applicable political subdivision of this state shall designate a hazardous materials incident command agency within its respective boundaries, and file this designation with the director of (~~community, trade, and economic development~~) commerce. In designating an incident command agency, the political subdivision shall consider the training, manpower, expertise, and equipment of various available agencies as well as the Uniform Fire Code and other existing codes and regulations. Along state and interstate highway corridors, the Washington state patrol shall be the designated

incident command agency unless by mutual agreement that role has been assumed by another designated incident command agency. If a political subdivision has not designated an incident command agency within six months after July 26, 1987, the Washington state patrol shall then assume the role of incident command agency by action of the chief until a designation has been made.

Sec. 2116. RCW 70A.50.020 and 2009 c 379 s 102 are each amended to read as follows:

The Washington State University extension energy program is authorized to implement grants for pilot programs providing community-wide urban residential and commercial energy efficiency upgrades. The Washington State University extension energy program must coordinate and collaborate with the department of (~~community, trade, and economic development~~) commerce on the design, administration, and implementation elements of the pilot program.

(1) There must be at least three grants for pilot programs, awarded on a competitive basis to sponsors for conducting direct outreach and delivering energy efficiency services that, to the extent feasible, ensure a balance of participation for: (a) Geographic regions in the state; (b) types of fuel used for heating; (c) owner-occupied and rental residences; (d) small commercial buildings; and (e) single-family and multifamily dwellings.

(2) The pilot programs must:

(a) Provide assistance for energy audits and energy efficiency-related improvements to structures owned by or used for residential, commercial, or nonprofit purposes in specified urban neighborhoods where the objective is to achieve a high rate of participation among building owners within the pilot area;

(b) Utilize volunteer support to reach out to potential customers through the use of community-based institutions;

(c) Employ qualified energy auditors and energy efficiency service providers to perform the energy audits using recognized energy efficiency and weatherization services that are cost-effective;

(d) Select and provide oversight of contractors to perform energy efficiency services. Sponsors shall require contractors to participate in quality control and efficiency training, use workers trained from workforce training and apprentice programs established under chapter 536, Laws of 2009 if these workers are available, pay prevailing wages under chapter 39.12 RCW, hire from the community in which the program is located, and create employment opportunities for veterans, members of the national guard, and low-income and disadvantaged populations; and

(e) Work with customers to secure financing for their portion of the project and apply for and administer utility, public, and charitable funding provided for energy audits and retrofits.

(3) The Washington State University extension energy program must give priority to sponsors that can secure a sponsor match of at least one dollar for each dollar awarded.

(a) A sponsor may use its own moneys, including corporate or ratepayer moneys, or moneys provided by landlords, charitable groups, government programs, the Bonneville power administration, or other sources to pay the sponsor match.

(b) A sponsor may meet its match requirement in whole or in part through providing labor, materials, or other in-kind expenditures.

(4)(a) Pilot programs receiving funding must report compliance with performance metrics for each sponsor receiving a grant award. The performance metrics include:

- (i) Monetary and energy savings achieved;
- (ii) Savings-to-investment ratio achieved for customers;
- (iii) Wage levels of jobs created;
- (iv) Utilization of preapprentice and apprenticeship programs; and
- (v) Efficiency and speed of delivery of services.

(b) Pilot programs receiving funding under this section are required to report to the Washington State University ~~((energy))~~ extension ~~((extension energy))~~ energy program on compliance with the performance metrics every six months following the receipt of grants, with the last report submitted six months after program completion.

(c) The Washington State University extension energy program shall review the accuracy of these reports and provide a progress report on all grant pilot programs to the appropriate committees of the legislature by December 1st of each year.

(5)(a) By December 1, 2009, the Washington State University extension energy program shall provide a report to the governor and appropriate legislative committees on the: Number of grants awarded; number of jobs created or maintained; number and type of individuals trained through workforce training and apprentice programs; number of veterans, members of the national guard, and individuals of low-income and disadvantaged populations employed by pilot programs; and amount of funding provided through the grants as established in subsection (1) of this section and the performance metrics established in subsection (4) of this section.

(b) By December 1, 2010, the Washington State University extension energy program shall provide a final report to the governor and appropriate legislative committees on the: Number of grants awarded; number of jobs created or maintained; number and type of individuals trained through workforce training and apprentice programs; number of veterans, members of the national guard, and individuals of low-income and disadvantaged populations employed by pilot programs; and amount of funding provided through the grants as established in subsection (1) of this section and the performance metrics established in subsection (4) of this section.

Sec. 2117. RCW 70A.205.210 and 1995 c 399 s 189 are each amended to read as follows:

The department shall in addition to its other powers and duties:

(1) Cooperate with the appropriate federal, state, interstate and local units of government and with appropriate private organizations in carrying out the provisions of this chapter.

(2) Coordinate the development of a solid waste management plan for all areas of the state in cooperation with local government, the department of ~~((community, trade, and economic development))~~ commerce, and other appropriate state and regional agencies. The plan shall relate to solid waste management for twenty years in the future and shall be reviewed biennially, revised as necessary, and extended so that perpetually the plan shall look to the

future for twenty years as a guide in carrying out a state coordinated solid waste management program. The plan shall be developed into a single integrated document and shall be adopted no later than October 1990. The plan shall be revised regularly after its initial completion so that local governments revising local comprehensive solid waste management plans can take advantage of the data and analysis in the state plan.

(3) Provide technical assistance to any person as well as to cities, counties, and industries.

(4) Initiate, conduct, and support research, demonstration projects, and investigations, and coordinate research programs pertaining to solid waste management systems.

(5) Develop statewide programs to increase public awareness of and participation in tire recycling, and to stimulate and encourage local private tire recycling centers and public participation in tire recycling.

(6) May, under the provisions of the Administrative Procedure Act, chapter 34.05 RCW, as now or hereafter amended, from time to time promulgate such rules and regulations as are necessary to carry out the purposes of this chapter.

Sec. 2118. RCW 70A.205.710 and 1998 c 245 s 132 are each amended to read as follows:

(1) In order to establish the feasibility of composting food and yard wastes, the department shall provide funds, as available, to local governments submitting a proposal to compost such wastes.

(2) The department, in cooperation with the department of (~~community, trade, and economic development~~) commerce, may approve an application if the project can demonstrate the essential parameters for successful composting, including, but not limited to, cost-effectiveness, handling and safety requirements, and current and potential markets.

Sec. 2119. RCW 71.09.255 and 2002 c 68 s 8 are each amended to read as follows:

(1) Upon receiving the notification required by RCW 71.09.250, counties must promptly notify the cities within the county of the maximum number of secure community transition facility beds that may be required and the projected number of beds to be needed in that county.

(2) The incentive grants and payments provided under this section are subject to the following provisions:

(a) Counties and the cities within the county must notify each other of siting plans to promote the establishment and equitable distribution of secure community transition facilities;

(b) Development regulations, ordinances, plans, laws, and criteria established for siting must be consistent with statutory requirements and rules applicable to siting and operating secure community transition facilities;

(c) The minimum size for any facility is three beds; and

(d) The department must approve any sites selected.

(3) Any county or city that makes a commitment to initiate the process to site one or more secure community transition facilities by one hundred twenty days after March 21, 2002, shall receive a planning grant as proposed and approved by the department of (~~community, trade, and economic development~~) commerce.

(4) Any county or city that has issued all necessary permits by May 1, 2003, for one or more secure community transition facilities that comply with the requirements of this section shall receive an incentive grant in the amount of fifty thousand dollars for each bed sited.

(5) To encourage the rapid permitting of sites, any county or city that has issued all necessary permits by January 1, 2003, for one or more secure community transition facilities that comply with the requirements of this section shall receive a bonus in the amount of twenty percent of the amount provided under subsection (4) of this section.

(6) Any county or city that establishes secure community transition facility beds in excess of the maximum number that could be required to be sited in that county shall receive a bonus payment of one hundred thousand dollars for each bed established in excess of the maximum requirement.

(7) No payment shall be made under subsection (4), (5), or (6) of this section until all necessary permits have been issued.

(8) The funds available to counties and cities under this section are contingent upon funds being appropriated by the legislature.

Sec. 2120. RCW 72.09.055 and 1995 c 399 s 202 are each amended to read as follows:

(1) The department shall identify and catalog real property that is no longer required for department purposes and is suitable for the development of affordable housing for very low-income, low-income, and moderate-income households as defined in RCW 43.63A.510. The inventory shall include the location, approximate size, and current zoning classification of the property. The department shall provide a copy of the inventory to the department of ~~((community, trade, and economic development))~~ commerce by November 1, 1993, and every November 1 thereafter.

(2) By November 1 of each year, beginning in 1994, the department shall purge the inventory of real property of sites that are no longer available for the development of affordable housing. The department shall include an updated listing of real property that has become available since the last update. As used in this section, "real property" means buildings, land, or buildings and land.

Sec. 2121. RCW 72.65.210 and 1998 c 245 s 142 are each amended to read as follows:

(1) The department shall establish, by rule, inmate eligibility standards for participation in the work release program.

(2) The department shall:

(a) Conduct an annual examination of each work release facility and its security procedures;

(b) Investigate and set standards for the inmate supervision policies of each work release facility;

(c) Establish physical standards for future work release structures to ensure the safety of inmates, employees, and the surrounding communities;

(d) Evaluate its recordkeeping of serious infractions to determine if infractions are properly and consistently assessed against inmates eligible for work release;

(e) (~~The department shall establish~~) Establish a written treatment plan best suited to the inmate's needs, cost, and the relationship of community placement and community corrections officers to a system of case management;

(f) Adopt a policy to encourage businesses employing work release inmates to contact the appropriate work release facility whenever an inmate is absent from his or her work schedule. The department of corrections shall provide each employer with written information and instructions on who should be called if a work release employee is absent from work or leaves the jobsite without authorization; and

(g) Develop a siting policy, in conjunction with cities, counties, community groups, and the department of (~~community, trade, and economic development~~) commerce for the establishment of additional work release facilities. Such policy shall include at least the following elements: (i) Guidelines for appropriate site selection of work-release facilities; (ii) notification requirements to local government and community groups of intent to site a work release facility; and (iii) guidelines for effective community relations by the work release program operator.

The department shall comply with the requirements of this section by July 1, 1990.

Sec. 2122. RCW 76.56.020 and 1994 c 282 s 1 are each amended to read as follows:

The center shall:

(1) Coordinate the University of Washington's college of forest resources' faculty and staff expertise to assist in:

(a) The development of research and analysis for developing policies and strategies which will expand forest-based international trade, including a major focus on secondary manufacturing;

(b) The development of technology or commercialization support for manufactured products that will meet the evolving needs of international customers;

(c) The development of research and analysis on other factors critical to forest-based trade, including the quality and availability of raw wood resources; and

(d) The coordination, development, and dissemination of market and technical information relevant to international trade in forest products, including a major focus on secondary manufacturing;

(2) Further develop and maintain computer databases on worldwide forest products production and trade in order to monitor and report on trends significant to the Northwest forest products industry and support the center's research functions; and coordinate this system with state, federal, and private sector efforts to insure a cost-effective information resource that will avoid unnecessary duplication;

(3) Monitor international forest products markets and assess the status of the state's forest products industry, including the competitiveness of small and medium-sized secondary manufacturing firms in the forest products industry, which for the purposes of this chapter shall be firms with annual revenues of twenty-five million or less, and including the increased exports of Washington-produced products of small and medium-sized secondary manufacturing firms;

(4) Provide high quality research and graduate education and professional nondegree training in international trade in forest products in cooperation with the University of Washington's graduate school of business administration, the school of law, the Jackson school of international studies, the Northwest policy center of the graduate school of public administration, and other supporting academic units;

(5) Develop cooperative linkages with the international marketing program for agricultural commodities and trade at Washington State University, the international trade project of the United States forest service, the department of natural resources, the department of ~~((community, trade, and economic development))~~ commerce, the small business export finance assistance center, and other state and federal agencies to avoid duplication of effort and programs;

(6) Cooperate with personnel from the state's community and technical colleges in their development of wood products manufacturing and wood technology curriculum and offer periodic workshops on wood products manufacturing, wood technology, and trade opportunities to community colleges and private educators and trainers;

(7) Provide for public dissemination of research, analysis, and results of the center's programs to all groups, including direct assistance groups, through technical workshops, short courses, international and national symposia, cooperation with private sector networks and marketing associations, or other means, including appropriate publications;

(8) Establish an executive policy board, including representatives of small and medium-sized businesses, with at least fifty percent of its business members representing small businesses with one hundred or fewer employees and medium-sized businesses with one hundred to five hundred employees. The executive policy board shall also include a representative of the community and technical colleges, representatives of state and federal agencies, and a representative of a wood products manufacturing network or trade association of small and medium-sized wood product manufacturers. The executive policy board shall provide advice on: Overall policy direction and program priorities, state and federal budget requests, securing additional research funds, identifying priority areas of focus for research efforts, selection of projects for research, and dissemination of results of research efforts; and

(9) Establish advisory or technical committees for each research program area, to advise on research program area priorities, consistent with the international trade opportunities achievable by the forest products sector of the state and region, to help ensure projects are relevant to industry needs, and to advise on and support effective dissemination of research results. Each advisory or technical committee shall include representatives of forest products industries that might benefit from this research.

Service on the committees and the executive policy board established in subsections (8) and (9) of this section shall be without compensation but actual travel expenses incurred in connection with service to the center may be reimbursed from appropriated funds in accordance with RCW 43.03.050 and 43.03.060.

Sec. 2123. RCW 79.105.600 and 2005 c 155 s 161 are each amended to read as follows:

After consultation with the director of (~~community, trade, and economic development~~) commerce, the department may enter into agreements, leases, or other conveyances for archaeological activities on state-owned aquatic lands. The agreements, leases, or other conveyances may contain those conditions as are required for the department to comply with its legal rights and duties. All agreements, leases, or other conveyances, shall be issued in accordance with the terms of chapters 79.105 through 79.140 RCW.

Sec. 2124. RCW 79A.30.050 and 1995 c 200 s 6 are each amended to read as follows:

(1) If the authority and state agencies find it mutually beneficial to do so, they are authorized to collaborate and cooperate on projects of shared interest. Agencies authorized to collaborate with the authority include but are not limited to: The commission for activities and projects related to public recreation; the department of agriculture for projects related to the equine agricultural industry; the department of (~~community, trade, and economic development~~) commerce with respect to community and economic development and tourism issues associated with development of the state horse park; Washington State University with respect to opportunities for animal research, education, and extension; the department of ecology with respect to opportunities for making the state horse park's waste treatment facilities a demonstration model for the handling of waste to protect water quality; and with local community colleges with respect to programs related to horses, economic development, business, and tourism.

(2) The authority shall cooperate with 4-H clubs, pony clubs, youth groups, and local park departments to provide youth recreational activities. The authority shall also provide for preferential use of an area of the horse park facility for youth and (~~the disabled~~) individuals with disabilities at nominal cost.

Sec. 2125. RCW 79A.50.100 and 1995 c 399 s 209 are each amended to read as follows:

(1) A public hearing may be held prior to any withdrawal of state trust lands and shall be held prior to any revocation of withdrawal or modification of withdrawal of state trust lands used for recreational purposes by the department of natural resources or by other state agencies.

(2) The department shall cause notice of the withdrawal, revocation of withdrawal or modification of withdrawal of state trust lands as described in subsection (1) of this section to be published by advertisement once a week for four weeks prior to the public hearing in at least one newspaper published and of general circulation in the county or counties in which the state trust lands are situated, and by causing a copy of said notice to be posted in a conspicuous place in the department's Olympia office, in the district office in which the land is situated, and in the office of the county auditor in the county where the land is situated thirty days prior to the public hearing. The notice shall specify the time and place of the public hearing and shall describe with particularity each parcel of state trust lands involved in said hearing.

(3) The board of natural resources shall administer the hearing according to its prescribed rules and regulations.

(4) The board of natural resources shall determine the most beneficial use or combination of uses of the state trust lands. Its decision will be conclusive as to

the matter: PROVIDED, HOWEVER, That said decisions as to uses shall conform to applicable state plans and policy guidelines adopted by the department of (~~community, trade, and economic development~~) commerce.

Sec. 2126. RCW 79A.60.480 and 2002 c 86 s 327 are each amended to read as follows:

(1) The department of licensing may issue a whitewater river outfitter's license to an applicant who submits a completed application, pays the required fee, and complies with the requirements of this section.

(2) An applicant for a whitewater river outfitter's license shall make application upon a form provided by the department of licensing. The form must be submitted annually and include the following information:

(a) The name, residence address, and residence telephone number, and the business name, address, and telephone number of the applicant;

(b) Certification that all employees, subcontractors, or independent contractors hired as guides meet training standards under RCW 79A.60.430 before carrying any passengers for hire;

(c) Proof that the applicant has liability insurance for a minimum of three hundred thousand dollars per claim for occurrences by the applicant and the applicant's employees that result in bodily injury or property damage. All guides must be covered by the applicant's insurance policy;

(d) Certification that the applicant will maintain the insurance for a period of not less than one year from the date of issuance of the license; and

(e) Certification by the applicant that for a period of not less than twenty-four months immediately preceding the application the applicant:

(i) Has not had a license, permit, or certificate to carry passengers for hire on a river revoked by another state or by an agency of the government of the United States due to a conviction for a violation of safety or insurance coverage requirements no more stringent than the requirements of this chapter; and

(ii) Has not been denied the right to apply for a license, permit, or certificate to carry passengers for hire on a river by another state.

(3) The department of licensing shall charge a fee for each application, to be set in accordance with RCW 43.24.086.

(4) Any person advertising or representing himself or herself as a whitewater river outfitter who is not currently licensed is guilty of a gross misdemeanor.

(5) The department of licensing shall submit annually a list of licensed persons and companies to the department of (~~community, trade, and economic development~~) commerce, tourism promotion division.

(6) If an insurance company cancels or refuses to renew insurance for a licensee, the insurance company shall notify the department of licensing in writing of the termination of coverage and its effective date not less than thirty days before the effective date of termination.

(a) Upon receipt of an insurance company termination notice, the department of licensing shall send written notice to the licensee that on the effective date of termination the department of licensing will suspend the license unless proof of insurance as required by this section is filed with the department of licensing before the effective date of the termination.

(b) If an insurance company fails to give notice of coverage termination, this failure shall not have the effect of continuing the coverage.

(c) The department of licensing may sanction a license under RCW 18.235.110 if the licensee fails to maintain in full force and effect the insurance required by this section.

(7) The state of Washington shall be immune from any civil action arising from the issuance of a license under this section.

Sec. 2127. RCW 80.36.440 and 2003 c 134 s 5 are each amended to read as follows:

(1) The commission and the department may adopt any rules necessary to implement RCW 80.36.410 through 80.36.470.

(2) Rules necessary for the implementation of community service voice mail services shall be made by the commission and the department in consultation with the department of (~~community, trade, and economic development~~) commerce.

Sec. 2128. RCW 80.80.050 and 2007 c 307 s 7 are each amended to read as follows:

The energy policy division of the department of (~~community, trade, and economic development~~) commerce shall provide an opportunity for interested parties to comment on the development of a survey of new combined-cycle natural gas thermal electric generation turbines commercially available and offered for sale by manufacturers and purchased in the United States to determine the average rate of emissions of greenhouse gases for these turbines. The department of (~~community, trade, and economic development~~) commerce shall report the results of its survey to the legislature every five years, beginning June 30, 2013. The department of (~~community, trade, and economic development~~) commerce shall adopt by rule the average available greenhouse (~~gases~~) gas emissions output every five years beginning five years after July 22, 2007.

Sec. 2129. RCW 80.80.080 and 2007 c 307 s 10 are each amended to read as follows:

For the purposes of RCW 80.80.040 through 80.80.080 and 80.70.020, the department, in consultation with the department of (~~community, trade, and economic development~~) commerce energy policy division, the energy facility site evaluation council, the commission, and the governing boards of consumer-owned utilities, shall review the greenhouse (~~gases~~) gas emissions performance standard established in this chapter to determine need, applicability, and effectiveness no less than every five years following July 22, 2007, or upon implementation of a federal or state law or rule regulating carbon dioxide emissions of electric utilities, and report to the legislature.

Sec. 2130. RCW 90.56.280 and 1995 c 399 s 218 are each amended to read as follows:

It shall be the duty of any person discharging oil or hazardous substances or otherwise causing, permitting, or allowing the same to enter the waters of the state, unless the discharge or entry was expressly authorized by the department prior thereto or authorized by operation of law under RCW 90.48.200, to immediately notify the coast guard and the division of emergency management. The notice to the division of emergency management within the department of (~~community, trade, and economic development~~) commerce shall be made to

the division's twenty-four hour statewide toll-free number established for reporting emergencies.

PART 3 OTHER PROVISIONS

NEW SECTION. Sec. 3001. Section 4, chapter 137, Laws of 2015, section 1, chapter 326, Laws of 2013, and section 2, chapter 291, Laws of 2011 expire June 30, 2016.

NEW SECTION. Sec. 3002. 2011 1st sp. sess. c 35 s 3 (uncodified) is repealed.

***NEW SECTION. Sec. 3003.** *The following sections are decodified:*

- (1) *RCW 28A.300.2851 (School bullying and harassment—Work group);*
- (2) *RCW 28A.300.807 (Task force—Review of federal 2007 race and ethnicity reporting guidelines—Development of state guidelines);*
- (3) *RCW 43.10.300 (Hate crime advisory working group);*
- (4) *RCW 43.280.091 (Statewide coordinating committee on sex trafficking); and*
- (5) *RCW 44.82.010 (Joint select committee on health care oversight).*

**Sec. 3003 was vetoed. See message at end of chapter.*

Sec. 3004. RCW 9.41.280 and 2022 c 106 s 1 are each amended to read as follows:

(1) It is unlawful for a person to knowingly carry onto, or to possess on, public or private elementary or secondary school premises, school-provided transportation, areas of facilities while being used exclusively by public or private schools, or areas of facilities while being used for official meetings of a school district board of directors:

- (a) Any firearm;
- (b) Any other dangerous weapon as defined in RCW 9.41.250;
- (c) Any device commonly known as "nun-chu-ka sticks," consisting of two or more lengths of wood, metal, plastic, or similar substance connected with wire, rope, or other means;
- (d) Any device, commonly known as "throwing stars," which are multipointed, metal objects designed to embed upon impact from any aspect;
- (e) Any air gun, including any air pistol or air rifle, designed to propel a BB, pellet, or other projectile by the discharge of compressed air, carbon dioxide, or other gas; or
- (f)(i) Any portable device manufactured to function as a weapon and which is commonly known as a stun gun, including a projectile stun gun which projects wired probes that are attached to the device that emit an electrical charge designed to administer to a person or an animal an electric shock, charge, or impulse; or

(ii) Any device, object, or instrument which is used or intended to be used as a weapon with the intent to injure a person by an electric shock, charge, or impulse.

(2)(a) Any such person violating subsection (1) of this section is guilty of a misdemeanor.

(b) Second and subsequent violations of subsection (1) of this section are a gross misdemeanor.

(c) If any person is convicted of a violation of subsection (1)(a) of this section, the person shall have his or her concealed pistol license, if any revoked for a period of three years. Anyone convicted under this subsection is prohibited from applying for a concealed pistol license for a period of three years. The court shall send notice of the revocation to the department of licensing, and the city, town, or county which issued the license.

Any violation of subsection (1) of this section by elementary or secondary school students constitutes grounds for expulsion from the state's public schools in accordance with RCW 28A.600.010. An appropriate school authority shall promptly notify law enforcement and the student's parent or guardian regarding any allegation or indication of such violation.

Upon the arrest of a person at least twelve years of age and not more than twenty-one years of age for violating subsection (1)(a) of this section, the person shall be detained or confined in a juvenile or adult facility for up to seventy-two hours. The person shall not be released within the seventy-two hours until after the person has been examined and evaluated by the designated crisis responder unless the court in its discretion releases the person sooner after a determination regarding probable cause or on probation bond or bail.

Within twenty-four hours of the arrest, the arresting law enforcement agency shall refer the person to the designated crisis responder for examination and evaluation under chapter 71.05 or 71.34 RCW and inform a parent or guardian of the person of the arrest, detention, and examination. The designated crisis responder shall examine and evaluate the person subject to the provisions of chapter 71.05 or 71.34 RCW. The examination shall occur at the facility in which the person is detained or confined. If the person has been released on probation, bond, or bail, the examination shall occur wherever is appropriate.

Upon completion of any examination by the designated crisis responder, the results of the examination shall be sent to the court, and the court shall consider those results in making any determination about the person.

The designated crisis responder shall, to the extent permitted by law, notify a parent or guardian of the person that an examination and evaluation has taken place and the results of the examination. Nothing in this subsection prohibits the delivery of additional, appropriate mental health examinations to the person while the person is detained or confined.

If the designated crisis responder determines it is appropriate, the designated crisis responder may refer the person to the local behavioral health administrative services organization for follow-up services or other community providers for other services to the family and individual.

(3) Subsection (1) of this section does not apply to:

(a) Any student or employee of a private military academy when on the property of the academy;

(b) Any person engaged in military, law enforcement, or school district security activities. However, a person who is not a commissioned law enforcement officer and who provides school security services under the direction of a school administrator may not possess a device listed in subsection (1)(f) of this section unless he or she has successfully completed training in the use of such devices that is equivalent to the training received by commissioned law enforcement officers;

(c) Any person who is involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by school authorities in which the firearms of collectors or instructors are handled or displayed;

(d) Any person while the person is participating in a firearms or air gun competition approved by the school or school district;

(e) Any person in possession of a pistol who has been issued a license under RCW 9.41.070, or is exempt from the licensing requirement by RCW 9.41.060, while:

(i) Picking up or dropping off a student; or

(ii) Attending official meetings of a school district board of directors held off school district-owned or leased property;

(f) Any nonstudent at least eighteen years of age legally in possession of a firearm or dangerous weapon that is secured within an attended vehicle or concealed from view within a locked unattended vehicle while conducting legitimate business at the school;

(g) Any nonstudent at least eighteen years of age who is in lawful possession of an unloaded firearm, secured in a vehicle while conducting legitimate business at the school; or

(h) Any law enforcement officer of the federal, state, or local government agency.

(4) Subsections (1)(c) and (d) of this section do not apply to any person who possesses nun-chu-ka sticks, throwing stars, or other dangerous weapons to be used in martial arts classes authorized to be conducted on the school premises.

(5) Subsection (1)(f)(i) of this section does not apply to any person who possesses a device listed in subsection (1)(f)(i) of this section, if the device is possessed and used solely for the purpose approved by a school for use in a school authorized event, lecture, or activity conducted on the school premises.

(6) Except as provided in subsection (3)(b), (c), (f), and (h) of this section, firearms are not permitted in a public or private school building.

(7) "GUN-FREE ZONE" signs shall be posted around school facilities giving warning of the prohibition of the possession of firearms on school grounds.

(8) A school district board of directors must post signs providing notice of the restrictions on possession of firearms and other weapons under this section at facilities being used for official meetings of the school district board of directors.

Sec. 3005. RCW 9.41.284 and 2022 c 106 s 3 are each amended to read as follows:

(1) Except as provided in subsections (3) and (4) of this section, it is unlawful for a person to knowingly carry onto, or to possess in, a ballot counting center, a voting center, a student engagement hub, or the county elections and voter registration office, or areas of facilities while being used as a ballot counting center, a voting center, a student engagement hub, or the county elections and voter registration office:

(a) Any firearm;

(b) Any other dangerous weapon as described in RCW 9.41.250;

(c) Any air gun, including any air pistol or air rifle, designed to propel a BB, pellet, or other projectile by the discharge of compressed air, carbon dioxide, or other gas;

(d)(i) Any portable device manufactured to function as a weapon and which is commonly known as a stun gun, including a projectile stun gun that projects wired probes that are attached to the device that emit an electrical charge designed to administer to a person or an animal an electric shock, charge, or impulse; or

(ii) Any device, object, or instrument that is used or intended to be used as a weapon with the intent to injure a person by an electric shock, charge, or impulse; or

(e) Any spring blade knife as defined in RCW 9.41.250.

(2)(a) A person who violates subsection (1) of this section is guilty of a misdemeanor.

(b) Second and subsequent violations of this section are a gross misdemeanor.

(c) If a person is convicted of a violation of subsection (1)(a) of this section, the person shall have his or her concealed pistol license, if any, revoked for a period of three years. Anyone convicted under subsection (1)(a) of this section is prohibited from applying for a concealed pistol license for a period of three years from the date of conviction. The court shall order the person to immediately surrender any concealed pistol license, and within three business days notify the department of licensing in writing of the required revocation of any concealed pistol license held by the person. Upon receipt of the notification by the court, the department of licensing shall determine if the person has a concealed pistol license. If the person does have a concealed pistol license, the department of licensing shall immediately notify the license-issuing authority which, upon receipt of the notification, shall immediately revoke the license.

(3) Subsection (1) of this section does not apply to:

(a) Any law enforcement officer of a federal, state, or local government agency; or

(b) Any security personnel hired by a county and engaged in security specifically for a counting center, a voting center, a student engagement hub, or the county elections and voter registration office or areas of facilities used for such purposes. However, a person who is not a commissioned law enforcement officer and who provides elections and voter registration security services under the direction of a county may not possess a firearm or device listed in subsection (1)(d) of this section unless he or she has successfully completed training in the use of firearms or such devices that is equivalent to the training received by commissioned law enforcement officers.

(4) Subsection (1) of this section does not prohibit concealed carry of a pistol, by a person licensed to carry a concealed pistol pursuant to RCW 9.41.070, in any voting center, student engagement hub, county elections and voter registration office, or areas of facilities while being used as a voting center, student engagement hub, or county elections and voter registration office. However, no weapon restricted by this section, whether concealed or openly carried, may be possessed in any ballot counting center or areas of facilities while being used as a ballot counting center.

(5) Elections officers and officials must post signs providing notice of the restriction on possession of firearms and other weapons at each counting center, voting center, student engagement hub, or county elections and voter registration office, or areas of facilities while being used as a counting center, a voting

center, a student engagement hub, or the county elections and voter registration office.

(6) For the purposes of this section:

(a) "Ballot counting center" has the same meaning as "counting center" in RCW 29A.04.019;

(b) "Voting center" means a voting center as described in RCW 29A.40.160; and

(c) "Student engagement hub" means a student engagement hub as described in RCW 29A.40.180.

Sec. 3006. RCW 9.41.305 and 2022 c 106 s 2 are each amended to read as follows:

(1) Unless exempt under subsection (3) of this section, it is unlawful for any person to knowingly open carry a firearm or other weapon, as defined in RCW 9.41.300(1)(b), while knowingly being in the following locations:

(a) The west state capitol campus grounds; any buildings on the state capitol grounds; any state legislative office; or any location of a public state legislative hearing or meeting during the hearing or meeting; or

(b) City, town, county, or other municipality buildings used in connection with meetings of the governing body of the city, town, county, or other municipality, or any location of a public meeting or hearing of the governing body of a city, town, county, or other municipality during the hearing or meeting.

(2) For the purposes of this section:

(a) "Buildings on the state capitol grounds" means the following buildings located on the state capitol grounds, commonly known as Legislative, Temple of Justice, John L. O'Brien, John A. Cherberg, Irving R. Newhouse, Joel M. Pritchard, Helen Sommers, Insurance, Governor's Mansion, Visitor Information Center, Carlyon House, Ayer House, General Administration, 1500 Jefferson, James M. Dolliver, Old Capitol, Capitol Court, State Archives, Natural Resources, Office Building #2, Highway-License, Transportation, Employment Security, Child Care Center, Union Avenue, Washington Street, Professional Arts, State Farm, and Powerhouse Buildings.

(b) "Governing body" has the same meaning as in RCW 42.30.020.

(c) "West state capitol campus grounds" means areas of the campus south of Powerhouse Rd. SW, south of Union Avenue SW as extended westward to Powerhouse Rd. SW, west of Capitol Way, north of 15th Avenue SW between Capitol Way S. and Water Street SW, west of Water Street between 15th Avenue SW and 16th Avenue SW, north of 16th Avenue SW between Water Street SW and the east banks of Capitol Lake, and east of the banks of Capitol Lake.

(3) Duly authorized federal, state, or local law enforcement officers or personnel are exempt from this section when carrying a firearm or other weapon in conformance with their employing agency's policy. Members of the armed forces of the United States or the state of Washington are exempt from this section when carrying a firearm or other weapon in the discharge of official duty or traveling to or from official duty.

(4)(a) A person violating this section is guilty of a misdemeanor.

(b) Second and subsequent violations of this section are a gross misdemeanor.

(5) Nothing in this section applies to the lawful concealed carry of a firearm by a person who has a valid concealed pistol license.

(6) A city, town, county, or other municipality must post signs providing notice of the restrictions on possession of firearms and other weapons under this section at any locations specified in subsection (1)(b) of this section.

Sec. 3007. RCW 9A.44.010 and 2020 c 312 s 707 are each reenacted and amended to read as follows:

As used in this chapter:

(1) "Abuse of a supervisory position" means:

(a) To use a direct or indirect threat or promise to exercise authority to the detriment or benefit of a minor; or

(b) To exploit a significant relationship in order to obtain the consent of a minor.

(2) "Consent" means that at the time of the act of sexual intercourse or sexual contact there are actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact.

(3) "Forcible compulsion" means physical force which overcomes resistance, or a threat, express or implied, that places a person in fear of death or physical injury to herself or himself or another person, or in fear that she or he or another person will be kidnapped.

(4) "Frail elder or vulnerable adult" means a person sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself. "Frail elder or vulnerable adult" also includes a person who has been placed under a guardianship under RCW 11.130.265 or a conservatorship under RCW 11.130.360, a person over eighteen years of age who has a developmental disability under chapter 71A.10 RCW, a person admitted to a long-term care facility that is licensed or required to be licensed under chapter 18.20, 18.51, 72.36, or 70.128 RCW, and a person receiving services from a home health, hospice, or home care agency licensed or required to be licensed under chapter 70.127 RCW.

(5) "Health care provider" for purposes of RCW 9A.44.050 and 9A.44.100 means a person who is, holds himself or herself out to be, or provides services as if he or she were: (a) A member of a health care profession under chapter 18.130 RCW; or (b) registered under chapter 18.19 RCW or licensed under chapter 18.225 RCW, regardless of whether the health care provider is licensed, certified, or registered by the state.

(6) "Married" means one who is legally married to another, but does not include a person who is living separate and apart from his or her spouse and who has filed in an appropriate court for legal separation or for dissolution of his or her marriage.

(7) "Mental incapacity" is that condition existing at the time of the offense which prevents a person from understanding the nature or consequences of the act of sexual intercourse whether that condition is produced by illness, defect, the influence of a substance or from some other cause.

(8) "Person with a ~~((chemical dependency))~~ substance use disorder" for purposes of RCW 9A.44.050(1)(e) and 9A.44.100(1)(e) means a person ~~((who is "chemically dependent" as defined in RCW 70.96A.020))~~ with a "substance use disorder" as defined in RCW 71.05.020.

(9) "Person with a developmental disability," for purposes of RCW 9A.44.050(1)(c) and 9A.44.100(1)(c), means a person with a developmental disability as defined in RCW 71A.10.020.

(10) "Person with a mental disorder" for the purposes of RCW 9A.44.050(1)(e) and 9A.44.100(1)(e) means a person with a "mental disorder" as defined in RCW 71.05.020.

(11) "Person with supervisory authority," for purposes of RCW 9A.44.050(1) (c) or (e) and 9A.44.100(1) (c) or (e), means any proprietor or employee of any public or private care or treatment facility who directly supervises developmentally disabled, mentally disordered, or chemically dependent persons at the facility.

(12) "Physically helpless" means a person who is unconscious or for any other reason is physically unable to communicate unwillingness to an act.

(13) "Sexual contact" means any touching of the sexual or other intimate parts of a person done for the purpose of gratifying sexual desire of either party or a third party.

(14) "Sexual intercourse" (a) has its ordinary meaning and occurs upon any penetration, however slight, and

(b) Also means any penetration of the vagina or anus however slight, by an object, when committed on one person by another, whether such persons are of the same or opposite sex, except when such penetration is accomplished for medically recognized treatment or diagnostic purposes, and

(c) Also means any act of sexual contact between persons involving the sex organs of one person and the mouth or anus of another whether such persons are of the same or opposite sex.

(15) "Significant relationship" means a situation in which the perpetrator is:

(a) A person who undertakes the responsibility, professionally or voluntarily, to provide education, health, welfare, or organized recreational activities principally for minors;

(b) A person who in the course of his or her employment supervises minors;
or

(c) A person who provides welfare, health or residential assistance, personal care, or organized recreational activities to frail elders or vulnerable adults, including a provider, employee, temporary employee, volunteer, or independent contractor who supplies services to long-term care facilities licensed or required to be licensed under chapter 18.20, 18.51, 72.36, or 70.128 RCW, and home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW, but not including a consensual sexual partner.

(16) "Treatment" for purposes of RCW 9A.44.050 and 9A.44.100 means the active delivery of professional services by a health care provider which the health care provider holds himself or herself out to be qualified to provide.

Sec. 3008. RCW 9A.44.050 and 2021 c 142 s 1 are each amended to read as follows:

(1) A person is guilty of rape in the second degree when, under circumstances not constituting rape in the first degree, the person engages in sexual intercourse with another person:

(a) By forcible compulsion;

(b) When the victim is incapable of consent by reason of being physically helpless or mentally incapacitated;

(c) When the victim is a person with a developmental disability and the perpetrator is a person who:

(i) Has supervisory authority over the victim; or

(ii) Was providing transportation, within the course of his or her employment, to the victim at the time of the offense;

(d) When the perpetrator is a health care provider, the victim is a client or patient, and the sexual intercourse occurs during a treatment session, consultation, interview, or examination. It is an affirmative defense that the defendant must prove by a preponderance of the evidence that the client or patient consented to the sexual intercourse with the knowledge that the sexual intercourse was not for the purpose of treatment;

(e) When the victim is a resident of a facility for persons with a mental disorder or (~~chemical dependency~~) substance use disorder and the perpetrator is a person who has supervisory authority over the victim; or

(f) When the victim is a frail elder or vulnerable adult and the perpetrator is a person who:

(i) Has a significant relationship with the victim; or

(ii) Was providing transportation, within the course of his or her employment, to the victim at the time of the offense.

(2) Rape in the second degree is a class A felony.

Sec. 3009. RCW 9A.44.100 and 2021 c 142 s 10 are each amended to read as follows:

(1) A person is guilty of indecent liberties when he or she knowingly causes another person to have sexual contact with him or her or another:

(a) By forcible compulsion;

(b) When the other person is incapable of consent by reason of being mentally defective, mentally incapacitated, or physically helpless;

(c) When the victim is a person with a developmental disability and the perpetrator is a person who:

(i) Has supervisory authority over the victim; or

(ii) Was providing transportation, within the course of his or her employment, to the victim at the time of the offense;

(d) When the perpetrator is a health care provider, the victim is a client or patient, and the sexual contact occurs during a treatment session, consultation, interview, or examination. It is an affirmative defense that the defendant must prove by a preponderance of the evidence that the client or patient consented to the sexual contact with the knowledge that the sexual contact was not for the purpose of treatment;

(e) When the victim is a resident of a facility for persons with a mental disorder or (~~chemical dependency~~) substance use disorder and the perpetrator is a person who has supervisory authority over the victim; or

(f) When the victim is a frail elder or vulnerable adult and the perpetrator is a person who:

(i) Has a significant relationship with the victim; or

(ii) Was providing transportation, within the course of his or her employment, to the victim at the time of the offense.

(2)(a) Except as provided in (b) of this subsection, indecent liberties is a class B felony.

(b) Indecent liberties by forcible compulsion is a class A felony.

Sec. 3010. RCW 9.94A.838 and 2006 c 122 s 3 are each amended to read as follows:

(1) In a prosecution for rape in the first degree, rape in the second degree with forcible compulsion, indecent liberties with forcible compulsion, or kidnapping in the first degree with sexual motivation, the prosecuting attorney shall file a special allegation that the victim of the offense was, at the time of the offense, ~~((developmentally disabled, mentally disordered,))~~ a person with a developmental disability or a mental disorder or a frail elder or vulnerable adult, whenever sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify a finding by a reasonable and objective fact finder that the victim was, at the time of the offense, ~~((developmentally disabled, mentally disordered,))~~ a person with a developmental disability or a mental disorder or a frail elder or vulnerable adult, unless the prosecuting attorney determines, after consulting with a victim, that filing a special allegation under this section is likely to interfere with the ability to obtain a conviction.

(2) Once a special allegation has been made under this section, the state has the burden to prove beyond a reasonable doubt that the victim was, at the time of the offense, ~~((developmentally disabled, mentally disordered,))~~ a person with a developmental disability or a mental disorder or a frail elder or vulnerable adult. If a jury is had, the jury shall, if it finds the defendant guilty, also find a special verdict as to whether the victim was, at the time of the offense, ~~((developmentally disabled, mentally disordered,))~~ a person with a developmental disability or a mental disorder or a frail elder or vulnerable adult. If no jury is had, the court shall make a finding of fact as to whether the victim was, at the time of the offense, ~~((developmentally disabled, mentally disordered,))~~ a person with a developmental disability or a mental disorder or a frail elder or vulnerable adult.

(3) The prosecuting attorney shall not withdraw a special allegation filed under this section without the approval of the court through an order of dismissal of the allegation. The court may not dismiss the special allegation unless it finds that the order is necessary to correct an error in the initial charging decision or that there are evidentiary problems that make proving the special allegation doubtful.

(4) For purposes of this section, ~~(("developmentally disabled," "mentally disordered,")~~ "person with a developmental disability," "person with a mental disorder," and "frail elder or vulnerable adult" have the same meaning as in RCW 9A.44.010.

Sec. 3011. RCW 9A.44.128 and 2015 c 261 s 2 are each amended to read as follows:

For the purposes of RCW 9A.44.130 through 9A.44.145, 10.01.200, 43.43.540, 70.48.470, and 72.09.330, the following definitions apply:

(1) "Business day" means any day other than Saturday, Sunday, or a legal local, state, or federal holiday.

(2) "Conviction" means any adult conviction or juvenile adjudication for a sex offense or kidnapping offense.

(3) "Disqualifying offense" means a conviction for: Any offense that is a felony; a sex offense as defined in this section; a crime against children or persons as defined in RCW 43.43.830(7) and 9.94A.411(2)(a); an offense with a domestic violence designation as provided in RCW 10.99.020; permitting the

commercial sexual abuse of a minor as defined in RCW 9.68A.103; or any violation of chapter 9A.88 RCW.

(4) "Employed" or "carries on a vocation" means employment that is full time or part time for a period of time exceeding fourteen days, or for an aggregate period of time exceeding thirty days during any calendar year. A person is employed or carries on a vocation whether the person's employment is financially compensated, volunteered, or for the purpose of government or educational benefit.

(5) "Fixed residence" means a building that a person lawfully and habitually uses as living quarters a majority of the week. Uses as living quarters means to conduct activities consistent with the common understanding of residing, such as sleeping; eating; keeping personal belongings; receiving mail; and paying utilities, rent, or mortgage. A nonpermanent structure including, but not limited to, a motor home, travel trailer, camper, or boat may qualify as a residence provided it is lawfully and habitually used as living quarters a majority of the week, primarily kept at one location with a physical address, and the location it is kept at is either owned or rented by the person or used by the person with the permission of the owner or renter. A shelter program may qualify as a residence provided it is a shelter program designed to provide temporary living accommodations for the homeless, provides an offender with a personally assigned living space, and the offender is permitted to store belongings in the living space.

(6) "In the community" means residing outside of confinement or incarceration for a disqualifying offense.

(7) "Institution of higher education" means any public or private institution dedicated to postsecondary education, including any college, university, community college, trade, or professional school.

(8) "Kidnapping offense" means:

(a) The crimes of kidnapping in the first degree, kidnapping in the second degree, and unlawful imprisonment, as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent;

(b) Any offense that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a kidnapping offense under this subsection;

(c) Any federal or out-of-state conviction for: An offense for which the person would be required to register as a kidnapping offender if residing in the state of conviction; or, if not required to register in the state of conviction, an offense that under the laws of this state would be classified as a kidnapping offense under this subsection; and

(d) Any tribal conviction for an offense for which the person would be required to register as a kidnapping offender while residing in the reservation of conviction; or, if not required to register in the reservation of conviction, an offense that under the laws of this state would be classified as a kidnapping offense under this subsection.

(9) "Lacks a fixed residence" means the person does not have a living situation that meets the definition of a fixed residence and includes, but is not limited to, a shelter program designed to provide temporary living accommodations for the homeless, an outdoor sleeping location, or locations where the person does not have permission to stay.

(10) "Sex offense" means:

- (a) Any offense defined as a sex offense by RCW 9.94A.030;
- (b) Any violation under RCW 9A.44.096 (sexual misconduct with a minor in the second degree);
- (c) Any violation under RCW 9A.40.100(1)(b)(ii) (trafficking);
- (d) Any violation under RCW 9.68A.090 (communication with a minor for immoral purposes);

(e) A violation under RCW 9A.88.070 (promoting prostitution in the first degree) or RCW 9A.88.080 (promoting prostitution in the second degree) if the person has a prior conviction for one of these offenses;

(f) Any violation under RCW 9A.40.100(1)(a)(i)(A) (III) or (IV) or (a)(i)(B);

(g) Any gross misdemeanor that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030 or this subsection;

(h) Any out-of-state conviction for an offense for which the person would be required to register as a sex offender while residing in the state of conviction; or, if not required to register in the state of conviction, an offense that under the laws of this state would be classified as a sex offense under this subsection;

(i) Any federal conviction classified as a sex offense under 34 U.S.C. Sec. 20911 or, prior to September 1, 2017, 42 U.S.C. Sec. 16911 (SORNA);

(j) Any military conviction for a sex offense. This includes sex offenses under the uniform code of military justice, as specified by the United States secretary of defense;

(k) Any conviction in a foreign country for a sex offense if it was obtained with sufficient safeguards for fundamental fairness and due process for the accused under guidelines or regulations established pursuant to 42 U.S.C. Sec. 16912;

(l) Any tribal conviction for an offense for which the person would be required to register as a sex offender while residing in the reservation of conviction; or, if not required to register in the reservation of conviction, an offense that under the laws of this state would be classified as a sex offense under this subsection.

(11) "School" means a public or private school regulated under Title 28A RCW or chapter 72.40 RCW.

(12) "Student" means a person who is enrolled, on a full-time or part-time basis, in any school or institution of higher education.

**Sec. 3012. RCW 9A.72.160 and 1985 c 327 s 1 are each amended to read as follows:*

(1) A person is guilty of intimidating a judge if a person directs a threat to a judge because of a ruling or decision of the judge in any official proceeding, or if by use of a threat directed to a judge, a person attempts to influence a ruling or decision of the judge in any official proceeding.

(2) "Threat" as used in this section means:

(a) To communicate, directly or indirectly, the intent immediately to use force against any person who is present at the time; or

(b) Threats as defined in RCW 9A.04.110(~~(+25))~~ (28).

(3) Intimidating a judge is a class B felony.

**Sec. 3012 was vetoed. See message at end of chapter.*

Sec. 3013. RCW 10.31.115 and 2021 c 311 s 13 are each amended to read as follows:

(1) For all individuals who otherwise would be subject to arrest for possession of a counterfeit substance under RCW 69.50.4011, possession of a controlled substance under RCW 69.50.4013, possession of 40 grams or less of (~~(marijuana)~~) cannabis under RCW 69.50.4014, or possession of a legend drug under RCW 69.41.030(2)(b), in lieu of jail booking and referral to the prosecutor, law enforcement shall offer a referral to assessment and services available pursuant to RCW 10.31.110 or other program or entity responsible for receiving referrals in lieu of legal system involvement, which may include the recovery navigator program established under RCW 71.24.115.

(2) If law enforcement agency records reflect that an individual has been diverted to referral for assessment and services twice or more previously, officers may, but are not required to, make additional diversion efforts.

(3) Nothing in this section precludes prosecutors from diverting or declining to file any charges for possession offenses that are referred under RCW 69.50.4011, 69.50.4013, 69.50.4014, or 69.41.030(2)(b) in the exercise of their discretion.

Sec. 3014. RCW 43.20A.715 and 2021 c 219 s 1 are each amended to read as follows:

(1) Where the department is required to screen a long-term care worker, contracted provider, or licensee through a background check to determine whether the person has a history that would disqualify the person from having unsupervised access to, working with, or providing supervision, care, or treatment to vulnerable adults or children, the department may not automatically disqualify a person on the basis of a criminal record that includes a conviction of any of the following crimes once the specified amount of time has passed for the particular crime:

(a) Selling (~~(marijuana)~~) cannabis to a person under RCW 69.50.401 after three years or more have passed between the most recent conviction and the date the background check is processed;

(b) Theft in the first degree under RCW 9A.56.030 after 10 years or more have passed between the most recent conviction and the date the background check is processed;

(c) Robbery in the second degree under RCW 9A.56.210 after five years or more have passed between the most recent conviction and the date the background check is processed;

(d) Extortion in the second degree under RCW 9A.56.130 after five years or more have passed between the most recent conviction and the date the background check is processed;

(e) Assault in the second degree under RCW 9A.36.021 after five years or more have passed between the most recent conviction and the date the background check is processed; and

(f) Assault in the third degree under RCW 9A.36.031 after five years or more have passed between the most recent conviction and the date the background check is processed.

(2) The provisions of subsection (1) of this section do not apply where the department is performing background checks for the department of children, youth, and families.

(3) The provisions of subsection (1) of this section do not apply to department employees or applicants for department positions except for positions in the state-operated community residential program.

(4) Notwithstanding subsection (1) of this section, a long-term care worker, contracted provider, or licensee may not provide, or be paid to provide, care to children or vulnerable adults under the medicare or medicaid programs if the worker is excluded from participating in those programs by federal law.

(5) The department, a contracted provider, or a licensee, when conducting a character, competence, and suitability review for the purpose of hiring, licensing, certifying, contracting with, permitting, or continuing to permit a person to be employed in any position caring for or having unsupervised access to vulnerable adults or children, may, in its sole discretion, determine whether to consider any of the convictions identified in subsection (1) of this section. If the department or a consumer directed employer as defined in RCW 74.39A.009 determines that an individual with any of the convictions identified in subsection (1) of this section is qualified to provide services to a department client as an individual provider as defined in RCW 74.39A.240, the department or the consumer directed employer must provide the client, and their guardian if any, with the results of the state background check for their determination of character, suitability, and competence of the individual before the individual begins providing services. The department, a contracted provider, or a licensee, when conducting a character, competence, and suitability review for the purpose of hiring, licensing, certifying, contracting with, permitting, or continuing to permit a person to be employed in any position caring for or having unsupervised access to vulnerable adults or children, has a rebuttable presumption that its exercise of discretion under this section or the refusal to exercise such discretion was appropriate. This subsection does not create a duty for the department to conduct a character, competence, and suitability review.

(6) For the purposes of the section:

(a) "Contracted provider" means a provider, and its employees, contracted with the department or an area agency on aging to provide services to department clients under programs under chapter 74.09, 74.39, 74.39A, or 71A.12 RCW. "Contracted provider" includes area agencies on aging and their subcontractors who provide case management.

(b) "Licensee" means a nonstate facility or setting that is licensed or certified, or has applied to be licensed or certified, by the department and includes the licensee and its employees.

Sec. 3015. RCW 82.04.758 and 2022 c 119 s 1 are each amended to read as follows:

(1) This chapter does not apply to any:

(a) Person performing custom farming services for a farmer, when the person performing the custom farming services is: (i) An eligible farmer; or (ii) at least 50 percent owned by an eligible farmer; or

(b) Person performing farm management services, contract labor services, services provided with respect to animals that are agricultural products, or any combination of these services, for a farmer or for a person performing custom farming services, when the person performing the farm management services, contract labor services, services with respect to animals, or any combination of

these services, and the farmer or person performing custom farming services are related.

(2) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a)(i) "Custom farming services" means the performance of specific farming operations through the use of any farm machinery or equipment, farm implement, or draft animal, together with an operator, when: (A) The specific farming operation consists of activities directly related to the growing, raising, or producing of any agricultural product to be sold or consumed by a farmer; and (B) the performance of the specific farming operation is for, and under a contract with, or the direction or supervision of, a farmer. "Custom farming services" does not include the custom application of fertilizers, chemicals, or biologicals, or any services related to the growing, raising, or producing of (~~marijuana~~) cannabis.

(ii) For the purposes of this subsection (2)(a), "specific farming operation" includes specific planting, cultivating, or harvesting activities, or similar specific farming operations. The term does not include veterinary services as defined in RCW 18.92.010; farrier, boarding, training, or appraisal services; artificial insemination or stud services, or agricultural consulting services; packing or processing of agricultural products; or pumping or other waste disposal services.

(b) "Eligible farmer" means a person who is eligible for an exemption certificate under RCW 82.08.855 at the time that the custom farming services are rendered, regardless of whether the person has applied for an exemption certificate under RCW 82.08.855.

(c) "Farm management services" means the consultative decisions made for the operations of the farm including, but not limited to, determining which crops to plant, the choice and timing of application of fertilizers and chemicals, the horticultural practices to apply, the marketing of crops and livestock, and the care and feeding of animals. "Farm management services" does not include any services related to the growing, raising, or producing of (~~marijuana~~) cannabis.

(d) "Related" means having any of the relationships specifically described in section 267(b) (1), (2), and (4) through (13) of the internal revenue code, as amended or renumbered as of January 1, 2007.

Sec. 3016. RCW 43.41.425 and 2022 c 248 s 3 are each amended to read as follows:

(1) The office shall:

(a) Develop a program for state agencies to certify employment for the purposes of the public service loan forgiveness program by July 1, 2023.

(b) Assist the student loan advocate in creating and distributing materials designed to increase awareness of the public service loan forgiveness program set forth in (~~section 1 of this act~~) RCW 28B.77.009.

(c) Collaborate with the student achievement council, the employment security department, the department of retirement systems, nonprofit entities, local government representatives, and other public service employers in developing a statewide initiative to improve access and remove barriers to the public service loan forgiveness program for all public service employees. The program established for state agencies in this section and the certification process in RCW 41.04.045 may be considered in the development of the initiative. A plan for a statewide initiative must be developed and submitted to

the higher education committees of the legislature by December 1, 2024, in compliance with RCW 43.01.036.

(2) For purposes of this section, the definitions in this subsection apply:

(a) "Certifying employment" means either completing the employer sections of the public service loan forgiveness form or sharing data directly with the United States department of education that corresponds to the information required for the public service loan forgiveness form, as allowed by the United States department of education.

(b) "Public service employer" includes the following:

(i) Any governmental entity including state, county, city, or other local government entity including political subdivisions, such as office, department, independent agency, school district, public college or university system, public library system, authority, or other body including the legislature and the judiciary;

(ii) Any employer that has received designation as a tax-exempt organization pursuant to Title 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code of 1986, as amended;

(iii) Any other entities identified as a public service job in Title 20 U.S.C. Sec. 1087e(m).

(c) "Public service loan forgiveness program" means the federal loan forgiveness program established pursuant to Title 20 U.S.C. Sec. 1087e(m) and 34 C.F.R. Sec. 685.219.

(d) "State agency" or "agency" means departments, offices, agencies, or institutions of state government, the legislature, institutions of higher education, school districts, and educational service districts.

Sec. 3017. RCW 64.38.110 and 2021 c 227 s 11 are each amended to read as follows:

(1) Notwithstanding any inconsistent provision in the governing documents, notice to the association of ((~~apartment~~)) lot owners, board, or any ((~~apartment~~)) lot owner or occupant of ((~~an apartment~~)) a lot under this chapter shall be in writing and shall be provided to the recipient by personal delivery, public or private mail or delivery service, or by electronic transmission as provided in this section: PROVIDED, That if this chapter requires different or additional notice requirements for particular circumstances, those requirements shall apply.

(2) Notice in a tangible medium shall be provided as follows:

(a) Notice to the association or board shall be addressed to the association's registered agent at its registered office, to the association at its principal office shown in its most recent annual report, or to an address provided by the association to the ((~~apartment~~)) lot owners.

(b) Notice to a lot owner or occupant shall be addressed to the lot address unless the owner has requested, in a writing delivered to the association, that notices be sent to an alternate address.

(3) Notice in an electronic transmission shall be provided as follows:

(a) Notice to the association, the board, or lot owners by electronic transmission is effective only upon those who have consented, in writing, to receive electronically transmitted notices under this chapter and have designated the address, location, or system to which such notices may be electronically transmitted, provided that such notice otherwise complies with any other requirements of this chapter and applicable law.

(b) Notice under this subsection includes any materials that accompany the notice.

(c) Owners who have consented to receipt of electronically transmitted notices may revoke this consent by delivering a revocation to the association in writing.

(d) The consent of any lot owner is revoked if the association is unable to electronically transmit two consecutive notices and this inability becomes known to the secretary of the association of ((~~apartment~~)) lot owners or any other person responsible for giving the notice. The inadvertent failure by the association of ((~~apartment~~)) lot owners to treat this inability as a revocation does not invalidate any meeting or other action.

(e) Notice to lot owners who have consented to receipt of electronically transmitted notices may be provided by posting the notice on an electronic network and delivering to the owner separate notice of the posting, together with comprehensible instructions regarding how to obtain access to the posting on the electronic network.

(4) Notice is effective as follows:

(a) Notice provided in a tangible medium is effective as of the date of hand delivery, deposit with the carrier, or when sent by fax.

(b) Notice provided in an electronic transmission is effective as of the date it:

(i) Is electronically transmitted to an address, location, or system designated by the recipient for that purpose; or

(ii) Has been posted on an electronic network and separate notice of the posting has been sent to the recipient containing instructions regarding how to obtain access to the posting on the electronic network.

(5) The ineffectiveness of a good faith effort to deliver notice by an authorized means does not invalidate action taken at or without a meeting.

(6) This chapter modifies, limits, and supersedes the federal electronic signatures in global and national commerce act, 15 U.S.C. Sec. 7001 et seq., but does not modify, limit, or supersede 15 U.S.C. Sec. 7001(c) or authorize electronic delivery of any of the notices described in 15 U.S.C. Sec. 7003(b).

Sec. 3018. RCW 72.01.412 and 2021 c 206 s 2 are each amended to read as follows:

(1) A person in the custody of the department of children, youth, and families under RCW 72.01.410 is eligible for community transition services under the authority and supervision of the department of children, youth, and families:

(a) After the person's 25th birthday:

(i) If the person's earned release date is after the person's 25th birthday but on or before the person's 26th birthday; and

(ii) The department of children, youth, and families determines that placement in community transition services is in the best interests of the person and the community; or

(b) After 60 percent of their term of confinement has been served, and no less than 15 weeks of total confinement served including time spent in detention prior to sentencing or the entry of a dispositional order if:

(i) The person has an earned release date that is before their 26th birthday; and

(ii) The department of children, youth, and families determines that such placement and retention by the department of children, youth, and families is in the best interests of the person and the community.

(2) "Term of confinement" as used in subsection (~~((1)(a)-(1)(b)))~~ (1)(b) of this section means the term of confinement ordered, reduced by the total amount of earned time eligible for the offense.

(3) The department's determination under subsection (1)(a)(ii) and (b)(ii) of this section must include consideration of the person's behavior while in confinement and any disciplinary considerations.

(4) The department of children, youth, and families retains the authority to transfer the person to the custody of the department of corrections under RCW 72.01.410.

(5) A person may only be placed in community transition services under this section for the remaining 18 months of their term of confinement.

(6) A person placed in community transition services under this section must have access to appropriate treatment and programming as determined by the department of children, youth, and families, including but not limited to:

- (a) Behavioral health treatment;
- (b) Independent living;
- (c) Employment;
- (d) Education;
- (e) Connections to family and natural supports; and
- (f) Community connections.

(7) If the person has a sentence that includes a term of community custody, this term of community custody must begin after the current term of confinement has ended.

(8) If a person placed on community transition services under this section commits a violation requiring the return of the person to total confinement after the person's 25th birthday, the person must be transferred to the custody and supervision of the department of corrections for the remainder of the sentence.

(9) The following persons are not eligible for community transition services under this section:

- (a) Persons with pending charges or warrants;
- (b) Persons who will be transferred to the department of corrections, who are in the custody of the department of corrections, or who are under the supervision of the department of corrections;
- (c) Persons who were adjudicated or convicted of the crime of murder in the first or second degree;
- (d) Persons who meet the definition of a "persistent offender" as defined under RCW 9.94A.030;
- (e) Level III sex offenders; and
- (f) Persons requiring out-of-state placement.

(10) As used in this section, "community transition services" means a therapeutic and supportive community-based custody option in which:

- (a) A person serves a portion of his or her term of confinement residing in the community, outside of the department of children, youth, and families institutions and community facilities;

(b) The department of children, youth, and families supervises the person in part through the use of technology that is capable of determining or identifying the monitored person's presence or absence at a particular location;

(c) The department of children, youth, and families provides access to developmentally appropriate, trauma-informed, racial equity-based, and culturally relevant programs to promote successful reentry; and

(d) The department of children, youth, and families prioritizes the delivery of available programming from individuals who share characteristics with the individual being served related to: Race; ethnicity; sexual identity; and gender identity.

NEW SECTION. Sec. 3019. Section 3018 of this act takes effect when section 2, chapter 206, Laws of 2021 takes effect.

***Sec. 3020. RCW 88.02.620 and 2021 c 150 s 1 are each amended to read as follows:**

(1) A vessel owner who is a nonresident person must obtain a nonresident vessel permit on or before the sixty-first day of use in Washington state if the vessel:

(a) Is currently registered or numbered under the laws of the state or (~~county~~ ~~country~~) country of principal operation, has been issued a valid number under federal law, or has a valid United States customs service cruising license issued under 19 C.F.R. Sec. 4.94; and

(b) Has been brought into Washington state for not more than six months in any continuous twelve-month period, and is used:

(i) For personal use; or

(ii) For the purposes of chartering a vessel with a captain or crew, as long as individual charters are for at least three or more consecutive days in duration. The permit also applies for the purposes of necessary transit to or from the start or end point of such a charter, but that transit time is not counted toward the duration of the charter.

(2) In addition to the requirements in subsection (1) of this section, a nonresident vessel owner that is not a natural person, or a nonresident vessel owner who is a natural person who intends to charter the vessel with a captain or crew as provided in subsection (1)(b)(ii) of this section, may only obtain a nonresident vessel permit if:

(a) The vessel is at least thirty feet in length, but no more than two hundred feet in length;

(b) No Washington state resident owns the vessel or is a principal, as defined in RCW 82.32.865, of the nonresident person which owns the vessel; and

(c) The department of revenue has provided the nonresident vessel owner written approval authorizing the permit as provided in RCW 82.32.865.

(3) A nonresident vessel permit:

(a) May be obtained from the department, county auditor or other agent, or subagent appointed by the director;

(b) Must show the date the vessel first came into Washington state; and

(c) Is valid for two months.

(4) The department, county auditor or other agent, or subagent appointed by the director must collect the fee required in RCW 88.02.640(1)(i) when issuing nonresident vessel permits.

(5) A nonresident vessel permit is not required under this section if the vessel is used in conducting temporary business activity within Washington state.

(6) For any permits issued under this section to a nonresident vessel owner that is not a natural person, or for any permits issued to a natural person who intends to charter the vessel with a captain or crew as provided in subsection (1)(b)(ii) of this section, the department must maintain a record of the following information and provide it to the department of revenue quarterly or as otherwise mutually agreed to by the department and department of revenue:

(a) The name of the record owner of the vessel;

(b) The vessel's hull identification number;

(c) The amount of the fee paid under RCW 88.02.640(5);

(d) The date the vessel first entered the waters of this state;

(e) The expiration date for the permit; and

(f) Any other information mutually agreed to by the department and department of revenue.

(7) The department must adopt rules to implement this section, including rules on issuing and displaying the nonresident vessel permit.

**Sec. 3020 was vetoed. See message at end of chapter.*

NEW SECTION. Sec. 3021. Section 3020 of this act expires January 1, 2029.

Sec. 3022. RCW 28A.705.010 and 2009 c 380 s 1 are each amended to read as follows:

ARTICLE I PURPOSE

It is the purpose of this compact to remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents by:

A. Facilitating the timely enrollment of children of military families and ensuring that they are not placed at a disadvantage due to difficulty in the transfer of education records from the previous school districts or variations in entrance and age requirements;

B. Facilitating the student placement process through which children of military families are not disadvantaged by variations in attendance requirements, scheduling, sequencing, grading, course content, or assessment;

C. Facilitating the qualification and eligibility for enrollment, educational programs, and participation in extracurricular academic, athletic, and social activities;

D. Facilitating the on-time graduation of children of military families;

E. Providing for the promulgation and enforcement of administrative rules implementing the provisions of this compact;

F. Providing for the uniform collection and sharing of information between and among member states, schools, and military families under this compact;

G. Promoting coordination between this compact and other compacts affecting military children; and

H. Promoting flexibility and cooperation between the educational system, parents, and the student in order to achieve educational success for the student.

ARTICLE II DEFINITIONS

As used in this compact, unless the context clearly requires a different construction:

A. "Active duty" means full-time duty status in the active uniformed service of the United States, including members of the national guard and reserve on active duty orders pursuant to 10 U.S.C. ((Sees-)) Chapters 1209 and 1211.

B. "Children of military families" means school-aged children, enrolled in kindergarten through twelfth grade, in the household of an active duty member.

C. "Compact commissioner" means the voting representative of each compacting state appointed pursuant to Article VIII of this compact.

D. "Deployment" means the period one month prior to the service members' departure from their home station on military orders through six months after return to their home station.

E. "Education records" or "educational records" means those official records, files, and data directly related to a student and maintained by the school or local education agency, including but not limited to, records encompassing all the material kept in the student's cumulative folder such as general identifying data, records of attendance and of academic work completed, records of achievement and results of evaluative tests, health data, disciplinary status, test protocols, and individualized education programs.

F. "Extracurricular activities" means a voluntary activity sponsored by the school or local education agency or an organization sanctioned by the local education agency. Extracurricular activities include, but are not limited to, preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays, and club activities.

G. "Interstate commission on educational opportunity for military children" means the commission that is created under Article IX of this compact, which is generally referred to as the interstate commission.

H. "Local education agency" means a public authority legally constituted by the state as an administrative agency to provide control of and direction for kindergarten through twelfth grade public educational institutions.

I. "Member state" means a state that has enacted this compact.

J. "Military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the United States department of defense, including any leased facility, which is located within any of the several states, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other U.S. territory. Such term does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

K. "Nonmember state" means a state that has not enacted this compact.

L. "Receiving state" means the state to which a child of a military family is sent, brought, or caused to be sent or brought.

M. "Rule" means a written statement by the interstate commission promulgated pursuant to Article XII of this compact that is of general applicability, implements, interprets, or prescribes a policy or provision of the compact, or an organizational, procedural, or practice requirement of the interstate commission, and has the force and effect of statutory law in a member state, and includes the amendment, repeal, or suspension of an existing rule.

N. "Sending state" means the state from which a child of a military family is sent, brought, or caused to be sent or brought.

O. "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other U.S. territory.

P. "Student" means the child of a military family for whom the local education agency receives public funding and who is formally enrolled in kindergarten through twelfth grade.

Q. "Transition" means: (1) The formal and physical process of transferring from school to school; or (2) the period of time in which a student moves from one school in the sending state to another school in the receiving state.

R. "Uniformed services" means the army, navy, air force, marine corps, and coast guard, as well as the commissioned corps of the national oceanic and atmospheric administration, and public health services.

S. "Veteran" means a person who served in the uniformed services and who was discharged or released therefrom under conditions other than dishonorable.

ARTICLE III APPLICABILITY

A. Except as otherwise provided in section B of this article, this compact shall apply to the children of:

1. Active duty members of the uniformed services as defined in this compact, including members of the national guard and reserve on active duty orders pursuant to 10 U.S.C. ((Sees.)) Chapters 1209 and 1211;

2. Members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one year after medical discharge or retirement; and

3. Members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one year after death.

B. The provisions of this interstate compact shall only apply to local education agencies as defined in this compact.

C. The provisions of this compact shall not apply to the children of:

1. Inactive members of the national guard and military reserves;

2. Members of the uniformed services now retired, except as provided in section A of this article;

3. Veterans of the uniformed services, except as provided in section A of this article; and

4. Other U.S. department of defense personnel and other federal agency civilian and contract employees not defined as active duty members of the uniformed services.

ARTICLE IV
EDUCATIONAL RECORDS AND ENROLLMENT

A. Unofficial or "hand-carried" education records - In the event that official education records cannot be released to the parents for the purpose of transfer, the custodian of the records in the sending state shall prepare and furnish to the parent a complete set of unofficial educational records containing uniform information as determined by the interstate commission. Upon receipt of the unofficial education records by a school in the receiving state, the school shall enroll and appropriately place the student based on the information provided in the unofficial records pending validation by the official records, as quickly as possible.

B. Official education records and transcripts -Simultaneous with the enrollment and conditional placement of the student, the school in the receiving state shall request the student's official education record from the school in the sending state. Upon receipt of this request, the school in the sending state will process and furnish the official education records to the school in the receiving state within ten days or within such time as is reasonably determined under the rules promulgated by the interstate commission. However, if the student has an unpaid fine at a public school or unpaid tuition, fees, or fines at a private school, then the sending school shall send the information requested but may withhold the official transcript until the monetary obligation is met.

C. Immunizations - On or before the first day of attendance, the parent or guardian must meet the immunization documentation requirements of the Washington board of health. Compacting states shall give thirty days from the date of enrollment or within such time as is reasonably determined under the rules promulgated by the interstate commission, for students to obtain any immunizations required by the receiving state. For a series of immunizations, initial vaccinations must be obtained within thirty days or within such time as is reasonably determined under the rules promulgated by the interstate commission.

D. Kindergarten and first grade entrance age - Students shall be allowed to continue their enrollment at grade level in the receiving state commensurate with their grade level (including kindergarten) from a local education agency in the sending state at the time of transition, regardless of age. A student who has satisfactorily completed the prerequisite grade level in the local education agency in the sending state shall be eligible for enrollment in the next highest grade level in the receiving state, regardless of age. A student transferring after the start of the school year in the receiving state shall enter the school in the receiving state on his or her validated level from an accredited school in the sending state.

ARTICLE V
PLACEMENT AND ATTENDANCE

A. Course placement - When the student transfers before or during the school year, the receiving state school shall initially honor placement of the student in educational courses based on the student's enrollment in the sending state school and/or educational assessments conducted at the school in the sending state if the courses are offered and if space is available, as determined by

the school district. Course placement includes but is not limited to honors, international baccalaureate, advanced placement, vocational, technical, and career pathways courses. Continuing the student's academic program from the previous school and promoting placement in academically and career challenging courses should be paramount when considering placement. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement and continued enrollment of the student in the courses.

B. Educational program placement - The receiving state school shall initially honor placement of the student in educational programs based on current educational assessments conducted at the school in the sending state or participation and placement in like programs in the sending state and if space is available, as determined by the school district. Such programs include, but are not limited to: (1) Gifted and talented programs; and (2) English as a second language (ESL). This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

C. Special education services - (1) In compliance with the federal requirements of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. Sec. 1400 et seq., the receiving state shall initially provide comparable services to a student with disabilities based on his or her current Individualized Education Program (IEP); and (2) in compliance with the requirements of section 504 of the rehabilitation act, 29 U.S.C. Sec. 794, and with Title II of the Americans with disabilities act, 42 U.S.C. Secs. 12131-12165, the receiving state shall make reasonable accommodations and modifications to address the needs of incoming students with disabilities, subject to an existing 504 or Title II plan, to provide the student with equal access to education. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

D. Placement flexibility - Local education agency administrative officials shall have flexibility in waiving course and program prerequisites, or other preconditions for placement in courses and programs offered under the jurisdiction of the local education agency.

E. Absence as related to deployment activities - A student whose parent or legal guardian is an active duty member of the uniformed services, as defined by this compact, and has been called to duty for, is on leave from, or immediately returned from deployment to a combat zone or combat support posting, shall be granted additional excused absences at the discretion of the local education agency superintendent to visit with his or her parent or legal guardian relative to such leave or deployment of the parent or guardian.

ARTICLE VI ELIGIBILITY

A. Eligibility for enrollment

1. Special power of attorney, relative to the guardianship of a child of a military family and executed under applicable law shall be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent.

2. A local education agency shall be prohibited from charging local tuition to a transitioning military child placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent.

3. A transitioning military child, placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent, may continue to attend the school in which he or she was enrolled while residing with the custodial parent.

B. Eligibility for extracurricular participation - Under RCW 28A.225.280, the Washington interscholastic activities association and local education agencies shall facilitate the opportunity for transitioning military children's inclusion in extracurricular activities, regardless of application deadlines, to the extent they are otherwise qualified and space is available, as determined by the school district.

ARTICLE VII GRADUATION

In order to facilitate the on-time graduation of children of military families, states and local education agencies shall incorporate the following procedures:

A. Waiver requirements - Local education agency administrative officials shall waive specific courses required for graduation if similar coursework has been satisfactorily completed in another local education agency or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school, the local education agency shall use best efforts to provide an alternative means of acquiring required coursework so that graduation may occur on time.

B. Exit exams - For students entering high school in eleventh or twelfth grade, states shall accept: (1) Exit or end-of-course exams required for graduation from the sending state; or (2) national norm-referenced achievement tests; or (3) alternative testing, in lieu of testing requirements for graduation in the receiving state. In the event the above alternatives cannot be accommodated by the receiving state for a student transferring in his or her senior year, then the provisions of section C of this article shall apply.

C. Transfers during senior year - Should a military student transferring at the beginning or during his or her senior year be ineligible to graduate from the receiving local education agency after all alternatives have been considered, the sending and receiving local education agencies shall ensure the receipt of a diploma from the sending local education agency, if the student meets the graduation requirements of the sending local education agency. In the event that one of the states in question is not a member of this compact, the member state shall use best efforts to facilitate the on-time graduation of the student in accordance with sections A and B of this article.

ARTICLE VIII STATE COORDINATION

A. Each member state shall, through the creation of a state council or use of an existing body or board, provide for the coordination among its agencies of government, local education agencies, and military installations concerning the

state's participation in, and compliance with, this compact and interstate commission activities. While each member state may determine the membership of its own state council, its membership must include at least: The state superintendent of public instruction, a superintendent of a school district with a high concentration of military children, a representative from a military installation, one representative each from the legislative and executive branches of government, and other offices and stakeholder groups the state council deems appropriate. A member state that does not have a school district deemed to contain a high concentration of military children may appoint a superintendent from another school district to represent local education agencies on the state council.

B. The state council of each member state shall appoint or designate a military family education liaison to assist military families and the state in facilitating the implementation of this compact.

C. The compact commissioner responsible for the administration and management of the state's participation in the compact shall be appointed by the governor or as otherwise determined by each member state. The governor is strongly encouraged to appoint a practicing K-12 educator as the compact commissioner.

D. The compact commissioner and the military family education liaison designated herein shall be ex officio members of the state council, unless either is already a full voting member of the state council.

ARTICLE IX INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

The member states hereby create the "interstate commission on educational opportunity for military children." The activities of the interstate commission are the formation of public policy and are a discretionary state function. The interstate commission shall:

A. Be a body corporate and joint agency of the member states and shall have all the responsibilities, powers, and duties set forth herein, and such additional powers as may be conferred upon it by a subsequent concurrent action of the respective legislatures of the member states in accordance with the terms of this compact;

B. Consist of one interstate commission voting representative from each member state who shall be that state's compact commissioner.

1. Each member state represented at a meeting of the interstate commission is entitled to one vote.

2. A majority of the total member states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the interstate commission.

3. A representative shall not delegate a vote to another member state. In the event the compact commissioner is unable to attend a meeting of the interstate commission, the governor or state council may delegate voting authority to another person from their state for a specified meeting.

4. The bylaws may provide for meetings of the interstate commission to be conducted by telecommunication or electronic communication;

C. Consist of ex officio, nonvoting representatives who are members of interested organizations. Such ex officio members, as defined in the bylaws, may include but not be limited to, members of the representative organizations of military family advocates, local education agency officials, parent and teacher groups, the U.S. department of defense, the education commission of the states, the interstate agreement on the qualification of educational personnel, and other interstate compacts affecting the education of children of military members;

D. Meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of a simple majority of the member states, shall call additional meetings;

E. Establish an executive committee, whose members shall include the officers of the interstate commission and such other members of the interstate commission as determined by the bylaws. Members of the executive committee shall serve a one-year term. Members of the executive committee shall be entitled to one vote each. The executive committee shall have the power to act on behalf of the interstate commission, with the exception of rule making, during periods when the interstate commission is not in session. The executive committee shall oversee the day-to-day activities of the administration of the compact including enforcement and compliance with the provisions of the compact, its bylaws and rules, and other such duties as deemed necessary. The U.S. department of defense shall serve as an ex officio, nonvoting member of the executive committee;

F. Establish bylaws and rules that provide for conditions and procedures under which the interstate commission shall make its information and official records available to the public for inspection or copying. The interstate commission may exempt from disclosure information or official records to the extent they would adversely affect personal privacy rights or proprietary interests;

G. Give public notice of all meetings and all meetings shall be open to the public, except as set forth in the rules or as otherwise provided in the compact. The interstate commission and its committees may close a meeting, or portion thereof, where it determines by two-thirds vote that an open meeting would be likely to:

1. Relate solely to the interstate commission's internal personnel practices and procedures;

2. Disclose matters specifically exempted from disclosure by federal and state statute;

3. Disclose trade secrets or commercial or financial information which is privileged or confidential;

4. Involve accusing a person of a crime, or formally censuring a person;

5. Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

6. Disclose investigative records compiled for law enforcement purposes; or

7. Specifically relate to the interstate commission's participation in a civil action or other legal proceeding;

H. Cause its legal counsel or designee to certify that a meeting may be closed and shall reference each relevant exemptible provision for any meeting, or portion of a meeting, which is closed pursuant to this provision. The interstate commission shall keep minutes which shall fully and clearly describe all matters

discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefor, including a description of the views expressed and the record of a roll call vote. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the interstate commission;

I. Collect standardized data concerning the educational transition of the children of military families under this compact as directed through its rules which shall specify the data to be collected, the means of collection, and data exchange and reporting requirements. Such methods of data collection, exchange, and reporting shall, in so far as is reasonably possible, conform to current technology and coordinate its information functions with the appropriate custodian of records as identified in the bylaws and rules;

J. Create a process that permits military officials, education officials, and parents to inform the interstate commission if and when there are alleged violations of the compact or its rules or when issues subject to the jurisdiction of the compact or its rules are not addressed by the state or local education agency. This section shall not be construed to create a private right of action against the interstate commission or any member state.

ARTICLE X

POWERS AND DUTIES OF THE INTERSTATE COMMISSION

The interstate commission shall have the following powers:

A. To provide for dispute resolution among member states;

B. To promulgate rules and take all necessary actions to effect the goals, purposes, and obligations as enumerated in this compact. The rules shall have the force and effect of statutory law and shall be binding in the compact states to the extent and in the manner provided in this compact;

C. To issue, upon request of a member state, advisory opinions concerning the meaning or interpretation of the interstate compact, its bylaws, rules, and actions;

D. To enforce compliance with the compact provisions, the rules promulgated by the interstate commission, and the bylaws, using all necessary and proper means, including but not limited to the use of judicial process;

E. To establish and maintain offices which shall be located within one or more of the member states;

F. To purchase and maintain insurance and bonds;

G. To borrow, accept, hire, or contract for services of personnel;

H. To establish and appoint committees including, but not limited to, an executive committee as required by Article IX, section E of this compact, which shall have the power to act on behalf of the interstate commission in carrying out its powers and duties hereunder;

I. To elect or appoint such officers, attorneys, employees, agents, or consultants, and to fix their compensation, define their duties, and determine their qualifications; and to establish the interstate commission's personnel policies and programs relating to conflicts of interest, rates of compensation, and qualifications of personnel;

J. To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of it;

K. To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve, or use any property, real, personal, or mixed;

L. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed;

M. To establish a budget and make expenditures;

N. To adopt a seal and bylaws governing the management and operation of the interstate commission;

O. To report annually to the legislatures, governors, judiciary, and state councils of the member states concerning the activities of the interstate commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the interstate commission;

P. To coordinate education, training, and public awareness regarding the compact, its implementation, and operation for officials and parents involved in such activity;

Q. To establish uniform standards for the reporting, collecting, and exchanging of data;

R. To maintain corporate books and records in accordance with the bylaws;

S. To perform such functions as may be necessary or appropriate to achieve the purposes of this compact; and

T. To provide for the uniform collection and sharing of information between and among member states, schools, and military families under this compact.

ARTICLE XI
ORGANIZATION AND OPERATION OF THE INTERSTATE
COMMISSION

A. The interstate commission shall, by a majority of the members present and voting, within twelve months after the first interstate commission meeting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact, including, but not limited to:

1. Establishing the fiscal year of the interstate commission;

2. Establishing an executive committee, and such other committees as may be necessary;

3. Providing for the establishment of committees and for governing any general or specific delegation of authority or function of the interstate commission;

4. Providing reasonable procedures for calling and conducting meetings of the interstate commission, and ensuring reasonable notice of each such meeting;

5. Establishing the titles and responsibilities of the officers and staff of the interstate commission;

6. Providing a mechanism for concluding the operations of the interstate commission and the return of surplus funds that may exist upon the termination of the compact after the payment and reserving of all of its debts and obligations; and

7. Providing "start-up" rules for initial administration of the compact.

B. The interstate commission shall, by a majority of the members, elect annually from among its members a chairperson, a vice chairperson, and a treasurer, each of whom shall have such authority and duties as may be specified in the bylaws. The chairperson or, in the chairperson's absence or disability, the vice chairperson, shall preside at all meetings of the interstate commission. The

officers so elected shall serve without compensation or remuneration from the interstate commission; provided that, subject to the availability of budgeted funds, the officers shall be reimbursed for ordinary and necessary costs and expenses incurred by them in the performance of their responsibilities as officers of the interstate commission.

C. Executive committee, officers, and personnel

1. The executive committee shall have such authority and duties as may be set forth in the bylaws, including but not limited to:

a. Managing the affairs of the interstate commission in a manner consistent with the bylaws and purposes of the interstate commission;

b. Overseeing an organizational structure within, and appropriate procedures for the interstate commission to provide for the creation of rules, operating procedures, and administrative and technical support functions; and

c. Planning, implementing, and coordinating communications and activities with other state, federal, and local government organizations in order to advance the goals of the interstate commission.

2. The executive committee may, subject to the approval of the interstate commission, appoint or retain an executive director for such period, upon such terms and conditions and for such compensation, as the interstate commission may deem appropriate. The executive director shall serve as secretary to the interstate commission, but shall not be a member of the interstate commission. The executive director shall hire and supervise such other persons as may be authorized by the interstate commission.

D. The interstate commission's executive director and its employees shall be immune from suit and liability, either personally or in their official capacity, for a claim for damage to or loss of property or personal injury or other civil liability caused or arising out of or relating to an actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred, within the scope of interstate commission employment, duties, or responsibilities; provided, that such person shall not be protected from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

1. The liability of the interstate commission's executive director and employees or interstate commission representatives, acting within the scope of such person's employment or duties for acts, errors, or omissions occurring within such person's state may not exceed the limits of liability set forth under the Constitution and laws of that state for state officials, employees, and agents. The interstate commission is considered to be an instrumentality of the states for the purposes of any such action. Nothing in this subsection shall be construed to protect such person from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

2. The interstate commission shall defend the executive director and its employees and, subject to the approval of the attorney general or other appropriate legal counsel of the member state represented by an interstate commission representative, shall defend such interstate commission representative in any civil action seeking to impose liability arising out of an actual or alleged act, error, or omission that occurred within the scope of interstate commission employment, duties, or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of

interstate commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person.

3. To the extent not covered by the state involved, member state, or the interstate commission, the representatives or employees of the interstate commission shall be held harmless in the amount of a settlement or judgment, including attorneys' fees and costs, obtained against such persons arising out of an actual or alleged act, error, or omission that occurred within the scope of interstate commission employment, duties, or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of interstate commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

ARTICLE XII

RULE-MAKING FUNCTIONS OF THE INTERSTATE COMMISSION

A. Rule-making authority - The interstate commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purposes of this compact. Notwithstanding the foregoing, in the event the interstate commission exercises its rule-making authority in a manner that is beyond the scope of the purposes of this compact, or the powers granted hereunder, then such an action by the interstate commission shall be invalid and have no force or effect.

B. Rule-making procedure - Rules shall be made pursuant to a rule-making process that substantially conforms to the "model state administrative procedure act," of 1981, Uniform Laws Annotated, Vol. 15, p.1 (2000) as amended, as may be appropriate to the operations of the interstate commission.

C. Not later than thirty days after a rule is promulgated, any person may file a petition for judicial review of the rule; provided, that the filing of such a petition shall not stay or otherwise prevent the rule from becoming effective unless the court finds that the petitioner has a substantial likelihood of success. The court shall give deference to the actions of the interstate commission consistent with applicable law and shall not find the rule to be unlawful if the rule represents a reasonable exercise of the interstate commission's authority.

D. If a majority of the legislatures of the compacting states rejects a rule by enactment of a statute or resolution in the same manner used to adopt the compact, then such rule shall have no further force and effect in any compacting state.

ARTICLE XIII

OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION

A. Oversight

1. The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.

2. All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact which may affect the powers, responsibilities, or actions of the interstate commission.

3. The interstate commission shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes. Failure to provide service of process to the interstate commission shall render a judgment or order void as to the interstate commission, this compact, or promulgated rules.

B. Default, technical assistance, suspension, and termination - If the interstate commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact, or the bylaws or promulgated rules, the interstate commission shall:

1. Provide written notice to the defaulting state and other member states of the nature of the default, the means of curing the default, and any action taken by the interstate commission. The interstate commission shall specify the conditions by which the defaulting state must cure its default;

2. Provide remedial training and specific technical assistance regarding the default;

3. If the defaulting state fails to cure the default, the defaulting state shall be terminated from the compact upon an affirmative vote of a majority of the member states and all rights, privileges, and benefits conferred by this compact shall be terminated from the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of the default;

4. Suspension or termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the interstate commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states;

5. The state which has been suspended or terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of suspension or termination including obligations the performance of which extends beyond the effective date of suspension or termination;

6. The interstate commission shall not bear any costs relating to any state that has been found to be in default or which has been suspended or terminated from the compact, unless otherwise mutually agreed upon in writing between the interstate commission and the defaulting state;

7. The defaulting state may appeal the action of the interstate commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the interstate commission has its principal offices. The prevailing party shall be awarded all costs of such litigation including reasonable attorneys' fees.

C. Dispute Resolution

1. The interstate commission shall attempt, upon the request of a member state, to resolve disputes which are subject to the compact and which may arise among member states and between member and nonmember states.

2. The interstate commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

D. Enforcement

1. The interstate commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

2. The interstate commission, may by majority vote of the members, initiate legal action in the United (~~(State[s])~~) States District Court for the District of Columbia or, at the discretion of the interstate commission, in the federal district where the interstate commission has its principal offices, to enforce compliance with the provisions of the compact, and its promulgated rules and bylaws, against a member state in default. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary the prevailing party shall be awarded all costs of such litigation including reasonable attorneys' fees.

3. The remedies herein shall not be the exclusive remedies of the interstate commission. The interstate commission may avail itself of any other remedies available under state law or the regulation of a profession.

ARTICLE XIV

FINANCING OF THE INTERSTATE COMMISSION

A. The interstate commission shall pay, or provide for the payment of the reasonable expenses of its establishment, organization, and ongoing activities.

B. The interstate commission may levy on and collect an annual assessment from each member state to cover the cost of the operations and activities of the interstate commission and its staff which must be in a total amount sufficient to cover the interstate commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the interstate commission, which shall promulgate a rule binding upon all member states.

C. The interstate commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the interstate commission pledge the credit of any of the member states, except by and with the authority of the member state.

D. The interstate commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the interstate commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the interstate commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the interstate commission.

ARTICLE XV

MEMBER STATES, EFFECTIVE DATE, AND AMENDMENT

A. Any state is eligible to become a member state.

B. The compact shall become effective and binding upon legislative enactment of the compact into law by no less than ten of the states. The effective date shall be no earlier than December 1, 2007.

Thereafter it shall become effective and binding as to any other member state upon enactment of the compact into law by that state. The governors of nonmember states or their designees shall be invited to participate in the

activities of the interstate commission on a nonvoting basis prior to adoption of the compact by all states.

C. The interstate commission may propose amendments to the compact for enactment by the member states. No amendment shall become effective and binding upon the interstate commission and the member states unless and until it is enacted into law by unanimous consent of the member states.

ARTICLE XVI WITHDRAWAL AND DISSOLUTION

A. Withdrawal

1. Once effective, the compact shall continue in force and remain binding upon each and every member state; provided that a member state may withdraw from the compact by specifically repealing the statute, which enacted the compact into law.

2. Withdrawal from this compact shall be by the enactment of a statute repealing the same, but shall not take effect until one year after the effective date of such statute and until written notice of the withdrawal has been given by the withdrawing state to the governor of each other member jurisdiction.

3. The withdrawing state shall immediately notify the chairperson of the interstate commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The interstate commission shall notify the other member states of the withdrawing state's intent to withdraw within sixty days of its receipt thereof.

4. The withdrawing state is responsible for all assessments, obligations, and liabilities incurred through the effective date of withdrawal, including obligations, the performance of which extend beyond the effective date of withdrawal.

5. Reinstatement following withdrawal of a member state shall occur upon the withdrawing state reenacting the compact or upon such later date as determined by the interstate commission.

B. Dissolution of compact

1. This compact shall dissolve effective upon the date of the withdrawal or default of the member state which reduces the membership in the compact to one member state.

2. Upon the dissolution of this compact, the compact becomes null and void and shall be of no further force or effect, and the business and affairs of the interstate commission shall be concluded and surplus funds shall be distributed in accordance with the bylaws.

ARTICLE XVII SEVERABILITY AND CONSTRUCTION

A. The provisions of this compact shall be severable, and if any phrase, clause, sentence, or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.

B. The provisions of this compact shall be liberally construed to effectuate its purposes.

C. Nothing in this compact shall be construed to prohibit the applicability of other interstate compacts to which the states are members.

ARTICLE XVIII
BINDING EFFECT OF COMPACT AND OTHER LAWS

A. Other laws

1. Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with this compact.

2. All member states' laws conflicting with this compact are superseded to the extent of the conflict.

B. Binding effect of the compact

1. All lawful actions of the interstate commission, including all rules and bylaws promulgated by the interstate commission, are binding upon the member states.

2. All agreements between the interstate commission and the member states are binding in accordance with their terms.

3. In the event any provision of this compact exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

Passed by the House April 13, 2023.

Passed by the Senate April 5, 2023.

Approved by the Governor May 16, 2023, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State May 17, 2023.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Sections 1002, 1006, 1008, 1018, 2021, 2024, 2027, 2040, 2041, 2070, 2071, 2095, 2102, 3003, 3012, and 3020, House Bill No. 1066 entitled:

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

Sections 1002, 1006, 1008, 1018, 2021, 2024, 2027, 2040, 2041, 2070, 2071, 2095, 2102, 3003, 3012, and 3020 of this bill amend statutes that were also amended in other bills enacted by the Legislature this session. Therefore, I am vetoing those sections to avoid any confusion that may arise from these double amendments.

For these reasons I have vetoed Sections 1002, 1006, 1008, 1018, 2021, 2024, 2027, 2040, 2041, 2070, 2071, 2095, 2102, 3003, 3012, and 3020 of House Bill No. 1066.

With the exception of Sections 1002, 1006, 1008, 1018, 2021, 2024, 2027, 2040, 2041, 2070, 2071, 2095, 2102, 3003, 3012, and 3020, House Bill No. 1066 is approved."

CHAPTER 471

[House Bill 1112]

NEGLIGENT DRIVING WITH A VULNERABLE USER VICTIM

AN ACT Relating to imposing criminal penalties for negligent driving involving the death of a vulnerable user victim; amending RCW 46.61.526, 46.20.342, 46.61.110, 46.61.145, 46.61.180, 46.61.185, 46.61.190, 46.61.205, and 46.63.020; adding a new section to chapter 46.61 RCW; adding a new section to chapter 43.59 RCW; prescribing penalties; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** A new section is added to chapter 46.61 RCW to read as follows:

(1) A person commits negligent driving with a vulnerable user victim in the first degree if he or she operates a vehicle, as defined in RCW 46.04.670, in a manner that is both negligent and endangers or is likely to endanger any person or property, and he or she proximately causes the death of a vulnerable user of a public way.

(2) Violation of this section is a gross misdemeanor, which shall be punished by:

(a) Up to 364 days of imprisonment;

(b) A fine of \$5,000, which may not be reduced to an amount less than \$1,000; and

(c) Suspension of driving privileges for 90 days.

(3) If a person is convicted of an offense under this section, then the court shall notify the department, and the department shall suspend the person's driving privileges.

(4) For the purposes of this section:

(a) "Negligent" has the same meaning as provided in RCW 46.61.525(2).

(b) "Vulnerable user of a public way" means:

(i) A pedestrian;

(ii) A person riding an animal; or

(iii) A person operating or riding any of the following on a public way:

(A) A farm tractor or implement of husbandry, without an enclosed shell;

(B) A bicycle;

(C) An electric-assisted bicycle;

(D) An electric personal assistive mobility device;

(E) A moped;

(F) A motor-driven cycle;

(G) A motorized foot scooter; or

(H) A motorcycle.

Sec. 2. RCW 46.61.526 and 2020 c 146 s 1 are each amended to read as follows:

(1) A person commits negligent driving (~~((in the second degree))~~) with a vulnerable user victim in the second degree if, under circumstances not constituting negligent driving with a vulnerable user victim in the first degree under section 1 of this act or negligent driving in the first degree under RCW 46.61.5249, he or she operates a vehicle, as defined in RCW 46.04.670, in a manner that is both negligent and endangers or is likely to endanger any person or property, and he or she proximately causes ~~((the death,))~~ great bodily harm(~~(;))~~ or substantial bodily harm of a vulnerable user of a public way.

(2) The law enforcement officer or prosecuting authority issuing the notice of infraction for an offense under this section shall state on the notice of infraction that the offense was a proximate cause of ~~((death,))~~ great bodily harm(~~(;))~~ or substantial bodily harm, as defined in RCW 9A.04.110, of a vulnerable user of a public way.

(3) Persons under the age of ~~((sixteen))~~ 16 who commit an infraction under this section are subject to the provisions of RCW 13.40.250.

(4) A person found to have committed negligent driving in the second degree with a vulnerable user victim shall be required to:

(a) Pay a monetary penalty of ~~((five thousand dollars))~~ \$5,000, which may not be reduced to an amount less than ~~((one thousand dollars))~~ \$1,000; and

(b) Have his or her driving privileges suspended for (~~ninety~~) 90 days.

(5) In lieu of the penalties imposed under subsection (4) of this section, a person found to have committed negligent driving with a vulnerable user victim in the second degree (~~with a vulnerable user victim~~) who requests and personally appears for a hearing pursuant to RCW 46.63.070 (1) or (2) may elect to:

(a) Pay a penalty of (~~two hundred fifty dollars~~) \$250;

(b) Attend traffic school for a number of days to be determined by the court pursuant to chapter 46.83 RCW;

(c) Perform community service for a number of hours to be determined by the court, which may not exceed (~~one hundred~~) 100 hours, and which must include activities related to driver improvement and providing public education on traffic safety; and

(d) Submit certification to the court establishing that the requirements of this subsection have been met within one year of the hearing.

(6) If a person found to have committed a violation of this section elects the penalties imposed under subsection (5) of this section, the court may impose the penalties under subsection (5) of this section and the court may assess costs as the court deems appropriate for administrative processing.

(7) Except as provided in (b) of this subsection, if a person found to have committed a violation of this section elects the penalties under subsection (5) of this section but does not complete all requirements of subsection (5) of this section within one year of the hearing:

(a)(i) The court shall impose a monetary penalty in the amount of (~~five thousand dollars~~) \$5,000, which may not be reduced to an amount less than (~~one thousand dollars~~) \$1,000; and

(ii) The person's driving privileges shall be suspended for (~~ninety~~) 90 days.

(b) For good cause shown, the court may extend the period of time in which the person must complete the requirements of subsection (5) of this section before any of the penalties provided in this subsection are imposed.

(8) An offense under this section is a traffic infraction. To the extent not inconsistent with this section, the provisions of chapter 46.63 RCW shall apply to infractions under this section. Procedures for the conduct of all hearings provided for in this section may be established by rule of the supreme court.

(9) If a person is penalized under subsection (4) of this section, then the court shall notify the department, and the department shall suspend the person's driving privileges. If a person fails to meet the requirements of subsection (5) of this section, the court shall notify the department that the person has failed to meet the requirements of subsection (5) of this section and the department shall suspend the person's driving privileges. Notice provided by the court under this subsection must be in a form specified by the department.

(10) Any act prohibited by this section that also constitutes a crime under any other law of this state may be the basis of prosecution under such other law notwithstanding that it may also be the basis for prosecution under this section.

(11) For the purposes of this section:

(a) "Great bodily harm" and "substantial bodily harm" have the same meaning as provided in RCW 9A.04.110.

(b) "Negligent" has the same meaning as provided in RCW 46.61.525(2).

(c) "Vulnerable user of a public way" (~~means:~~

(i) A pedestrian;

(ii) A person riding an animal; or

(iii) A person operating or riding any of the following on a public way:

(A) A farm tractor or implement of husbandry, without an enclosed shell;

(B) A bicycle;

(C) An electric-assisted bicycle;

(D) An electric personal assistive mobility device;

(E) A moped;

(F) A motor-driven cycle;

(G) A motorized foot scooter; or

(H) A motoreycle)) has the same meaning as provided in section 1 of this

act.

Sec. 3. RCW 46.20.342 and 2021 c 240 s 9 are each amended to read as follows:

(1) It is unlawful for any person to drive a motor vehicle in this state while that person is in a suspended or revoked status or when his or her privilege to drive is suspended or revoked in this or any other state. Any person who has a valid Washington driver's license is not guilty of a violation of this section.

(a) A person found to be a habitual offender under chapter 46.65 RCW, who violates this section while an order of revocation issued under chapter 46.65 RCW prohibiting such operation is in effect, is guilty of driving while license suspended or revoked in the first degree, a gross misdemeanor. Upon the first such conviction, the person shall be punished by imprisonment for not less than (~~ten~~) 10 days. Upon the second conviction, the person shall be punished by imprisonment for not less than (~~ninety~~) 90 days. Upon the third or subsequent conviction, the person shall be punished by imprisonment for not less than (~~one hundred eighty~~) 180 days. If the person is also convicted of the offense defined in RCW 46.61.502 or 46.61.504, when both convictions arise from the same event, the minimum sentence of confinement shall be not less than (~~ninety~~) 90 days. The minimum sentence of confinement required shall not be suspended or deferred. A conviction under this subsection does not prevent a person from petitioning for reinstatement as provided by RCW 46.65.080.

(b) A person who violates this section while an order of suspension or revocation prohibiting such operation is in effect and while the person is not eligible to reinstate his or her driver's license or driving privilege, other than for a suspension for the reasons described in (c) of this subsection, is guilty of driving while license suspended or revoked in the second degree, a gross misdemeanor. For the purposes of this subsection, a person is not considered to be eligible to reinstate his or her driver's license or driving privilege if the person is eligible to obtain an ignition interlock driver's license but did not obtain such a license. This subsection applies when a person's driver's license or driving privilege has been suspended or revoked by reason of:

(i) A conviction of a felony in the commission of which a motor vehicle was used;

(ii) A previous conviction under this section;

(iii) A notice received by the department from a court or diversion unit as provided by RCW 46.20.265, relating to a minor who has committed, or who has

entered a diversion unit concerning an offense relating to alcohol, legend drugs, controlled substances, or imitation controlled substances;

(iv) A conviction of RCW 46.20.410, relating to the violation of restrictions of an occupational driver's license, a temporary restricted driver's license, or an ignition interlock driver's license;

(v) A conviction of RCW 46.20.345, relating to the operation of a motor vehicle with a suspended or revoked license;

(vi) A conviction of RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(vii) A conviction of RCW 46.61.024, relating to attempting to elude pursuing police vehicles;

(viii) A conviction of RCW 46.61.212(5), relating to reckless endangerment of emergency zone workers;

(ix) A conviction of RCW 46.61.500, relating to reckless driving;

(x) A conviction of RCW 46.61.502 or 46.61.504, relating to a person under the influence of intoxicating liquor or drugs;

(xi) A conviction of RCW 46.61.520, relating to vehicular homicide;

(xii) A conviction of RCW 46.61.522, relating to vehicular assault;

(xiii) A conviction of RCW 46.61.527(4), relating to reckless endangerment of roadway workers;

(xiv) A conviction of RCW 46.61.530, relating to racing of vehicles on highways;

(xv) A conviction of RCW 46.61.685, relating to leaving children in an unattended vehicle with motor running;

(xvi) A conviction of RCW 46.61.740, relating to theft of motor vehicle fuel;

(xvii) A conviction of RCW 46.64.048, relating to attempting, aiding, abetting, coercing, and committing crimes;

(xviii) A conviction of section 1 of this act, relating to negligent driving with a vulnerable user victim in the first degree;

(xix) An administrative action taken by the department under this chapter ~~((46.20 RCW))~~;

~~((~~(xix)~~))~~ (xx) A conviction of a local law, ordinance, regulation, or resolution of a political subdivision of this state, the federal government, or any other state, of an offense substantially similar to a violation included in this subsection; or

~~((~~(xx)~~))~~ (xxi) A finding that a person has committed a traffic infraction under RCW 46.61.526 and suspension of driving privileges pursuant to RCW 46.61.526 (4)(b) or (7)(a)(ii).

(c) A person who violates this section when his or her driver's license or driving privilege is, at the time of the violation, suspended or revoked solely because:

(i) The person must furnish proof of satisfactory progress in a required alcoholism or drug treatment program;

(ii) The person must furnish proof of financial responsibility for the future as provided by chapter 46.29 RCW;

(iii) The person has failed to comply with the provisions of chapter 46.29 RCW relating to uninsured accidents;

(iv) The person has failed to respond to a notice of traffic infraction for a moving violation, failed to appear at a hearing for a moving violation, or failed to comply with the terms of a criminal complaint or criminal citation for a moving violation, as provided in RCW 46.20.289(1);

(v) The person has committed an offense in another state that, if committed in this state, would not be grounds for the suspension or revocation of the person's driver's license;

(vi) The person has been suspended or revoked by reason of one or more of the items listed in (b) of this subsection, but was eligible to reinstate his or her driver's license or driving privilege at the time of the violation;

(vii) The person has received traffic citations or notices of traffic infraction that have resulted in a suspension under RCW 46.20.267 relating to intermediate drivers' licenses; or

(viii) The person has been certified by the department of social and health services as a person who is not in compliance with a child support order as provided in RCW 74.20A.320, or any combination of (c)(i) through (viii) of this subsection, is guilty of driving while license suspended or revoked in the third degree, a misdemeanor.

(d) For the purposes of this subsection, a person is not considered to be eligible to reinstate his or her driver's license or driving privilege if the person is eligible to obtain an ignition interlock driver's license but did not obtain such a license.

(2) Upon receiving a record of conviction of any person or upon receiving an order by any juvenile court or any duly authorized court officer of the conviction of any juvenile under this section, the department shall:

(a) For a conviction of driving while suspended or revoked in the first degree, as provided by subsection (1)(a) of this section, extend the period of administrative revocation imposed under chapter 46.65 RCW for an additional period of one year from and after the date the person would otherwise have been entitled to apply for a new license or have his or her driving privilege restored; or

(b) For a conviction of driving while suspended or revoked in the second degree, as provided by subsection (1)(b) of this section, not issue a new license or restore the driving privilege for an additional period of one year from and after the date the person would otherwise have been entitled to apply for a new license or have his or her driving privilege restored; or

(c) Not extend the period of suspension or revocation if the conviction was under subsection (1)(c) of this section. If the conviction was under subsection (1)(a) or (b) of this section and the court recommends against the extension and the convicted person has obtained a valid driver's license, the period of suspension or revocation shall not be extended.

Sec. 4. RCW 46.61.110 and 2019 c 403 s 3 are each amended to read as follows:

The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction:

(1)(a) The driver of a vehicle overtaking other traffic proceeding in the same direction shall pass to the left of it at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken traffic.

(b)(i) When the vehicle being overtaken is a motorcycle, motor-driven cycle, or moped, a driver of a motor vehicle found to be in violation of (a) of this subsection must be assessed an additional fine equal to the base penalty assessed under RCW 46.63.110(3). This fine may not be waived, reduced, or suspended, unless the court finds the offender to be indigent, and is not subject to the additional fees and assessments that the base penalty for this violation is subject to under RCW 2.68.040, 3.62.090, and 46.63.110.

(ii) The additional fine imposed under (b)(i) of this subsection must be deposited into the vulnerable roadway user education account created in RCW 46.61.145.

(2)(a) The driver of a vehicle approaching an individual who is traveling as a pedestrian or on a bicycle, riding an animal, or using a farm tractor or implement of husbandry without an enclosed shell, and who is traveling in the right lane of a roadway or on the right-hand shoulder or bicycle lane of the roadway, shall:

(i) On a roadway with two lanes or more for traffic moving in the direction of travel, before passing and until safely clear of the individual, move completely into a lane to the left of the right lane when it is safe to do so;

(ii) On a roadway with only one lane for traffic moving in the direction of travel:

(A) When there is sufficient room to the left of the individual in the lane for traffic moving in the direction of travel, before passing and until safely clear of the individual:

(I) Reduce speed to a safe speed for passing relative to the speed of the individual; and

(II) Pass at a safe distance, where practicable of at least three feet, to clearly avoid coming into contact with the individual or the individual's vehicle or animal; or

(B) When there is insufficient room to the left of the individual in the lane for traffic moving in the direction of travel to comply with (a)(ii)(A) of this subsection, before passing and until safely clear of the individual, move completely into the lane for traffic moving in the opposite direction when it is safe to do so and in compliance with RCW 46.61.120 and 46.61.125.

(b) A driver of a motor vehicle found to be in violation of this subsection (2) must be assessed an additional fine equal to the base penalty assessed under RCW 46.63.110(3). This fine may not be waived, reduced, or suspended, unless the court finds the offender to be indigent, and is not subject to the additional fees and assessments that the base penalty for this violation is subject to under RCW 2.68.040, 3.62.090, and 46.63.110.

(c) The additional fine imposed under (b) of this subsection must be deposited into the vulnerable roadway user education account created in RCW 46.61.145.

(d) For the purposes of this section, "vulnerable user of a public way" has the same meaning as provided in (~~RCW 46.61.526(1)(e)~~) section 1 of this act.

(3) Except when overtaking and passing on the right is permitted, overtaken traffic shall give way to the right in favor of an overtaking vehicle on audible signal and shall not increase speed until completely passed by the overtaking vehicle.

Sec. 5. RCW 46.61.145 and 2019 c 403 s 4 are each amended to read as follows:

(1) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.

(2) The driver of any motor truck or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residence district and which is following another motor truck or motor vehicle drawing another vehicle shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger, except that this shall not prevent a motor truck or motor vehicle drawing another vehicle from overtaking and passing any like vehicle or other vehicle.

(3) Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade whether or not towing other vehicles shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision shall not apply to funeral processions.

(4)(a) When the vehicle being followed is a vulnerable user of a public way, a driver of a motor vehicle found to be in violation of this section must be assessed an additional fine equal to the base penalty assessed under RCW 46.63.110(3). This fine may not be waived, reduced, or suspended, unless the court finds the offender to be indigent, and is not subject to the additional fees and assessments that the base penalty for this violation is subject to under RCW 2.68.040, 3.62.090, and 46.63.110.

(b) For the purposes of this section, "vulnerable user of a public way" has the same meaning as provided in ((RCW 46.61.526(11)(e))) section 1 of this act.

(5) The additional fine imposed under subsection (4) of this section must be deposited into the vulnerable roadway user education account created in subsection (6) of this section.

(6) The vulnerable roadway user education account is created in the state treasury. All receipts from the additional fine in subsection (4) of this section must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only by the Washington traffic safety commission solely to:

(a) Support programs dedicated to increasing awareness by law enforcement officers, prosecutors, and judges of opportunities for the enforcement of traffic infractions and offenses committed against vulnerable roadway users; and

(b) With any funds remaining once the program support specified in (a) of this subsection has been provided, support programs dedicated to increasing awareness by the public of the risks and penalties associated with traffic infractions and offenses committed against vulnerable roadway users.

Sec. 6. RCW 46.61.180 and 2019 c 403 s 5 are each amended to read as follows:

(1) When two vehicles approach or enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

(2) The right-of-way rule declared in subsection (1) of this section is modified at arterial highways and otherwise as stated in this chapter.

(3)(a) When the vehicle on the right approaching the intersection is a vulnerable user of a public way, a driver of a motor vehicle found to be in violation of this section must be assessed an additional fine equal to the base penalty assessed under RCW 46.63.110(3). This fine may not be waived, reduced, or suspended, unless the court finds the offender to be indigent, and is not subject to the additional fees and assessments that the base penalty for this violation is subject to under RCW 2.68.040, 3.62.090, and 46.63.110.

(b) For the purposes of this section, "vulnerable user of a public way" has the same meaning as provided in (~~RCW 46.61.526(11)(e))~~ section 1 of this act.

(4) The additional fine imposed under subsection (3) of this section must be deposited into the vulnerable roadway user education account created in RCW 46.61.145.

Sec. 7. RCW 46.61.185 and 2019 c 403 s 6 are each amended to read as follows:

(1) The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

(2)(a) When the vehicle approaching from the opposite direction within the intersection or so close that it constitutes an immediate hazard is a vulnerable user of a public way, a driver of a motor vehicle found to be in violation of this section must be assessed an additional fine equal to the base penalty assessed under RCW 46.63.110(3). This fine may not be waived, reduced, or suspended, unless the court finds the offender to be indigent, and is not subject to the additional fees and assessments that the base penalty for this violation is subject to under RCW 2.68.040, 3.62.090, and 46.63.110.

(b) For the purposes of this section, "vulnerable user of a public way" has the same meaning as provided in (~~RCW 46.61.526(11)(e))~~ section 1 of this act.

(3) The additional fine imposed under subsection (2) of this section must be deposited into the vulnerable roadway user education account created in RCW 46.61.145.

Sec. 8. RCW 46.61.190 and 2020 c 66 s 2 are each amended to read as follows:

(1) Preferential right-of-way may be indicated by stop signs or yield signs as authorized in RCW 47.36.110.

(2)(a) Except when directed to proceed by a duly authorized flagger, or a police officer, or a firefighter vested by law with authority to direct, control, or regulate traffic, every driver of a vehicle approaching a stop sign shall stop except as provided in (b) of this subsection at a clearly marked stop line, but if none, before entering a marked crosswalk on the near side of the intersection or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the roadway, and after having stopped shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when such driver is moving across or within the intersection or junction of roadways.

(b)(i) With the exception of (b)(ii) and (iii) of this subsection, a person operating a bicycle approaching a stop sign shall either:

(A) Follow the requirements for approaching a stop sign as specified in (a) of this subsection; or

(B) Follow the requirements for approaching a yield sign as specified in subsection (3) of this section.

(ii) A person operating a bicycle approaching a stop sign located at a highway grade crossing of a railroad must follow the requirements of RCW 46.61.345.

(iii) A person operating a bicycle approaching a "stop" signal in use by a school bus, as required under RCW 46.37.190, must follow the requirements of RCW 46.61.370.

(3) The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering a marked crosswalk on the near side of the intersection or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the roadway, and then after slowing or stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection or junction of roadways: PROVIDED, That if such a driver is involved in a collision with a vehicle in the intersection or junction of roadways, after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of the driver's failure to yield right-of-way.

(2)(a) When right-of-way has not been yielded in accordance with this section to a vehicle that is a vulnerable user of a public way, a driver of a motor vehicle found to be in violation of this section must be assessed an additional fine equal to the base penalty assessed under RCW 46.63.110(3). This fine may not be waived, reduced, or suspended, unless the court finds the offender to be indigent, and is not subject to the additional fees and assessments that the base penalty for this violation is subject to under RCW 2.68.040, 3.62.090, and 46.63.110.

(b) For the purposes of this section, "vulnerable user of a public way" has the same meaning as provided in ~~((RCW 46.61.526(1)(c)))~~ section 1 of this act.

(5) The additional fine imposed under subsection (4) of this section must be deposited into the vulnerable roadway user education account created in RCW 46.61.145.

Sec. 9. RCW 46.61.205 and 2019 c 403 s 8 are each amended to read as follows:

(1) The driver of a vehicle about to enter or cross a highway from a private road or driveway shall yield the right-of-way to all vehicles lawfully approaching on said highway.

(2)(a) When right-of-way has not been yielded in accordance with this section to a vehicle that is a vulnerable user of a public way, a driver of a motor vehicle found to be in violation of this section must be assessed an additional fine equal to the base penalty assessed under RCW 46.63.110(3). This fine may not be waived, reduced, or suspended, unless the court finds the offender to be indigent, and is not subject to the additional fees and assessments that the base

penalty for this violation is subject to under RCW 2.68.040, 3.62.090, and 46.63.110.

(b) For the purposes of this section, "vulnerable user of a public way" has the same meaning as provided in (~~RCW 46.61.526(1)(e))~~ section 1 of this act.

(3) The additional fine imposed under subsection (2) of this section must be deposited into the vulnerable roadway user education account created in RCW 46.61.145.

Sec. 10. RCW 46.63.020 and 2018 c 18 s 4 are each amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

(1) RCW 46.09.457(1)(b)(i) relating to a false statement regarding the inspection of and installation of equipment on wheeled all-terrain vehicles;

(2) RCW 46.09.470(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;

(3) RCW 46.09.480 relating to operation of nonhighway vehicles;

(4) RCW 46.10.490(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;

(5) RCW 46.10.495 relating to the operation of snowmobiles;

(6) Chapter 46.12 RCW relating to certificates of title, registration certificates, and markings indicating that a vehicle has been destroyed or declared a total loss;

(7) RCW 46.16A.030 and 46.16A.050(3) relating to the nonpayment of taxes and fees by failure to register a vehicle and falsifying residency when registering a motor vehicle;

(8) RCW 46.16A.520 relating to permitting unauthorized persons to drive;

(9) RCW 46.16A.320 relating to vehicle trip permits;

(10) RCW 46.19.050(1) relating to knowingly providing false information in conjunction with an application for a special placard or license plate for disabled persons' parking;

(11) RCW 46.19.050(8) relating to illegally obtaining a parking placard, special license plate, special year tab, or identification card;

(12) RCW 46.19.050(9) relating to sale of a parking placard, special license plate, special year tab, or identification card;

(13) RCW 46.20.005 relating to driving without a valid driver's license;

(14) RCW 46.20.091 relating to false statements regarding a driver's license or instruction permit;

(15) RCW 46.20.0921 relating to the unlawful possession and use of a driver's license;

(16) RCW 46.20.342 relating to driving with a suspended or revoked license or status;

(17) RCW 46.20.345 relating to the operation of a motor vehicle with a suspended or revoked license;

(18) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license, temporary restricted driver's license, or ignition interlock driver's license;

(19) RCW 46.20.740 relating to operation of a motor vehicle without an ignition interlock device in violation of a license notation that the device is required;

(20) RCW 46.20.750 relating to circumventing an ignition interlock device;

(21) RCW 46.25.170 relating to commercial driver's licenses;

(22) Chapter 46.29 RCW relating to financial responsibility;

(23) RCW 46.30.040 relating to providing false evidence of financial responsibility;

(24) RCW 46.35.030 relating to recording device information;

(25) RCW 46.37.435 relating to wrongful installation of sunscreensing material;

(26) RCW 46.37.650 relating to the manufacture, importation, sale, distribution, or installation of a counterfeit air bag, nonfunctional air bag, or previously deployed or damaged air bag;

(27) RCW 46.37.660 relating to the sale or installation of a device that causes a vehicle's diagnostic system to inaccurately indicate that the vehicle has a functional air bag when a counterfeit air bag, nonfunctional air bag, or no air bag is installed;

(28) RCW 46.37.671 through 46.37.675 relating to signal preemption devices;

(29) RCW 46.37.685 relating to switching or flipping license plates, utilizing technology to flip or change the appearance of a license plate, selling a license plate flipping device or technology used to change the appearance of a license plate, or falsifying a vehicle registration;

(30) RCW 46.44.180 relating to operation of mobile home pilot vehicles;

(31) RCW 46.48.175 relating to the transportation of dangerous articles;

(32) RCW 46.52.010 relating to duty on striking an unattended car or other property;

(33) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(34) RCW 46.52.090 relating to reports by repairers, storage persons, and appraisers;

(35) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company, an employer, and an alcohol/drug assessment or treatment agency;

(36) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;

(37) RCW 46.55.035 relating to prohibited practices by tow truck operators;

(38) RCW 46.55.300 relating to vehicle immobilization;

(39) RCW 46.61.015 relating to obedience to police officers, flaggers, or firefighters;

(40) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;

(41) RCW 46.61.022 relating to failure to stop and give identification to an officer;

(42) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;

(43) RCW 46.61.212(~~((4))~~) (5) relating to reckless endangerment of emergency or work zone workers;

(44) RCW 46.61.500 relating to reckless driving;

(45) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;

(46) RCW 46.61.503 relating to a person under age twenty-one driving a motor vehicle after consuming alcohol;

(47) RCW 46.61.520 relating to vehicular homicide by motor vehicle;

(48) RCW 46.61.522 relating to vehicular assault;

(49) RCW 46.61.5249 relating to first degree negligent driving;

(50) RCW 46.61.527(4) relating to reckless endangerment of roadway workers;

(51) RCW 46.61.530 relating to racing of vehicles on highways;

(52) RCW 46.61.655(7) (a) and (b) relating to failure to secure a load;

(53) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;

(54) RCW 46.61.740 relating to theft of motor vehicle fuel;

(55) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;

(56) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;

(57) Chapter 46.65 RCW relating to habitual traffic offenders;

(58) RCW 46.68.010 relating to false statements made to obtain a refund;

(59) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;

(60) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;

(61) RCW 46.72A.060 relating to limousine carrier insurance;

(62) RCW 46.72A.070 relating to operation of a limousine without a vehicle certificate;

(63) RCW 46.72A.080 relating to false advertising by a limousine carrier;

(64) Chapter 46.80 RCW relating to motor vehicle wreckers;

(65) Chapter 46.82 RCW relating to driver's training schools;

(66) RCW 46.87.260 relating to alteration or forgery of a cab card, letter of authority, or other temporary authority issued under chapter 46.87 RCW;

(67) RCW 46.87.290 relating to operation of an unregistered or unlicensed vehicle under chapter 46.87 RCW;

(68) Section 1 of this act relating to negligent driving with a vulnerable user victim in the first degree.

NEW SECTION. Sec. 11. A new section is added to chapter 43.59 RCW to read as follows:

Subject to funds appropriated for this purpose, the Washington traffic safety commission shall produce and disseminate through all possible media, informational and educational materials explaining the penalties of the crime of negligent driving with a vulnerable user victim in the first degree.

NEW SECTION. **Sec. 12.** This act takes effect January 1, 2025.

Passed by the House April 14, 2023.

Passed by the Senate April 12, 2023.

Approved by the Governor May 16, 2023.

Filed in Office of Secretary of State May 17, 2023.

CHAPTER 472

[Engrossed Substitute House Bill 1125]

TRANSPORTATION BUDGET

AN ACT Relating to transportation funding and appropriations; amending RCW 43.19.642, 46.20.745, 46.68.060, 46.68.063, 46.68.290, 46.68.300, 46.68.370, 46.68.395, 46.68.490, 46.68.500, 47.56.876, 47.60.315, 47.60.322, 47.60.530, 47.66.120, and 82.44.200; amending 2022 c 186 ss 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 401, 402, 403, 404, and 405 (uncodified); amending 2021 c 333 ss 304 and 407 (uncodified); amending 2023 c 2 s 2 (uncodified); adding a new section to 2022 c 186 (uncodified); creating new sections; repealing 2022 c 187 ss 201-211, 301-308, and 401 (uncodified); making appropriations and authorizing expenditures for capital improvements; providing a contingent effective date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

2023-2025 FISCAL BIENNIUM

NEW SECTION. **Sec. 1.** (1) The transportation budget of the state is hereby adopted and, subject to the provisions set forth, the several amounts specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds named to the designated state agencies and offices for employee compensation and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 2025.

(2) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this act.

(a) "Fiscal year 2024" or "FY 2024" means the fiscal year ending June 30, 2024.

(b) "Fiscal year 2025" or "FY 2025" means the fiscal year ending June 30, 2025.

(c) "FTE" means full-time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose that is not expended subject to the specified conditions and limitations to fulfill the specified purpose shall lapse.

(f) "Reappropriation" means appropriation and, unless the context clearly provides otherwise, is subject to the relevant conditions and limitations applicable to appropriations.

(g) "LEAP" means the legislative evaluation and accountability program committee.

GENERAL GOVERNMENT AGENCIES—OPERATING

NEW SECTION. Sec. 101. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

Motor Vehicle Account—State Appropriation \$588,000

NEW SECTION. Sec. 102. FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Grade Crossing Protective Account—State
Appropriation. \$504,000
Pilotage Account—State Appropriation \$150,000
TOTAL APPROPRIATION \$654,000

NEW SECTION. Sec. 103. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Motor Vehicle Account—State Appropriation \$214,000
Puget Sound Ferry Operations Account—State
Appropriation. \$131,000
TOTAL APPROPRIATION \$345,000

NEW SECTION. Sec. 104. FOR THE STATE PARKS AND RECREATION COMMISSION

Carbon Emissions Reduction Account—State
Appropriation. \$2,000,000
Motor Vehicle Account—State Appropriation \$1,186,000
Multimodal Transportation Account—State
Appropriation. \$1,000
TOTAL APPROPRIATION \$3,187,000

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

- (1) Except as provided in subsections (2) and (3) of this section, the appropriations in this section are provided solely for road maintenance purposes.
- (2) \$1,000 of the multimodal transportation account—state appropriation is provided solely for the implementation of chapter . . . (House Bill No. 1004), Laws of 2023 (bridge jumping signs).

(3) \$2,000,000 of the carbon emissions reduction account—state appropriation is provided solely for the replacement of agency vehicles and equipment with electric alternatives. In carrying out this subsection, the commission 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 for programs that receive funding from the carbon emissions reduction account. The commission, 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. 105. FOR THE DEPARTMENT OF AGRICULTURE

Motor Vehicle Account—State Appropriation \$1,462,000

NEW SECTION. Sec. 106. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

Motor Vehicle Account—State Appropriation \$744,000

NEW SECTION. Sec. 107. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

Multimodal Transportation Account—State Appropriation \$150,000

Move Ahead WA Flexible Account—State Appropriation \$4,550,000

TOTAL APPROPRIATION \$4,700,000

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

(1) The entire move ahead WA flexible account—state appropriation in this section is provided solely for increasing the number of certified women and minority-owned contractors in the transportation sector statewide, with priority given to areas outside of the Puget Sound area and supporting these contractors to successfully compete and earn more transportation contracting opportunities. This purpose must be accomplished through various programs including, but not limited to: (a) Outreach to women and minority-owned business communities and individuals; (b) technical assistance, mentorship, and consultation as needed in areas such as financing, accounting, contracting, procurement, and resolution of disputes and grievances; (c) language access programs for those with limited English proficiency; (d) developing a truck rotation program to allow smaller minority and women-owned trucking companies to pool their resources and compete with larger scale trucking operations; and (e) other programs that aim to increase the number of women and minority contractors that are successful in obtaining contracts in the transportation sector directly with state agencies such as the department, with local jurisdictions, or as subcontractors for prime contractors.

(2) The entire multimodal transportation account—state appropriation in this section is provided solely for the implementation of chapter . . . (Engrossed Substitute Senate Bill No. 5583), Laws of 2023 (improving young driver safety). If chapter . . . (Engrossed Substitute Senate Bill No. 5583), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this section lapses.

NEW SECTION. Sec. 108. FOR THE DEPARTMENT OF COMMERCE

Electric Vehicle Account—State Appropriation \$220,000

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

NEW SECTION. Sec. 109. FOR THE BOARD OF PILOTAGE COMMISSIONERS

Pilotage Account—State Appropriation \$3,574,000

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.

NEW SECTION. Sec. 110. 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.

NEW SECTION. Sec. 111. FOR THE UNIVERSITY OF WASHINGTON

Multimodal Transportation Account—State Appropriation \$5,000,000

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

NEW SECTION. Sec. 112. FOR WASHINGTON STATE UNIVERSITY

Multimodal Transportation Account—State

Appropriation. \$100,000

The appropriation in this section is subject to the following conditions and limitations: \$100,000 of the multimodal transportation account—state appropriation is provided solely for Washington State University to study the potential impacts that current licensing requirements, including training hours, and testing may have on the shortage of commercial drivers, with a focus on public transit operators. The study must provide a comprehensive review and recommendations for improving the state's commercial driver training and certification, including:

- (1) A review of standards that identify federal mandates for transit operator training;
- (2) The department of licensing's interpretation of the federal mandates and what constitutes an additive standard not required by federal mandates;
- (3) Identifying areas for streamlining state training requirements;
- (4) Reviewing similarities and differences of at least five states on their training and certification of commercial drivers; and
- (5) Identifying challenges and issues for transit agencies regarding current training, notice, department response, certification, and commercial drivers licensing standards and what adjustments may be warranted to help alleviate the shortage of public transit operators.

Findings must be reported to the transportation committees of the legislature upon completion.

NEW SECTION. Sec. 113. FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL

Motor Vehicle Account—State Appropriation \$724,000

The appropriation in this section is subject to the following conditions and limitations: The entire motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute House Bill No. 1838), Laws of 2023 (transportation revenue forecast). If chapter . . . (Engrossed Substitute House Bill No. 1838), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this section lapses.

NEW SECTION. Sec. 114. 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 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. 115. FOR THE DEPARTMENT OF NATURAL RESOURCES

Carbon Emissions Reduction Account—State

Appropriation. \$2,200,000

The appropriation in this section is subject to the following conditions and limitations: \$2,200,000 of the carbon emissions reduction account—state appropriation is provided solely for a fleet charging infrastructure expansion assessment, to develop a charger installation plan by location with cost estimates, and to procure and deploy electric pickup trucks to gather practical information to support planning efforts and future large-scale electric vehicle adoption. 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 for programs that receive funding from the carbon emissions reduction account. 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.

TRANSPORTATION AGENCIES—OPERATING

NEW SECTION. Sec. 201. FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION

Highway Safety Account—State Appropriation.	\$5,252,000
Highway Safety Account—Federal Appropriation	\$27,735,000
Highway Safety Account—Private/Local Appropriation.	\$60,000
Cooper Jones Active Transportation Safety Account—	
State Appropriation	\$636,000
School Zone Safety Account—State Appropriation.	\$850,000
TOTAL APPROPRIATION	\$34,533,000

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 . . . (House Bill No. 1112), Laws of 2023 (negligent driving). If chapter . . . (House Bill No. 1112), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(7) 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) 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); 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.

NEW SECTION. Sec. 202. FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account—State Appropriation	\$2,405,000
Motor Vehicle Account—State Appropriation	\$3,005,000
County Arterial Preservation Account—State	
Appropriation	\$1,808,000
TOTAL APPROPRIATION	\$7,218,000

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

NEW SECTION. Sec. 203. FOR THE TRANSPORTATION IMPROVEMENT BOARD

Transportation Improvement Account—State	
Appropriation	\$4,798,000

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.

***NEW SECTION. Sec. 204. FOR THE JOINT TRANSPORTATION COMMITTEE**

Carbon Emissions Reduction Account—State	
Appropriation	\$3,000,000
Multimodal Transportation Account—State	
Appropriation	\$125,000
Motor Vehicle Account—State Appropriation	\$4,270,000
TOTAL APPROPRIATION	\$7,395,000

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.

(3) \$450,000 of the motor vehicle account—state appropriation is for the joint transportation committee to provide oversight on the procurement of the hybrid-electric Olympic class vessels. The committee must hire an expert consultant to review Washington state ferries documents and procedures relating to the procurement and to identify opportunities to improve the process for the benefit of the state of Washington. The consultant must be familiar with vessel procurement best practices, the technologies and propulsion systems planned for use in new vessels, and Washington state ferries operations and procurement procedures. A report on the status and assessment of the procurement is due by December 15th of each year.

(4) \$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)(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) \$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) \$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) \$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(11) of this act, 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 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.

(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) 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.

**Sec. 204 was partially vetoed. See message at end of chapter.*

NEW SECTION. Sec. 205. FOR THE TRANSPORTATION COMMISSION

Motor Vehicle Account—State Appropriation	\$3,029,000
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
Tacoma Narrows Toll Bridge Account—State	
Appropriation	\$179,000
Alaskan Way Viaduct Replacement Project Account—	
State Appropriation	\$167,000
TOTAL APPROPRIATION	\$4,013,000

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 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.

NEW SECTION. Sec. 206. FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Multimodal Transportation Account—State

Appropriation. \$400,000

Freight Mobility Investment Account—State

Appropriation. \$1,591,000

TOTAL APPROPRIATION \$1,991,000

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 ALL PROJECTS, as developed on April 21, 2023.

(3) \$731,000 of the freight mobility investment account—state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 1084), Laws of 2023 (freight mobility priorities). If chapter . . . (Substitute House Bill No. 1084), 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.

***NEW SECTION. Sec. 207. FOR THE WASHINGTON STATE PATROL**

Alaskan Way Viaduct Replacement Project Account—

State Appropriation	\$43,000
State Patrol Highway Account—State Appropriation	\$610,711,000
State Patrol Highway Account—Federal Appropriation	\$20,340,000
State Patrol Highway Account—Private/Local	
Appropriation.	\$4,594,000
Highway Safety Account—State Appropriation	\$1,447,000
Ignition Interlock Device Revolving Account—State	
Appropriation.	\$1,959,000
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

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.

(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.

(5) The appropriations in this section provide sufficient funding for state patrol staffing 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.

(6) \$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)(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)(a) \$2,608,000 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 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) \$3,896,000 of the state patrol highway account—state appropriation is provided solely for implementation of chapter . . . (Engrossed Substitute Senate Bill No. 5272), Laws of 2023 (speed safety cameras). If chapter . . . (Engrossed

Substitute Senate Bill No. 5272), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(10) \$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).

(11) \$4,732,000 of the state patrol highway account—state appropriation is provided solely for two accelerated training programs for lateral hires.

(12) \$98,000 of the state patrol highway account—state appropriation is provided solely for the implementation of chapter . . . (House Bill No. 1179), Laws of 2023 (nonconviction data). If chapter . . . (House Bill No. 1179), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(13) \$76,000 of the state patrol highway account—state appropriation is provided solely for the implementation of chapter . . . (House Bill No. 1112), Laws of 2023 (negligent driving). If chapter . . . (House Bill No. 1112), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(14) \$107,000 of the state patrol highway account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Second Substitute House Bill No. 1715), Laws of 2023 (domestic violence). If chapter . . . (Engrossed Second Substitute House Bill No. 1715), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(15) 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.

(16) \$32,000 of the state patrol highway account—state appropriation is provided solely for the implementation of chapter . . . (Senate Bill No. 5606), Laws of 2023 (illegal racing). If chapter . . . (Senate Bill No. 5606), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

**Sec. 207 was partially vetoed. See message at end of chapter.*

***NEW SECTION. Sec. 208. 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
Limited Fish and Wildlife Account—State	
Appropriation.....	\$765,000
Highway Safety Account—State Appropriation.....	\$277,256,000
Highway Safety Account—Federal Appropriation	\$2,371,000
Motor Vehicle Account—State Appropriation	\$98,824,000
Motor Vehicle Account—Private/Local Appropriation	\$1,336,000
Ignition Interlock Device Revolving Account—State	
Appropriation.....	\$6,401,000
Department of Licensing Services Account—State	
Appropriation.....	\$8,972,000
License Plate Technology Account—State Appropriation	\$4,204,000
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

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. In each phase of the 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.

(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.

(10) The appropriations in this section provide sufficient funding for the department of licensing assuming vacancy savings which 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.

(11) \$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.

(12) \$1,077,000 of the highway safety account—federal appropriation is provided solely for implementation of chapter . . . (Senate Bill No. 5041), 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 . . . (Senate Bill No. 5041), Laws of 2023 or chapter . . . (House Bill No. 1448), Laws of 2023 are enacted by June 30, 2023, the amount provided in this subsection lapses.

(13) \$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 . . . (House Bill No. 1058), Laws of 2023 (streamlining CDL issuance). If neither chapter . . . (Senate Bill No. 5251), Laws of 2023 or chapter . . . (House Bill No. 1058), Laws of 2023 are enacted by June 30, 2023, the amount provided in this subsection lapses.

(14) \$845,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 5583), Laws of 2023 (improving young driver safety). If chapter . . . (Substitute Senate Bill No. 5583), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(15) \$180,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 5504), Laws of 2023 (open motor vehicle safety recalls). If chapter . . . (Substitute Senate Bill No. 5504), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(16) \$497,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Second Substitute Senate Bill No. 5112), Laws of 2023 (updating processes related to voter registration). If chapter . . . (Engrossed Second Substitute Senate Bill No. 5112), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(17) \$29,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Senate Bill No. 5333), Laws of 2023 (the state sport special license plate). If chapter . . . (Senate Bill No. 5333), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(18) \$29,000 of the motor vehicle account—state appropriation is provided solely for implementation of chapter . . . (Senate Bill No. 5590), Laws of 2023 (Mount St. Helens special license plate) or chapter . . . (House Bill No. 1489), Laws of 2023 (Mount St. Helens special license plate). If neither chapter . . . (Senate Bill No. 5590), Laws of 2023 or chapter . . . (House Bill No. 1489), Laws of 2023 are enacted by June 30, 2023, the amount provided in this subsection lapses.

(19) \$29,000 of the motor vehicle account—state appropriation is provided solely for implementation of chapter . . . (Substitute Senate Bill No. 5738) (LeMay special license plate) or chapter . . . (Substitute House Bill No. 1829), Laws of 2023 (LeMay special license plate). If neither chapter . . . (Substitute Senate Bill No. 5738), Laws of 2023 or chapter . . . (Substitute

House Bill No. 1829), Laws of 2023 are enacted by June 30, 2023, the amount provided in this subsection lapses.

(20) \$29,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Senate Bill No. 5347), Laws of 2023 (driver's abstract changes). If chapter . . . (Senate Bill No. 5347), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(21) \$47,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Second Substitute Senate Bill No. 5440), Laws of 2023 (competency evaluations). If chapter . . . (Engrossed Second Substitute Senate Bill No. 5440), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(22) \$23,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Senate Bill No. 5606), Laws of 2023 (illegal racing). If chapter . . . (Senate Bill No. 5606), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(23) \$155,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Second Substitute Senate Bill No. 5128), Laws of 2023 (jury diversity). If chapter . . . (Second Substitute Senate Bill No. 5128), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(24)(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. 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 is terminated.

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

(25)(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) \$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) \$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 identocard 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 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. By December 1st of each year, the department must submit information on the contracted provider, including: The annual budget of the contracted provider in the preceding year; information regarding private and other governmental support for the activities of the provider; and a description of the number of people served, services delivered, and outcome measures.

(29)(a) \$150,000 of the motor vehicle account—state appropriation is provided solely for the department, in consultation with the Washington state transportation commission, to conduct a study on the feasibility of implementing and administering a per-mile fee program. The study must:

(i) Identify the technical investment required to implement a per-mile program within existing technology platforms;

(ii) Identify the staffing and resources needed to administer the program, including any additional resources to support the vehicle licensing offices;

(iii) Research third-party vendor options for offering customers different mileage reporting methods or for outsourcing certain aspects of administering the program; and

(iv) Review use cases and adoption rates in other states, including successes and lessons learned.

(b) A report of the study findings is due to the transportation committees of the legislature and the governor by December 31, 2023.

(30) \$8,000 of the motorcycle safety education account—state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill

No. 1171), Laws of 2023 (motorcycle safety board). If chapter . . . (Substitute House Bill No. 1171), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(31) \$168,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute House Bill No. 1736), Laws of 2023 (vehicle odometer readings). If chapter . . . (Engrossed Substitute House Bill No. 1736), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(32) \$29,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute House Bill No. 1853), Laws of 2023 (transportation resources). If chapter . . . (Engrossed Substitute House Bill No. 1853), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(33) \$426,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 1493), Laws of 2023 (impaired driving). If chapter . . . (Substitute House Bill No. 1493), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(34) \$282,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (House Bill No. 1112), Laws of 2023 (negligent driving). If chapter . . . (House Bill No. 1112), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

**Sec. 208 was partially vetoed. See message at end of chapter.*

NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF TRANSPORTATION—TOLL OPERATIONS AND MAINTENANCE—PROGRAM B

State Route Number 520 Corridor Account—State	
Appropriation.	\$58,854,000
State Route Number 520 Civil Penalties Account—State	
Appropriation.	\$4,178,000
Tacoma Narrows Toll Bridge Account—State	
Appropriation.	\$30,729,000
Alaskan Way Viaduct Replacement Project Account—	
State Appropriation	\$20,701,000
Interstate 405 and State Route Number 167 Express	
Toll Lanes Account—State Appropriation	\$23,756,000
TOTAL APPROPRIATION	\$138,218,000

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.

NEW SECTION. Sec. 210. 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
Puget Sound Ferry Operations Account—State	
Appropriation	\$307,000
Multimodal Transportation Account—State	
Appropriation	\$2,986,000

Transportation 2003 Account (Nickel Account)—State	
Appropriation	\$1,488,000
TOTAL APPROPRIATION	\$128,515,000

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

(1) \$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.

****NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF TRANSPORTATION—FACILITY MAINTENANCE, OPERATIONS, AND CONSTRUCTION—PROGRAM D—OPERATING***

Motor Vehicle Account—State Appropriation	\$39,987,000
Move Ahead WA Account—State Appropriation	\$2,532,000
State Route Number 520 Corridor Account—State	
Appropriation	\$34,000
TOTAL APPROPRIATION	\$42,553,000

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

(1) The appropriations in this section provide sufficient funding for the department assuming vacancy savings which 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.

(2)(a)(i) \$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) 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) Detailed information on any increased capital and other implementation costs under each scenario;

(C) Detailed information on reduced costs, such as leases, facility maintenance, and utilities, under each scenario;

(D) An analysis of opportunities to collocate with other state, local, and other public agencies to reduce costs and improve cost-efficiency while meeting utilization standards; and

(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.

(ii) 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.

(b)(i) Conducting the detailed space study under (a) of this subsection must not prevent or delay the department from meeting other space use and related requirements, or where warranted by current information or opportunities.

(ii) In addition to the reporting requirement under (a) of this subsection, 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. 211 was partially vetoed. See message at end of chapter.*

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION EQUIPMENT FUND—PROGRAM E

Move Ahead WA Account—State Appropriation	\$20,000,000
Multimodal Transportation Account—State Appropriation.	\$433,000
TOTAL APPROPRIATION	\$20,433,000

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.

***NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF TRANSPORTATION—AVIATION—PROGRAM F**

Aeronautics Account—State Appropriation	\$13,979,000
Aeronautics Account—Federal Appropriation	\$3,650,000
Aeronautics Account—Private/Local Appropriation	\$60,000
TOTAL APPROPRIATION	\$17,689,000

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 . . . (Engrossed Substitute House Bill No. 1791), Laws of 2023 (commercial aviation services). If chapter . . . (Engrossed Substitute House Bill No. 1791), Laws of 2023 is not enacted by June 30, 2023, the amount in this subsection lapses.

(5) *\$100,000 of the aeronautics account—state appropriation is provided solely for the department, and where appropriate in conjunction with the state commercial aviation work group, to evaluate various operational and technological enhancements addressing the environmental impacts from commercial aviation activities. The enhancements may include, but are not limited to: (a) Climate-friendly routing of aircraft; (b) innovations addressing the climate change effects of noncarbon dioxide emissions from aviation activities; (c) simulation models applied to congested airports; and (d) online tools to track, analyze, and improve carbon footprints related to aviation activities. A report of findings is due to the governor and the transportation committees of the legislature by June 30, 2025.*

**Sec. 213 was partially vetoed. See message at end of chapter.*

***NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF TRANSPORTATION—PROGRAM DELIVERY MANAGEMENT AND SUPPORT—PROGRAM H**

Motor Vehicle Account—State Appropriation	\$64,470,000
Motor Vehicle Account—Federal Appropriation	\$500,000
Multimodal Transportation Account—State Appropriation.	\$851,000
Move Ahead WA Flexible Account—State Appropriation	\$572,000
TOTAL APPROPRIATION	\$66,393,000

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 ALL PROJECTS as developed April 21, 2023, 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) \$93,000 of the multimodal transportation account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Second Substitute House Bill No. 1170), Laws of 2023 (climate resilience strategy). If chapter . . . (Engrossed Second Substitute House Bill No. 1170), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(7) \$1,600,000 of the motor vehicle account—state appropriation is provided solely for real estate services activities. The legislature finds that the section of public roadway owned by the department that is 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 is no longer necessary for the state highway system. Therefore, pursuant to RCW 36.75.090, the department shall certify that the roadway is no longer needed by the state and convey the roadway to the county for continued use as a public highway for motor vehicle use. In consideration of the value of maintenance services provided by the county on the roadway during the time of department ownership, the department shall also convey to the county any access rights owned by the department limiting access to state route number 532 from 19th Avenue NW.

**Sec. 214 was partially vetoed. See message at end of chapter.*

NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC-PRIVATE PARTNERSHIPS—PROGRAM K

Motor Vehicle Account—State Appropriation	\$694,000
Electric Vehicle Account—State Appropriation	\$4,746,000
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
TOTAL APPROPRIATION	\$199,440,000

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 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) 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) The legislature recognizes that for the state to meet long-term zero emissions goals requires consumers have options when investing in different vehicle technologies, including battery electric vehicles and fuel cell electric vehicles. Therefore, it is the intent of the legislature to appropriate multimodal transportation account funds not to exceed \$30,000,000 over the next three biennia as a state match for secured federal funds to finance hydrogen fueling stations in disadvantaged and overburdened communities for both passenger and light-truck vehicles and medium to heavy-duty vehicles. 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. 117-58).

(5) 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.

(6) \$1,200,000 of the multimodal transportation account—state appropriation and \$2,000,000 of the carbon 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.

(7) \$120,000,000 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. The department must contract with a third-party administrator to implement the early action grant program.

(b) The office of financial management shall place the remaining \$100,000,000 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. 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.

(8) \$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. 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) \$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.

(10) \$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. 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.

(11) \$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. 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.

(12) \$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.

**Sec. 215 was partially vetoed. See message at end of chapter.*

NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MAINTENANCE—PROGRAM M

Motor Vehicle Account—State Appropriation	\$35,033,000
Motor Vehicle Account—Federal Appropriation	\$7,000,000
Move Ahead WA Account—State Appropriation	\$50,000,000
State Route Number 520 Corridor Account—State Appropriation.	\$4,838,000
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
TOTAL APPROPRIATION	\$609,832,000

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 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) \$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) 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) \$1,025,000 of the motor vehicle account—state appropriation is provided solely for the department to implement safety improvements and debris

clean up on department-owned rights-of-way in the city of Seattle at levels above that being implemented as of January 1, 2019, to be administered in conjunction with subsection (4) 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) \$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) 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) \$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.

****NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION OPERATIONS—PROGRAM Q—OPERATING***

Highway Safety Fund—State Appropriation	\$3,529,000
Motor Vehicle Account—State Appropriation	\$85,466,000
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

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. 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 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.

(6) 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.

(7) \$3,529,000 of the highway safety account—state appropriation is provided solely for implementation of chapter . . . (Engrossed Substitute Senate Bill No. 5272), Laws of 2023 (speed safety cameras). If chapter . . . (Engrossed Substitute Senate Bill No. 5272), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(8) \$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) \$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.

(10)(a) The department shall establish the weigh station preclearance program in accordance with the commercial vehicle information systems and networks electronic screening truck inspection and weigh station preclearance standards authorized by the federal motor carrier safety administration. The program must include preclearance systems providers that meet the following criteria:

(i) The preclearance system commercial mobile radio services and dedicated short-range communication devices as transponders technologies must be represented in the program.

(ii) The preclearance system must be broadly deployed across the state for interstate operability purposes on the effective date of this section.

(b) Computer software and hardware, including any infrastructure-based devices or technologies, that is necessary to implement this section and must be made available at no cost to the Washington state patrol. The preclearance system provider is responsible for all costs of operating and maintaining the computer software and hardware. The computer software and hardware must meet all of the following criteria:

(i) The computer software and hardware must meet the requirements of the federal motor carrier safety administration for core compliance with the commercial vehicle information systems and networks electronic screening truck inspection and weigh station preclearance standards.

(ii) In-vehicle equipment must be operated in compliance with applicable state law and regulations.

(iii) Preclearance messaging must be transmitted and received by the driver through electronic messaging within the cab of the commercial motor vehicle.

(iv) If required for preclearance services, real-time data from weigh-in-motion systems or any other systems shall be made available to preclearance system providers.

(c) The department, in consultation with the Washington state patrol, shall establish standards for the program in order to meet the needs of this state and conform with weigh station preclearance programs in other states, including standards regarding safety history credential status.

(11)(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.

**Sec. 217 was partially vetoed. See message at end of chapter.*

***NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION MANAGEMENT AND SUPPORT—PROGRAMS**

Motor Vehicle Account—State Appropriation	\$62,639,000
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

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.

(5) 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.

(6) \$56,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Second Substitute House Bill No. 1216), Laws of 2023 (clean energy siting). If chapter . . . (Engrossed Second Substitute House Bill No. 1216), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

**Sec. 218 was partially vetoed. See message at end of chapter.*

***NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION PLANNING, DATA, AND RESEARCH—PROGRAM T**

Carbon Emissions Reduction Account—State

Appropriation	\$3,000,000
Motor Vehicle Account—State Appropriation	\$32,089,000
Motor Vehicle Account—Federal Appropriation	\$31,412,000
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
Multimodal Transportation Account—Federal	
Appropriation	\$2,809,000
Multimodal Transportation Account—Private/Local	
Appropriation	\$100,000
TOTAL APPROPRIATION	\$84,146,000

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.

(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.

(3) \$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)(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 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.

(6) \$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.

(7) \$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 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)(a) \$11,922,000 of the move ahead WA flexible account—federal 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, 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.

(10) 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.

(11) \$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.

(12) \$1,500,000 of the motor vehicle account—state appropriation is provided solely for a comprehensive analysis of the state and local transportation network in the US 12/A Street/Tank Farm Road/Sacajawea Road/Lewis Street Interchange vicinity to identify long-term, practical, and multimodal solutions that maximize the use of the existing transportation system and reduce the risk of crashes in the corridor.

(13) \$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.

**Sec. 219 was partially vetoed. See message at end of chapter.*

NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION—CHARGES FROM OTHER AGENCIES—PROGRAM U

Aeronautics Account—State Appropriation	\$1,000
Transportation Partnership Account—State Appropriation	\$29,000
Motor Vehicle Account—State Appropriation	\$105,197,000
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
Multimodal Transportation Account—State Appropriation	\$5,585,000
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
TOTAL APPROPRIATION	\$111,479,000

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

(1) Consistent with existing protocol and practices, for any negotiated settlement of a claim against the state for the department that exceeds \$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.

***NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC TRANSPORTATION—PROGRAM V**
Carbon Emissions Reduction Account—State

Appropriation.	\$500,000
Climate Transit Programs Account—State Appropriation	\$406,287,000
State Vehicle Parking Account—State Appropriation	\$784,000
Regional Mobility Grant Program Account—State	
Appropriation.	\$115,060,000
Rural Mobility Grant Program Account—State	
Appropriation.	\$32,774,000
Multimodal Transportation Account—State	
Appropriation.	\$118,255,000
Multimodal Transportation Account—Federal	
Appropriation.	\$4,374,000
Multimodal Transportation Account—Private/Local	
Appropriation.	\$100,000
TOTAL APPROPRIATION	\$678,134,000

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

(1) \$64,354,000 of the multimodal transportation account—state appropriation and \$78,100,000 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—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 of the multimodal transportation account—state appropriation is provided solely for the reappropriation of amounts provided for this purpose in the 2021-2023 fiscal biennium.

(2) \$32,774,000 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 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 is for the reappropriation of amounts provided for this purpose in the 2021-2023 fiscal biennium.

(4) \$37,382,000 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 ALL PROJECTS as developed April 21, 2023, 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 ALL PROJECTS as developed April 21, 2023, 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 of the multimodal transportation account—state appropriation is provided solely for connecting Washington transit projects

identified in LEAP Transportation Document 2023-2 ALL PROJECTS as developed April 21, 2023. 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 ALL PROJECTS as developed April 21, 2023, 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 of the multimodal transportation account—state appropriation is reappropriated and provided solely for the green transportation capital grant projects identified in LEAP Transportation Document 2023-2 ALL PROJECTS as developed April 21, 2023, Program - Public Transportation Program (V).

(11) \$10,000,000 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, 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 is provided solely for move ahead Washington tribal transit grant projects as listed in LEAP Transportation Document 2023-2 ALL PROJECTS as developed April 21, 2023. Of this amount, \$529,000 is for the Sauk-Suiattle Commuter project (L1000318).

(12) \$188,900,000 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 ALL PROJECTS as developed April 21, 2023, 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 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.

(18) 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.

(19) \$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)(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) \$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.

**Sec. 221 was partially vetoed. See message at end of chapter.*

NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION—MARINE—PROGRAM X

Puget Sound Ferry Operations Account—State

Appropriation. \$575,986,000

Puget Sound Ferry Operations Account—Federal

Appropriation. \$163,791,000

Puget Sound Ferry Operations Account—Private/Local

Appropriation. \$121,000

TOTAL APPROPRIATION \$739,898,000

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 of the Puget Sound ferry operations account—federal appropriation and \$50,067,000 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. 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.

(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.

(7) \$11,842,000 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.

(8)(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) \$1,504,000 of the Puget Sound ferry operations account—state appropriation is provided solely for the implementation of chapter . . . (Senate Bill No. 5550), Laws of 2023 (state ferry workforce development issues). If chapter . . . (Senate Bill No. 5550), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(11) \$1,000,000 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) \$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 of the Puget Sound ferry operations account—state appropriation is provided solely for security services at Colman Dock.

(14) \$9,000,000 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) \$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) \$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) \$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)(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) \$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) 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.

****NEW SECTION. Sec. 223. 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
Multimodal Transportation Account—Private/Local	
Appropriation	\$46,000
TOTAL APPROPRIATION	\$92,861,000

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.

(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) \$1,800,000 of the multimodal transportation account—state appropriation is 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 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.

**Sec. 223 was partially vetoed. See message at end of chapter.*

****NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS—PROGRAM Z—OPERATING***

Motor Vehicle Account—State Appropriation	\$13,569,000
Motor Vehicle Account—Federal Appropriation	\$2,567,000
Multiuse Roadway Safety Account—State Appropriation	\$1,230,000
Multimodal Transportation Account—State	
Appropriation	\$1,450,000
TOTAL APPROPRIATION	\$18,816,000

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

(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.

(3) The department shall examine the feasibility of creating a new departmental program for active transportation. By December 1, 2023, the department shall report findings and recommendations to the transportation committees of the legislature and the office of financial management, including, but not limited to:

(a) Estimated cost, new staffing needs, and time frame to establish the program;

(b) A proposed budget structure, and whether both operating and capital components should be established; and

(c) Identification of staff, capital projects, and other resources that would need to transfer from other existing programs.

(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) \$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) \$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) \$146,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed House Bill No. 1782), Laws of 2023 (Wahkiakum ferry). If chapter . . . (Engrossed House Bill No. 1782), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

**Sec. 224 was partially vetoed. See message at end of chapter.*

NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF TRANSPORTATION—VACANCY-RELATED TRANSFER AUTHORITY

(1) The appropriations to the department of transportation must be expended for the programs and in the amounts specified in this act. Appropriations made in this act to the department of transportation must initially be allotted as required under this act. Subsequent allotment modifications may not include transfers of appropriation authority between sections of this act except as expressly provided in this act. Allotment modifications may not permit moneys that are provided solely for a specified purpose to be used for another purpose. However, between October 1, 2023, and March 1, 2024, subject to subsection (2)(a) of this section, the department of transportation may transfer state appropriation authority for the 2023-2025 fiscal biennium among operating programs after approval by the director of the office of financial management.

(2)(a) To ensure that staffing vacancy savings assumed in this act do not impair the ability of each individual program to fill authorized staffing positions, maintain operational capacity, and provide anticipated service delivery levels, the department of transportation may, after approval by the director of the office of financial management: (i) Transfer state motor vehicle account and multimodal transportation account appropriation authority among operating programs, up to the amount of the assumed vacancy savings in each program receiving the transfer; and (ii) make associated staffing-related allotment modifications associated with expenditures for fiscal year 2024. However, transfers authorized in this section may not include the toll operations and maintenance program (program B) or the marine operations program (program X) appropriation authority or allotments, and transfers may only be made within each specific fund source. The department may not transfer appropriation authority, and the director of the office of financial management may not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds and not federal funds.

(b) The director of the office of financial management shall notify in writing the transportation committees of the legislature seven days before approving any allotment modifications or transfers under this section. The written notification must include a narrative explanation and justification of the changes, along with expenditures and allotments by programs and appropriation, both before and after any allotment modifications or transfers.

NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF TRANSPORTATION—CLEAN FUELS CREDIT PROGRAM

The department of transportation, with the assistance of designated staff in the department, 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. 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.

TRANSPORTATION AGENCIES—CAPITAL

NEW SECTION. Sec. 301. FOR THE WASHINGTON STATE PATROL

State Patrol Highway Account—State Appropriation \$7,700,000

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

(1) \$7,700,000 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) \$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) \$500,000 reappropriation is for the Tacoma district office generator replacement project; and

(k) \$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 transfer.

(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.

NEW SECTION. Sec. 302. FOR THE COUNTY ROAD ADMINISTRATION BOARD

Move Ahead WA Account—State Appropriation \$9,333,000

Rural Arterial Trust Account—State Appropriation. \$58,000,000

Motor Vehicle Account—State Appropriation	\$2,456,000
County Arterial Preservation Account—State Appropriation.	\$35,500,000
TOTAL APPROPRIATION	\$105,289,000

NEW SECTION. Sec. 303. FOR THE TRANSPORTATION IMPROVEMENT BOARD

Small City Pavement and Sidewalk Account—State Appropriation.	\$3,975,000
Transportation Improvement Account—State Appropriation.	\$240,000,000
Complete Streets Grant Program Account—State Appropriation.	\$14,670,000
Move Ahead WA Account—State Appropriation	\$9,333,000
Climate Active Transportation Account—State Appropriation.	\$19,067,000
TOTAL APPROPRIATION	\$287,045,000

NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF TRANSPORTATION—FACILITIES—PROGRAM D—(DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)—CAPITAL

Motor Vehicle Account—State Appropriation	\$29,173,000
Move Ahead WA Account—State Appropriation	\$12,011,000
Multimodal Transportation Account—State Appropriation.	\$1,200,000
TOTAL APPROPRIATION	\$42,384,000

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.

NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF TRANSPORTATION—IMPROVEMENTS—PROGRAM I

Alaskan Way Viaduct Replacement Project Account—

State Appropriation \$23,794,000

Climate Active Transportation Account—State

Appropriation.....	\$2,000,000
Move Ahead WA Account—Private/Local Appropriation.....	\$137,500,000
Transportation 2003 Account (Nickel Account)—State	
Appropriation.....	\$317,000
Transportation Partnership Account—State	
Appropriation.....	\$32,643,000
Motor Vehicle Account—State Appropriation.....	\$80,524,000
Motor Vehicle Account—Federal Appropriation.....	\$445,933,000
Coronavirus State Fiscal Recovery Fund—Federal	
Appropriation.....	\$300,000,000
Motor Vehicle Account—Private/Local Appropriation.....	\$52,530,000
Connecting Washington Account—State Appropriation.....	\$2,143,116,000
Special Category C Account—State Appropriation.....	\$133,749,000
Multimodal Transportation Account—State	
Appropriation.....	\$5,915,000
State Route Number 520 Corridor Account—State	
Appropriation.....	\$400,000
Interstate 405 and State Route Number 167 Express	
Toll Lanes Account—State Appropriation.....	\$304,480,000
Move Ahead WA Account—State Appropriation.....	\$590,313,000
Move Ahead WA Account—Federal Appropriation.....	\$340,300,000
TOTAL APPROPRIATION.....	\$4,593,514,000

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 2023-1 as developed April 21, 2023, 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.

(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 ALL PROJECTS as developed April 21, 2023, 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 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 ALL PROJECTS as developed April 21, 2023;

(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 of the coronavirus state fiscal recovery fund—federal appropriation, \$312,653,000 of the motor vehicle account—federal appropriation, \$427,459,000 of the move ahead WA account—state appropriation, and \$1,293,000 of the motor vehicle account—state appropriation are provided solely for the Fish Passage Barrier Removal project (0BI4001) 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 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 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 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, 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 of the move ahead WA account—federal appropriation, \$137,500,000 of the move ahead WA account—private/local appropriation, and \$53,000,000 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 of the connecting Washington account—state appropriation, \$155,000 of the multimodal transportation account—state appropriation, \$26,537,000 of the motor vehicle account—private/local appropriation, \$200,800,000 of the move ahead WA account—federal appropriation, \$68,191,000 of the move ahead WA account—state appropriation,

and \$6,980,000 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)(a) \$394,963,000 of the connecting Washington account—state appropriation, \$400,000 of the state route number 520 corridor account—state appropriation, and \$4,496,000 of the motor vehicle account—private/local appropriation are provided solely for the SR 520 Seattle Corridor Improvements - West End project (M00400R).

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

(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.

(21) \$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) \$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 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.

(23) \$5,000,000 of the motor vehicle account—state appropriation, \$5,000,000 of the connecting Washington account—state appropriation, and \$5,000,000 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.

NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF TRANSPORTATION—PRESERVATION—PROGRAM P

Move Ahead WA Account—State Appropriation	\$13,291,000
Recreational Vehicle Account—State Appropriation	\$793,000
Transportation 2003 Account (Nickel Account)—State Appropriation.	\$48,759,000
Motor Vehicle Account—State Appropriation	\$135,073,000
Motor Vehicle Account—Federal Appropriation	\$534,350,000
Motor Vehicle Account—Private/Local Appropriation	\$12,000,000
Connecting Washington Account—State Appropriation	\$37,078,000
State Route Number 520 Corridor Account—State Appropriation.	\$5,481,000
Tacoma Narrows Toll Bridge Account—State Appropriation.	\$10,892,000
Alaskan Way Viaduct Replacement Project Account— State Appropriation	\$12,000
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation	\$27,026,000
Transportation Partnership Account—State Appropriation.	\$10,000,000
TOTAL APPROPRIATION	\$834,755,000

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 2023-1 as developed April 21, 2023, 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.

(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 ALL PROJECTS as developed April 21, 2023, 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 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.

(10) \$21,000 of motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (House Bill No. 1004), Laws of 2023 (bridge jumping signs). If chapter . . . (House Bill No. 1004), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION OPERATIONS—PROGRAM Q—CAPITAL

Motor Vehicle Account—State Appropriation	\$9,738,000
Motor Vehicle Account—Federal Appropriation	\$5,100,000
Motor Vehicle Account—Private/Local Appropriation	\$500,000
TOTAL APPROPRIATION	\$15,338,000

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

(1) \$4,918,000 of the motor vehicle account—state appropriation is 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 (0000YYY).

(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.

NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF TRANSPORTATION—WASHINGTON STATE FERRIES CONSTRUCTION—PROGRAM W

Carbon Emissions Reduction Account—State	
Appropriation.	\$74,027,000
Move Ahead WA Account—State Appropriation	\$17,114,000
Puget Sound Capital Construction Account—State	
Appropriation.	\$341,969,000
Puget Sound Capital Construction Account—Federal	
Appropriation.	\$33,698,000
Puget Sound Capital Construction Account—	
Private/Local Appropriation	\$1,081,000
Transportation Partnership Account—State	
Appropriation.	\$7,442,000
Connecting Washington Account—State Appropriation	\$10,809,000
Capital Vessel Replacement Account—State	
Appropriation.	\$46,818,000
TOTAL APPROPRIATION	\$532,958,000

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 in LEAP Transportation Document 2023-2 ALL PROJECTS as developed April 21, 2023, Program - Washington State Ferries Capital Program (W).
- (2) \$5,000,000 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 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 . . . (Senate Bill No. 5760 or Engrossed House Bill No. 1846), Laws of 2023.
- (4) The legislature intends that funding will be provided in the 2025-2027 fiscal biennium 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 legislature intends that part of the predesign study 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 with a 124-vehicle capacity vessel.
- (5) \$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) \$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.

(7) 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) 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) 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.

NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—CAPITAL

Carbon Emissions Reduction Account—State

Appropriation \$104,300,000

Essential Rail Assistance Account—State

Appropriation \$676,000

Move Ahead WA Flexible Account—State Appropriation \$35,000,000

Transportation Infrastructure Account—State

Appropriation \$10,369,000

Multimodal Transportation Account—State

Appropriation \$63,334,000

Multimodal Transportation Account—Federal

Appropriation \$18,882,000

TOTAL APPROPRIATION \$232,561,000

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 ALL PROJECTS as developed April 21, 2023, 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 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 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 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 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.

(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 port 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.

(14) \$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.

(15) \$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.

NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS—PROGRAM Z—CAPITAL

Carbon Emissions Reduction Account—State	
Appropriation	\$21,000,000
Climate Active Transportation Account—State	
Appropriation	\$157,463,000
Freight Mobility Investment Account—State	
Appropriation	\$21,098,000
Freight Mobility Multimodal Account—State	
Appropriation	\$22,728,000
Highway Infrastructure Account—State Appropriation	\$793,000
Highway Infrastructure Account—Federal Appropriation	
	\$1,600,000
Move Ahead WA Account—State Appropriation	\$106,707,000
Move Ahead WA Account—Federal Appropriation	\$10,000,000
Move Ahead WA Flexible Account—State Appropriation	\$29,000,000
Transportation Partnership Account—State	

Appropriation	\$500,000
Motor Vehicle Account—State Appropriation	\$36,785,000
Motor Vehicle Account—Federal Appropriation	\$103,553,000
Connecting Washington Account—State Appropriation	\$99,032,000
Multimodal Transportation Account—State Appropriation	\$73,818,000
TOTAL APPROPRIATION	\$684,077,000

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 ALL PROJECTS as developed April 21, 2023, 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 of the multimodal transportation account—state appropriation and \$37,563,000 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 of the motor vehicle account—federal appropriation, \$38,915,000 of the climate active transportation account—state appropriation, and \$12,844,000 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 Sandy Williams connecting communities grant program.

(4) \$6,875,000 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 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 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.

(7) \$128,400,000 of the move ahead WA account—state appropriation and \$19,500,000 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 ALL PROJECTS as developed April 21, 2023, 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 ALL PROJECTS as developed April 21, 2023, 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 ALL PROJECTS as developed April 21, 2023, 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 ALL PROJECTS as developed April 21, 2023, 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.

(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 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 of the freight mobility investment account—state appropriation and \$22,728,000 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 ALL PROJECTS as developed April 21, 2023;

(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.

NEW SECTION. Sec. 311. ANNUAL REPORTING REQUIREMENTS FOR CAPITAL PROGRAM

As part of its annual budget submittal, the department of transportation shall provide an update to the report provided to the legislature in the prior fiscal year in a manner consistent with past practices as specified in section 312, chapter 333, Laws of 2021.

NEW SECTION. Sec. 312. QUARTERLY REPORTING REQUIREMENTS FOR CAPITAL PROGRAM

On a quarterly basis, the department of transportation shall provide to the office of financial management and the legislative transportation committees a report for all capital projects in a manner consistent with past practices as specified in section 313, chapter 186, Laws of 2022.

NEW SECTION. Sec. 313. NOTIFICATION REQUIREMENTS FOR PAUSES AND CANCELLATIONS

(1) The department of transportation shall notify the transportation committees of the legislature when it intends to pause for a significant length of time or not proceed with operating items or capital projects included as budget provisos or on project lists. When feasible, this notification shall be provided prior to the pause or cancellation and at least seven days in advance of any public announcement related to such a pause or cancellation.

(2) At the time of notification, the department shall provide an explanation for the reason or reasons for the pause or cancellation for each operating budget item and capital project. The explanation shall include specific reasons for each pause or cancellation, in addition to a statement of the broad rationale for the pause or cancellation.

(3) When feasible, the department shall make best efforts to keep the transportation committees of the legislature informed of an evaluation process underway for selecting operating budget items and capital projects to be paused or canceled, providing updates as its selection efforts proceed.

(4) When exigent circumstances prevent prior notice of a pause or cancellation from being provided to the transportation committees of the legislature, the department shall provide the information required under this section to the transportation committees of the legislature as soon as is practicable.

NEW SECTION. Sec. 314. FOR THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION—FUNDS MANAGEMENT

As part of the department's 2024 supplemental and 2025-2027 biennial budget requests, the department shall also report on:

(1) The federal grant programs it has applied for; and

(2) The federal competitive grant programs it could have applied for but did not and the reason or reasons it did not apply.

TRANSFERS AND DISTRIBUTIONS

NEW SECTION. Sec. 401. 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
Connecting Washington Account—State Appropriation	\$11,951,000
Special Category C Account—State Appropriation	\$922,000
Highway Bond Retirement Account—State Appropriation	\$1,470,291,000
Ferry Bond Retirement Account—State Appropriation	\$4,616,000
Transportation Improvement Board Bond Retirement	
Account—State Appropriation	\$10,895,000
Nondebt-Limit Reimbursable Bond Retirement Account—	
State Appropriation	\$28,606,000
Toll Facility Bond Retirement Account—State	
Appropriation.	\$76,372,000
TOTAL APPROPRIATION	\$1,604,754,000

NEW SECTION. Sec. 402. 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
Transportation Improvement Account—State	
Appropriation.	\$20,000
Connecting Washington Account—State Appropriation	\$2,391,000
Special Category C Account—State Appropriation	\$183,000
TOTAL APPROPRIATION	\$2,814,000

NEW SECTION. Sec. 403. 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
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

NEW SECTION. Sec. 404. FOR THE STATE TREASURER—TRANSFERS

Motor Vehicle Account—State Appropriation: For motor	
vehicle fuel tax refunds and statutory	
transfers	\$1,969,182,000

NEW SECTION. Sec. 405. FOR THE DEPARTMENT OF LICENSING—TRANSFERS

Motor Vehicle Account—State Appropriation: For motor vehicle fuel tax refunds and transfers \$246,480,000

NEW SECTION. Sec. 406. 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) Electric Vehicle Account—State appropriation: For transfer to the Move Ahead WA Flexible Account—State \$29,200,000

(5) Electric Vehicle Account—State Appropriation: For transfer to the Multimodal Transportation Account—State \$23,330,000

(6) Washington State Aviation Account—State Appropriation: For transfer to the Aeronautics Account—State \$150,000

(7) Carbon Emissions Reduction Account—State Appropriation: For transfer to the Climate Active Transportation Account—State \$178,885,000

(8) Carbon Emissions Reduction Account—State Appropriation: For transfer to the Climate Transit Programs Account—State \$408,000,000

(9) Carbon Emissions Reduction Account—State Appropriation: For transfer to the Puget Sound Ferry Operations Account—State \$4,200,000

(10) Move Ahead WA Flexible Account—State Appropriation: For transfer to the Move Ahead WA Account—State \$100,000,000

(11) Alaskan Way Viaduct Replacement Project Account—State Appropriation: For transfer to the Motor Vehicle Account—State \$25,000,000

(12) Highway Safety Account—State Appropriation: For transfer to the State Patrol Highway Account—State \$77,000,000

(13)(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) Motor Vehicle Account—State Appropriation:
For transfer to the County Arterial Preservation
Account—State \$4,844,000

(16) Motor Vehicle Account—State Appropriation: For
transfer to the Freight Mobility Investment
Account—State \$8,511,000

(17) Motor Vehicle Account—State Appropriation: For
transfer to the Rural Arterial Trust Account—State \$4,844,000

(18) Motor Vehicle Account—State Appropriation:
For transfer to the Transportation Improvement
Account—State \$9,688,000

(19)(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) State Route Number 520 Civil Penalties
Account—State Appropriation: For transfer to the
State Route Number 520 Corridor Account—State \$560,000

(21)(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) Multimodal Transportation Account—State
Appropriation: For transfer to the Complete Streets
Grant Program Account—State \$14,670,000

(23) Multimodal Transportation Account—State
Appropriation: For transfer to the Highway Safety
Account—State \$3,000,000

(24) Multimodal Transportation Account—State
Appropriation: For transfer to the Motor Vehicle
Account—State \$15,000,000

(25) Multimodal Transportation Account—State
Appropriation: For transfer to the Freight Mobility
Multimodal Account—State \$8,511,000

(26) Multimodal Transportation Account—State
Appropriation: For transfer to the Move Ahead WA Flexible
Account—State \$11,790,000

(27) Multimodal Transportation Account—State
Appropriation: For transfer to the Puget Sound Capital
Construction Account—State \$175,000,000

(28) Multimodal Transportation Account—State

Appropriation: For transfer to the Puget Sound Ferry Operations Account—State	\$38,500,000
(29) Multimodal Transportation Account—State	
Appropriation: For transfer to the Regional Mobility Grant Program Account—State	\$27,679,000
(30) Multimodal Transportation Account—State	
Appropriation: For transfer to the Rural Mobility Grant Program Account—State	\$12,223,000
(31) Multimodal Transportation Account—State	
Appropriation: For transfer to the State Patrol Highway Account—State	\$59,000,000
(32)(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) Tacoma Narrows Toll Bridge Account—State	
Appropriation: For transfer to the Motor Vehicle Account—State	\$543,000
(34)(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.	
(35) Puget Sound Ferry Operations Account—State	
Appropriation: For transfer to the Puget Sound Capital Construction Account—State	\$121,828,000
(36) Move Ahead WA Account—State Appropriation: For transfer to the Puget Sound Ferry Operations Account—State	\$120,000,000

NEW SECTION. Sec. 407. 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
Toll Facility Bond Retirement Account—State	
Appropriation.	\$25,372,000
TOTAL APPROPRIATION	\$219,613,000

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.

COMPENSATION

NEW SECTION. Sec. 501. COLLECTIVE BARGAINING AGREEMENTS NOT IMPAIRED

Nothing in this act prohibits the expenditure of any funds by an agency or institution of the state for benefits guaranteed by any collective bargaining agreement in effect on the effective date of this section.

NEW SECTION. Sec. 502. COLLECTIVE BARGAINING AGREEMENTS

(1) In accordance with chapters 41.80, 41.56, and 47.64 RCW, agreements have been reached between the governor and organizations representing state employee bargaining units for the 2023-2025 fiscal biennium and funding is provided in this act for agreements and awards with the following organizations:

- (a) Washington federation of state employees, general government;
 - (b) Washington public employees association, general government;
 - (c) Professional and technical engineers, local 17;
 - (d) The coalition of unions;
 - (e) Washington state patrol troopers association;
 - (f) Washington state patrol lieutenants and captains association;
 - (g) Office and professional employees international union local 8;
 - (h) Ferry agents, supervisors, and project administrators association;
 - (i) Service employees international union local 6;
 - (j) Pacific northwest regional council of carpenters;
 - (k) Puget Sound metal trades council;
 - (l) Marine engineers' beneficial association unlicensed engine room employees;
 - (m) Marine engineers' beneficial association licensed engineer officers;
 - (n) Marine engineers' beneficial association port engineers;
 - (o) Masters, mates, and pilots - mates;
 - (p) Masters, mates, and pilots - masters;
 - (q) Masters, mates, and pilots - watch center supervisors; and
 - (r) Inlandboatmen's union of the Pacific;
- (2) Expenditures for agreements in this section may also be funded from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided.

NEW SECTION. Sec. 503. COMPENSATION—INSURANCE BENEFITS

(1)(a) An agreement was reached for the 2023-2025 fiscal biennium between the governor and the health care coalition under the provisions of chapter 41.80 RCW. Appropriations in this act for state agencies are sufficient to implement the provisions of the 2023-2025 collective bargaining agreement.

(b) Appropriations for state agencies in this act are sufficient for represented employees outside the coalition and for nonrepresented state employee health benefits.

(2) The appropriations for state agencies in this act for benefits provided by the public employees' benefits board are subject to conditions and limitations as provided in the omnibus operating appropriations act.

NEW SECTION. Sec. 504. GENERAL WAGE INCREASES AND LUMP SUM PAYMENTS

(1)(a) Appropriations for state agency employee compensation in this act are sufficient to provide general wage increases to state agency employees and

employees of institutions of higher education, who are not represented or who bargain under statutory authority other than chapter 41.80 or 47.64 RCW or RCW 41.56.473 or 41.56.475.

(b) Appropriations for state agency employee compensation in this act are sufficient to provide a retention lump sum payment and a lump sum COVID-19 booster incentive to state agency employees who are not represented or who bargain under statutory authority other than chapter 41.80 or 47.64 RCW or RCW 41.56.473 or 41.56.475.

(2) Funding is provided for a four percent general wage increase effective July 1, 2023, for all classified employees as specified in subsection (1)(a) of this section, employees in the Washington management service, and exempt employees under the jurisdiction of the office of financial management. The appropriations are also sufficient to fund a four percent salary increase effective July 1, 2023, for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(3) Funding is provided for a three percent general wage increase effective July 1, 2024, for all classified employees as specified in subsection (1)(a) of this section, employees in the Washington management service, and exempt employees under the jurisdiction of the office of financial management. The appropriations are also sufficient to fund a three percent salary increase effective July 1, 2024, for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(4) Funding is provided for a retention lump sum payment of \$1,000 for all employees as specified in subsection (1)(b) of this section who were employed on or before July 1, 2022, and continuously employed through July 1, 2023.

(5) Funding is provided for a COVID-19 booster incentive payment of \$1,000 for all employees as specified in subsection (1)(b) of this section who provide verification, beginning January 1, 2023, through December 31, 2023, that they are up-to-date with the COVID-19 vaccine booster.

NEW SECTION. Sec. 505. COMPENSATION—PENSION CONTRIBUTIONS

Appropriations in this act for state agencies are adjusted to reflect pension contribution rates adopted by the pension funding council and the law enforcement officers' and firefighters' retirement system plan 2 board and as otherwise provided in the omnibus operating appropriations act.

IMPLEMENTING PROVISIONS

NEW SECTION. Sec. 601. 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 as developed April 21, 2023, 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.

NEW SECTION. Sec. 602. BOND REIMBURSEMENT

To the extent that any appropriation authorizes expenditures of state funds from the motor vehicle account, special category C account, Tacoma Narrows toll bridge account, transportation 2003 account (nickel account), transportation partnership account, transportation improvement account, Puget Sound capital construction account, multimodal transportation account, state route number 520 corridor account, connecting Washington account, or other transportation capital project account in the state treasury for a state transportation program that is specified to be funded with proceeds from the sale of bonds authorized in chapter 47.10 RCW, the legislature declares that any such expenditures made before the issue date of the applicable transportation bonds for that state transportation program are intended to be reimbursed from proceeds of those transportation bonds in a maximum amount equal to the amount of such appropriation.

NEW SECTION. Sec. 603. BELATED CLAIMS

The agencies and institutions of the state may expend moneys appropriated in this act, upon approval of the office of financial management, for the payment of supplies and services furnished to the agency or institution in prior fiscal biennia.

NEW SECTION. Sec. 604. REAPPROPRIATIONS REPORTING

(1) As part of its 2024 supplemental budget submittal, the department of transportation shall provide a report to the legislature and the office of financial management that:

(a) Identifies, by capital project, the amount of state funding that has been reappropriated from the 2021-2023 fiscal biennium into the 2023-2025 fiscal biennium; and

(b) Identifies, for each project, the amount of cost savings or increases in funding that have been identified as compared to the 2021 enacted omnibus transportation appropriations act.

(2) As part of the agency request for capital programs, the department shall load reappropriations separately from funds that were assumed to be required for the 2023-2025 fiscal biennium into budgeting systems.

NEW SECTION. Sec. 605. WEBSITE REPORTING REQUIREMENTS

The department of transportation shall post on its website every report that is due from the department to the legislature during the 2023-2025 fiscal

biennium on one web page in a manner consistent with past practices as specified in section 605, chapter 333, Laws of 2021.

NEW SECTION. Sec. 606. 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 ALL PROJECTS as developed April 21, 2023, in a manner consistent with past practices as specified in section 602, chapter 186, Laws of 2022.

NEW SECTION. Sec. 607. PROJECT SCOPE CHANGES

(1) During the 2023-2025 fiscal biennium, while the legislature is not in session, the director of the office of financial management may approve project scope change requests to connecting Washington projects and move ahead WA projects in the highway improvements program, provided that the requests meet the criteria outlined in RCW 47.01.480 if a connecting Washington project, and are subject to the limitations in this section.

(2) At the time the department of transportation submits a request for a project scope change under this section, a copy of the request must be submitted to the transportation committees of the legislature.

(3) 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 project scope changes.

(4) No fewer than 10 days after the receipt of a scope change request, the director of the office of financial management must provide written notification to the department of any decision regarding project scope changes, with copies submitted to the transportation committees of the legislature.

(5) As part of its annual budget submittal, the department of transportation must report on all approved scope change requests from the prior year, including a comparison of the scope before and after the requested change.

NEW SECTION. Sec. 608. TOLL CREDITS

The department of transportation may provide up to \$5,000,000 in toll credits to Kitsap transit for its role in delivering capital projects related to Kitsap transit public transportation services including, but not limited to, ferry service. The number of toll credits provided must be equal to, but no more than, the number sufficient to meet federal match requirements for grant funding for passenger-only ferry service, but must not exceed the amount authorized in this section.

NEW SECTION. Sec. 609. 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 ALL PROJECTS as developed April 21, 2023, 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

***NEW SECTION. Sec. 701. INFORMATION TECHNOLOGY OVERSIGHT**

The following transportation projects are subject to the conditions, limitations, and review provided in section 701(2) through (12), chapter . . . (Engrossed Substitute Senate Bill No. 5187), Laws of 2023 (omnibus operating appropriations act):

(1) *For the Washington state patrol: Aerial criminal investigation tools;*

(2) For the department of licensing: Website accessibility and usability, and to upgrade and improve prorated and fuel tax system; and

(3) For the department of transportation: Linear referencing system (LRS) and highway performance monitoring system (HPMS) replacement, transportation reporting and accounting information system (TRAINS) upgrade and PROPEL - WSDOT support of one Washington, and capital systems replacement.

**Sec. 701 was partially vetoed. See message at end of chapter.*

NEW SECTION. Sec. 702. DEVELOPMENT OF CLIMATE COMMITMENT ACT EVALUATION TOOLS

The department of transportation 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 for programs, projects, and other activities that receive funding from the carbon emissions reduction account.

Sec. 703. RCW 43.19.642 and 2021 c 333 s 703 are each amended to read as follows:

(1) Effective June 1, 2006, for agencies complying with the ultra-low sulfur diesel mandate of the United States environmental protection agency for on-highway diesel fuel, agencies shall use biodiesel as an additive to ultra-low sulfur diesel for lubricity, provided that the use of a lubricity additive is warranted and that the use of biodiesel is comparable in performance and cost with other available lubricity additives. The amount of biodiesel added to the ultra-low sulfur diesel fuel shall be not less than two percent.

(2) Except as provided in subsection (5) of this section, effective June 1, 2009, state agencies are required to use a minimum of (~~twenty~~) 20 percent biodiesel as compared to total volume of all diesel purchases made by the agencies for the operation of the agencies' diesel-powered vessels, vehicles, and construction equipment.

(3) All state agencies using biodiesel fuel shall, beginning on July 1, 2016, file annual reports with the department of enterprise services documenting the use of the fuel and a description of how any problems encountered were resolved.

(4) By December 1, 2009, the department of enterprise services shall:

(a) Report to the legislature on the average true price differential for biodiesel by blend and location; and

(b) Examine alternative fuel procurement methods that work to address potential market barriers for in-state biodiesel producers and report these findings to the legislature.

(5) During the (~~(2019-2021 and)~~) 2021-2023 and 2023-2025 fiscal biennia, the Washington state ferries is required to use a minimum of five percent biodiesel as compared to total volume of all diesel purchases made by the Washington state ferries for the operation of the Washington state ferries diesel-powered vessels, as long as the price of a B5 or B10 biodiesel blend does not exceed the price of conventional diesel fuel by five percent or more.

Sec. 704. RCW 46.20.745 and 2021 c 333 s 704 are each amended to read as follows:

(1) The ignition interlock device revolving account program is created within the department to assist in covering the monetary costs of installing, removing, and leasing an ignition interlock device, and applicable licensing, for indigent persons who are required under RCW 46.20.385, 46.20.720, and 46.61.5055 to install an ignition interlock device in all vehicles owned or operated by the person. For purposes of this subsection, "indigent" has the same meaning as in RCW 10.101.010, as determined by the department. During the (~~(2019-2021 and)~~) 2021-2023 and 2023-2025 fiscal biennia, the ignition interlock device revolving account program also includes ignition interlock enforcement work conducted by the Washington state patrol.

(2) A pilot program is created within the ignition interlock device revolving account program for the purpose of monitoring compliance by persons required to use ignition interlock devices and by ignition interlock companies and vendors.

(3) The department, the state patrol, and the Washington traffic safety commission shall coordinate to establish a compliance pilot program that will target at least one county from eastern Washington and one county from western Washington, as determined by the department, state patrol, and Washington traffic safety commission.

(4) At a minimum, the compliance pilot program shall:

(a) Review the number of ignition interlock devices that are required to be installed in the targeted county and the number of ignition interlock devices actually installed;

(b) Work to identify those persons who are not complying with ignition interlock requirements or are repeatedly violating ignition interlock requirements; and

(c) Identify ways to track compliance and reduce noncompliance.

(5) As part of monitoring compliance, the Washington traffic safety commission shall also track recidivism for violations of RCW 46.61.502 and 46.61.504 by persons required to have an ignition interlock driver's license under RCW 46.20.385 and 46.20.720.

Sec. 705. RCW 46.68.060 and 2022 c 182 s 434 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 2013-2015 and 2015-2017 fiscal biennia, the legislature may transfer from the highway safety fund to the Puget Sound ferry operations account, the motor vehicle fund, and the multimodal transportation account such amounts as reflect the excess fund balance of the highway safety fund.~~) During the ~~((2017-2019, 2019-2021, and))~~ 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 and the state patrol highway account.

Sec. 706. RCW 46.68.063 and 2021 c 333 s 714 are each amended to read as follows:

The department of licensing technology improvement and data management account is created in the highway safety ~~((fund))~~ account. All receipts from fees collected under RCW 46.12.630(5) must be deposited into the account. Expenditures from the account may be used only for investments in technology and data management at the department. During the ~~((2019-2021 and))~~ 2021-2023 and 2023-2025 fiscal biennia, the account may also be used for responding to public records requests. Moneys in the account may be spent only after appropriation.

Sec. 707. RCW 46.68.290 and 2022 c 157 s 16 are each amended to read as follows:

(1) The transportation partnership account is hereby created in the motor vehicle ~~((fund))~~ account. All distributions to the account from RCW 46.68.090 must be deposited into the account. Money in the account may be spent only after appropriation. Expenditures from the account must be used only for projects or improvements identified as 2005 transportation partnership projects or improvements in the omnibus transportation appropriations act, including any principal and interest on bonds authorized for the projects or improvements.

(2) The legislature finds that:

(a) Citizens demand and deserve accountability of transportation-related programs and expenditures. Transportation-related programs must continuously improve in quality, efficiency, and effectiveness in order to increase public trust;

(b) Transportation-related agencies that receive tax dollars must continuously improve the way they operate and deliver services so citizens receive maximum value for their tax dollars; and

(c) Fair, independent, comprehensive performance audits of transportation-related agencies overseen by the elected state auditor are essential to improving the efficiency, economy, and effectiveness of the state's transportation system.

(3) For purposes of chapter 314, Laws of 2005:

(a) "Performance audit" means an objective and systematic assessment of a state agency or agencies or any of their programs, functions, or activities by the state auditor or designee in order to help improve agency efficiency,

effectiveness, and accountability. Performance audits include economy and efficiency audits and program audits.

(b) "Transportation-related agency" means any state agency, board, or commission that receives funding primarily for transportation-related purposes. At a minimum, the department of transportation, the transportation improvement board or its successor entity, the county road administration board or its successor entity, and the traffic safety commission are considered transportation-related agencies. The Washington state patrol and the department of licensing shall not be considered transportation-related agencies under chapter 314, Laws of 2005.

(4) Within the authorities and duties under chapter 43.09 RCW, the state auditor shall establish criteria and protocols for performance audits. Transportation-related agencies shall be audited using criteria that include generally accepted government auditing standards as well as legislative mandates and performance objectives established by state agencies. Mandates include, but are not limited to, agency strategies, timelines, program objectives, and mission and goals as required in RCW 43.88.090.

(5) Within the authorities and duties under chapter 43.09 RCW, the state auditor may conduct performance audits for transportation-related agencies. The state auditor shall contract with private firms to conduct the performance audits.

(6) The audits may include:

(a) Identification of programs and services that can be eliminated, reduced, consolidated, or enhanced;

(b) Identification of funding sources to the transportation-related agency, to programs, and to services that can be eliminated, reduced, consolidated, or enhanced;

(c) Analysis of gaps and overlaps in programs and services and recommendations for improving, dropping, blending, or separating functions to correct gaps or overlaps;

(d) Analysis and recommendations for pooling information technology systems used within the transportation-related agency, and evaluation of information processing and telecommunications policy, organization, and management;

(e) Analysis of the roles and functions of the transportation-related agency, its programs, and its services and their compliance with statutory authority and recommendations for eliminating or changing those roles and functions and ensuring compliance with statutory authority;

(f) Recommendations for eliminating or changing statutes, rules, and policy directives as may be necessary to ensure that the transportation-related agency carry out reasonably and properly those functions vested in the agency by statute;

(g) Verification of the reliability and validity of transportation-related agency performance data, self-assessments, and performance measurement systems as required under RCW 43.88.090;

(h) Identification of potential cost savings in the transportation-related agency, its programs, and its services;

(i) Identification and recognition of best practices;

(j) Evaluation of planning, budgeting, and program evaluation policies and practices;

(k) Evaluation of personnel systems operation and management;

(l) Evaluation of purchasing operations and management policies and practices;

(m) Evaluation of organizational structure and staffing levels, particularly in terms of the ratio of managers and supervisors to nonmanagement personnel; and

(n) Evaluation of transportation-related project costs, including but not limited to environmental mitigation, competitive bidding practices, permitting processes, and capital project management.

(7) Within the authorities and duties under chapter 43.09 RCW, the state auditor must provide the preliminary performance audit reports to the audited state agency for comment. The auditor also may seek input on the preliminary report from other appropriate officials. Comments must be received within ~~((thirty))~~ 30 days after receipt of the preliminary performance audit report unless a different time period is approved by the state auditor. The final performance audit report shall include the objectives, scope, and methodology; the audit results, including findings and recommendations; the agency's response and conclusions; and identification of best practices.

(8) The state auditor shall provide final performance audit reports to the citizens of Washington, the governor, the joint legislative audit and review committee, the appropriate legislative committees, and other appropriate officials. Final performance audit reports shall be posted on the internet.

(9) The audited transportation-related agency is responsible for follow-up and corrective action on all performance audit findings and recommendations. The audited agency's plan for addressing each audit finding and recommendation shall be included in the final audit report. The plan shall provide the name of the contact person responsible for each action, the action planned, and the anticipated completion date. If the audited agency does not agree with the audit findings and recommendations or believes action is not required, then the action plan shall include an explanation and specific reasons.

The office of financial management shall require periodic progress reports from the audited agency until all resolution has occurred. The office of financial management is responsible for achieving audit resolution. The office of financial management shall annually report by December 31st the status of performance audit resolution to the appropriate legislative committees and the state auditor. The legislature shall consider the performance audit results in connection with the state budget process.

The auditor may request status reports on specific audits or findings.

(10) For the period from July 1, 2005, until June 30, 2007, the amount of \$4,000,000 is appropriated from the transportation partnership account to the state auditors office for the purposes of subsections (2) through (9) of this section.

(11) ~~((During the 2015-2017 fiscal biennium, the legislature may transfer from the transportation partnership account to the connecting Washington account such amounts as reflect the excess fund balance of the transportation partnership account.~~

(12)) During the ~~((2019-2021 and))~~ 2021-2023 and 2023-2025 fiscal biennia, the legislature may direct the state treasurer to make transfers of moneys in the transportation partnership account to ~~((the connecting Washington~~

~~account,~~) the motor vehicle (~~fund,~~) account and the Tacoma Narrows toll bridge account(~~, and the capital vessel replacement account~~)).

Sec. 708. RCW 46.68.300 and 2021 c 333 s 711 are each 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 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. 709. RCW 46.68.370 and 2021 c 333 s 710 are each amended to read as follows:

The license plate technology account is created in the state treasury. All receipts collected under RCW 46.17.015 must be deposited into this account. Expenditures from this account must support current and future license plate technology and systems integration upgrades for both the department and correctional industries. Moneys in the account may be spent only after appropriation. Additionally, the moneys in this account may be used to reimburse the motor vehicle account for any appropriation made to implement the digital license plate system. During the 2011-2013 and 2013-2015 fiscal biennia, the legislature may transfer from the license plate technology account to the highway safety fund such amounts as reflect the excess fund balance of the license plate technology account. During the (~~2019-2021 and~~) 2021-2023 and 2023-2025 fiscal biennia, the account may also be used for the maintenance of recently modernized information technology systems for vehicle registrations.

Sec. 710. RCW 46.68.395 and 2020 c 219 s 707 are each amended to read as follows:

(1) The connecting Washington account is created in the motor vehicle (~~fund~~) account. Moneys in the account may be spent only after appropriation. Expenditures from the account must be used only for projects or improvements identified as connecting Washington projects or improvements in a transportation appropriations act, including any principal and interest on bonds authorized for the projects or improvements.

(2) Moneys in the connecting Washington account may not be expended on the state route number 99 Alaskan Way viaduct replacement project.

(3) During the (~~2019-2021~~) 2023-2025 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the connecting Washington account to the (~~motor vehicle fund~~) move ahead WA account.

Sec. 711. RCW 46.68.490 and 2022 c 182 s 102 are each amended to read as follows:

(1) The climate active transportation account is hereby created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the following active transportation grant programs: Safe routes to schools, school-based bike program, bicycle and pedestrian grant program, complete streets grants program,

and connecting communities grant program, as well as pedestrian and bicycle or other active transportation projects identified in an omnibus transportation appropriations act as move ahead WA projects.

(2) Beginning July 1, 2023, the state treasurer shall annually transfer 24 percent of the revenues accruing annually to the carbon emissions reduction account created in RCW 70A.65.240 to the climate active transportation account. This subsection does not apply during the 2023-2025 fiscal biennium.

Sec. 712. RCW 46.68.500 and 2022 c 182 s 103 are each amended to read as follows:

(1) The climate transit programs account is hereby created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the following transit grant programs: Transit support grant program, tribal transit mobility grants, transit coordination grants, special needs transit grants, bus and bus facility grant program, green transit grants, and transportation demand management grants, as well as transit projects identified in an omnibus transportation appropriations act as move ahead WA projects.

(2) Beginning July 1, 2023, the state treasurer shall annually transfer 56 percent of the revenues accruing annually to the carbon emissions reduction account created in RCW 70A.65.240 to the climate transit programs account. This subsection does not apply during the 2023-2025 fiscal biennium.

Sec. 713. RCW 47.56.876 and 2022 c 157 s 17 are each amended to read as follows:

(1) A special account to be known as the state route number 520 civil penalties account is created in the state treasury. All state route number 520 bridge replacement and HOV program civil penalties generated from the nonpayment of tolls on the state route number 520 corridor must be deposited into the account, as provided under RCW 47.56.870(4)(b)(vii). Moneys in the account may be spent only after appropriation. Expenditures from the account must be used to fund legal obligations associated with bonds and loans associated with the construction and operation of state route number 520 under circumstances where the toll revenue collections at the time are not sufficient to fully cover such legal obligations, and then may be used to fund any project within the state route number 520 bridge replacement and HOV program, including mitigation. The legislature may direct the state treasurer to make transfers of moneys in the state route number 520 civil penalties account to the state route number 520 corridor account. During the 2021-2023 and 2023-2025 fiscal (~~biennium~~) biennia, the legislature may direct the state treasurer to transfer moneys in the state route number 520 civil penalties account to the motor vehicle account.

(2) For purposes of this section, "legal obligations associated with bonds and loans" includes, but is not limited to, debt service and all other activities necessary to comply with financial covenants associated with state route number 520, costs associated with the civil penalties program, and operation and maintenance costs.

Sec. 714. RCW 47.60.315 and 2021 c 333 s 716 are each amended to read as follows:

(1) The commission shall adopt fares and pricing policies by rule, under chapter 34.05 RCW, according to the following schedule:

(a) Each year the department shall provide the commission a report of its review of fares and pricing policies, with recommendations for the revision of fares and pricing policies for the ensuing year;

(b) By September 1st of each year, beginning in 2008, the commission shall adopt by rule fares and pricing policies for the ensuing year.

(2) The commission may adopt by rule fares that are effective for more or less than one year for the purposes of transitioning to the fare schedule in subsection (1) of this section.

(3) The commission may increase ferry fares included in the schedule of charges adopted under this section by a percentage that exceeds the fiscal growth factor.

(4) The chief executive officer of the ferry system may authorize the use of promotional, discounted, and special event fares to the general public and commercial enterprises for the purpose of maximizing capacity use and the revenues collected by the ferry system. The department shall report to the commission a summary of the promotional, discounted, and special event fares offered during each fiscal year and the financial results from these activities.

(5) Fare revenues and other revenues deposited in the Puget Sound ferry operations account created in RCW 47.60.530 may not be used to support the Puget Sound capital construction account created in RCW 47.60.505, unless the support for capital is separately identified in the fare or except as provided in section 715, chapter 333, Laws of 2021 during the 2021-2023 biennium and section 716, chapter . . . , Laws of 2023 (this act) during the 2023-2025 fiscal biennium.

(6) The commission may not raise fares until the fare rules contain pricing policies developed under RCW 47.60.290, or September 1, 2009, whichever is later.

(7) The commission shall impose a vessel replacement surcharge of ~~((twenty-five))~~ 25 cents on every one-way and round-trip ferry fare sold, including multiride and monthly pass fares. This surcharge must be clearly indicated to ferry passengers and drivers and, if possible, on the fare media itself.

(8) Except as provided in subsection (10) of this section, beginning May 1, 2020, the commission shall impose an additional vessel replacement surcharge in an amount sufficient to fund ~~((twenty-five))~~ 25 year debt service on one 144-auto hybrid vessel taking into account funds provided in chapter 417, Laws of 2019 or chapter . . . (SSB 5419), Laws of 2019. The department of transportation shall provide to the commission vessel and debt service cost estimates. Information on vessels constructed or purchased with revenue from the surcharges must be publicly posted including, but not limited to, the commission website.

(9) The vessel replacement surcharges imposed in this section may only be used for the construction or purchase of ferry vessels and to pay the principal and interest on bonds authorized for the construction or purchase of new ferry vessels.

(10) The commission shall not impose the additional vessel replacement surcharge in subsection (8) of this section if doing so would increase fares by more than ~~((ten))~~ 10 percent.

(11) For the 2023-2025 fiscal biennium, any ferry fuel surcharge imposed by the commission may not go into effect until after the ensuing regular legislative session. If a fuel surcharge is imposed as provided under this subsection, the commission must reevaluate the need for the surcharge on at least a quarterly basis to determine if the surcharge is still needed to cover increased fuel costs, and revoke the surcharge if the determination is that the surcharge is no longer needed for this purpose.

Sec. 715. RCW 47.60.322 and 2021 c 333 s 712 are each amended to read as follows:

(1) The capital vessel replacement account is created in the motor vehicle ~~((fund))~~ account. All revenues generated from the vessel replacement surcharge under RCW 47.60.315(7) and service fees collected by the department of licensing or county auditor or other agent appointed by the director under RCW 46.17.040, 46.17.050, and 46.17.060 must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the construction or purchase of ferry vessels and to pay the principal and interest on bonds authorized for the construction or purchase of ferry vessels. However, expenditures from the account must first be used to support the construction or purchase, including any applicable financing costs, of a ferry vessel with a carrying capacity of at least one hundred forty-four cars.

(2) The state treasurer may transfer moneys from the capital vessel replacement account to the transportation 2003 account (nickel account) for debt service on bonds issued for the construction of 144-car class ferry vessels.

(3) The legislature may transfer from the capital vessel replacement account to the connecting Washington account created under RCW 46.68.395 such amounts as reflect the excess fund balance of the capital vessel replacement account to be used for ferry terminal construction and preservation.

(4) During the ~~((2019-2021 and))~~ 2021-2023 and 2023-2025 fiscal biennia, the legislature may direct the state treasurer to make transfers of moneys in the capital vessel replacement account to the transportation partnership account and the connecting Washington account.

Sec. 716. RCW 47.60.530 and 2021 c 333 s 715 are each amended to read as follows:

(1) The Puget Sound ferry operations account is created in the motor vehicle ~~((fund))~~ account.

(2) The following funds must be deposited into the account:

(a) All moneys directed by law;

(b) All revenues generated from ferry fares; and

(c) All revenues generated from commercial advertising, concessions, parking, and leases as allowed under RCW 47.60.140.

(3) Moneys in the account may be spent only after appropriation.

(4) Expenditures from the account may be used only for the maintenance, administration, and operation of the Washington state ferry system.

(5) ~~((During the 2015-2017 fiscal biennium, the legislature may transfer from the Puget Sound ferry operations account to the connecting Washington account such amounts as reflect the excess fund balance of the Puget Sound ferry operations account.~~

~~(6) During the 2017-2019 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the Puget Sound ferry operations account to the connecting Washington account.~~

(7)) During the 2021-2023 and 2023-2025 fiscal (~~biennium~~) biennia, the legislature may direct the state treasurer to make transfers of moneys in the Puget Sound ferry operations account to the Puget Sound capital construction account.

Sec. 717. RCW 47.66.120 and 2022 c 182 s 439 are each amended to read as follows:

(1)(a) The department's public transportation division shall establish a green transportation capital grant program. The purpose of the grant program is to aid any transit authority in funding cost-effective capital projects to reduce the carbon intensity of the Washington transportation system, examples of which include: Electrification of vehicle fleets, including battery and fuel cell electric vehicles; modification or replacement of capital facilities in order to facilitate fleet electrification and/or hydrogen refueling; necessary upgrades to electrical transmission and distribution systems; and construction of charging and fueling stations. The department's public transportation division shall identify projects and shall submit a prioritized list of all projects requesting funding to the legislature by December 1st of each even-numbered year.

(b) The department's public transportation division shall select projects based on a competitive process that considers the following criteria:

(i) The cost-effectiveness of the reductions in carbon emissions provided by the project; and

(ii) The benefit provided to transitioning the entire state to a transportation system with lower carbon intensity.

(c) During the 2023-2025 fiscal biennium, the department must incorporate principles into the grant selection process with the goal of increasing the distribution of funding to communities based on addressing environmental harms and providing environmental benefits for overburdened communities, as defined in RCW 70A.02.010, and vulnerable populations.

(2) The department's public transportation division must establish an advisory committee to assist in identifying projects under subsection (1) of this section. The advisory committee must include representatives from the department of ecology, the department of commerce, the utilities and transportation commission, and at least one transit authority.

(3) In order to receive green transportation capital grant program funding for a project, a transit authority must provide matching funding for that project that is at least equal to (~~twenty~~) 20 percent of the total cost of the project.

(4) The department's public transportation division must report annually to the transportation committees of the legislature on the status of any grant projects funded by the program created under this section.

(5) For purposes of this section, "transit authority" means a city transit system under RCW 35.58.2721 or chapter 35.95A RCW, a county public transportation authority under chapter 36.57 RCW, a metropolitan municipal corporation transit system under chapter 36.56 RCW, a public transportation benefit area under chapter 36.57A RCW, an unincorporated transportation benefit area under RCW 36.57.100, a regional transit authority under chapter

81.112 RCW, or any special purpose district formed to operate a public transportation system.

(6) During the 2021-2023 fiscal biennium, the department may provide up to 20 percent of the total green transportation capital grant program funding for zero emissions capital transition planning projects. During the 2023-2025 fiscal biennium, the department may provide up to 10 percent of the total green transportation capital grant program funding for zero emissions capital transition planning projects.

Sec. 718. RCW 82.44.200 and 2022 c 187 s 501 are each amended to read as follows:

The electric vehicle account is created in the transportation infrastructure account. Proceeds from the principal and interest payments made on loans from the account must be deposited into the account. Expenditures from the account may be used only for the purposes specified in RCW 47.04.350, 82.08.9999, and 82.12.9999, and the support of other transportation electrification and alternative fuel related purposes, including RCW 47.01.520. Moneys in the account may be spent only after appropriation. During the 2021-2023 and 2023-2025 fiscal ((biennium)) biennia, the legislature may direct the state treasurer to make transfers of moneys in the electric vehicle account to the move ahead WA flexible account and multimodal transportation account.

2021-2023 FISCAL BIENNIUM

TRANSPORTATION AGENCIES—OPERATING

Sec. 801. 2022 c 186 s 205 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION COMMISSION

Motor Vehicle Account—State Appropriation	\$3,804,000
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation	\$127,000
State Route Number 520 Corridor Account—State Appropriation.	\$276,000
Tacoma Narrows Toll Bridge Account—State Appropriation.	\$180,000
Alaskan Way Viaduct Replacement Project Account— State Appropriation	\$172,000
TOTAL APPROPRIATION	\$4,559,000

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

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

(b) The commission shall 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. One or more grant applications may be developed that, at a minimum, propose to:

(i) Assess the impact of a road usage charge, incentives, and other factors on consumer purchase of electric vehicles and conduct a test with drivers to fully assess impacts;

(ii) Assess delivery vehicle fleets and how a road usage charge may be applied, identifying potential impacts to fleet operations and costs, and state transportation revenues, and conducting a pilot test to further inform the identification of potential impacts from a road usage charge;

(iii) Review the process for changing vehicle ownership and determine the considerations and possible implications with a road usage charge system, identifying the processes and structure needed for reconciling a road usage charge owed between sellers and purchasers of used vehicles; and

(iv) Identify opportunities for achieving large-scale data integration to support road usage charge service provisions that could be offered by private-sector service providers, conducting a pilot test to determine the ability of such service providers to support automated mileage reporting and periodic payment services.

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

(3) \$1,500,000 of the motor vehicle account—state appropriation is provided solely for the commission to conduct a full planning-level traffic and revenue study of the Hood River Bridge to determine the viability of toll revenues to support future financing of improvements and possible replacement of the bridge, considering prior work and studies conducted. The commission shall coordinate this work with the department of transportation, the Port of Hood River, the Oregon department of transportation, and other entities as needed. The results of the assessment must be submitted to the house and senate transportation committees by June 30, 2023.

(4) Within the parameters established by 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 may consider adjusting maximum toll rates, minimum toll rates, time-of-day rates, restricting direct access ramps to transit and HOV vehicles only, or any combination thereof, in setting tolls to increase toll revenue.

Sec. 802. 2022 c 186 s 206 (uncodified) is amended to read as follows:

FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Freight Mobility Investment Account—State

Appropriation. ((~~\$843,000~~))

\$895,000

The appropriations in this section are subject to the following conditions and limitations: 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 2022 annual report 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. 803. 2022 c 186 s 207 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

State Patrol Highway Account—State Appropriation . . . . .	..((\$524,348,000))
	<u>\$523,903,000</u>
State Patrol Highway Account—Federal Appropriation . . . . .	..((\$16,433,000))
	<u>\$19,578,000</u>
State Patrol Highway Account—Private/Local	
Appropriation.	\$4,314,000
Highway Safety Account—State Appropriation	\$1,292,000
Ignition Interlock Device Revolving Account—State	
Appropriation.	\$2,243,000
Multimodal Transportation Account—State	
Appropriation.	\$293,000
State Route Number 520 Corridor Account—State	
Appropriation.	\$433,000
Tacoma Narrows Toll Bridge Account—State	
Appropriation.	\$77,000
I-405 and SR 167 Express Toll Lanes Account—State	
Appropriation.	\$1,348,000
TOTAL APPROPRIATION . . . . .	..((\$550,781,000))
	<u>\$553,481,000</u>

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

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

(2) \$580,000 of the state patrol highway account—state appropriation is provided solely for the operation of and administrative support to the license investigation unit to enforce vehicle registration laws in southwestern Washington. The Washington state patrol, in consultation with the department of revenue, shall maintain a running estimate of the additional vehicle registration fees, sales and use taxes, and local vehicle fees remitted to the state pursuant to activity conducted by the license investigation unit. Beginning October 1, 2021, and quarterly thereafter, the Washington state patrol shall submit a report

detailing the additional revenue amounts generated since January 1, 2021, to the director of the office of financial management and the transportation committees of the legislature. At the end of the calendar quarter in which it is estimated that more than \$625,000 in state sales and use taxes have been remitted to the state since January 1, 2021, the Washington state patrol shall notify the state treasurer and the state treasurer shall transfer funds pursuant to section 406, chapter 333, Laws of 2021.

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

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

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

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

(6) (~~(\$6,422,000)~~) \$4,353,000 of the state patrol highway account—state appropriation is provided solely for the land mobile radio system replacement, upgrade, and other related activities. Beginning January 1, 2022, the Washington state patrol must report semiannually to the office of the state chief information officer on the progress related to the projects and activities associated with the land mobile radio system, including the governance structure, outcomes achieved in the prior six month time period, and how the activities are being managed holistically as recommended by the office of the chief information officer. At the time of submittal to the office of the state chief information officer, this report shall be transmitted to the office of financial management and the house and senate transportation committees.

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

(8) \$1,348,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$433,000 of the state route number 520 corridor account—state appropriation, and \$77,000 of the Tacoma Narrows toll bridge account—state appropriation are provided solely for the Washington state

patrol's proportional share of time spent supporting tolling operations and enforcement for the respective tolling facilities.

(9) \$289,000 of the state patrol highway account—state appropriation is provided solely for the replacement of 911 workstations.

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

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

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

(13) \$945,000 of the state patrol highway account—state appropriation is provided solely for implementation of chapter 329, Laws of 2021 (custodial interrogations).

(14) \$46,000 of the state patrol highway account—state appropriation is provided solely for implementation of chapter 320, Laws of 2021 (peace officer tactics).

(15) \$46,000 of the state patrol highway account—state appropriation is provided solely for implementation of chapter 324, Laws of 2021 (use of force by officers).

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

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

(17) The appropriations in this section provide sufficient funding for state patrol staffing assuming vacancy savings which may change over time. Funding

for staffing will be monitored and adjusted in the 2023 supplemental budget to restore funding as authorized staffing levels are achieved.

(18) \$331,000 of the state patrol highway account—state appropriation is provided solely for the state patrol's diversity, equity, and inclusion program and a contract with an external psychologist to perform exams. If chapter 146, Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(19) \$793,000 of the state patrol highway account—state appropriation is provided solely for the tenant improvements and higher than expected equipment costs for the toxicology lab in Federal Way, and preparing a report on the current cost recovery mechanisms and opportunities for expanding these cost recovery mechanisms in the future. The report must be submitted to the governor and the transportation committees of the legislature by November 1, 2022.

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

(21) \$122,000 of the state patrol highway account—state appropriation, \$1,000 of the highway safety account—state appropriation, and \$4,000 of the ignition interlock account—state appropriation are provided solely for implementation of chapter . . . (House Bill No. 1804), Laws of 2022 (interruptive military service credit for members of the state retirement systems). If chapter . . . (House Bill No. 1804), Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(22) \$250,000 of the state patrol highway account—state appropriation is provided solely for implementation of chapter 80, Laws of 2022 (peace officers/use of force). If chapter 80, Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(23) \$949,000 of the state patrol highway account—state is provided solely for vehicle identification number inspection staff to reduce the backlog of inspections and a study of how to incorporate best practices into the program, including the timeliness of inspections.

(24) \$595,000 of the state patrol highway account—state appropriation is provided solely for legal expenses associated with *McClain v. Washington State Patrol*.

***Sec. 804. 2022 c 186 s 208 (uncodified) is amended to read as follows:**
FOR THE DEPARTMENT OF LICENSING
Department of Licensing Technology Improvement and

<u>Data Management Account—State Appropriation</u>	\$874,000
Marine Fuel Tax Refund Account—State Appropriation	\$34,000
Motorcycle Safety Education Account—State Appropriation	\$5,016,000
Limited Fish and Wildlife Account—State Appropriation	\$922,000
<i>Highway Safety Account—State Appropriation</i>	<i>(\$242,712,000)</i>
	<u>\$241,996,000</u>
Highway Safety Account—Federal Appropriation	\$1,294,000
<i>Motor Vehicle Account—State Appropriation</i>	<i>(\$80,449,000)</i>
	<u>\$79,969,000</u>
Motor Vehicle Account—Federal Appropriation	\$400,000
Motor Vehicle Account—Private/Local Appropriation	\$1,336,000
Ignition Interlock Device Revolving Account—State Appropriation	\$6,123,000
<i>Department of Licensing Services Account—State Appropriation</i>	<i>(\$7,964,000)</i>
	<u>\$7,916,000</u>
<i>License Plate Technology Account—State Appropriation</i>	<i>(\$4,092,000)</i>
	<u>\$4,068,000</u>
Abandoned Recreational Vehicle <u>Disposal</u> Account— State Appropriation	\$3,078,000
Limousine Carriers Account—State Appropriation	\$110,000
Electric Vehicle Account—State Appropriation	\$425,000
<i>(DOL Technology Improvement & Data Management Account—State Appropriation</i>	<i>\$874,000)</i>
<i>Agency Financial Transaction Account—State Appropriation</i>	<i>(\$22,257,000)</i>
	<u>\$21,360,000</u>
<u>Move Ahead WA Flexible Account—State Appropriation</u>	<u>\$1,260,000</u>
TOTAL APPROPRIATION	<i>(\$377,086,000)</i>
	<u>\$376,181,000</u>

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

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

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

(3)(a) For the 2021-2023 biennium, the department shall charge \$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.

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

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

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

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

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

(5) \$28,636,000 of the highway safety account—state appropriation is provided solely for costs necessary to accommodate increased demand for enhanced drivers' licenses and enhanced identicards. The department shall report on a quarterly basis on the use of these funds, associated workload, and information with comparative information with recent comparable months in prior years. The report must include detailed statewide and by licensing service office information on staffing levels, average monthly wait times, the number of enhanced drivers' licenses and enhanced identicards issued/renewed, and the number of primary drivers' licenses and identicards issued/renewed. Within the amounts provided in this subsection, the department shall implement efficiency measures to reduce the time for licensing transactions and wait times including, but not limited to, the installation of additional cameras at licensing service offices that reduce bottlenecks and align with the "keep your customer" initiative.

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

demonstrated experience and expertise in outreach and marketing to underrepresented communities in a culturally responsive fashion.

(7) \$523,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 158, Laws of 2021 (DOL issued documents).

(8) \$929,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 240, Laws of 2021 (suspension of licenses for traffic infractions).

(9) \$23,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 10, Laws of 2021 (restoring voter eligibility after felony conviction).

(10) \$3,074,000 of the abandoned recreational vehicle disposal account—state appropriation is provided solely for providing reimbursements in accordance with the department's abandoned recreational vehicle disposal reimbursement program. It is the intent of the legislature that the department prioritize this funding for allowable and approved reimbursements and not to build a reserve of funds within the account. During the 2021-2023 fiscal biennium, the department must report any amounts recovered to the office of financial management and appropriate committees of the legislature on a quarterly basis.

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

(b) As part of this pilot program, the owner of a for hire nonemergency medical transportation vehicle may apply to the department, county auditor or other agent, or subagent appointed by the director, for a high occupancy vehicle exempt decal for a for hire nonemergency medical transportation vehicle. The high occupancy vehicle exempt decal allows the for hire nonemergency medical transportation vehicle to use a high occupancy vehicle lane as specified in RCW 46.61.165 and 47.52.025 during the 2021-2023 fiscal biennium.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(12) \$434,000 of the highway safety account—state appropriation is provided solely for the implementation of the Thurston county superior court order in *Pierce et al. v. Department of Licensing*.

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

(14) \$100,000 of the highway safety account—state appropriation is provided solely for the department to lead a study on the potential impacts that current licensing requirements, including required training hours, and testing requirements may have on the shortage of commercial drivers, and whether adjustments to these requirements may be warranted to help alleviate the shortage. In completing the study, the department must consult with the workforce training board, state board for community and technical colleges, federal motor carrier safety officials, organizations representing veterans, organizations representing commercial drivers, and organizations representing businesses or government entities that rely on commercial drivers. The report must be submitted to the governor and the transportation committees of the legislature by December 1, 2022.

(15) \$965,000 of the motor vehicle account—state appropriation is provided solely for the increased costs associated with delays in the production of license plates, and to provide a report detailing license plate inventory practices and

whether those practices should be changed to guard against potential future plate production delays. The report must be submitted to the governor and the transportation committees of the legislature by December 1, 2022.

(16) \$28,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 96, Laws of 2022 (state leadership board) and making improvements to the annual information submitted by special license plate sponsoring organizations pursuant to RCW 46.18.120(2). The improvements must include, but are not limited to, the following: An annual budget for the sponsoring organization's activities in the preceding year; information regarding private and other governmental support for the activities of the sponsoring organization; and a description of the number of people served or services delivered, as appropriate, by the sponsoring organization in the preceding year. If chapter 96, Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(17) \$268,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Senate Bill No. 5054), Laws of 2022 (impaired driving). If chapter . . . (Engrossed Senate Bill No. 5054), Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(18) \$113,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 51, Laws of 2022 (human trafficking disqualification for a commercial driver's license). If chapter 51, Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(19) \$18,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 239, Laws of 2022 (Patches pal special license plates). If chapter 239, Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(20) \$350,000 of the highway safety account—state appropriation is provided solely to expand driver's license assistance and support services in King county with an existing provider that is already providing these services to low-income immigrant and refugee women. By March 1, 2023, the contracted provider must submit information on the annual budget in the preceding year; information regarding private and other governmental support for the activities of the provider; and a description of the number of people served, services delivered, and outcome measures.

(21) \$6,139,000 of the highway safety account—state appropriation, \$1,849,000 of the motor vehicle account—state appropriation, \$203,000 of the department of licensing services account—state appropriation, and \$105,000 of the department of licensing technology improvement and data management account—state appropriation are provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of staff vacancies and agency operations and customer service levels. Potential uses of the funding include, but are not limited to, the following: Increased overtime, travel, and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the department shall submit a report to the governor and the legislative transportation committees detailing the specific expenditures made from the contingency funding provided in this subsection.

(22) \$28,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 191, Laws of 2022 (veterans and military suicide). If chapter 191, Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(23) \$83,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 36, Laws of 2022 (vehicle registration certificate addresses). If chapter 36, Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(24) \$57,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 40, Laws of 2022 (off-road vehicles fees). If chapter 40, Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(25) \$18,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 117, Laws of 2022 (wine special license plate). If chapter 117, Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(26) \$316,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 132, Laws of 2022 (temporary license plates). If chapter 132, Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(27) \$251,000 of the highway safety account—state appropriation is provided solely for the department to: (a) Provide each driver's license, identicard, instruction permit, intermediate license, and commercial driver's license applicant with written materials regarding the contents and requirements of RCW 46.61.212, the slow down and move over law, at the completion of the applicant's licensing transaction; (b) place signage in each of the licensing service offices that provide background on the written materials that the applicant will receive regarding the slow down and move over law; and (c) initiate the development of an appropriate training module relating to the requirements of RCW 46.61.212, for inclusion in all new driver training curricula.

(28) \$550,000 of the move ahead WA flexible account—state appropriation is provided solely for an interagency transfer to the department of children, youth, and families to provide driver's license support to a larger population of foster youth than is currently being served. Support services include reimbursement of driver's license issuance costs, fees for driver training education, and motor vehicle liability insurance costs.

(29) \$569,000 of the move ahead WA flexible account—state appropriation and \$103,000 of the agency financial transaction account—state appropriation are provided solely for estimated implementation costs associated with new revenues.

(30) \$141,000 of the move ahead WA flexible account—state appropriation is provided solely for chapter 57, Laws of 2022 (homeless identicard).

**Sec. 804 was partially vetoed. See message at end of chapter.*

Sec. 805. 2022 c 186 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.((~~\$58,356,000~~))

	<u>\$55,324,000</u>
State Route Number 520 Civil Penalties Account—State	
Appropriation.	\$4,163,000
Tacoma Narrows Toll Bridge Account—State	
Appropriation.	(((\$31,102,000))
	<u>\$33,330,000</u>
Alaskan Way Viaduct Replacement Project Account—	
State Appropriation	(((\$21,806,000))
	<u>\$23,725,000</u>
Interstate 405 and State Route Number 167 Express	
Toll Lanes Account—State Appropriation	(((\$24,647,000))
	<u>\$23,146,000</u>
TOTAL APPROPRIATION	(((\$140,074,000))
	<u>\$139,688,000</u>

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

(1) \$1,300,000 of the Tacoma Narrows toll bridge account—state appropriation and \$12,484,000 of the state route number 520 corridor account—state appropriation are provided solely for the purposes of addressing unforeseen operations and maintenance costs on the Tacoma Narrows bridge and the state route number 520 bridge, respectively. The office of financial management shall place the amounts provided in this subsection, which represent a portion of the required minimum fund balance under the policy of the state treasurer, in unallotted status. The office may release the funds only when it determines that all other funds designated for operations and maintenance purposes have been exhausted.

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

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

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

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

lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane, from month to month since implementation of the express toll lanes; and

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

(3)(a) (~~(\$1,189,000)~~) \$875,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, (~~(\$2,783,000)~~) \$2,049,000 of the state route number 520 corridor account—state appropriation, (~~(\$1,218,000)~~) \$903,000 of the Tacoma Narrows toll bridge account—state appropriation, and (~~(\$1,568,000)~~) \$1,155,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the reappropriation of unspent funds on the new tolling back office system from the 2019-2021 biennium.

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

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

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

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

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

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

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

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

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

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

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

(9) (~~(\$4,554,000)~~) \$5,779,000 of the state route number 520 corridor account—state appropriation and (~~(\$580,000)~~) \$744,000 of the Tacoma Narrows toll bridge account—state appropriation are provided solely for the increased costs of insurance for the state route number 520 floating bridge and the Tacoma Narrows bridge, respectively. The department shall conduct an evaluation of the short and long-term costs and benefits including risk mitigation of self-insurance as compared to the commercial insurance option for the state route number 520 floating bridge, as allowed under the terms of the state route number 520 master bond resolution. By December 15, 2021, the department shall report to the legislature on the results of this evaluation.

(10) As part of the department's 2023-2025 biennial budget request, the department shall update the cost allocation recommendations that assign appropriate costs to each of the toll funds for services provided by relevant

Washington state department of transportation programs, the Washington state patrol, and the transportation commission. The recommendations shall be based on updated traffic and toll transaction patterns and other relevant factors.

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

(12) \$14,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$32,000 of the state route number 520 corridor account—state appropriation, \$22,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$27,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely to implement chapter 132, Laws of 2022 (temporary license plates). If chapter 132, Laws of 2022 is not enacted by June 30, 2022, the amounts provided in this subsection lapse.

Sec. 806. 2022 c 186 s 210 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—INFORMATION TECHNOLOGY—PROGRAM C

Transportation Partnership Account—State

Appropriation	\$1,461,000
Motor Vehicle Account—State Appropriation	(\$101,010,000)
	<u>\$101,020,000</u>

Puget Sound Ferry Operations Account—State

Appropriation	\$307,000
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Multimodal Transportation Account—State

Appropriation	\$7,013,000
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Transportation 2003 Account (Nickel Account)—State

Appropriation	\$1,461,000
TOTAL APPROPRIATION	(\$111,252,000)
	<u>\$111,262,000</u>

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

(1) \$4,273,000 of the multimodal transportation account—state appropriation and \$4,273,000 of the motor vehicle account—state appropriation are provided solely for the department's cost related to the one Washington project, and is subject to the conditions, limitations, and review requirements of section 701, chapter 333, Laws of 2021.

(2) \$2,404,000 of the motor vehicle account—state appropriation and \$119,000 of the multimodal transportation account—state appropriation are provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of staff vacancies. Potential uses of the funding include, but are not limited to, the following: Increased overtime, travel, and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the department must submit a report to the governor and the transportation committees of the legislature detailing the specific expenditures made from the contingency funding provided in this subsection.

Sec. 807. 2022 c 186 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	(\$36,843,000)
	<u>\$37,921,000</u>
State Route Number 520 Corridor Account—State	
Appropriation.	\$34,000
TOTAL APPROPRIATION	(\$36,877,000)
	<u>\$37,955,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$780,000 of the motor vehicle account—state appropriation is provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of staff vacancies. Potential uses of the funding include, but are not limited to, the following: Increased overtime, travel, and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the department must submit a report to the governor and the transportation committees of the legislature detailing the specific expenditures made from the contingency funding provided in this subsection.

Sec. 808. 2022 c 186 s 212 (uncodified) is amended to read as follows:

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

Motor Vehicle Account—State Appropriation	(\$12,396,000)
	<u>\$13,860,000</u>

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

(1) (~~(\$10,396,000)~~) \$11,860,000 of the motor vehicle account—state appropriation is provided solely for the department's costs related to replacing obsolete transportation equipment. The appropriations to the department in this section must be expended to maximize the amount of obsolete equipment replaced in the 2021-2023 biennium.

(2) \$2,000,000 of the motor vehicle account—state appropriation is provided solely for the department's costs related to replacing snow removal equipment. The appropriations to the department in this section must be expended to maximize the amount of snow removal equipment replaced in the 2021-2023 biennium.

Sec. 809. 2022 c 186 s 213 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—AVIATION—PROGRAM F

Aeronautics Account—State Appropriation	(\$8,127,000)
	<u>\$9,129,000</u>
Aeronautics Account—Federal Appropriation	\$3,916,000
Aeronautics Account—Private/Local Appropriation	\$60,000
Multimodal Transportation Account—State	
Appropriation.	\$150,000
<u>Move Ahead WA Flexible Account—State Appropriation</u>	<u>\$10,000</u>

TOTAL APPROPRIATION	(((\$12,253,000))
	<u>\$13,265,000</u>

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

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

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

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

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

(b) Community engagement efforts may include:

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

(ii) Obtaining input from a representative cross section of the public on the construction of a new airport and the expansion of existing airports to meet future aviation demand;

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

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

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

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

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

(5) \$10,000 of the move ahead WA flexible account—state appropriation is provided solely for the creation of a sustainable aviation grant program for airports. The purpose of the grant program is to support adoption of zero emissions aircraft and sustainable aviation fuels, reduce harmful aviation-related

emissions, and reduce the aviation industry's reliance on fossil fuels. Sustainable aviation projects may include, but are not limited to: (a) Sustainable aviation fuel storage; (b) electrification of ground support equipment; (c) electric aircraft charging infrastructure; (d) airport clean power production; or (e) electric vehicle charging stations whose infrastructure also supports ground support equipment and electric aircraft charging. The department must select projects, which may include planning, to propose to the legislature for funding. The department shall submit a report to the transportation committees of the legislature by December 1, 2022, identifying the initial selection of sustainable aviation projects for funding by the legislature and recommended changes to modify and sustain the program.

(6) \$1,000,000 of the aeronautics account—state appropriation is provided solely for move ahead WA aviation grants.

Sec. 810. 2022 c 186 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	(\$58,254,000)
	\$57,864,000
Motor Vehicle Account—Federal Appropriation	\$500,000
Multimodal Transportation Account—State Appropriation.	\$758,000
TOTAL APPROPRIATION	(\$59,512,000)
	\$59,122,000

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

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

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

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

(c) The department may sell any adjoining property that is not necessary to support the Rocky Reach Trail and adjacent buffer areas only after the transfer of trail-related property to the Washington state parks and recreation commission is

complete. Adjoining property owners must be given the first opportunity to acquire such property that abuts their property, and applicable boundary line or other adjustments must be made to the legal descriptions for recording purposes.

(2) With respect to Parcel 12 of the real property conveyed by the state of Washington to the city of Mercer Island under that certain quitclaim deed, dated April 19, 2000, recorded in King county under recording no. 20000425001234, the requirement in the deed that the property be used for road/street purposes only will be deemed satisfied by the department of transportation so long as commuter parking, as part of the vertical development of the property, is one of the significant uses of the property.

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

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

(5) (~~(\$535,000)~~) \$125,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 217, Laws of 2021 (noxious weeds).

(6) (~~(\$1,026,000)~~) \$526,000 of the motor vehicle account—state appropriation and \$500,000 of the multimodal transportation account—state appropriation (~~(is)~~) are provided solely for the implementation of chapter 314, Laws of 2021 (environmental justice task force).

(7) \$2,399,000 of the motor vehicle account—state appropriation is provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of staff vacancies. Potential uses of the funding include, but are not limited to, the following: Increased overtime, travel, and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the department must submit a report to the governor and the transportation committees of the legislature detailing the specific expenditures made from the contingency funding provided in this subsection.

(8) The department shall offer to sell 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 Seattle Goodwill Industries, a nonprofit organization with tax ID 91-05688708, located at 700 Dearborn Place S., Seattle, WA 98144, in accordance with RCW 47.12.063 at fair market value because the legislature finds it in the public interest to do so for the public benefit that will result from Goodwill's redevelopment of the property it owns at Rainier Ave. South and South Dearborn Street to increase the supply of affordable housing.

Sec. 811. 2022 c 186 s 215 (uncodified) is amended to read as follows:

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

Motor Vehicle Account—State Appropriation	\$685,000
Electric Vehicle Account—State Appropriation	(\$11,900,000)
	<u>\$9,164,000</u>
Multimodal Transportation Account—State Appropriation	(\$3,290,000)
	<u>\$2,790,000</u>
<u>Multimodal Transportation Account—Federal Appropriation</u>	<u>\$500,000</u>
TOTAL APPROPRIATION	(\$15,875,000)
	<u>\$13,139,000</u>

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

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

(2) ~~(\$10,900,000)~~ \$9,154,000 of the electric vehicle account—state appropriation is provided solely for the clean alternative fuel vehicle charging and refueling infrastructure program in chapter 287, Laws of 2019 (advancing green transportation adoption).

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

~~(4) (\$1,000,000 of the electric vehicle account—state appropriation and \$500,000 of the multimodal transportation account—state appropriation are provided solely for a collocated 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 collocated at the hydrogen fueling station site. Funds may be used for one or more fuel cell electric vehicles that would utilize the fueling stations. The department must contract with a public utility district that produces hydrogen in the area to own and/or manage and provide technical assistance for the design, planning, permitting, construction, maintenance and operation of the hydrogen fueling station. The department and public utility district are encouraged to collaborate with and seek contributions from additional public and private partners for the fueling station.~~

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

((6)) (5) \$250,000 of the multimodal transportation account—state appropriation is provided solely to fund the design of an electric charging mega-site project at Mount Vernon library commons.

(6) \$500,000 of the multimodal transportation account—federal appropriation and \$10,000 of the electric vehicle account—state appropriation are provided solely to implement the national electric vehicle program, established in the federal infrastructure investment and jobs act (P.L. 117-58), as directed by the interagency electric vehicle coordinating council created in chapter 43.392 RCW. The amounts provided in this subsection include staff support for the council. The funding provided in this subsection may be used to support the publicly available mapping and forecasting tool under RCW 47.01.520, but only to the extent not funded in the omnibus appropriations act.

Sec. 812. 2022 c 186 s 216 (unclassified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MAINTENANCE—PROGRAM M

Motor Vehicle Account—State Appropriation	(\$505,015,000)
	<u>\$508,000,000</u>
Motor Vehicle Account—Federal Appropriation	\$7,000,000
Motor Vehicle Account—Private/Local Appropriation	\$17,000
State Route Number 520 Corridor Account—State Appropriation.	\$4,657,000
Tacoma Narrows Toll Bridge Account—State Appropriation.	\$1,560,000
Alaskan Way Viaduct Replacement Project Account— State Appropriation	\$8,611,000
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation	\$2,594,000
Waste Tire Removal Account—State Appropriation	\$5,000,000
<u>Move Ahead WA Account—State Appropriation</u>	<u>\$47,000,000</u>
TOTAL APPROPRIATION	(\$534,454,000)
	<u>\$584,439,000</u>

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

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

Recovery Structure for WSDOT, Jurisdictions, and Efficiencies in Stormwater Management.

(2) \$5,000,000 of the motor vehicle account—state appropriation is provided solely for a contingency pool for snow and ice removal. The department must notify the office of financial management and the transportation committees of the legislature when they have spent the base budget for snow and ice removal and will begin using the contingency pool funding.

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

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

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

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

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

(8) \$5,816,000 of the motor vehicle account—state appropriation is provided solely for a contingency pool for repairing damages to highways caused by known and unknown third parties. The department must notify the office of financial management and the transportation committees of the

legislature when they have spent the base budget for third-party damage repair and will begin using the contingency pool funding.

(9)(a) \$3,000,000 of the motor vehicle account—state appropriation and \$5,000,000 of the waste tire removal account—state appropriation are 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 provide more frequent removal of litter on the highway rights-of-way that is generated by unsheltered people and may be used to hire crews specializing in collecting and disposing of garbage, clearing debris or hazardous material, and implementing safety improvements where hazards exist to the traveling public and department employees. The department may use these funds to either reimburse local law enforcement costs or the Washington state patrol if they are 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, 2022, and semiannually thereafter, the Washington state patrol and the department of transportation must jointly submit a report to the governor and the house and senate transportation committees of the legislature on the status of these efforts, including:

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

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

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

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

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

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

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

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

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

(11) \$12,096,000 of the motor vehicle account—state appropriation is provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of staff vacancies. Potential uses of the funding include, but are not limited to, the following: Increased overtime, travel and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the department must submit a report to the governor and the transportation committees of the legislature detailing the specific expenditures made from the contingency funding provided in this subsection.

~~(12) ((\$5,400,000 of the motor vehicle account—state appropriation is provided solely for replacement of traffic signs and to increase the visibility of road pavement markings. Investments must replace traffic signs that do not meet the department's standards or that are faded, lacking in reflectivity, cracked, illegible, or damaged. Investments must also increase the visibility of road pavement markings during periods of low light conditions and during precipitation with pavement marking products that contain all-weather optical reflectivity capability. The request for proposals and subsequent competitive procurement for the signs shall be performed following state specifications and standards.~~

~~(13))~~ \$17,000 of the motor vehicle account—local appropriation is provided solely to update existing signs along Interstate 5 in the vicinity of Seattle center. The department must install new Seattle center logos with a redesigned logo that recognizes climate pledge arena, but is not responsible for design or fabrication of the logo or new sign.

~~((14))~~ (13) \$100,000 of the motor vehicle account—state appropriation is provided solely for the department to install fencing to delineate between the privately leased property owned by the department and the public right-of-way property maintained by the city of Seattle. The parameters of the adjacent properties located under the Interstate 5 corridor, south of milepost 165, are south Jackson street and south King street going north and south, and 8th avenue south and 9th avenue south going west to east in the international district.

~~((15))~~ (14)(a) \$2,500,000 of the motor vehicle account—state appropriation is provided solely for:

(i) Additional resources for operations, maintenance, facility replacements, security, and upgrades to safety rest areas to ensure that safety rest areas owned and operated by the department are open for use except for seasonal closures or cleaning, maintenance, and repair; and

(ii) Reconfiguration of maintenance operations pursuant to chapter 262, Laws of 2022 (safety rest areas).

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

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

(d) The department must make a report to the transportation committees of the legislature regarding the additional operations and maintenance activities made at safety rest areas to ensure that rest areas stayed open by January 15, 2023. The report must include the status per safety rest area of openings and closures that were impacted by the additional activities; the additional activities, including security efforts, that were performed at the rest areas; and an update on the status and a review of the safety rest area strategic plan.

~~((16))~~ (15)(a) \$50,000 of the motor vehicle account—state appropriation is provided solely for the department to install and inspect monthly human trafficking informational posters in every rest room in every safety rest area owned and operated by the department.

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

(c) The posters must:

(i) Be printed in a variety of languages;

(ii) Include contact information for seeking help, which may include toll-free telephone numbers a person may call for assistance, including the number for the national human trafficking resource center and the number for the Washington state office of crime victims advocacy; and

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

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

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

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

Sec. 813. 2022 c 186 s 217 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF TRANSPORTATION—TRAFFIC OPERATIONS—PROGRAM Q—OPERATING

Motor Vehicle Account—State Appropriation	(\$73,760,000)
	<u>\$73,968,000</u>
Motor Vehicle Account—Federal Appropriation	\$2,050,000
Motor Vehicle Account—Private/Local Appropriation	\$295,000
State Route Number 520 Corridor Account—State Appropriation.	\$225,000
Tacoma Narrows Toll Bridge Account—State Appropriation.	\$40,000
Alaskan Way Viaduct Replacement Project Account— State Appropriation	\$1,112,000
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation	\$20,000
Agency Financial Transaction Account—State Appropriation.	\$100,000
<u>Move Ahead WA Account—State Appropriation</u>	<u>\$1,850,000</u>
TOTAL APPROPRIATION	(\$77,602,000)
	<u>\$79,660,000</u>

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

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

(2)(a) During the 2021-2023 fiscal biennium, the department shall continue a pilot program that expands private transportation providers' access to high occupancy vehicle lanes. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, the following vehicles must be authorized to use the reserved portion of the highway if the vehicle has the capacity to carry eight or more passengers, regardless of the number of passengers in the vehicle: (i) Auto transportation company vehicles regulated under chapter 81.68 RCW; (ii) passenger charter carrier vehicles regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; (iii) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (iv) private employer transportation service vehicles. For purposes of this subsection, "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees. Nothing in this subsection is intended to authorize the conversion of public infrastructure to private, for-profit purposes or to otherwise create an entitlement or other claim by private users to public infrastructure.

(b) The department shall expand the high occupancy vehicle lane access pilot program to vehicles that deliver or collect blood, tissue, or blood components for a blood-collecting or distributing establishment regulated under chapter 70.335 RCW. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, blood-

collecting or distributing establishment vehicles that are clearly and identifiably marked as such on all sides of the vehicle are considered emergency vehicles and must be authorized to use the reserved portion of the highway.

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

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

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

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

(3) \$2,574,000 of the motor vehicle account—state appropriation is provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of staff vacancies. Potential uses of the funding include, but are not limited to, the following: Increased overtime, travel, and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the department must submit a report to the governor and the transportation committees of the legislature detailing the specific expenditures made from the contingency funding provided in this subsection.

(4) The appropriations in this section assume implementation of additional cost recovery mechanisms to recoup at least \$100,000 in credit card and other financial transaction costs related to the collection of fees imposed under RCW 46.44.0941 for driver and vehicle fee transactions beginning January 1, 2023. The department may recover transaction fees incurred through credit card transactions. At the direction of the office of financial management, the department shall develop a method of tracking the additional amount of credit card and other financial cost-recovery revenues. In consultation with the office of financial management, the department shall notify the office of the state treasurer of these amounts and the state treasurer must deposit these revenues in

the agency financial transaction account created in RCW 46.01.385 on a quarterly basis. The department shall also submit, as part of its 2023-2025 budget submittal, an overview of the credit card cost recovery approach, including fee rates and the amount of revenue expected to be generated in the 2021-2023 and 2023-2025 biennia.

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

(6) \$1,850,000 of the move ahead WA—state appropriation is provided solely for traffic operations enhancements. It is the intent of the legislature, over the 16-year move ahead WA investment program, to provide \$30,000,000 for this purpose.

Sec. 814. 2022 c 186 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	(\$37,365,000))
	<u>\$37,371,000</u>
Motor Vehicle Account—Federal Appropriation	\$780,000
Motor Vehicle Account—Private/Local Appropriation	\$500,000
Puget Sound Ferry Operations Account—State Appropriation.	\$266,000
Multimodal Transportation Account—State Appropriation.	\$5,129,000
State Route Number 520 Corridor Account—State Appropriation.	\$186,000
Tacoma Narrows Toll Bridge Account—State Appropriation.	\$150,000
Alaskan Way Viaduct Replacement Project Account— State Appropriation	\$121,000
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation	\$77,000
<u>Move Ahead WA Flexible Account—State Appropriation</u>	<u>\$2,000,000</u>
TOTAL APPROPRIATION	(\$44,574,000))
	<u>\$46,580,000</u>

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

(1) \$4,000,000 of the multimodal transportation account—state appropriation is provided solely for efforts to increase diversity in the transportation construction workforce through: (a) The preapprenticeship support services (PASS) program, which aims to increase diversity in the highway construction workforce and prepare individuals interested in entering the highway construction workforce. In addition to the services allowed by RCW 47.01.435, the PASS program may provide housing assistance for youth

aging out of the foster care and juvenile rehabilitation systems in order to support the participation of these youth in a transportation-related preapprenticeship program; (b) assisting minority and women-owned businesses to perform work in the highway construction industry. This assistance shall include technical assistance, business training, counseling, guidance, prime to subcontractor relationship building, and a capacity building mentorship program. At a minimum, \$1,000,000 of the total appropriation in this subsection shall be directed toward the efforts outlined in (b) of this subsection. The provider(s) chosen to complete the work in this subsection shall be selected through a competitive bidding process. The program shall be administered by the Washington state department of transportation's office of equal opportunity.

(2) \$1,446,000 of the motor vehicle account—state appropriation is provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of staff vacancies. Potential uses of the funding include, but are not limited to, the following: Increased overtime, travel, and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the department must submit a report to the governor and the transportation committees of the legislature detailing the specific expenditures made from the contingency funding provided in this subsection.

(3) \$774,000 of the motor vehicle account—state appropriation and \$266,000 of the Puget Sound ferry operations account—state appropriation are provided solely for the department to hire a workforce development consultant to develop, track, and monitor the progress of community workforce agreements, and to hire staff to assist with the development and implementation of internal diversity, equity, and inclusion efforts and serve as subject matter experts on federal and state civil rights provisions. The department shall 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, 2022.

(4) 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 January 31, 2023.

(5) \$2,000,000 of the move ahead WA flexible account—state appropriation is provided solely for efforts to increase diversity in the transportation construction and maritime workforce. Of this amount:

(a) \$500,000 of the move ahead WA flexible account—state appropriation is provided solely for: (i) The preapprenticeship support services (PASS) program, which aims to increase diversity in the highway construction workforce and prepare individuals interested in entering the highway construction workforce. In addition to the services allowed by RCW 47.01.435, the PASS program may provide housing assistance for youth aging out of the foster care and juvenile rehabilitation systems in order to support the participation of these youth in a transportation-related preapprenticeship program; and (ii) assisting minority and women-owned businesses to perform work in the highway construction industry. This assistance shall include

technical assistance, business training, counseling, guidance, prime to subcontractor relationship building, and a capacity building mentorship program.

(b) \$1,500,000 of the move ahead WA flexible account—state appropriation is provided solely for expansion of the PASS program to support apprenticeships and workforce development in the maritime industry through preapprenticeship training for inland waterways trades and support services to obtain necessary documents and coast guard certification.

Sec. 815. 2022 c 186 s 219 (uncodified) is amended to read as follows:

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

Motor Vehicle Account—State Appropriation	(((\$26,483,000))
	<u>\$26,502,000</u>
Motor Vehicle Account—Federal Appropriation	\$34,865,000
Motor Vehicle Account—Private/Local Appropriation	\$400,000
Multimodal Transportation Account—State Appropriation.	(((\$1,902,000))
	<u>\$1,322,000</u>
Multimodal Transportation Account—Federal Appropriation.	\$2,809,000
Multimodal Transportation Account—Private/Local Appropriation.	\$100,000
State Route Number 520 Corridor Account—State Appropriation.	\$451,000
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation	\$2,879,000
<u>Move Ahead WA Flexible Account—State Appropriation</u>	<u>\$1,500,000</u>
<u>Move Ahead WA Flexible Account—Federal Appropriation</u>	<u>\$1,000,000</u>
TOTAL APPROPRIATION	(((\$69,889,000))
	<u>\$71,828,000</u>

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

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

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

(3) \$500,000 of the multimodal transportation account—state appropriation is provided solely for the department to partner with the department of

commerce in developing vehicle miles traveled targets for the counties in Washington state with (a) a population density of at least 100 people per square mile and a population of at least 200,000; or (b) a population density of at least 75 people per square mile and an annual growth rate of at least 1.75 percent as determined by the office of financial management. Given land use patterns are key factors in travel demand and should be taken into consideration when developing the targets, the department and the department of commerce shall partner with local jurisdictions, regional transportation planning organizations and other stakeholders to inventory existing laws and rules that promote transportation and land use, identify gaps and make recommendations for changes in laws, rules and agency guidance, and establish a framework for considering underserved and rural communities in the evaluation. The department and the department of commerce shall provide an initial technical report by December 31, 2021, an interim report by June 22, 2022, and a final report to the governor and appropriate committees of the legislature by June 30, 2023, that includes a process for establishing vehicle miles traveled reduction targets, a recommended suite of options for local jurisdictions to achieve the targets, and funding requirements for state and local jurisdictions.

(4) \$451,000 of the state route number 520 corridor account—state appropriation is provided solely for the department to contract with the University of Washington department of mechanical engineering, to study measures to reduce noise impacts from the state route number 520 bridge expansion joints. The field testing shall be scheduled during existing construction, maintenance, or other scheduled closures to minimize impacts. The testing must also ensure safety of the traveling public. The study shall examine testing methodologies and project timelines and costs. A draft report must be submitted to the transportation committees of the legislature and the governor by March 1, 2022. A final report must be submitted to the transportation committees of the legislature and the governor by December 31, 2022.

(5) \$5,900,000 of the motor vehicle account—federal appropriation and \$400,000 of the motor vehicle account—private/local appropriation are provided solely for delivery of the department's state planning and research work program and pooled fund research projects.

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

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

(8) \$1,654,000 of the motor vehicle account—state appropriation and \$108,000 of the multimodal transportation account—state appropriation are provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of staff vacancies. Potential uses of the funding include, but are not limited to, the following: Increased overtime, travel, and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the department must submit a report to the governor and the transportation

committees of the legislature detailing the specific expenditures made from the contingency funding provided in this subsection.

(9) \$450,000 of the motor vehicle account—state appropriation is provided solely for the department to complete a performance-based project evaluation model based on the initial work done for section 218(7), chapter 219, Laws of 2020, in a way that operationalizes the six transportation policy goals in RCW 47.04.280. This work should first include clarification of the transportation policy goals through development of objectives and criteria that reflect system priorities based on outcomes of community engagement. After a framework is established by which goals can be more directly related to outcomes, the project evaluation model should leverage the department's existing experts and best practices used for prioritizing programmatic funds to develop procedures by which evaluators could consistently score and rank all types of projects. The department must issue a report by June 30, 2023, summarizing the new project evaluation model, and provide recommendations for how this process could be implemented in coordination with the legislative work cycle.

(10)(a) (~~(\$250,000)~~) \$70,000 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 I-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. TRPC will provide to the transportation committees of the legislature a study outline and recommendations of deliverables by December 1, 2022.

(11) (~~(\$600,000)~~) \$200,000 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 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 SR 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 SR 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 January 1, 2025.

(12) \$1,500,000 of the move ahead WA flexible account—state appropriation and \$1,000,000 of the move ahead WA flexible account—federal appropriation are provided solely for an Interstate 5 planning and environmental linkage study. This study will serve as a next step toward a statewide Interstate 5 master plan, building upon existing work underway in the corridor. It is the intent of the legislature to direct \$40,000,000 to complete the planning and environmental linkage study over the course of the 16-year move ahead WA investment program.

(a) The study must meet planning and environmental linkages requirements to assess strategies and actions to address preservation and safety needs; climate change; improve corridor efficiency and person-throughput; and operate managed lanes effectively in the long-term. The study must include a robust public engagement program; and must assess multimodal transportation system impacts as well as economic, revenue and equity considerations. The outcome of this work will provide a basis for preliminary project planning, design, and environmental work.

(b) The department shall conduct initial stakeholder listening sessions and submit an interim report on the Interstate 5 planning and environmental linkage study to the joint transportation committee by June 30, 2023. The interim report will set study limits; outline milestones and deliverables for environmental analysis; define committee structure and equitable engagement approaches; define subsequent phases of the study; and determine final scope, budget, and workforce needs.

(c) As an initial element of the study, the department must identify and prepare recommendations for near-term actions to improve HOV lane system-wide performance. The study should identify steps required to convert HOV lanes to a different managed lane operating concept such as express toll lanes, including detailed analysis and environmental process. The recommendations must include the planning, design, environmental review, equity considerations, community engagement, traffic and revenue analysis, rate setting, and related engineering considerations necessary for a full I-5 HOV system conversion. The department shall submit an interim report on near-term recommendations to the legislative transportation committees by June 30, 2023.

(d) By December 1, 2022, the department must also submit a recommended approach and funding request to:

(i) Assess the seismic risk of the I-5 causeway from Boeing field to Lake City Way; and

(ii) Recommendations for future work to mitigate seismic risk on the causeway, including estimated costs.

Sec. 816. 2022 c 186 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.	\$25,000
Motor Vehicle Account—State Appropriation	\$101,849,000

Puget Sound Ferry Operations Account—State	
Appropriation.	\$244,000
State Route Number 520 Corridor Account—State	
Appropriation.	\$26,000
Connecting Washington Account—State Appropriation	\$203,000
Multimodal Transportation Account—State	
Appropriation.	\$4,968,000
Tacoma Narrows Toll Bridge Account—State	
Appropriation.	\$19,000
Alaskan Way Viaduct Replacement Project Account—	
State Appropriation	\$14,000
Interstate 405 and State Route Number 167 Express	
Toll Lanes Account—State Appropriation	\$15,000
<u>Move Ahead WA Flexible Account—State Appropriation</u>	<u>\$450,000</u>
TOTAL APPROPRIATION	(\$107,364,000)
	\$107,814,000

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

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

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

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

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

(5) \$450,000 of the move ahead WA flexible account—state appropriation is provided solely for enhanced funding to the office of minority and women's

business enterprises to increase the number of certified women and minority-owned contractors in the transportation sector.

Sec. 817. 2022 c 186 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC TRANSPORTATION—PROGRAM V

State Vehicle Parking Account—State Appropriation	\$784,000
Regional Mobility Grant Program Account—State Appropriation.	(\$115,488,000)
	<u>\$81,988,000</u>
Rural Mobility Grant Program Account—State Appropriation.	\$33,283,000
Multimodal Transportation Account—State Appropriation.	(\$134,754,000)
	<u>\$128,845,000</u>
Multimodal Transportation Account—Federal Appropriation.	\$3,574,000
Multimodal Transportation Account— <u>Private/Local</u> Appropriation.	\$100,000
<u>Climate Transit Programs Account—State Appropriation</u>	<u>\$53,436,000</u>
TOTAL APPROPRIATION	(\$287,983,000)
	<u>\$302,010,000</u>

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

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

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

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

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

(3) \$2,000,000 of the multimodal transportation account—state appropriation is provided solely for a 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; operating costs for public transit agencies are not eligible for funding under this grant program. Additional employees may not be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. The department shall encourage grant applicants and recipients to leverage funds other than state funds. Fuel type may not be a factor in the grant selection process.

(4) \$37,809,000 of the regional mobility grant program account—state appropriation is reappropriated and provided solely for the regional mobility grant projects identified in LEAP Transportation Document (~~(2022-2)~~) 2023-2 ALL PROJECTS as developed (~~(March 9, 2022)~~) April 21, 2023, Program - Public Transportation Program (V).

(5)(a) (~~(\$77,679,000)~~) \$44,179,000 of the regional mobility grant program account—state appropriation is provided solely for the regional mobility grant projects identified in LEAP Transportation Document (~~(2022-2)~~) 2023-2 ALL PROJECTS as developed (~~(March 9, 2022)~~) April 21, 2023, Program - Public Transportation Program (V). The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and any remaining funds must be used only to fund projects identified in the LEAP transportation document referenced in this subsection. The department shall provide annual status reports on December 15, 2021, and December 15, 2022, to the office of financial management and the transportation committees of the legislature regarding the projects receiving the grants. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule. A grantee may not receive more than twenty-five percent of the amount appropriated in this subsection. Additionally, when allocating funding for the 2023-2025 biennium, no more than thirty percent of the total grant program may directly benefit or support one grantee unless all other funding is awarded. The department shall not approve any increases or changes to the scope of a project for the purpose of a grantee expending remaining funds on an awarded grant. Fuel type may not be a factor in the grant selection process.

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

provider; and (ii) "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees.

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

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

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

(b) \$800,000 of the multimodal transportation account—state appropriation is provided solely for continuation of the first mile/last mile connections grant program. Eligible grant recipients include cities, businesses, nonprofits, and transportation network companies with first mile/last mile solution proposals. Transit agencies are not eligible. The commute trip reduction board shall develop grant parameters, evaluation criteria, and evaluate grant proposals. The commute trip reduction board shall provide the transportation committees of the legislature a report on the effectiveness of this grant program and best practices for continuing the program.

(8)(a) Except as provided otherwise in this subsection, (~~(\$29,030,000)~~) \$26,030,000 of the multimodal transportation account—state appropriation is provided solely for connecting Washington transit projects identified in LEAP Transportation Document (~~(2022-2)~~) 2023-2 ALL PROJECTS as developed (~~(March 9, 2022)~~) April 21, 2023. 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.

(b) Within the amount provided in this subsection, (~~(\$900,000)~~) \$150,000 of the multimodal transportation account—state appropriation is provided solely to complete work on Martin Luther King Way, Rainier Ave improvements (G2000040).

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

(10) (~~(\$23,349,000)~~) \$20,849,000 of the multimodal transportation account—state appropriation is provided solely for the green transportation capital grant program established in chapter 287, Laws of 2019 (advancing green transportation adoption).

(11) \$555,000 of the multimodal transportation account—state appropriation is provided solely for an interagency transfer to the Washington

State University extension energy program to establish and administer a technical assistance and education program for public agencies on the use of alternative fuel vehicles. The Washington State University extension energy program shall prepare a report regarding the utilization of the program and provide this report to the transportation committees of the legislature by November 15, 2021.

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

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

(14)(a) (~~(\$500,000)~~) \$100,000 of the multimodal transportation account—state appropriation is provided solely for King county metro to develop a pilot program to place teams including human services personnel along routes that are enduring significant public safety issues and various disruptive behavior in south King county. The team would be available to deescalate disruptions, provide immediate access to transit resources, and refer customers to community resources to break cycles of inappropriate behavior. The teams must be individuals trained in deescalation and outreach. The function and duties should be cocreated with community stakeholders.

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

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

(15)(a) \$250,000 of the multimodal transportation account—state appropriation is provided solely for the department, in consultation with the joint transportation committee, to conduct a study of statewide transit service benchmarks. Elements of the study include:

(i) Development of definitions of frequent fixed route transit and accessible frequent fixed route transit; and

(ii) Identification of, to the extent possible using existing data, current gaps in frequent fixed route transit and accessible walking routes to frequent fixed route transit stops.

(b) An initial report is due by December 15, 2022, that proposes a definition of frequent transit and documents how many people in Washington live within one half mile walk of frequent transit. A final report is due by June 30, 2023, that identifies gaps in accessible frequent transit, analyzed for disparities in race, age, and disability, and develops funding scenarios to address the identified gaps.

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

(17) \$14,120,000 of the climate transit programs account—state appropriation is provided solely for newly selected special needs grants. Of this amount:

(a) \$3,248,000 of the climate transit programs account—state appropriation is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers must be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost-effectiveness of trips provided.

(b) \$10,872,000 of the climate transit programs account—state appropriation is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must, to the greatest extent practicable, have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies must be prorated based on the amount expended for demand response service and route deviated service in calendar year 2019 as reported in the "Summary of Public Transportation - 2019" published by the department of transportation. No transit agency may receive more than 30 percent of these distributions.

(18) \$33,606,000 of the climate transit programs account—state appropriation is provided solely for transit support grants. To be eligible for transit support grant distribution, transit agencies must submit documentation of fare-free policy for 18 years and under by October 1, 2022, to be eligible for the 2023-2025 biennium. Transit agencies that submit fare policy documentation following the October 1, 2022, deadline shall become eligible for the next biennial distribution.

(19) \$4,710,000 of the climate transit programs account—state appropriation is provided solely for newly selected green transportation grants.

(20) \$1,000,000 of the climate transit programs account—state appropriation is provided solely for newly selected transit coordination grants. The department shall give priority to grant proposals that promote the formation of joint partnerships between transit agencies or merge service delivery across entities.

(21) It is the intent of the legislature that \$520,000 will be provided for the Sauk-Suiattle Commuter Bus Project (L1000318) in the 2023-2025 fiscal biennium.

(22) It is the intent of the legislature that \$1,760,000 of regional mobility grant program account—state funds be added to the 2023-2025 fiscal biennium for city of Kent: Rapid Ride Facility Passenger Amenities & Access project (20190004), and the LEAP transportation document referenced in subsection (4) of this section be changed accordingly.

Sec. 818. 2022 c 186 s 222 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF TRANSPORTATION—MARINE—PROGRAM X

<u>Multimodal Transportation Account—State</u>	
<u>Appropriation</u>	<u>\$1,009,000</u>
<u>Puget Sound Ferry Operations Account—State</u>	
<u>Appropriation</u>	<u>(\$430,388,000)</u>
	<u>\$444,799,000</u>

Puget Sound Ferry Operations Account—Federal

Appropriation.....	..((\$156,789,000))
	<u>\$155,934,000</u>
Puget Sound Ferry Operations Account—Private/Local	
Appropriation.....	..\$121,000
TOTAL APPROPRIATION .....	..((\$587,298,000))
	<u>\$601,863,000</u>

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

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

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

(3) \$32,905,000 of the Puget Sound ferry operations account—federal appropriation and (~~(\$53,794,000)~~) \$65,539,000 of the Puget Sound ferry operations account—state appropriation are provided solely for auto ferry vessel operating fuel in the 2021-2023 fiscal biennium, which reflect cost savings from a reduced biodiesel fuel requirement and, therefore, is contingent upon the enactment of section 703 of this act. The amount provided in this subsection represents the fuel budget for the purposes of calculating any ferry fare fuel surcharge. The department shall review future use of alternative fuels and dual fuel configurations, including hydrogen.

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

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

(6) \$688,000 of the Puget Sound ferry operations account—state appropriation and \$697,000 of the Puget Sound ferry operations account—federal appropriation are (~~provided solely~~) for new employee training. The department must work to increase its outreach and recruitment of populations underrepresented in maritime careers and continue working to expand apprenticeship and internship programs, with an emphasis on programs that are shown to improve recruitment for positions with the state ferry system.

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

(8) \$484,000 of the Puget Sound ferry operations account—federal is ~~((provided solely))~~ for the department to contract for additional traffic control assistance at the Kingston ferry terminal during peak ferry travel times, with a particular focus on Sundays and holiday weekends. Traffic control methods should include, but not be limited to, holding traffic on the shoulder at Lindvog Road until space opens for cars at the tollbooths and dock, and management of traffic on Highway 104 in order to ensure Kingston residents and business owners have access to businesses, roads, and driveways.

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

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

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

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

(13) ~~(\$250,000)~~ \$75,000 of the Puget Sound ferry operations account—state appropriation is ~~((provided solely))~~ for Washington State Ferries to conduct a study of passenger demographics. The study must include:

(a) Information on age, race, gender, income level of passengers by route in summer and winter seasons;

(b) Composition of passengers by travel purpose, such as commute, tourism, or commerce; and

(c) Frequency of passenger trips by mode and fare products utilized.

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.

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

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

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

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

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

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

(b) It is the intent of the legislature to continue funding for the activities outlined in this section as part of the move ahead WA package.

(15) \$248,000 of the Puget Sound ferry operations account—federal appropriation is ~~((provided solely))~~ for labor at the Vashon terminal.

(16) \$194,000 of the Puget Sound ferry operations account—federal appropriation is ~~((provided solely))~~ for operating costs at the Mukilteo terminal.

(17) \$294,000 of the Puget Sound ferry operations account—federal appropriation is (~~provided solely~~) for deck and engine internships.

(18) By December 1, 2022, the department must report on the status of efforts to increase training and development opportunities for employees. The report must include a description of the new training and career advancement programs for able-bodied sailors, mates, and engineers; the numbers of employees participating in each program; the number of employees completing each program; the number of open positions that the program is designed to fill; and the anticipated number of employee promotions as a result of program completion. The department must provide the report to the office of financial management and the transportation committees of the legislature.

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

(20) \$93,000 of the Puget Sound ferry operations account—state appropriation is (~~provided solely~~) for Washington state ferries to partner with local community colleges and universities to secure housing for workforce training sessions and to pay in advance for the costs of transportation worker identification credentials for incoming ferry system employees and trainees.

(21)(a) (~~(\$300,000)~~) \$150,000 of the Puget Sound ferry operations account—state appropriation is (~~provided solely~~) for the department, in consultation with the joint transportation committee, to oversee a consultant study to identify and recommend cost-effective strategies to maximize walk-on passenger ridership of the Anacortes - San Juan ferry routes. The study must also identify available public funding sources to support these strategies. Reducing the need for passengers to bring their cars on the ferries will increase the capacity of each ferry run to transport more people.

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

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

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

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

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

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

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

(i) Washington state ferries;

(ii) San Juan county council;

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

(iv) San Juan economic development council;

(v) City of Anacortes;

- (vi) City of Friday Harbor;
- (vii) Skagit transit;
- (viii) Skagit RTPO;
- (ix) Eastsound;
- (x) Lopez Village;
- (xi) Transit dependent populations; and
- (xii) Others as deemed appropriate by the committee.

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

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

(b) 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.

(23) To the extent that an activity funded by federal funds in this section is not eligible for federal reimbursement, the department may transfer expenditure authority between state and federal appropriations provided in this section.

(24) \$1,700,000 of the Puget Sound ferry operations account—state appropriation is for the able-bodied sailor to mate program.

(25) \$1,000,000 of the multimodal transportation account—state appropriation is provided solely for costs related to the MV Walla Walla.

Sec. 819. 2022 c 186 s 223 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—OPERATING

Multimodal Transportation Account—State	
Appropriation.	(((\$68,430,000))
	<u>\$66,181,000</u>
Multimodal Transportation Account—Private/Local	
Appropriation.	\$46,000
Multimodal Transportation Account—Federal	
Appropriation.	\$500,000
TOTAL APPROPRIATION	(((\$68,976,000))
	<u>\$66,727,000</u>

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

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

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

(3) (~~(\$4,000,000)~~) \$1,750,000 of the multimodal transportation account—state appropriation is provided solely for the continued coordination, engagement, and planning for a new ultra high-speed ground transportation corridor with participation from Washington, Oregon, and British Columbia. This funding is contingent on meaningful financial contributions for this effort by Oregon or British Columbia. "Ultra high-speed" means a maximum testing speed of at least 250 miles per hour. These efforts are to support and advance activities and must abide by the memorandum of understanding signed by the governors of Washington and Oregon, and the premier of the province of British Columbia in November 2021. The department shall establish a policy committee with participation from Washington, Oregon, and British Columbia, including representation from the two largest caucuses of each chamber of the Washington state legislature, and coordinate the activities of the policy committee to include:

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

(b) 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;

(c) 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;

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

(e) 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.

By June 30, 2023, 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 and appropriate government bodies in the province of British Columbia.

(4) The department shall consider applying for federal grant opportunities that support the development of the Amtrak Cascades service. Grant submittals must align with the department's federally required service development plan and state rail plans and partnership agreements with Amtrak as the service provider and BNSF Railway as the host railroad.

Sec. 820. 2022 c 186 s 224 (uncodified) is amended to read as follows:

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

Motor Vehicle Account—State Appropriation	(\$12,451,000)
	<u>\$12,454,000</u>
Motor Vehicle Account—Federal Appropriation	\$2,567,000
Multiuse Roadway Safety Account—State Appropriation	(\$900,000)
	<u>\$450,000</u>
Multimodal Transportation Account—State Appropriation	\$250,000
TOTAL APPROPRIATION	(\$16,168,000)
	<u>\$15,721,000</u>

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

(1) The entire multiuse roadway safety account—state appropriation is provided solely for grants under RCW 46.09.540, subject to the following limitations:

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

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

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

(2) \$1,023,000 of the motor vehicle account—state appropriation is provided solely for the department, from amounts set aside out of statewide fuel

taxes distributed to counties according to RCW 46.68.120(3), to contract with the Washington state association of counties to:

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

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

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

TRANSPORTATION AGENCIES—CAPITAL

Sec. 901. 2022 c 186 s 301 (uncodified) is amended to read as follows:

FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Freight Mobility Investment Account—State

Appropriation.	((\$17,769,000))
	<u>\$4,331,000</u>

Freight Mobility Multimodal Account—State

Appropriation.	((\$14,004,000))
	<u>\$5,296,000</u>

TOTAL APPROPRIATION	((\$31,773,000))
	<u>\$9,627,000</u>

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

(1) Except as otherwise provided in this section, the entire appropriations in this section are provided solely for the projects by amount, as listed in the LEAP Transportation Document (~~(2022-2)~~) 2023-2 ALL PROJECTS as developed (~~(March 9, 2022)~~) April 21, 2023, Freight Mobility Strategic Investment Board (FMSIB).

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

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

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

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

(ii) Each transfer between projects may only occur if the director of the office of financial management finds that any resulting change will not hinder the completion of the projects on LEAP Transportation Document ((2022-2)) 2023-2 ALL PROJECTS as developed ((March 9, 2022)) April 21, 2023;

(iii) Transfers between projects may be made by the board without the formal written approval provided under this subsection (3)(a), provided that the transfer amount does not exceed \$250,000 or 10 percent of the total project, whichever is less. These transfers must be reported to the director of the office of financial management and the chairs of the house of representatives and senate transportation committees; and

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

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

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

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

Sec. 902. 2022 c 186 s 302 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

State Patrol Highway Account—State Appropriation ~~(\$4,803,000)~~
\$4,203,000

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

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

(2) ~~(\$3,501,000)~~ \$3,508,000 of the state patrol highway account—state appropriation is provided solely for the following projects:

(a) \$250,000 for emergency repairs;

(b) \$350,000 for fuel tank decommissioning;

(c) ~~(\$750,000)~~ \$250,000 for generator and electrical replacement;

(d) \$195,000 for the exterior envelope of the Yakima office;

- (e) \$466,000 for equipment shelters;
- (f) (~~(\$650,000)~~) \$550,000 for the weatherization projects;
- (g) \$200,000 for roof replacements reappropriation; and
- (h) \$640,000 for water and fire suppression systems reappropriation and \$607,000 for additional water and fire suppression systems.

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

Sec. 903. 2022 c 186 s 303 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account—State Appropriation	((\$55,028,000))
	<u>\$47,908,000</u>
Motor Vehicle Account—State Appropriation	\$1,456,000
County Arterial Preservation Account—State	
Appropriation	((\$44,653,000))
	<u>\$45,666,000</u>
<u>Move Ahead WA Account—State Appropriation</u>	<u>\$10,000,000</u>
TOTAL APPROPRIATION	((\$101,137,000))
	<u>\$105,030,000</u>

The appropriation in this section is subject to the following conditions and limitations: The entire move ahead WA account—state appropriation is provided solely for additional preservation funding allocations to counties through the county arterial preservation program.

Sec. 904. 2021 c 333 s 304 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD

Small City Pavement and Sidewalk Account—State	
Appropriation	\$4,100,000
Transportation Improvement Account—State	
Appropriation	((\$201,000,000))
	<u>\$171,000,000</u>
Complete Streets Grant Program Account—State	
Appropriation	\$14,670,000
<u>Move Ahead WA Account—State Appropriation</u>	<u>\$10,000,000</u>
<u>Climate Active Transportation Account—State</u>	
<u>Appropriation</u>	<u>\$3,000,000</u>
TOTAL APPROPRIATION	((\$219,770,000))
	<u>\$202,770,000</u>

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

- (1) \$2,500,000 of the transportation improvement account—state appropriation is provided solely for the Relight Washington Program. The transportation improvement board shall conduct a comparative analysis of expanding the Relight Washington Program to all cities that are not currently eligible compared to utilizing the same funding amount for other preservation programs administered by the transportation improvement board. If needed to

perform this analysis, the transportation improvement board shall gather additional information on the demand and return on investment from a follow up survey to cities currently ineligible for the Relight Washington Program. The transportation improvement board shall report the results of the analysis to the governor and the transportation committees of the legislature by January 1, 2022.

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

(3) The entire move ahead WA account—state appropriation is provided solely for additional preservation funding to cities.

Sec. 905. 2022 c 186 s 304 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF TRANSPORTATION—FACILITIES—PROGRAM D—(DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)—CAPITAL

Motor Vehicle Account—State Appropriation	(\$16,076,000)
	<u>\$15,743,000</u>
Connecting Washington Account—State Appropriation	\$3,667,000
TOTAL APPROPRIATION	(\$19,743,000)
	<u>\$19,410,000</u>

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

(1) ~~(\$3,289,000)~~ \$3,667,000 of the connecting Washington account—state appropriation is provided solely for a new Olympic region maintenance and administration facility to be located on the department-owned site at the intersection of Marvin Road and 32nd Avenue in Lacey, Washington.

(2)(a) ~~(\$4,325,000)~~ \$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.

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

Sec. 906. 2022 c 186 s 305 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF TRANSPORTATION—IMPROVEMENTS—PROGRAM I

Transportation 2003 Account (Nickel Account)—State Appropriation	(\$482,000)
	<u>\$486,000</u>
Transportation Partnership Account—State Appropriation	(\$232,566,000)
	<u>\$173,980,000</u>
Motor Vehicle Account—State Appropriation	(\$246,948,000)
	<u>\$234,148,000</u>
Motor Vehicle Account—Federal Appropriation	(\$251,835,000)
	<u>\$262,688,000</u>
Coronavirus State Fiscal Recovery Fund—Federal Appropriation	(\$400,000,000)
	<u>\$100,000,000</u>

Motor Vehicle Account—Private/Local Appropriation	(\$56,192,000)	
		<u>\$88,263,000</u>
Connecting Washington Account—State Appropriation	(\$2,063,783,000)	
		<u>\$1,644,899,000</u>
Special Category C Account—State Appropriation	(\$86,198,000)	
		<u>\$71,101,000</u>
Multimodal Transportation Account—State Appropriation.	(\$10,792,000)	
		<u>\$4,779,000</u>
Puget Sound Gateway Facility Account—State Appropriation.	\$8,400,000	
State Route Number 520 Corridor Account—State Appropriation.	\$70,886,000	
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation	(\$217,282,000)	
		<u>\$34,028,000</u>
Move Ahead WA Account—State Appropriation	(\$10,771,000)	
		<u>\$60,793,000</u>
Move Ahead WA Account—Federal Appropriation	(\$7,200,000)	
		<u>\$52,312,000</u>
TOTAL APPROPRIATION	(\$3,663,335,000)	
		<u>\$2,806,763,000</u>

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

(1) Except as provided otherwise in this section, the entire move ahead WA account—state appropriation, the entire connecting Washington account—state appropriation, and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ((2022-4)) 2023-1 as developed ((March 9, 2022)) April 21, 2023, 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(~~chapter 333, Laws of 2021~~) of this act.

(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 ((2022-2)) 2023-2 ALL PROJECTS as developed ((March 9, 2022)) April 21, 2023, Program - Highway Improvements Program (I). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, or the federal funds redistribution process must then be applied to highway and bridge preservation activities or fish passage barrier corrections (0B14001)(~~as long as the application of the funds is not inconsistent with subsection (26) of this section~~)).

(3) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer ((funds)) appropriation authority between programs I and P, except for ((funds)) appropriation authority that ((are)) is otherwise restricted in this act. Ten days

prior to any transfer, the department must submit its request to the office of financial management and the transportation committees of the legislature and consider any concerns raised. The department shall submit a report on fiscal year funds transferred in the prior fiscal year using this subsection as part of the department's annual budget submittal.

~~(4) ((The connecting Washington account—state appropriation includes up to \$326,594,000 in proceeds from the sale of bonds authorized in RCW 47.10.889.~~

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

~~((6))~~ (5) The transportation partnership account—state appropriation includes up to ~~(((\$124,629,000))~~ \$32,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

~~((7) \$161,792,000)~~ (6) \$106,947,000 of the transportation partnership account—state appropriation, \$3,882,000 of the motor vehicle account—private/local appropriation, ~~(((\$9,000,000))~~ \$4,880,000 of the motor vehicle account—state appropriation, ~~(((\$1,000 of the transportation 2003 account (nickel account)—state appropriation,))~~ and ~~(((\$985,000))~~ \$987,000 of the multimodal transportation account—state appropriation are provided solely for the SR 99/Alaskan Way Viaduct Replacement project (809936Z). It is the intent of the legislature that any legal damages paid to the state as a result of a lawsuit related to contractual provisions for construction and delivery of the Alaskan Way viaduct replacement project be used to repay project cost increases paid from the transportation partnership account—state funds and motor vehicle account—state funds.

~~((8) \$186,820,000)~~ (7) \$168,663,000 of the connecting Washington account—state appropriation and \$488,000 of the motor vehicle account—local appropriation are provided solely for the US 395 North Spokane Corridor project (M00800R). If the department expects the original scope of this project to be completed under budget when a final design is approved for the interchange with I-90 and nearby on ramp access, then the scope of work for this project must also include constructing a land bridge in the vicinity of Liberty Park in Spokane, if appropriations are sufficient. It is the intent of the legislature, consistent with the move ahead WA proposal, to advance future funding for this project in order to accelerate delivery by up to two years.

~~((9))~~ (8)(a) (((\$177,982,000)) \$20,962,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation is provided solely for the I-405/SR 522 to I-5 Capacity Improvements project (L2000234) for activities related to adding capacity on Interstate 405 between state route number 522 and Interstate 5, with the goals of increasing vehicle throughput and aligning project completion with the implementation of bus rapid transit in the vicinity of the project.

(b) The department may advance the I-405/SR 522 to I-5 Capacity Improvements project (L2000234) and construct the project earlier than is scheduled in the LEAP transportation document referenced in subsection (2) of this section if additional funding is identified and submitted through the existing unanticipated receipts process by September 1, 2021. The department and the state treasurer shall pursue alternatives to toll revenue funding including but not limited to federal loan and grant programs. The department shall explore phasing

and modifying the project to attempt to align project completion with the anticipated deployment of bus rapid transit on the corridor in the 2023-2025 biennium. The department shall report back to the transportation committees of the legislature on this work by September 15, 2021.

~~((10))~~ (9)(a) ~~((329,681,000))~~ \$309,774,000 of the connecting Washington account—state appropriation, \$70,886,000 of the state route number 520 corridor account—state appropriation, and ~~((1,021,000))~~ \$1,411,000 of the motor vehicle account—private/local appropriation are provided solely for the SR 520 Seattle Corridor Improvements - West End project (M00400R).

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

(c) Of the amounts provided in this subsection ~~((10))~~ (9), \$100,000 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 \$1,000,000 for noise mitigation activities over the course of the 16-year move ahead WA funding package.~~

~~((11) \$361,296,000))~~ (10) \$296,965,000 of the connecting Washington account—state appropriation, ~~((4,800,000))~~ \$2,145,000 of the multimodal transportation account—state appropriation, ~~((13,725,000))~~ \$4,242,000 of the motor vehicle account—private/local appropriation, \$4,000 of the motor vehicle account—state appropriation, \$7,200,000 of the move ahead WA account—federal appropriation, \$8,400,000 of the Puget Sound Gateway facility account—state appropriation, and ~~((85,015,000))~~ \$84,515,000 of the motor vehicle account—federal appropriation are provided solely for the SR 167/SR 509 Puget Sound Gateway project (M00600R).

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

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

(c) It is the legislature's intent that the department shall consult with the joint executive committee and joint steering committee to determine the most appropriate interchange at the junction of state route number 161 (Meridian avenue) and state route number 167.

(d) Of the amounts provided in this subsection, ~~((2,300,000))~~ \$2,145,000 of the multimodal transportation account—state appropriation is provided solely for ~~((the))~~:

(i) The design phase of the Puyallup to Tacoma multiuse trail along the SR 167 right-of-way acquired for the project to connect a network of new and existing trails from Mount Rainier to Point Defiance Park~~((~~

~~(e) Of the amounts provided in this subsection, \$2,500,000 of the multimodal transportation account—state appropriation is provided solely for segment)); 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.

~~((+2)) (11)(a) ((\$25,378,000)) \$25,379,000 of the motor vehicle account—state appropriation, \$10,000,000 of the move ahead WA account—state appropriation, and ((\$413,000)) \$36,414,000 of the motor vehicle account—private/local appropriation are provided solely to support a project office and the continued work toward the I-5 Interstate Bridge Replacement project ((L2000370)) (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 104 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 project office must also study the possible different governance structures for a bridge authority that would provide for the joint administration of the bridges over the Columbia river between Oregon and Washington. As part of this study, the project office must examine the feasibility and necessity of an interstate compact in conjunction with the national center for interstate compacts.

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

- (i) Conduct all work necessary to prepare and publish a draft SEIS;
- (ii) Coordinate with regulatory agencies to begin the process of obtaining environmental approvals and permits;
- (iii) Identify a locally preferred alternative; and
- (iv) Begin preparing a final SEIS.

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

~~((+3)) (12)(a) ((\$400,000,000)) \$100,000,000 of the coronavirus state fiscal recovery fund—federal appropriation, ((\$25,327,000)) \$167,194,000 of the connecting Washington account—state appropriation, \$35,263,000 of the motor vehicle account—federal appropriation, \$45,112,000 of the move ahead WA account—federal appropriation, \$5,618,000 of the motor vehicle account—local appropriation, \$9,016,000 of the transportation partnership account—state appropriation, \$38,021,000 of the move ahead WA account—state appropriation, and \$149,776,000 of the motor vehicle account—state appropriation are provided solely for the Fish Passage Barrier Removal project (OB14001) ((with the intent of fully complying with the federal *U.S. v. Washington* court injunction by 2030)).~~

(b) It is the intent of the legislature, over the 16-year move ahead WA investment program, to provide \$2,435,000,000 for fish passage barrier removal with the intent of fully complying with the federal *U.S. v. Washington* court

injunction by 2030. Furthermore, it is the intent of the legislature that funding provided 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 fully complying 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, 2021, and June 1, 2022.

~~((e))~~ (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.

~~((d))~~ (e) Of the amount provided in this subsection, \$142,923,000 of the motor vehicle account—federal appropriation reflects the department's portion of the unrestricted funds from the coronavirus response and relief supplemental appropriations act of 2021. If the final amount from this act changes while the legislature is not in session, the department shall follow the existing unanticipated receipt process and adjust the list referenced in subsection (1) of this section accordingly, supplanting state funds with federal funds if possible as directed in section 601, chapter 333, Laws of 2021.

~~((14) \$14,367,000)~~ (13) \$13,542,000 of the connecting Washington account—state appropriation (~~(, \$311,000 of the motor vehicle account—state appropriation,)~~) and ~~((3,149,000))~~ \$4,285,000 of the motor vehicle account—private/local appropriation are provided solely for the I-90/Barker to Harvard - Improve Interchanges & Local Roads project (L2000122). The connecting Washington account appropriation for the improvements that fall within the city of Liberty Lake may only be expended if the city of Liberty Lake agrees to cover any project costs within the city of Liberty Lake above the \$20,900,000 of state appropriation provided for the total project on the list referenced in subsection (1) of this section.

~~((15) \$16,984,000)~~ (14) \$17,071,000 of the motor vehicle account—federal appropriation, ~~((269,000))~~ \$177,000 of the motor vehicle account—state appropriation, \$1,700,000 of the transportation partnership account—state appropriation, \$5,000 of the motor vehicle account—private/local appropriation, and ~~((17,900,000))~~ \$13,666,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation are provided solely for the SR 167/SR 410 to SR 18 - Congestion Management project (316706C).

~~((16) \$18,915,000)~~ (15) \$17,019,000 of the Special Category C account—state appropriation is provided solely for the SR 18 Widening - Issaquah/Hobart

Rd to Raging River project (L1000199) for improving and widening state route number 18 to four lanes from Issaquah-Hobart Road to Raging River.

~~((17) \$2,500,000))~~ (16) \$2,000,000 of the connecting Washington account—state appropriation is provided solely for the North Lewis County transportation study. The study shall examine new, alternate routes for vehicular and truck traffic at the Harrison interchange (Exit 82) in North Centralia and shall allow for a site and configuration to be selected and feasibility to be conducted for final design, permitting, and construction of the I-5/North Lewis county Interchange project (L2000204). It is the intent of the legislature to advance future funding for this project to accelerate delivery by up to two years.

~~((18) \$1,237,000))~~ (17) \$148,000 of the motor vehicle account—state appropriation is provided solely for the US 101/East Sequim Corridor Improvements project (L2000343).

~~((19) \$2,197,000))~~ (18)(a) \$1,223,000 of the motor vehicle account—state appropriation ~~((and \$749,000 of the connecting Washington account—state appropriation are))~~ is provided solely for the SR 522/Paradise Lk Rd Interchange & Widening on SR 522 (Design/Engineering) project (NPARADI).

(b) 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.

~~((20) \$1,455,000))~~ (19) \$1,382,000 of the motor vehicle account—federal appropriation ~~((is))~~ and \$73,000 of the motor vehicle account—State appropriation are provided solely for the US 101/Morse Creek Safety Barrier project (L1000247).

~~((21) \$1,000,000))~~ (20) \$780,000 of the motor vehicle account—state appropriation is provided solely for the SR 162/410 Interchange Design and Right of Way project (L1000276).

~~((22) \$7,185,000))~~ (21) \$1,892,000 of the connecting Washington account—state appropriation ~~((is))~~, \$2,000 of the motor vehicle account—private/local appropriation, and \$7,000 of the motor vehicle account—state appropriation are provided solely for the US Hwy 2 Safety project (N00200R).

~~((23))~~ (22) The department shall itemize all future requests for the construction of buildings on a project list and submit them through the transportation executive information system as part of the department's annual budget submittal. It is the intent of the legislature that new facility construction must be transparent and not appropriated within larger highway construction projects.

~~((24))~~ (23) Any advisory group that the department convenes during the 2021-2023 fiscal biennium must consider the interests of the entire state of Washington.

~~((25))~~ (24) The legislature continues to prioritize the replacement of the state's aging infrastructure and recognizes the importance of reusing and recycling construction aggregate and recycled concrete materials in our transportation system. To accomplish Washington state's sustainability goals in transportation and in accordance with RCW 70.95.805, the legislature reaffirms its determination that recycled concrete aggregate and other transportation building materials are natural resource construction materials that are too

valuable to be wasted and landfilled, and are a commodity as defined in WAC 173-350-100.

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

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

~~((26))~~ (25) \$2,738,000 of the motor vehicle account—state appropriation is provided solely for the US 97 Wildlife Crossing Improvements project (L2021117). It is the intent of the legislature that, to the extent possible, the department use this funding as match for competitive federal funding to make additional wildlife crossing improvements on the corridor. The department must report to the transportation committees of the legislature with additional corridors that could benefit from wildlife crossing improvements and that are likely to successfully compete for federal funding.

~~((27) \$12,635,000)~~ (26) \$2,830,000 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:

(a) The northern terminus remains at Lake Flora Road and the southern terminus at the intersection of SR 3/SR 302;

(b) 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

(c) Intersections on the freight corridor are constructed at Romance Hill and Log Yard road.

~~((28) \$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 Skyway coalition to align community assets, transportation infrastructure needs, and initial design for safety improvements along SR 900; and (b) work with the Skyway coalition to lead community planning engagement and active transportation activities.~~

~~((29) \$5,694,000)~~ (27) \$3,686,000 of the connecting Washington account—state appropriation is provided solely for the I-5/Chamber Way Interchange Vicinity Improvements project (L2000223).

~~((30) \$500,000)~~ (28) \$166,000 of the motor vehicle account—state appropriation is provided solely for SR 162/SR 161 Additional Connectivity in South Pierce County project (L1000312) to conduct a study on the need for

additional connectivity in the area between SR 162, south of Military Road East and north of Orting, and SR 161 in South Pierce county.

(29) \$3,000,000 of the move ahead WA—state appropriation is provided solely for the US 2 Trestle Capacity Improvements & Westbound Trestle Replacement project (L4000056). It is the intent of the legislature, over the 16-year move ahead WA investment program, to provide \$210,541,000 for planning, design, right-of-way acquisition, interim improvements, and initial construction. It is the further intent of the legislature that this project enhance multimodal mobility options on the US 2 Trestle. The planning, design and engineering work must consider options to enhance transit and multimodal mobility, including bus rapid transit. The department must report to the legislature with its preliminary analysis of these options by June 30, 2023.

(30) It is the intent of the legislature, over the 16-year move ahead WA investment program, to provide \$74,298,000 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 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, 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 by 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.

(31)(a) It is the intent of the legislature, over the 16-year move ahead WA investment program, to provide \$500,000,000 for the stormwater retrofits and improvements project (L4000040).

(b) The department shall ensure that \$6,000,000 is provided to the Urban Stormwater Partnership - I-5 Ship-Canal Bridge Pilot (Seattle) project from the \$500,000,000 provided from stormwater retrofits and improvements over the 16-year move ahead WA investment program.

(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 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 biennium.

Sec. 907. 2022 c 186 s 306 (uncodified) is amended to read as follows:

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

Recreational Vehicle Account—State Appropriation	\$1,520,000
Transportation 2003 Account (Nickel Account)—State Appropriation.	\$53,911,000

Transportation Partnership Account—State Appropriation . . . . .	..((<u>\$21,441,000</u>)) <u>\$23,038,000</u>
Motor Vehicle Account—State Appropriation . . . . .	..((<u>\$111,174,000</u>)) <u>\$121,099,000</u>
Motor Vehicle Account—Federal Appropriation . . . . .	..((<u>\$545,560,000</u>)) <u>\$583,466,000</u>
Motor Vehicle Account—Private/Local Appropriation . . . . .	..((<u>\$13,735,000</u>)) <u>\$13,734,000</u>
Connecting Washington Account—State Appropriation . . . . .	..((<u>\$224,342,000</u>)) <u>\$129,001,000</u>
State Route Number 520 Corridor Account—State Appropriation . . . . .	..((<u>\$2,143,000</u>)) <u>\$812,000</u>
Tacoma Narrows Toll Bridge Account—State Appropriation . . . . .	..((<u>\$5,676,000</u>)) <u>\$3,578,000</u>
Alaskan Way Viaduct Replacement Project Account— State Appropriation . . . . .	..((<u>\$391,000</u>)) <u>\$251,000</u>
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation . . . . .	..((<u>\$12,830,000</u>)) <u>\$9,216,000</u>
TOTAL APPROPRIATION . . . . .	..((<u>\$992,723,000</u>)) <u>\$939,626,000</u>

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

(1) Except as provided otherwise in this section, the entire connecting Washington account—state appropriation and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ((~~2022-1~~) 2023-1 as developed ((~~March 9, 2022~~) April 21, 2023, 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(~~(chapter 333, Laws of 2021)~~) of this act.

(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 ((~~2022-2~~) 2023-2 ALL PROJECTS as developed ((~~March 9, 2022~~) April 21, 2023, Program - Highway Preservation Program (P). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, or the federal funds redistribution process must then be applied to highway and bridge preservation activities or fish passage barrier corrections (OBI4001)(~~(as long as the application of the funds is not inconsistent with subsection (10) of this section~~)).

(3) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer ((~~funds~~))

appropriation authority between programs I and P, except for ~~((funds))~~ appropriation authority that ~~((are))~~ is otherwise restricted in this act. Ten days prior to any transfer, the department must submit its request to the office of financial management and the transportation committees of the legislature and consider any concerns raised. The department shall submit a report on fiscal year funds transferred in the prior fiscal year using this subsection as part of the department's annual budget submittal.

(4) \$8,531,000 of the connecting Washington account—state appropriation is provided solely for the land mobile radio upgrade (G2000055) and is subject to the conditions, limitations, and review provided in section 701, chapter 333, Laws of 2021. The land mobile radio project is subject to technical oversight by the office of the chief information officer. The department, in collaboration with the office of the chief information officer, shall identify where existing or proposed mobile radio technology investments should be consolidated, identify when existing or proposed mobile radio technology investments can be reused or leveraged to meet multiagency needs, increase mobile radio interoperability between agencies, and identify how redundant investments can be reduced over time. The department shall also provide quarterly reports to the technology services board on project progress.

(5) \$5,000,000 of the motor vehicle account—state appropriation is provided solely for extraordinary costs incurred from litigation awards, settlements, or dispute mitigation activities not eligible for funding from the self-insurance fund (L2000290). The amount provided in this subsection must be held in unallotted status until the department submits a request to the office of financial management that includes documentation detailing litigation-related expenses. The office of financial management may release the funds only when it determines that all other funds designated for litigation awards, settlements, and dispute mitigation activities have been exhausted. No funds provided in this subsection may be expended on any legal fees related to the SR 99/Alaskan Way viaduct replacement project (809936Z).

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

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

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

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

Sec. 908. 2022 c 186 s 307 (uncodified) is amended to read as follows:

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

Motor Vehicle Account—State Appropriation . . . . .	..((<u>\$9,618,000</u>))
	<u>\$9,473,000</u>
Motor Vehicle Account—Federal Appropriation	\$11,215,000
Motor Vehicle Account—Private/Local Appropriation	\$500,000
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation	\$900,000
<u>Move Ahead WA Account—State Appropriation</u>	<u>\$611,000</u>
TOTAL APPROPRIATION . . . . .	..((<u>\$22,233,000</u>))
	<u>\$22,699,000</u>

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

(1) ((\$579,000)) \$580,000 of the motor vehicle account—state appropriation is provided solely for the SR 99 Aurora Bridge ITS project (L2000338).

(2) \$1,001,000 of the motor vehicle account—state appropriation, \$611,000 of the move ahead WA account—state appropriation, and ((\$2,060,000)) \$2,018,000 of the motor vehicle account—federal appropriation are provided solely for the Challenge Seattle project (000009Q). The department shall provide a progress report on this project to the transportation committees of the legislature by January 15, 2022.

Sec. 909. 2022 c 186 s 308 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF TRANSPORTATION—WASHINGTON STATE FERRIES CONSTRUCTION—PROGRAM W

<u>Move Ahead WA Account—State Appropriation</u>	<u>\$2,804,000</u>
Puget Sound Capital Construction Account—State Appropriation. . . . .	..((<u>\$167,533,000</u>))
	<u>\$141,382,000</u>
Puget Sound Capital Construction Account—Federal Appropriation. . . . .	..((<u>\$180,571,000</u>))
	<u>\$154,634,000</u>
Puget Sound Capital Construction Account— Private/Local Appropriation . . . . .	..((<u>\$2,181,000</u>))
	<u>\$1,844,000</u>
Transportation Partnership Account—State Appropriation. . . . .	..((<u>\$9,432,000</u>))
	<u>\$3,759,000</u>
Connecting Washington Account—State Appropriation . . . . .	..((<u>\$99,141,000</u>))
	<u>\$97,904,000</u>
Capital Vessel Replacement Account—State Appropriation. . . . .	..((<u>\$45,668,000</u>))
	<u>\$5,769,000</u>
((Motor Vehicle Account—State Appropriation . . . . .	..((<u>\$1,000</u>))
Transportation 2003 Account (Nickel Account)—State Appropriation.	\$987,000
TOTAL APPROPRIATION . . . . .	..((<u>\$505,514,000</u>))
	<u>\$409,083,000</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 ((~~2022-2~~) 2023-2) ALL PROJECTS as developed ((~~March 9, 2022~~) April 21, 2023, Program - Washington State Ferries Capital Program (W).

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

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

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

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

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

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

(3) ((~~\$12,232,000~~) \$19,940,000) of the Puget Sound capital construction account—state appropriation is provided solely for emergency capital repair costs (999910K). Funds may only be spent after approval by the office of financial management.

(4) ((~~\$2,385,000~~) \$2,384,000) of the Puget Sound capital construction account—state appropriation is provided solely for the ORCA card next generation project (L2000300). The ferry system shall work with Washington technology solutions and the tolling division on the development of a new, interoperable ticketing system.

(5) ((~~\$28,134,000~~) \$3,656,000) of the Puget Sound capital construction account—state appropriation is provided solely for the conversion of up to two Jumbo Mark II vessels to electric hybrid propulsion (G2000084). The department shall seek additional funds for the purposes of this subsection. The department may spend from the Puget Sound capital construction account—state appropriation in this section only as much as the department receives in Volkswagen settlement funds for the purposes of this subsection.

(6) ((~~\$45,668,000~~) \$5,769,000) of the capital vessel replacement account—state appropriation is provided solely for the acquisition of a 144-car hybrid-electric vessel (L2000329). In 2019 the legislature amended RCW 47.60.810 to direct the department to modify an existing vessel construction contract to provide for an additional five ferries. As such, it is the intent of the legislature that the department award the contract for the hybrid electric Olympic class

vessel #5(L2000329) in a timely manner. In addition, the legislature intends to minimize costs and maximize construction efficiency by providing sufficient funding for construction of all five vessels, including funding for long lead time materials procured at the lowest possible prices. The commencement of construction of new vessels for the ferry system is important not only for safety reasons, but also to keep skilled marine construction jobs in the Puget Sound region and to sustain the capacity of the region to meet the ongoing construction and preservation needs of the ferry system fleet of vessels. The legislature has determined that the current vessel procurement process must move forward with all due speed, balancing the interests of both the taxpayers and shipyards. To accomplish construction of vessels in accordance with RCW 47.60.810, the prevailing shipbuilder, for vessels initially funded after July 1, 2020, is encouraged to follow the historical practice of subcontracting the construction of ferry superstructures to a separate nonaffiliated contractor located within the Puget Sound region, that is qualified in accordance with RCW 47.60.690. If the department elects not to execute a new modification to an existing option contract for one or more additional 144-auto ferries under RCW 47.60.810(4), the department shall proceed with development of a new design-build request for proposals in accordance with RCW 47.60.810, 47.60.812, 47.60.814, 47.60.815, 47.60.816, 47.60.818, 47.60.820, 47.60.822, 47.60.824, and 47.60.8241. Of the amounts provided in this section, \$200,000 is provided solely for hiring an independent owner's representative to perform quality oversight, manage the change order process, and ensure contract compliance.

~~(7) ((The capital vessel replacement account—state appropriation includes up to \$45,468,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.~~

~~(8) \$4,200,000))~~ \$2,838,000 of the connecting Washington account—state appropriation is provided solely for ferry vessel and terminal preservation (L2000110). The funds provided in this subsection must be used for unplanned preservation needs before shifting funding from other preservation projects.

Sec. 910. 2022 c 186 s 309 (uncodified) is amended to read as follows:

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

Essential Rail Assistance Account—State	
Appropriation.	\$1,108,000
Transportation Infrastructure Account—State	
Appropriation.	(((\$6,218,000))
	<u>\$6,219,000</u>
Multimodal Transportation Account—State	
Appropriation.	(((\$118,320,000))
	<u>\$57,518,000</u>
Multimodal Transportation Account—Federal	
Appropriation.	(((\$6,567,000))
	<u>\$7,885,000</u>
Multimodal Transportation Account—Private/Local	
Appropriation.	\$13,000
Motor Vehicle Account—State Appropriation	\$1,810,000
TOTAL APPROPRIATION	(((\$134,036,000))
	<u>\$74,553,000</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 (~~(2022-2)~~) 2023-2 ALL PROJECTS as developed (~~(March 9, 2022)~~) April 21, 2023, Program - Rail Program (Y).

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

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

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

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

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

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

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

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

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

(7) (~~(\$32,996,000)~~) \$672,000 of the multimodal transportation account—state appropriation is provided solely for Passenger Rail Equipment Replacement (project 700010C). The appropriation in this subsection include insurance proceeds received by the state. The department must use these funds only to purchase replacement equipment that has been competitively procured and for service recovery needs and corrective actions related to the December 2017 derailment.

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

(9) \$500,000 of the multimodal transportation account—state appropriation is provided solely for the Chelatchie Prairie railroad for track improvement activities on the northern part of the railroad (L1000311).

Sec. 911. 2022 c 186 s 310 (uncodified) is amended to read as follows:

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

Freight Mobility Investment Account—State

Appropriation \$5,875,000

Freight Mobility Multimodal Account—State

Appropriation \$910,000

Highway Infrastructure Account—State Appropriation \$1,744,000

Highway Infrastructure Account—Federal Appropriation \$2,935,000

Transportation Partnership Account—State

Appropriation ((~~\$1,000,000~~))
\$500,000

Motor Vehicle Account—State Appropriation ((~~\$25,101,000~~))
\$21,481,000

Motor Vehicle Account—Federal Appropriation ((~~\$79,306,000~~))
\$44,945,000

Motor Vehicle Account—Private/Local Appropriation \$6,600,000

Connecting Washington Account—State Appropriation ((~~\$178,464,000~~))
\$134,915,000

Multimodal Transportation Account—State

Appropriation ((~~\$96,975,000~~))

	<u>\$62,362,000</u>
<u>Move Ahead WA Account—State Appropriation</u>	<u>\$4,000,000</u>
<u>Move Ahead WA Flexible Account—State Appropriation</u>	<u>\$3,000,000</u>
<u>Climate Active Transportation Account—State</u>	
<u>Appropriation</u>	<u>\$12,182,000</u>
TOTAL APPROPRIATION	<u>(\$392,125,000)</u>
	<u>\$301,449,000</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 ((2022-2)) 2023-2 ALL PROJECTS as developed ((March 9, 2022)) April 21, 2023, 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)(i) ((\$46,163,000)) \$29,870,000 of the multimodal transportation account—state appropriation is provided solely for pedestrian and bicycle safety program projects (L2000188).

(ii) The state route 99/Aurora Avenue North Planning Study funded in this subsection (2)(a) must prioritize designs that ensure slow vehicle speeds and systematic improvement to the quality of multimodal access, and must be fully completed by September 30, 2023, in order to ensure construction of improvements begin no later than March 1, 2024.

(b) ((\$26,086,000)) \$18,349,000 of the motor vehicle account—federal appropriation and ((\$21,656,000)) \$16,562,000 of the multimodal transportation account—state appropriation are provided solely for safe routes to school projects (L2000189). The department may consider the special situations facing high-need areas, as defined by schools or project areas in which the percentage of the children eligible to receive free and reduced-price meals under the national school lunch program is equal to, or greater than, the state average as determined by the department, when evaluating project proposals against established funding criteria while ensuring continued compliance with federal eligibility requirements.

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

(4) ((\$11,987,000)) \$9,537,000 of the multimodal transportation account—state appropriation is provided solely for bicycle and pedestrian projects listed in the LEAP transportation document referenced in subsection (1) of this section.

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

(6) (~~(\$17,438,000)~~) \$16,438,000 of the motor vehicle account—federal appropriation is provided solely for national highway freight network projects identified on the project list submitted in accordance with section 218(4)(b), chapter 14, Laws of 2016 on October 31, 2016 (L1000169).

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

(8) (~~(\$35,411,000)~~) \$10,137,000 of the motor vehicle account—federal appropriation is provided solely for acceleration of local preservation projects that ensure the reliable movement of freight on the national highway freight system (G2000100). The department will identify projects through its current national highway system asset management call for projects with applications due in February 2021. The department shall give priority to those projects that can be obligated by September 30, 2021.

(9) (~~(\$400,000)~~) \$300,000 of the multimodal transportation account—state appropriation is provided solely for a grant to the Northwest Seaport Alliance (NWSA) to lead the creation and coordination of a multistakeholder zero emissions truck collaborative that will: (a) Facilitate the development and implementation of one or more zero-emissions drayage truck demonstration projects in Washington state; and (b) develop a roadmap for transitioning the entire fleet of approximately 4,500 drayage trucks that serve the NWSA cargo gateway to zero-emissions vehicles by 2050 or sooner.

(10) (~~(\$8,524,000)~~) \$2,900,000 of the connecting Washington account—state appropriation is provided solely for the I-5/Mellen Street Connector project.

(11) (~~(\$500,000)~~) \$100,000 of the motor vehicle account—state appropriation is provided solely for the 166th/SR 410 Interchange.

(12) (~~(\$1,063,000)~~) \$263,000 of the motor vehicle account—state appropriation is provided solely for repairs and rehabilitation of the Pierce county ferry landings at Anderson Island and Steilacoom.

(13) (~~(\$300,000)~~) \$150,000 of the motor vehicle account—state appropriation is provided solely for the city of Spokane for preliminary engineering of the US 195/Inland Empire Way project. Funds may be used for predesign environmental assessment work, community engagement, design, and project cost estimation.

(14) \$6,686,000 of the climate active transportation account—state appropriation is provided solely for newly selected safe routes to school grants.

(15) \$5,496,000 of the climate active transportation account—state appropriation is provided solely for newly selected pedestrian and bicycle grants.

(16) It is the intent of the legislature that up to \$14,000,000 will be provided for the Guemes Ferry Boat Replacement project (L4000124).

(17) \$3,000,000 of the move ahead WA flexible account—state appropriation is provided solely for railroad crossing grant awards which match federal funds for city and county projects which eliminate at-grade highway-rail crossings.

(18) It is the intent of the legislature that \$25,000,000 will be provided as part of the move ahead WA investment package in a future biennium, as indicated on the list identified in subsection (1) of this section, for the Ballard and Magnolia Bridge project (L4000123). As part of the project, the Seattle department of transportation (SDOT) must consult with an independent engineering firm to verify that the costs for the type, size, and location preliminary design report (TS&L), environmental impact statement (EIS), and 60 percent design work are within industry cost range standards in advance of moving forward with construction. SDOT must ensure that funds are maximized by limiting the percentage for TS&L, EIS, and 60 percent design work to 10 percent of the total cost of the project. Of the \$25,000,000, \$12,500,000 must remain in unallotted status, and may be distributed to SDOT only upon determination by the office of financial management that SDOT's cost estimates have been verified by an independent engineering firm as within industry cost range standards, and SDOT has secured the additional matching funding needed to complete the TS&L, EIS, and 60 percent design work.

(19)(a) It is the intent of the legislature, over the first five years of the move ahead WA program, that \$50,000,000 will be provided to SDOT to implement Aurora Avenue North Safety Improvements (L4000154). Under this program, SDOT will be required to implement strategic transportation investments for the Aurora Ave N Corridor from N 90th St to N 105th St that ensure slow vehicle speeds, walkability, multimodal mobility, safe routes to local schools, and safety for residents, which will demonstrate the benefits of similar transportation investments for other locations along Aurora Avenue and elsewhere. SDOT must convene a neighborhood oversight board consisting of residents of communities of the Aurora Ave N Corridor to prioritize investments and monitor project implementation. The oversight board should be composed of an equitable representation of local communities along the Aurora Ave N Corridor, including residents with disabilities. SDOT will ensure that the oversight board is consulted on a bimonthly basis during the prioritization process.

(b) The legislature intends, upon completion of the State Route 99/Aurora Avenue North Planning Study, that projects recommended in the study will be funded by this program. A specific focus must be on access management to consolidate driveways and improve safety for vulnerable users. This work must also include installation of full curb and sidewalks to improve safety, mobility, transit ridership, equity, and work towards the goals set forth in vision zero, target zero, and the Washington state active transportation plan. SDOT must ensure the design and implementation of an accessible sidewalk network to support users with mobility limitations, convenient and accessible transit stops, all-ages-and-abilities bicycle facilities, and safe pedestrian-activated crosswalks

that puts safety over speed, balances the needs of different modes, reduces the level of traffic stress experienced by pedestrians and cyclists, connects to existing bicycle and transit networks, creates safe walking and bicycling routes to local schools including crosswalks, improves human and environmental health, and supports the surrounding neighborhoods. SDOT must coordinate with the Washington state department of transportation and King county metro in implementing the investments. SDOT must ensure that funds are maximized by limiting the percentage for planning, predesign, design, permitting, and environmental review to 10 percent of the total cost of each project.

(c) The legislature intends that all Aurora Avenue North Safety Improvement projects funded in this program be completed by December 31, 2029, and that no funds may be expended for this purpose after this date.

(20) \$800,000 of the motor vehicle account—state appropriation is provided solely for the SR 109/88 Corner Roadway project (G2000106).

(21) The entire move ahead WA account—state appropriation is provided solely for the Move Ahead WA - Road and Highway Projects as listed in LEAP Transportation Document 2023-2 ALL PROJECTS as developed April 21, 2023.

TRANSFERS AND DISTRIBUTIONS

Sec. 1001. 2022 c 186 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	(((\$794,000)) \$273,000
((Connecting Washington Account—State Appropriation	\$1,633,000))
Special Category C Account—State Appropriation	(((\$257,000)) \$74,000
Highway Bond Retirement Account—State Appropriation	(((\$1,408,622,000)) \$1,406,513,000
Ferry Bond Retirement Account—State Appropriation	\$17,150,000
Transportation Improvement Board Bond Retirement	
Account—State Appropriation	(((\$18,152,000)) \$18,055,000
Nondebt-Limit Reimbursable Bond Retirement Account—	
State Appropriation	(((\$26,278,000)) \$29,238,000
Toll Facility Bond Retirement Account—State	
Appropriation	\$76,376,000
TOTAL APPROPRIATION	(((\$1,542,811,000)) \$1,547,679,000

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

Sec. 1002. 2022 c 186 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	(((\$150,000))
	<u>\$51,000</u>
((Connecting Washington Account—State Appropriation	(\$327,000))
Special Category C Account—State Appropriation	(((\$51,000))
	<u>\$18,000</u>
Transportation Improvement Account—State	
Appropriation	\$20,000
TOTAL APPROPRIATION	(((\$548,000))
	<u>\$89,000</u>

Sec. 1003. 2022 c 186 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	(((\$474,003,000))
	<u>\$467,037,000</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
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Sec. 1004. 2022 c 186 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	(((\$2,000,419,000))
	<u>\$1,971,401,000</u>

Sec. 1005. 2022 c 186 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	(((\$240,330,000))
	<u>\$264,160,000</u>

Sec. 1006. 2023 c 2 s 2 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—ADMINISTRATIVE TRANSFERS

(1) Highway Safety Account—State Appropriation:

For transfer to the State Patrol Highway Account—State	(((\$47,000,000))
	<u>\$52,000,000</u>

(2)(a) Transportation Partnership Account—State

Appropriation: For transfer to the Tacoma Narrows Toll Bridge Account—State \$30,293,000

(b) It is the intent of the legislature that this transfer is temporary, for the purpose of minimizing the impact of toll increases. An equivalent reimbursing

transfer is to occur after the debt service and deferred sales tax on the Tacoma Narrows bridge construction costs are fully repaid in accordance with chapter 195, Laws of 2018.

(3)(a) Motor Vehicle Account—State Appropriation:
For transfer to Alaskan Way Viaduct Replacement Project
Account—State \$6,000,000

(b) The funds provided in (a) of this subsection are a loan to the Alaskan Way viaduct replacement project account—state, and the legislature assumes that these funds will be reimbursed to the motor vehicle account—state at a later date when traffic on the toll facility has recovered from the COVID-19 pandemic.

(4) Motor Vehicle Account—State Appropriation:
For transfer to the County Arterial Preservation
Account—State \$7,666,000

(5) Motor Vehicle Account—State Appropriation:
For transfer to the Freight Mobility Investment
Account—State \$5,511,000

(6) Motor Vehicle Account—State Appropriation:
For transfer to the Rural Arterial Trust
Account—State ~~(\$9,331,000)~~
\$4,844,000

(7) Motor Vehicle Account—State Appropriation:
For transfer to the Transportation Improvement
Account—State \$9,688,000

(8) Rural Mobility Grant Program Account—State
Appropriation: For transfer to the Multimodal
Transportation Account—State \$3,000,000

(9)(a) State Route Number 520 Civil Penalties
Account—State Appropriation: For transfer to the
Motor Vehicle Account—State \$2,000,000

(b) The transfer in this subsection is to repay moneys loaned to the state route number 520 civil penalties account in the 2019-2021 fiscal biennium.

(10) State Route Number 520 Civil Penalties
Account—State Appropriation: For transfer to the
State Route Number 520 Corridor Account—State ~~(\$1,532,000)~~
\$1,508,000

(11) Capital Vessel Replacement Account—State
Appropriation: For transfer to the Connecting
Washington Account—State \$35,000,000

(12)(a) Capital Vessel Replacement Account—State
Appropriation: For transfer to the Transportation
Partnership Account—State \$35,547,000

(b) The amount transferred in this subsection represents proceeds from the sale of bonds authorized in the 2019-2021 biennium in RCW 47.10.873.

(13) Multimodal Transportation Account—State
Appropriation: For transfer to the Complete Streets
Grant Program Account—State \$14,670,000

(14) Multimodal Transportation Account—State
Appropriation: For transfer to the Connecting

Washington Account—State	\$200,000,000
(15) Multimodal Transportation Account—State	
Appropriation: For transfer to the Freight Mobility	
Multimodal Account—State	\$4,011,000
(16) Multimodal Transportation Account—State	
Appropriation: For transfer to the Ignition Interlock	
Device Revolving Account—State	\$600,000
(17) Multimodal Transportation Account—State	
Appropriation: For transfer to the Pilotage	
Account—State	\$2,000,000
(18) Multimodal Transportation Account—State	
Appropriation: For transfer to the Puget Sound	
Capital Construction Account—State	(\$816,700,000)
	<u>\$30,000,000</u>
(19) Multimodal Transportation Account—State	
Appropriation: For transfer to the Regional Mobility	
Grant Program Account—State	\$27,679,000
(20) Multimodal Transportation Account—State	
Appropriation: For transfer to the Rural Mobility	
Grant Program Account—State	\$15,223,000
(21)(a) Alaskan Way Viaduct Replacement Project	
Account—State Appropriation: For transfer to the	
Transportation Partnership Account—State	\$22,884,000
(b) The amount transferred in this subsection represents repayment of debt	
service incurred for the construction of the SR 99/Alaskan Way Viaduct	
Replacement project (809936Z).	
(22) Tacoma Narrows Toll Bridge Account—State	
Appropriation: For transfer to the Motor Vehicle	
Account—State	\$950,000
(23) Puget Sound Ferry Operations Account—State	
Appropriation: For transfer to the Puget Sound	
Capital Construction Account—State	\$60,000,000
(24)(a) General Fund Account—State	
Appropriation: For transfer to the State Patrol	
Highway Account—State	\$625,000
(b) The state treasurer shall transfer the funds only after receiving	
notification from the Washington state patrol under section 207(2), chapter 333,	
Laws of 2021.	
(25) (Motor Vehicle Account—State	
Appropriation: For transfer to the Puget Sound	
Capital Construction Account—State	\$30,000,000
(26)) Multimodal Transportation Account—State	
Appropriation: For transfer to the I-405 and SR 167	
Express Toll Lanes Account—State	\$268,433,000
((27)) (26) Multimodal Transportation Account—	
State Appropriation: For transfer to the Move Ahead	
WA Account—State	(\$874,081,000)
	<u>\$1,660,781,000</u>

~~((28))~~ (27) Multimodal Transportation Account—State Appropriation: For transfer to the State Route

Number 520 Corridor Account—State \$70,786,000

~~((29) Motor Vehicle Account—State Appropriation: For transfer to the Connecting Washington Account—State \$80,000,000~~

~~(30)) (28) Move Ahead WA Account—State Appropriation: For transfer to the Connecting Washington Account—State ((\$600,000,000))~~
\$510,000,000

~~((34)) (29) Transportation Improvement Account—State Appropriation: For transfer to the Transportation Improvement Board Bond Retirement Account—State ((\$6,451,550))~~
\$6,452,000

(30) Carbon Emissions Reduction Account—State Appropriation: For transfer to the Puget Sound Ferry Operations Account—State \$600,000

The amount transferred in this subsection represents an estimate of fare replacement revenue to account for the implementation of 18 and under fare-free policies.

(31) Motor Vehicle Account—State Appropriation: For transfer to the Move Ahead WA Account—State \$3,607,000

(32) Electric Vehicle Account—State Appropriation: For transfer to the Move Ahead WA Flexible Account—State \$16,064,000

(33) Carbon Emissions Reduction Account—State Appropriation: For transfer to the Climate Active Transportation Account—State \$15,182,000

(34) Carbon Emissions Reduction Account—State Appropriation: For transfer to the Climate Transit Programs Account—State \$53,436,000

Sec. 1007. 2021 c 333 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 ((\$199,129,000))
\$199,040,000

Toll Facility Bond Retirement Account—State
 Appropriation \$25,372,000
TOTAL APPROPRIATION ((\$224,501,000))
\$224,412,000

MISCELLANEOUS 2021-2023 FISCAL BIENNIUM

NEW SECTION. Sec. 1101. A new section is added to 2022 c 186 (uncodified) to read as follows:

The appropriations to the department of transportation in chapter 333, Laws of 2021, chapters 186 and 187, Laws of 2022, and this act must be expended for the programs and in the amounts specified in chapter 333, Laws of 2021, chapters 186 and 187, Laws of 2022, and this act. However, after May 1, 2023, unless specifically prohibited, the department may transfer state appropriations authority for the 2021-2023 fiscal biennium among operating programs upon approval by the director of the office of financial management. However, the department shall not transfer state moneys that are provided solely for a specific purpose. The department shall not transfer appropriations authority, and the director of the office of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds and not federal funds. The director of the office of financial management shall notify the appropriate transportation committees of the legislature before approving any allotment modifications or transfers under this section.

****NEW SECTION. Sec. 1102. The following acts or parts of acts are each repealed:***

- (1) 2022 c 187 s 201 (uncodified);***
- (2) 2022 c 187 s 202 (uncodified);*
- (3) 2022 c 187 s 203 (uncodified);*
- (4) 2022 c 187 s 204 (uncodified);*
- (5) 2022 c 187 s 205 (uncodified);*
- (6) 2022 c 187 s 206 (uncodified);*
- (7) 2022 c 187 s 207 (uncodified);*
- (8) 2022 c 187 s 208 (uncodified);*
- (9) 2022 c 187 s 209 (uncodified);*
- (10) 2022 c 187 s 210 (uncodified);*
- (11) 2022 c 187 s 211 (uncodified);*
- (12) 2022 c 187 s 301 (uncodified);*
- (13) 2022 c 187 s 302 (uncodified);*
- (14) 2022 c 187 s 303 (uncodified);***
- (15) 2022 c 187 s 304 (uncodified);*
- (16) 2022 c 187 s 305 (uncodified);*
- (17) 2022 c 187 s 306 (uncodified);*
- (18) 2022 c 187 s 307 (uncodified);*
- (19) 2022 c 187 s 308 (uncodified); and*
- (20) 2022 c 187 s 401 (uncodified).*

**Sec. 1102 was partially vetoed. See message at end of chapter.*

MISCELLANEOUS

NEW SECTION. Sec. 1201. 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. 1202. 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.

Passed by the House April 22, 2023.

Passed by the Senate April 22, 2023.

Approved by the Governor May 16, 2023, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State May 17, 2023.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Sections 204(3), 207(5), 208(10), 211(1), 215(3), 217(6), 218(5), 219(2), 221(18), 223(3), 224(4), 208(29), 208(31), 213(5), 214(7), 215(4), 217(10), 219(11), 219(12), 224(3), 701(1), 804, 1102(1), 1102(14), 208(17), 208(18), 208(19), and 208(33), Engrossed Substitute House Bill No. 1125 entitled:

"AN ACT Relating to transportation funding and appropriations."

Section 204(3), pages 15-16, Joint Transportation Committee, Oversight of Ferry Procurement

This section directs the Joint Transportation Committee to hire a consultant to provide oversight of ferry documents and procedures relating to the procurement of hybrid-electric ferry vessels. This extra step to require the Joint Transportation Committee to hire a consultant will create inefficiencies in the ferry procurement process. Also, because there is a third-party consultant required in Engrossed House Bill 1846, this work could be duplicative. For these reasons, I have vetoed Section 204(3). However, I am directing Washington State Ferries to engage with legislators regularly as it works to implement a new ferry vessel procurement process.

Section 207(5), page 27, Washington State Patrol

Section 208(10), page 35, Department of Licensing

Section 211(1), page 44, Department of Transportation, Facilities

Section 215(3), page 51, Department of Transportation, Public-Private Partnerships

Section 217(6), page 59, Department of Transportation, Transportation Operations

Section 218(5), page 65, Department of Transportation, Transportation Management and Support

Section 219(2), pages 65-66, Department of Transportation, Planning

Section 221(18), page 78, Department of Transportation, Public Transportation

Section 223(3), page 85, Department of Transportation, Rail

Section 224(4), page 87, Department of Transportation, Local Programs

These sections identify the Legislature's intent to monitor and adjust appropriations in the future. The proviso language suggests that agencies should hire staff beyond their appropriation authority. The law prohibits agencies from spending more than their authorized appropriation levels. For this reason, I have vetoed Sections 207(5), 208(10), 211(1), 215(3), 217(6), 218(5), 219(2), 221(18), 223(3), and 224(4).

Section 208(29), page 40, Department of Licensing, Per-Mile Fee Program Study

This section directs the Department of Licensing to study, in consultation with the Washington State Transportation Commission, the feasibility of implementing and administering a per-mile fee program. This work pre-supposes a per-mile fee program will be adopted despite the need to consider broader options for alternative funding sources for transportation.? For this reason, I have vetoed Section 208(29).

Section 208(31), page 41, Department of Licensing, Vehicle Odometer Readings

This section provides appropriations to implement Engrossed Substitute House Bill 1736 (vehicle odometer readings). Previously, I vetoed ESHB 1736; therefore, the funding to implement this bill is no longer necessary. For this reason, I have vetoed Section 208(31).

Section 213(5), pages 47-48, Department of Transportation, Aviation Impacts

This section directs the Department of Transportation to evaluate and report on the operational and technological enhancements addressing the environmental impacts from commercial aviation activities. The appropriation is insufficient to conduct a thorough evaluation. For this reason, I have vetoed Section 213(5).

Section 214(7), pages 49-50, Department of Transportation, State Route 532 Surplus Parcel

This section requires the Department of Transportation to certify that the property located south of State Route 532 and west of Interstate 5 in the vicinity of the intersection of SR 532 and 19th Avenue NW is no longer needed for the state highway system, and to convey the roadway and access rights to the county. The conveyance of access rights to the state highway would improperly delegate to the county the important responsibility of ensuring the safety and operation of a state limited access facility, contrary to the department's existing statutory authority under chapter 47.52 RCW. This raises significant safety concerns of increasing access to SR 532 at this location. For this reason, I have vetoed Section 214(7).

Section 215(4), page 51, Department of Transportation, Hydrogen Refueling Stations

The department is directed to pursue federal funding for hydrogen fueling stations for passenger and light-truck vehicles as well as medium and heavy-duty vehicles. While there is a stated intent to provide state matching funds for federal grants, the budget provides no such funding nor is funding provided for staff to pursue federal grants. In addition, green hydrogen is best suited for medium and heavy-duty vehicles, rather than passenger and light-duty vehicles. For these reasons, I have vetoed Section 215(4).

Section 217(10), pages 60-61, Department of Transportation, Weigh Station Preclearance Program

Requirements in this section contradict the existing Weigh Station Strategic Plan adopted by the Washington State Patrol and Department of Transportation and the existing weigh station preclearance system. For this reason, I have vetoed Section 217(10).

Section 219(11), pages 69-70, Department of Transportation, State Route 904 Corridor Study

This section requires the Department of Transportation to plan for improvements on State Route 904. Given the limited availability of funds for the department to perform basic operations, it is not prudent for the state to undertake new work at this time. For this reason, I have vetoed Section 219(11).

Section 219(12), page 70, Department of Transportation, U.S. Highway 12 Safety Improvement Study

This section requires the Department of Transportation to perform an analysis of the state and local transportation network around an interchange on US 12. Given the limited availability of funds for the department to perform basic operations, it is not prudent for the state to undertake new work at this time. For this reason, I have vetoed Section 219(12).

Section 224(3), page 87, Department of Transportation, Active Transportation Program

This section requires the Department of Transportation to examine and report on the feasibility of creating a new program for active transportation. Although I support the department evaluating its program structures, I have vetoed Section 224(3) because it only focuses on one program. However, I am directing the department to develop options and recommendations to address the restructuring or creation of programs, particularly related to active transportation. This work is important but should be comprehensive and funded.

Section 701(1), page 139, Washington State Patrol, Aerial Criminal Investigation Tools

This section places the purchase of replacement "aerial criminal investigation tools" for the Washington State Patrol under the oversight of the Office of the Chief Information Officer (OCIO). The term "aerial criminal investigation tools" is broad and could apply to both unmanned aerial vehicles, as well as other items such as Cessna airplanes that are funded in the budget. In addition, management of unmanned aerial vehicles or airplanes under the OCIO's information technology oversight requirements is inappropriate. For these reasons, I have vetoed Section 701(1).

Section 804, page 162, lines 11-12, 14-15, 20-25, and 32-34, and Section 1102(1), page 258, Department of Licensing, Appropriation and Repeal Section

These sections reduce appropriations for the Department of Licensing in the 2021-23 biennium. The department needs these appropriations to close the fiscal year. For this reason, I have vetoed the appropriation items in Section 804 and Section 1102(1). However, because this will result in more appropriation authority than the department needs to close the fiscal year, I am directing the Office of Financial Management to place any excess authority in unallotted status.

Section 1102(14), page 258, Department of Transportation, 2022 Project List

This section repeals the 2022 project list and associated funding in Program I - Improvements. Repealing this section from Chapter 187, Laws of 2022 removes the department's authority to spend on capital projects for which work has already started. This authority is necessary for the department to close the current biennium. For this reason, I have vetoed Section 1102(14). However, because this will result in more appropriation authority than the department needs to close the fiscal year, I am directing the Office of Financial Management to place any excess authority in unallotted status.

The following sections provided funding to the Department of Licensing to implement bills which did not pass the Legislature. Because the funding has lapsed, I have vetoed Section 208(17), Section 208(18), Section 208(19), and Section 208(33).

Section 208(17), page 36, Department of Licensing, Senate Bill 5333, State Sport Special License Plate**Section 208(18), page 36, Department of Licensing, Senate Bill 5590/House Bill 1489, Mount St. Helens Special License Plate****Section 208(19), page 36, Department of Licensing, Senate Bill 5738/House Bill 1829, LeMay-America's Car Museum Special License Plate****Section 208(33), page 41, Department of Licensing, Substitute House Bill 1493, Impaired Driving**

For these reasons I have vetoed Sections 204(3), 207(5), 208(10), 211(1), 215(3), 217(6), 218(5), 219(2), 221(18), 223(3), 224(4), 208(29), 208(31), 213(5), 214(7), 215(4), 217(10), 219(11), 219(12), 224(3), 701(1), 804, 1102(1), 1102(14), 208(17), 208(18), 208(19), and 208(33) of Engrossed Substitute House Bill No. 1125.

With the exception of Sections 204(3), 207(5), 208(10), 211(1), 215(3), 217(6), 218(5), 219(2), 221(18), 223(3), 224(4), 208(29), 208(31), 213(5), 214(7), 215(4), 217(10), 219(11), 219(12), 224(3), 701(1), 804, 1102(1), 1102(14), 208(17), 208(18), 208(19), and 208(33), Engrossed Substitute House Bill No. 1125 is approved."

Reviser's note: The explanation of partial veto printed above appears as it was received by the Secretary of State. A revised version of this explanation appears on the governor's website.

CHAPTER 473

[Engrossed Substitute House Bill 1148]

GENERAL OBLIGATION BONDS—CAPITAL AND OPERATING BUDGETS

AN ACT Relating to state general obligation bonds and related accounts; amending RCW 43.99U.010, 28A.527.010, 28A.527.020, 43.99V.010, 43.100A.316, and 43.100A.311; adding new sections to chapter 43.100A RCW; repealing RCW 43.100A.306; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

PART I**2021-2023 AND 2023-2025 BIENNIAL BOND AUTHORIZATION**

NEW SECTION. Sec. 101. For the purpose of providing funds to finance the projects described and authorized by the legislature in the omnibus capital

and operating appropriations acts for the 2021-2023 and 2023-2025 fiscal biennia and future biennia, and all costs incidental thereto, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of \$4,186,076,000, or as much thereof as may be required, to finance these projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

NEW SECTION. Sec. 102. (1) The proceeds from the sale of bonds authorized in section 101 of this act shall be deposited in the state building construction account created by RCW 43.83.020. The proceeds shall be transferred as follows:

(a) \$3,834,193,000 to remain in the state building construction account created by RCW 43.83.020;

(b) \$351,883,000 to the state taxable building construction account. All receipts from taxable bonds issued are to be deposited into the account. If the state treasurer, on behalf of the state finance committee, deems it necessary or advantageous to issue more than the amount specified in this subsection (1)(b) as taxable bonds in order to comply with federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds or in order to reduce the total financing costs for bonds issued, the proceeds of such additional taxable bonds shall be transferred to the state taxable building construction account in lieu of any transfer otherwise provided by this section. If the state treasurer, on behalf of the state finance committee, determines that a portion of the amount specified in this subsection (1)(b) as taxable bonds may be issued as nontaxable bonds in compliance with federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds, then such bond proceeds shall be transferred to the state building construction account in lieu of the transfer to the state taxable building construction account otherwise provided by this subsection (1)(b). The state treasurer, on behalf of the state finance committee, shall submit written notice to the director of the office of financial management if it is determined that any such additional transfer to the state taxable building construction account is necessary or that a transfer from the state taxable building construction account to the state building construction account may be made. Moneys in the account may be spent only after appropriation.

(2)(a) The state treasurer shall transfer bond proceeds deposited in the state building construction account into the outdoor recreation account created by RCW 79A.25.060, the habitat conservation account created by RCW 79A.15.020, the farm and forest account created by RCW 79A.15.130, and the Ruth Lecocq Kagi early learning facilities development account created by RCW 43.31.569, at various times and in various amounts necessary to support authorized expenditures from those accounts.

(b) The state treasurer shall transfer bond proceeds deposited in the state taxable building construction account into the Ruth Lecocq Kagi early learning facilities revolving account created by RCW 43.31.569 at various times and in various amounts necessary to support authorized expenditures from that account.

(3) These proceeds shall be used exclusively for the purposes specified in section 101 of this act and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of section 101 of this act, and shall be administered by the office of financial management subject to legislative appropriation.

NEW SECTION. Sec. 103. (1) The debt-limit general fund bond retirement account shall be used for the payment of the principal of and interest on the bonds authorized in section 101 of this act.

(2) The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing 12 months to meet the bond retirement and interest requirements on the bonds authorized in section 101 of this act.

(3) On each date on which any interest or principal and interest payment is due on bonds issued for the purposes of section 102 (1) and (2) of this act the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the debt-limit general fund bond retirement account an amount equal to the amount certified by the state finance committee to be due on the payment date.

NEW SECTION. Sec. 104. (1) Bonds issued under section 101 of this act shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

(2) The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

NEW SECTION. Sec. 105. The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in section 101 of this act, and sections 102 and 103 of this act shall not be deemed to provide an exclusive method for the payment.

PART II

UNISSUED BOND EXPIRATIONS

Sec. 201. RCW 43.99U.010 and 2008 c 179 s 101 are each amended to read as follows:

(1) For the purpose of providing state funds for federally matched flood hazard mitigation and other projects throughout the Chehalis river basin, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of (~~(fifty million dollars)~~) \$50,000,000, or as much thereof as may be required, to finance the projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

(2) If any bonds authorized in this chapter have not been issued by June 30, 2025, the authority of the state finance committee to issue such remaining unissued bonds expires June 30, 2025.

Sec. 202. RCW 28A.527.010 and 2008 c 179 s 202 are each amended to read as follows:

(1) For the purpose of providing school construction assistance grants and needed capital improvements consisting of the predesign, design, acquisition, construction, modification, renovation, expansion, equipping, and other improvements of skill centers facilities, including capital improvements to support satellite or branch campus programs for underserved rural areas or high-density areas, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of (~~one hundred million dollars~~) \$100,000,000, or as much thereof as may be required, to finance all or a part of these projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds. If the state finance committee deems it necessary to issue taxable bonds in order to comply with federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds, the proceeds of such taxable bonds shall be transferred to the state taxable building construction account in lieu of any deposits otherwise provided by this section. The state treasurer shall submit written notice to the director of financial management if it is determined that any such transfer to the state taxable building construction account is necessary.

(2) If any bonds authorized in this chapter have not been issued by June 30, 2025, the authority of the state finance committee to issue such remaining unissued bonds expires June 30, 2025.

Sec. 203. RCW 28A.527.020 and 2008 c 179 s 203 are each amended to read as follows:

This chapter is not intended to limit the legislature's ability to appropriate bond proceeds if the full amount authorized in this chapter has not been appropriated after one biennia(~~, and the authorization to issue bonds contained in this chapter does not expire until the full authorization has been appropriated and issued~~)).

Sec. 204. RCW 43.99V.010 and 2009 c 6 s 1 are each amended to read as follows:

(1) For the purpose of providing funds to finance the school construction assistance grant program described and authorized by the legislature in the capital appropriations acts for the 2007-2009 and 2009-2011 fiscal biennia and future biennia, and all costs incidental thereto, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of (~~one hundred thirty three million dollars~~) \$133,000,000, or as much thereof as may be required, to finance these projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

(2) If any bonds authorized in this chapter have not been issued by June 30, 2025, the authority of the state finance committee to issue such remaining unissued bonds expires June 30, 2025.

PART III
ADJUSTING CAPACITY FOR BONDS PREVIOUSLY AUTHORIZED
BUT NOT YET ISSUED

Sec. 301. RCW 43.100A.316 and 2021 c 331 s 1 are each amended to read as follows:

For the purpose of providing funds to finance the projects described and authorized by the legislature in the omnibus capital and operating appropriations acts for the 2019-2021 and 2021-2023 fiscal biennia and future biennia, and all costs incidental thereto, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of \$3,971,290,793, or as much thereof as may be required, to finance these projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

Sec. 302. RCW 43.100A.311 and 2019 c 414 s 1 are each amended to read as follows:

For the purpose of providing funds to finance the projects described and authorized by the legislature in the omnibus capital and operating appropriations acts for the 2017-2019 and 2019-2021 fiscal biennia and future biennia, and all costs incidental thereto, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of three billion two hundred million nine hundred twenty-six thousand dollars, or as much thereof as may be required, to finance these projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

NEW SECTION. **Sec. 303.** A new section is added to chapter 43.100A RCW to read as follows:

The legislature acknowledges that legislation authorizing the issuance of general obligation bonds of the state requires the legislature to appropriate the proceeds of sale of the bonds before the bonds may be issued. The legislature finds that the state has not fully expended all appropriations for capital projects that could have been supported by the issuance of state general obligation bonds, and that over time this under utilization of appropriation authority and the related bond issuance authority has resulted in a cumulative difference between the amount of general obligation bonds authorized and the amount of bonds actually issued. This difference is reflected in LEAP Document No. BOND-1-HB-2023, which documents a cumulative amount of unused appropriation authority and related bond issuance authority.

The difference between the amount of bonds authorized and the amount of appropriations actually expended has not been reflected in the calculation of available debt capacity under the state debt limit, and has resulted in an understatement of available debt capacity of the state. The legislature intends to address this understatement by making a one-time adjustment of \$400,000,000 to the legislative balance sheet to reflect previously unused bond issuance authority enacted for the 2019-2021 and 2021-2023 fiscal biennia, and to utilize

that bond issuance authority by authorizing appropriations for the 2023-2025 fiscal biennium that will be supported by that bond issuance authority.

**PART IV
MISCELLANEOUS**

NEW SECTION. Sec. 401. RCW 43.100A.306 (Bond issuance—Intent) and 2018 c 3 s 202 are each repealed.

NEW SECTION. Sec. 402. Sections 101 through 105 of this act are each added to chapter 43.100A RCW.

NEW SECTION. Sec. 403. 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. 404. 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.

Passed by the House April 21, 2023.

Passed by the Senate April 22, 2023.

Approved by the Governor May 16, 2023.

Filed in Office of Secretary of State May 17, 2023.

CHAPTER 474

[Engrossed Substitute Senate Bill 5200]

CAPITAL BUDGET

AN ACT Relating to the capital budget; amending RCW 28A.320.330, 28B.20.725, 28B.15.210, 28B.15.310, 28B.30.750, 28B.35.370, 28B.50.360, 39.35D.030, 43.07.410, 43.31.577, 43.82.010, 43.88D.010, 43.88.030, 43.99N.060, 43.19.125, and 87.03.136; amending 2021 c 332 ss 1039, 1041, 1073, 1065, 1094, 1098, 2032, 2039, 2059, 2067, 3002, 3010, 3019, 3021, 3022, 3024, 3026, 3027, 3028, 3031, 3037, 3038, 3039, 3048, 3069, 3072, 3078, 3094, 3097, and 3295, and 2022 c 296 ss 1021, 1018, 1020, 1026, 1036, 1024, 1039, 1022, 1046, 1019, 1041, 1042, 1017, 1056, 1059, 2004, 2037, 3003, 3010, 5004, 5028, 7002, and 2030 (uncodified); reenacting and amending RCW 43.83B.430 and 43.155.050; adding new sections to 2022 c 296 (uncodified); creating new sections; repealing 2022 c 296 ss 1012 and 1013, and 2021 c 332 s 3111 (uncodified); and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. (1) A capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period beginning with the effective date of this act and ending June 30, 2025, out of the several funds specified in this act.

(2) The definitions in this subsection apply throughout this act unless the context clearly requires otherwise.

(a) "Fiscal year 2024" or "FY 2024" means the period beginning July 1, 2023, and ending June 30, 2024.

(b) "Fiscal year 2025" or "FY 2025" means the period beginning July 1, 2024, and ending June 30, 2025.

(c) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(d) "Provided solely" means the specified amount may be spent only for the specified purpose.

(3) Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose that is not expended subject to the specified conditions and limitations to fulfill the specified purpose shall lapse.

(4) The amounts shown under the headings "Prior Biennia," "Future Biennia," and "Total" in this act are for informational purposes only and do not constitute legislative approval of these amounts. "Prior biennia" typically refers to the immediate prior biennium for reappropriations, but may refer to multiple biennia in the case of specific projects. A "future biennia" amount is an estimate of what may be appropriated for the project or program in the 2025-2027 biennium and the following three biennia; an amount of zero does not necessarily constitute legislative intent to not provide funding for the project or program in the future.

(5) "Reappropriations" in this act are appropriations and, unless the context clearly provides otherwise, are subject to the relevant conditions and limitations applicable to appropriations. Reappropriations shall be limited to the unexpended balances remaining on June 30, 2023, from the 2021-2023 biennial appropriations for each project.

**PART 1
GENERAL GOVERNMENT**

NEW SECTION. Sec. 1001. FOR THE OFFICE OF THE SECRETARY OF STATE

Library-Archives Building (30000033)

The appropriation in this section is subject to the following conditions and limitations: \$8,000,000 of the Washington state library-archives building account—state appropriation is provided solely for costs associated with the design and construction of the library-archives building. No later than December 1, 2023, the secretary of state shall present to the governor and the capital committees of the legislature funding options and a proposed construction schedule for construction of the library-archives building using anticipated revenue from a certificate of participation and no more than \$30,000,000 in state building construction bonds over the 2023-2025 and 2025-2027 fiscal biennia.

Appropriation:

Washington State Library-Archives Building	
Account—State	\$8,000,000
Prior Biennia (Expenditures)	\$5,300,000
Future Biennia (Projected Costs)	\$30,000,000
TOTAL	\$43,300,000

NEW SECTION. Sec. 1002. FOR THE OFFICE OF THE SECRETARY OF STATE

Archives Capital Minor Works (30000047)

Appropriation:

State Building Construction Account—State	\$1,507,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$6,028,000

TOTAL \$7,535,000

NEW SECTION. Sec. 1003. FOR THE DEPARTMENT OF COMMERCE

2023-25 Building Communities Fund Grant Program (40000279)

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

(1) The appropriation is subject to the provisions of RCW 43.63A.125.

(2) The department may not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by this appropriation. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(3) The appropriation in this section is provided solely for the following list of projects:

American Legion Veteran Housing and Resource Center	\$493,000
Asia Pacific Cultural Center Renovation	\$1,082,000
Behavioral Health Clinic	\$250,000
Benston Hall	\$247,000
Capital Expansion for Job Skills, Training, Support, and More	\$100,000
Carl Maxey Center Remodel - Phase 3	\$350,000
Cham Community Center	\$2,050,000
Childcare and Development Center Phase II	\$200,000
CLR Certified Community Behavioral Health Center	\$2,446,000
Community Meal Program	\$672,000
Culinary Training Academy and Community Event Space at HopeWorks	\$635,000
CYS Marina View Building Renovation	\$100,000
Eloise's Cooking Pot Food Bank Capital Remodel Project	\$243,000
Energy Retrofit Project	\$135,000
Eritrean Community Center Expansion Project	\$312,000
Expanding Capacity for Workforce Development	\$99,000
Expansion of and Updates to GLOW Children ELC Space	\$185,000
Expansion of Public Food Business Incubator	\$100,000
Food Bank Renovation	\$425,000
Food Pantry Renovation in Kittitas County	\$473,000
Global Neighborhood Building Expansion: Enhancing Services for Local Refugees	\$229,000
HVAC Replacement for ECEAP Classrooms	\$188,000
Lake Stevens Food Bank Building	\$675,000
Landing Youth Service Center	\$297,000
Latino Arts and Culture Community Center	\$90,000
Makah Community Gymnasium	\$160,000
New Family Resource Center Construction	\$325,000

NEW Health Newport Capital Expansion	\$823,000
Nisqually Health and Wellness Center Project	\$6,000,000
North Seattle Family Support Center	\$1,090,000
Puyallup Food Bank Facilities	\$558,000
RAI Maker Space and Cultural Center	\$778,000
ReCyclery Infrastructure, Bathroom and Shop Improvement Project	\$144,000
Scott and Sis Names Family YMCA	\$3,000,000
Sea Mar CHC - Concrete	\$186,000
Sea Mar CHC - Elma	\$187,000
Sedro-Woolley Club Renovation	\$100,000
SEYFS Renovations	\$187,000
Snohomish Family Center Improvements	\$206,000
South Everett/Mukilteo Building Communities	\$100,000
Step By Step Early Learning Center	\$2,622,000
Teen Center Building Renovation	\$318,000
UHeights Community Kitchen, Safety, and Accessibility Project	\$250,000
Unbridled Spirit: Outdoor Program Space	\$68,000
United Learning Center	\$100,000
William Grose Innovation Center	\$250,000
Yelm Boys & Girls Club Remodel	\$100,000
YWCA Clark County Community Office Repairs and Renovation	\$101,000

(4) \$850,000 of the appropriation in this section is provided solely for the department to provide technical assistance to organizations interested in applying for the building communities fund grants.

Appropriation:

State Building Construction Account—State	\$30,579,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$122,000,000
TOTAL	\$152,579,000

NEW SECTION. Sec. 1004. FOR THE DEPARTMENT OF COMMERCE

2023-25 Building for the Arts (40000280)

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

- (1) The appropriation is subject to the provisions of RCW 43.63A.750.
- (2) Except as directed otherwise prior to the effective date of this section, the department may not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended, or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by this appropriation. This requirement does not apply to projects where a share of the appropriation is for design costs only.
- (3) The appropriation is provided solely for the following list of projects:
7th Street Theatre \$145,000

Arté Noir	\$750,000
Cascade Public Media	\$1,000,000
Cornish College of the Arts	\$350,000
Experience Learning Community	\$200,000
Fire Mountain Arts Council	\$217,000
Friends of Gladish	\$600,000
Ghostlight Productions	\$200,000
Grand Tacoma Cinema Club DBA The Grand Cinema	\$500,000
Highland Park Improvement Club	\$400,000
Imagine Children's Museum	\$75,000
Lincoln Theatre Center Foundation Green	\$350,000
Magenta Theater	\$7,000
Orcas Center	\$350,000
Pacific Public Media	\$800,000
Pickford Film Center	\$550,000
Port Angeles Waterfront Center dba Field Arts & Events Hall	\$2,000,000
Richland Players Inc	\$350,000
Sahak Khemararam Buddhist Association	\$500,000
Sea Mar Community Health Centers	\$350,000
Seattle Children's Theatre	\$750,000
Seattle Repertory Theatre Renovations for Accessibility	\$1,200,000
Seattle Symphony Orchestra	\$250,000
Seattle Theatre Group	\$491,000
Sequim City Band	\$401,000
SIFF Uptown Theater Renovation Project	\$500,000
Spokane Valley Summer Theatre	\$1,849,000
Tacoma Arts Live Tacoma Armory Performance Venue Renovation	\$2,000,000
The 5th Avenue Theatre Association	\$550,000
The Clymer Foundation	\$100,000
Theatre33	\$100,000
Vashon Allied Arts, Inc.	\$115,000

Appropriation:

State Building Construction Account—State	\$18,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$72,000,000
TOTAL	\$90,000,000

NEW SECTION. Sec. 1005. FOR THE DEPARTMENT OF COMMERCE

2023-25 CERB Capital Construction (40000281)

Appropriation:

Public Facility Construction Loan Revolving Account—State	\$25,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$100,000,000
TOTAL	\$125,000,000

NEW SECTION. Sec. 1006. FOR THE DEPARTMENT OF COMMERCE

Dig-Once Pilot Project and Enhanced Program Development (40000282)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for improvements to Reynolds Road and Harrison Avenue in Lewis county that demonstrate dig-once project practices that coordinate construction of multiple infrastructure projects to maximize project efficiencies and minimize cost.

Appropriation:

State Building Construction Account—State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

NEW SECTION. Sec. 1007. FOR THE DEPARTMENT OF COMMERCE

2023-25 Energy Retrofits and Solar Power for Public Buildings (40000283)

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

(1) \$22,500,000 of the appropriation in this section is provided solely for grants to local governments, public higher education institutions, school districts, tribal governments, and state agencies for improvements to facilities and related projects that result in energy and operational cost savings.

(a) At least 20 percent of each competitive grant round is designated for award to eligible projects in small cities or towns with a population of 5,000 or fewer residents.

(b) In each competitive round, a higher energy savings to investment ratio must result in a higher project ranking. Priority consideration must be given to applicants that have not received grant awards for this purpose in prior biennia.

(c) The department must determine a minimum match ratio to maximize the leverage of nonstate funds.

(2) \$22,500,000 of the appropriation in this section is provided solely for grants to be awarded in competitive rounds to local governments, public higher education institutions, school districts, tribal governments, and state agencies for projects that involve the purchase and installation of solar energy systems, including solar modules and inverters, with a preference for products manufactured in Washington.

(a) At least 20 percent of each competitive grant round is designated for award to eligible projects in small cities or towns with a population of 5,000 or fewer residents.

(b) In each competitive round, a higher energy savings to investment ratio must result in a higher project ranking. Priority consideration must be given to applicants that have not received grant awards for this purpose in prior biennia.

(c) The department must determine a minimum match ratio to maximize the leverage of nonstate funds.

(3) \$5,000,000 of the appropriation in this section is provided solely for the energy efficiency and environmental performance improvements to minor works, stand-alone, and emergency projects at facilities owned by agencies that

repair or replace existing building systems and reduce greenhouse gas emissions from state operations, including, but not limited to, HVAC, lighting, insulation, windows, and other mechanical systems. Eligibility for this funding is dependent on an analysis using the office of financial management's life-cycle cost tool that compares project design alternatives for initial and long-term cost-effectiveness. Assuming a reasonable return on investment, the department shall provide grants in the amount required to improve the project's energy efficiency compared to the original project request.

(4) The department shall develop metrics that indicate the performance of energy efficiency efforts.

(5) If a grant is provided in subsection (1) or (3) of this section to purchase heating devices or systems, the agency must, whenever possible and most cost effective, select devices and systems that do not use fossil fuels.

(6) Grants provided in subsections (1), (2), and (3) of this section to state agencies are exempt from the match requirements in this section.

Appropriation:

Climate Commitment Account—State	\$50,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$200,000,000
TOTAL	\$250,000,000

NEW SECTION. Sec. 1008. FOR THE DEPARTMENT OF COMMERCE

Home Electrification and Appliance Rebates Program (HEAR) (40000284)

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

(1)(a) \$83,000,000 of the general fund—federal appropriation and \$75,000,000 of the climate commitment account—state appropriation are provided solely for the department to administer grants to eligible third-party administrators for heat pump and other high-efficiency electric equipment rebates, with a focus on low/moderate income households and small businesses. State incentives and rebates for installation of high efficiency electric equipment, including electrical panel upgrades, provide a benefit to the public consistent with the state's energy strategy and climate mandates by reducing greenhouse gas emissions from the built environment.

(b) \$5,000,000 of the climate commitment account—state appropriation is provided solely for the department to administer grants to eligible third-party administrators for heat pumps for adult family homes.

(2) The department shall implement a statewide high efficiency electric equipment program consistent with the following:

(a) Aid the transition of residential and commercial buildings away from fossil fuels by providing education and outreach resources for the installation of high efficiency electric heat pumps and other high efficiency electric equipment;

(b) Provide grants, coordination, and technical assistance to eligible third-party administrators to promote the adoption of high-efficiency electric heat pump equipment for space and water heating; and

(c) Develop strategies to ensure that the program serves low-income households, vulnerable populations, and overburdened communities, including dedicating a portion of the program funding for this purpose. For the purposes of

this subsection (2)(c), "overburdened communities" has the same meaning as defined in RCW 70A.65.010.

(3) For the purposes of this section, "eligible third-party administrators" include, but are not limited to, nonprofits, utilities, housing providers, community action agencies and community-based organizations.

Appropriation:

Climate Commitment Account—State	\$80,000,000
General Fund—Federal	\$83,000,000
Subtotal Appropriation	\$163,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$163,000,000

NEW SECTION. Sec. 1009. FOR THE DEPARTMENT OF COMMERCE

2023-25 Early Learning Facilities - School Districts (40000285)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the following list of projects:

Bethel School District	\$1,080,000
Highline School District	\$809,000
Issaquah School District	\$1,057,000
Orondo School District	\$1,080,000
South Bend School District	\$300,000
Toppenish School District	\$1,080,000

Appropriation:

Ruth Lecocq Kagi Early Learning Facilities Development Account—State	\$5,406,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$21,624,000
TOTAL	\$27,030,000

NEW SECTION. Sec. 1010. FOR THE DEPARTMENT OF COMMERCE

2023-25 Library Capital Improvement Program (40000286)

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

(1) The appropriation in this section is provided solely for a local library capital improvement grant program for the following list of projects:

Camas Public Library	\$730,000
City of Longview	\$750,000
City of Port Townsend	\$173,000
City of Shelton	\$70,000
City of South Bend	\$249,000
City of Walla Walla	\$2,000,000
Pend Oreille County Library District	\$200,000
Pierce County Library - Bonney Lake	\$164,000
Pierce County Library - Sumner	\$2,000,000
San Juan Island Library District	\$2,000,000

Stevens County Rural Library District	\$615,000
Tacoma Public Library.	\$2,000,000

(2) The department must establish a competitive process to solicit proposals for and prioritize projects whose primary objective is to assist libraries operated by governmental units, as defined in RCW 27.12.010, in acquiring, constructing, repairing, or rehabilitating facilities.

(3) The department must establish a committee to develop the grant program criteria established under subsection (2) of this section and review proposals. The committee must be composed of five members as provided in this subsection. The committee must include: (a) A representative from the department of commerce; (b) a representative from the department of archaeology and historic preservation; (c) the state librarian; (d) a representative from a library district; and (e) a representative from a municipal library.

(4) The department must conduct a statewide solicitation of project applications. The department must evaluate and rank applications in consultation with the committee established in subsection (3) of this section, using objective criteria. The ranking of projects must prioritize library district facilities listed on a local, state, or federal register of historic places and those located in distressed or rural counties. The evaluation and ranking process must also include an examination of existing assets that applicants propose to apply to projects. Grant assistance under this section may not exceed 50 percent of the total cost of the project. The nonstate portion of the total project cost may include cash, the value of real property when acquired solely for the purpose of the project, and in-kind contributions.

(5) The department must submit a prioritized list of recommended projects to the governor and the legislature by October 1, 2024, for inclusion in the department of commerce's 2025-2027 biennial capital budget request. The list must include a description of each project, the amount of recommended state funding, and documentation of nonstate funds to be used for the project. Individual grants may not exceed \$2,000,000. The total amount of recommended state funding for the projects on a biennial project list may not exceed \$10,000,000.

(6) In contracts for grants authorized under this section, the department must include provisions that require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee must repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued on the date most close in time to the date of authorization of the grant.

(7) The department must assist grant recipients under this section to apply for applicable competitive federal grant funding and, upon receipt of any such funding, an equal amount of the state building construction account—state appropriation must be placed in unallotted status.

Appropriation:

State Building Construction Account—State	\$10,951,000
Prior Biennia (Expenditures).	\$0
Future Biennia (Projected Costs).	\$43,804,000

TOTAL \$54,755,000

NEW SECTION. Sec. 1011. FOR THE DEPARTMENT OF COMMERCE

Pacific Tower Capital Improvements (40000287)

Appropriation:

State Building Construction Account—State \$6,464,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$6,061,000
 TOTAL \$12,525,000

NEW SECTION. Sec. 1012. FOR THE DEPARTMENT OF COMMERCE

2023-25 Public Works Assistance Account (PWAA) (40000289)

Appropriation:

Public Works Assistance Account—State \$400,000,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$1,000,000,000
 TOTAL \$1,400,000,000

NEW SECTION. Sec. 1013. FOR THE DEPARTMENT OF COMMERCE

2023-25 Broadband Infrastructure Federal Match Projects (40000290)

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

(1)(a) \$50,000,000 of the state building construction account—state appropriation in this section is provided solely as match for federal authority allocated under this section and section 7017 of this act for the statewide broadband office to administer the broadband equity, access, and deployment state grants program in section 60102 of P.L. 117-58 (infrastructure investment and jobs act). Expenditure of the amount in this subsection is contingent on the receipt of this grant funding.

(b) To the extent permitted by federal law, the office shall provide state match only for projects where the lead applicant is a public entity.

(2) In addition to scoring and weighting criteria established pursuant to the federal broadband equity, access, and deployment program, the state broadband office must establish additional secondary selection criteria, including, but not limited to, criteria that give weight to projects that:

(a) Provide open-access wholesale last-mile broadband service for the useful life of the subsidized networks on fair, equal, and neutral terms to all potential retail providers; and

(b) Demonstrate support from the local government or any tribal government with oversight over the location or locations to be served.

(3) The statewide broadband office must include, in the five-year action plan developed using initial planning funds from the broadband equity, access, and deployment program funded under P.L. 117-58 (infrastructure investment and jobs act):

(a) Consideration of broadband infrastructure projects that use wireless technology in order to expand access at the lowest cost to the most unserved or underserved residents; and

(b) Steps the office will take to promote: The use of existing infrastructure; dig-once policies; streamlined permitting processes; and cost-effective access to poles, conduits, easements, and rights-of-way. To the extent permitted under federal law, the office must consider creating a pool of grant funds dedicated to pole costs.

(4) \$300,000 of the general fund—federal appropriation provided in this section is for a staff position dedicated to advising the statewide broadband office on the availability and feasibility of deploying new and emerging technologies in broadband internet service.

Appropriation:

General Fund—Federal	\$150,000,000
State Building Construction Account—State	\$50,000,000
Subtotal Appropriation	\$200,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$150,000,000
TOTAL	\$350,000,000

NEW SECTION. Sec. 1014. FOR THE DEPARTMENT OF COMMERCE

2023-25 Weatherization Plus Health (40000291)

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

(1) \$5,000,000 of the state building construction account—state appropriation in this section is provided solely for grants for the Washington State University energy extension community energy efficiency program (CEEP) to support homeowners, tenants, and small business owners in making sound energy efficiency investments by providing consumer education and marketing, workforce support through training and lead generation, and direct consumer incentives for upgrades to existing homes and small commercial buildings. This is the maximum amount the department may expend for this purpose.

(2) The department must, to the extent practicable, implement the recommendations in the weatherization plus health 2022 report.

(3) If funding from these appropriations is used to purchase heating devices or systems, the agency shall, whenever possible and most cost effective, select devices and systems that do not use fossil fuels.

(4) The department must:

(a) Recruit community energy efficiency program sponsors that are community-based organizations located in geographic areas of the state that have not received funding for low-income weatherization programs, targeting hard to reach market segments;

(b) Leverage funding from community energy efficiency program sponsors in an amount greater than or equal to the amount provided by the state through the weatherization program;

(c) Ensure that community energy efficiency program utility sponsors work with nonprofit community-based organizations to deliver community energy efficiency program services; and

(d) Identify community energy efficiency program sponsors that support the conversion of space and water heating from fossil fuels to electricity, as part of a set of energy efficiency investments.

Appropriation:

Climate Commitment Account—State	\$35,000,000
State Building Construction Account—State	\$5,000,000
Subtotal Appropriation	\$40,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$160,000,000
TOTAL	\$200,000,000

NEW SECTION. Sec. 1015. FOR THE DEPARTMENT OF COMMERCE

2023-25 Youth Recreational Facilities Grant Program (40000292)

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

(1) The appropriation is subject to the provisions of RCW 43.63A.135.

(2) Except as directed otherwise prior to the effective date of this section, the department may not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by this appropriation. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(3) The appropriation is provided solely for the following list of projects:

Camp Kilworth Lodges Renovation and Activation	\$500,000
Coupeville Boys & Girls Club Construction Project.	\$391,000
Dylan Jude Harrell Community Center Gymnasium.	\$384,000
Evergreen Pool Upgrades	\$75,000
EYFO Youth Enrichment Center	\$1,200,000
GHHS Safe Learning Spaces.	\$254,000
Multicultural Youth Recreation Facility	\$226,000
OIC Excel Youth Center	\$1,054,000
Performing Arts Center Spokane Valley	\$1,176,000
The Auburn Valley YMCA Healthy Kids Campus	\$1,200,000
The Lummi Nation BGC Facility Improvement Project	\$340,000
University Family YMCA	\$1,200,000

Appropriation:

State Building Construction Account—State	\$8,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$32,000,000
TOTAL	\$40,000,000

NEW SECTION. Sec. 1016. FOR THE DEPARTMENT OF COMMERCE

Capital Pre-Development Funding (40000293)

Appropriation:

State Taxable Building Construction Account—	
State	\$5,000,000
Prior Biennia (Expenditures)	\$0

Future Biennia (Projected Costs).....	\$20,000,000
TOTAL	\$25,000,000

NEW SECTION. Sec. 1017. FOR THE DEPARTMENT OF COMMERCE

2023-25 Clean Energy Fund Program (40000294)

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

(1)(a) \$500,000 of the appropriation in this section is provided solely for the department to convene a work group to:

(i) Analyze the financial investments required for owners of tier 1 covered buildings to comply with the state energy performance standard under RCW 19.27A.210; and

(ii) Make recommendations to the legislature to assist building owners in attaining compliance, which must include, but are not limited to:

(A) Identifying energy efficiency investments or other strategies and related timelines for increasing energy efficiency in the buildings sector;

(B) Providing a cost-benefit analysis of options, including energy efficiency, to meet the goal of reducing greenhouse gas emissions from the buildings sector; and

(C) Recommendations to balance financial investments while maximizing clean energy benefits for the state, including statutory changes that may be necessary for this purpose.

(b) The work group membership convened under this section must include, but is not limited to: One representative of the office of the superintendent of public instruction; one representative of a K-12 maintenance and operation administrators association; one representative of each of the state's public four-year institutions of higher education; one representative of the state board for community and technical colleges; one representative of the department of social and health services; one representative of the department of corrections; one representative of the department of enterprise services; one representative of a health care organization; one representative from a local government; one representative from an organization representing privately owned tier 1 covered buildings; one representative from a business specializing in performance contracting for energy services; one representative from a nonprofit specializing in clean energy; and two representatives of a national association for industrial and office parks.

(c) The department must submit to the appropriate committees of the legislature:

(i) Analysis of financial investments as required by this section by December 15, 2023; and

(ii) A final report with recommendations as required by this section by September 1, 2024.

(2) Except as provided in subsections (1) and (13) of this section, the appropriation in this section is provided solely for competitive grants to eligible entities for predevelopment, design, and construction of projects that provide a public benefit through research, development, demonstration, or deployment of clean energy technologies that save energy and reduce energy costs, reduce harmful air emissions, or increase energy independence for the state. Priority

must be given to projects that benefit vulnerable populations and overburdened communities, including tribes.

(3) Entities eligible for grant funding under this section include local governments, federally recognized tribal governments and tribes' contracted service providers, public and private utilities that serve retail customers in the state, for-profit entities, research institutions, nonprofit organizations, and state agencies.

(4) To be eligible, a project must be consistent with the state energy strategy adopted under chapter 43.21F RCW and policies under chapter 19.405 RCW. To the extent practicable, the department must prioritize projects that build upon Washington's strengths in aerospace, maritime, information and communications technology, grid modernization, advanced materials, and decarbonizing the built environment.

(5) The department must invite stakeholders to participate in the design and implementation of grant programs funded under this section. The department must consider equity and environmental justice when developing the program structure and opportunities for applicant participation.

(6) When soliciting and evaluating proposals, awarding contracts, and monitoring projects under this section, the department must:

(a) Ensure that competitive processes, rather than sole source contracting processes, are used to select all projects, except as otherwise noted in this section;

(b) Ensure that a public benefit results from the use of public funds through due diligence and monitoring of contracted projects, including ensuring compliance with all applicable laws related to the project selection process, project monitoring, and contracting; and

(c) Prioritize projects for funding that leverage the greatest amount of matching funds, such as local levy funding.

(7)(a) The department must require project applicants to:

(i) Disclose all sources of public funding invested in a project; and

(ii) Identify by name any former or current state of Washington employees employed by the applicant or its governing body in the 24 months preceding the application submittal. The identification must include the person's separation date and job title or position held. If the department determines that a conflict of interest or other violation of chapter 42.52 RCW exists, the application must be disqualified from further consideration.

(b) If, after a grant has been awarded, the department finds that a grantee has violated chapter 42.52 RCW, either in procuring or performing under the grant, the department in its sole discretion may terminate the grant funding by written notice. If the grant is terminated, the department must reserve its right to pursue all available remedies under law to address the violation.

(8) The department must specify the requirements in subsections (6) and (7) of this section in funding contracts entered into by the department under this section.

(9) \$10,000,000 of the appropriation in this section is provided solely for grants to tribes for clean energy development projects. Eligible uses of grant funding include planning, predesign, design, construction, project predevelopment, and deployment of clean energy projects that contribute to achieving the state's greenhouse gas emissions reduction goals and related

policies. The department must collaborate with tribes in the design and development of this grant program.

(10) \$10,000,000 of the appropriation in this section is provided solely for state match for federal funding that aligns with subsection (2) of this section and accelerates meeting state clean energy and climate goals. Funding may be used to match federal grants to the state or nonstate entities for clean energy research, development, and demonstration projects.

(11) \$12,000,000 of the appropriation in the section is provided solely for grants for strategic research, development, and demonstration of new and emerging clean energy generation and storage technologies and climate change mitigation technologies, including greenhouse gas removal. Grants awarded under this subsection must reduce reliance on fossil fuels, reduce risk of irregularities in power supply, offer opportunities for economic and job growth, and strengthen technology supply chains. Grant funds are intended to catalyze diverse new technologies that change production, use, storage, and transportation of energy. The department may provide funding to projects at various stages of readiness, including early-stage research, pilot and demonstration projects, and dual use projects that produce clean energy and additional benefits.

(12) \$20,000,000 of the appropriation in this section is provided solely for grants for electrical grid integration and innovation projects. To be eligible, a project must develop and demonstrate distributed energy resources, as defined in RCW 19.405.020, and nonwire alternatives that advance community resilience, support implementation of demand response and sustainable microgrids, improve integration of renewable energy and energy storage, and accelerate beneficial load integration and demand management for building electrification, equipment electrification, and electric vehicle charging.

(13) \$7,500,000 of the appropriation in this section is provided solely to support regional energy analytics capability at Pacific Northwest national laboratory.

(14) The department must strive to allocate all of the amounts appropriated in this section within the 2023-2025 fiscal biennium in the manner prescribed in each subsection. However, no sooner than January 1, 2024, if upon review of applications the department determines there are not adequate suitable projects in a category, the department may reallocate funding among the purposes of subsections (9) through (12) of this section. Beginning January 1, 2024, the department must provide quarterly notice of any funding reallocations to the appropriate fiscal committees of the legislature.

Appropriation:

Climate Commitment Account—State	\$60,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$240,000,000
TOTAL	\$300,000,000

NEW SECTION. Sec. 1018. FOR THE DEPARTMENT OF COMMERCE

Health Care Infrastructure (91002197)

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

(1) The appropriation in this section is provided solely for the following list of projects:

Chelan Valley EMS/Access to Health Care Infrastructure (Chelan)	\$11,000,000
Confluence Health: Radiation Treatment (Moses Lake).	\$3,800,000
Jefferson Reproductive and Gynecological Health (Port Townsend)	\$4,000,000
Samaritan Hospital (Moses Lake)	\$8,418,000
Tubman Center for Health & Freedom (Seattle)	\$11,700,000

(2) The department may not expend funding for a project in this section unless and until the nonstate share of that project's costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(3) Prior to receiving funding, grant recipients must demonstrate that the project site is under control for a minimum of 10 years, either through ownership or a long-term lease. This requirement does not apply to grants for preconstruction activities or grants in which the sole purpose is to purchase real property that does not include a construction or renovation component.

(4) In contracts for grants authorized under this section, the department must include provisions that require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the department finds the grantee to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

Appropriation:

State Building Construction Account—State	\$38,918,000
Prior Biennia (Expenditures).	\$0
Future Biennia (Projected Costs).	\$0
TOTAL	\$38,918,000

NEW SECTION. Sec. 1019. FOR THE DEPARTMENT OF COMMERCE

2023-25 Youth Shelters and Housing (91001682)

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

(1) The appropriation in this section is provided solely for the following list of projects:

Community Youth Services (Olympia)	\$200,000
Housing and Services for Youth Wellness (Seattle)	\$5,000,000
OlyCap Pfeiffer House (Port Townsend).	\$70,000
ROOTS Young Adult Shelter Phase 2 Renovations (Seattle).	\$1,500,000
Safe Harbor Support Center (Kennewick).	\$300,000
Serenity House (Port Angeles)	\$50,000
Shelton Young Adult Transitional Housing (Shelton).	\$1,200,000

Skagit Valley Family YMCA (Mt. Vernon)	\$2,200,000
VOA Crosswalk 2.0 (Spokane)	\$2,500,000
YouthCare (Seattle)	\$1,500,000

(2) The department may not expend funding for a project in this section unless and until the nonstate share of that project's costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(3) Prior to receiving funding, grant recipients must demonstrate that the project site is under control for a minimum of 10 years, either through ownership or a long-term lease. This requirement does not apply to grants for preconstruction activities or grants in which the sole purpose is to purchase real property that does not include a construction or renovation component.

(4) In contracts for grants authorized under this section, the department must include provisions that require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the department finds the grantee to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

Appropriation:

State Building Construction Account—State	\$14,520,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$58,080,000
TOTAL	\$72,600,000

NEW SECTION. Sec. 1020. FOR THE DEPARTMENT OF COMMERCE

2023-25 Housing Trust Fund (40000295)

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

(1) \$163,663,000 of the state taxable building construction account—state appropriation is provided solely for the new construction, acquisition, or rehabilitation of affordable housing projects that serve and benefit low-income and special needs populations including, but not limited to, people with chronic mental illness or behavioral health conditions, farmworkers, people who are homeless, and people in need of permanent supportive housing. The department shall strive to invest at least 20 percent of the appropriation provided under this subsection with by and for organizations, as defined by the office of equity.

(2) \$25,000,000 of the state taxable building construction account—state appropriation is provided solely for affordable housing projects that serve and benefit low-income people with developmental or intellectual disabilities. The department must use a separate application form and evaluation criteria for applications under this subsection. The department must coordinate with the department of social and health services regarding any needed supportive services and make efforts to enact the recommendations of the housing needs study for individuals with intellectual and developmental disabilities, as provided in section 1068(6), chapter 332, Laws of 2021.

(3) \$100,000,000 of the state taxable building construction account—state appropriation is provided solely for the apple health and homes rapid permanent supportive housing program created in chapter 216, Laws of 2022. Of the amounts provided in this subsection, \$5,000,000 is provided solely for the St. Agnes Haven project in Spokane.

(4) \$40,000,000 of the state building construction account—state appropriation is provided solely for awards to organizations eligible under RCW 43.185A.040 for the development of homeownership projects affordable to first-time low-income households throughout the state. Projects serving homebuyers whose income is up to 80 percent of the area median income, adjusted for household size, for the county where the property is located are eligible to apply, except that projects located in rural areas of the state, as defined by the department, serving homebuyers whose income is up to 100 percent of the area median income, adjusted for household size, for the county where the property is located are eligible to apply. Eligible activities include, but are not limited to, down payment assistance, closing costs, acquisition, rehabilitation costs, and new construction. Eligible organizations may include those that plan to provide housing to socially disadvantaged communities as defined in 13 C.F.R. Sec. 124.103. The department shall strive to invest at least 50 percent of these funds with by and for organizations, as defined by the office of equity, and make efforts to enact the recommendations of the homeownership disparities work group created in section 128(100), chapter 297, Laws of 2022.

(5) \$25,000,000 of the state building construction account—state appropriation is provided solely for affordable housing preservation projects, which may include, but are not limited to:

(a) Projects preserving and extending the affordability commitment period for projects in the housing trust fund portfolio. The funds may be provided for major building improvements, preservation, and system replacements, necessary for the existing housing trust fund portfolio to maintain long-term viability. The department must require a capital needs assessment be provided prior to contract execution. Funds may not be used to add or expand the capacity of the property. When allocating funds, the department must prioritize buildings that are older than 15 years and that serve very low-income and extremely low-income populations.

(b) Projects preserving affordable multifamily housing at risk of losing its affordability due to expiration of use restrictions that otherwise require affordability including, but not limited to, United States department of agriculture funded multifamily housing. The department must prioritize projects that satisfy the goal of long-term preservation of Washington's affordable multifamily housing stock, particularly in rural areas of the state. Funds may be used for acquisition or for acquisition and rehabilitation of properties to preserve the affordable housing units beyond their existing use restrictions and keep them in Washington's housing portfolio for a minimum of 40 years. If a capital needs assessment is required, the department must work with the applicant to ensure that this does not create an unnecessary impediment to rapidly accessing these funds.

(c) The funding provided under this subsection (5) is not subject to the 90-day application periods in RCW 43.185.070 or 43.185A.050.

(d) The amount awarded under this subsection (5) may not be calculated in award limitations for other housing trust fund awards.

(6) \$4,000,000 of the state taxable building construction account—state appropriation is provided solely for a grant to the northwest cooperative development center to provide subgrants for the acquisition and preservation of mobile or manufactured home communities. Funding provided under this subsection may be used to acquire mobile or manufactured home communities for the purpose of avoiding household displacement due to sale or other transactions and ensuring preservation of housing affordability for low-income households for a minimum of 40 years.

(7) \$2,000,000 of the state taxable building construction account—state appropriation is provided solely for a grant to the northwest cooperative development center to provide subgrants to organizations that are "mobile home park cooperatives" or "manufactured housing cooperatives" under RCW 59.20.030 for completing capital improvement processes. Subgrants provided under this subsection may be used solely for critical improvements, repairs, and infrastructure upgrades to promote the preservation of mobile or manufactured home communities as affordable housing. The grantee must award subgrants based on needs relating to health, safety, and cost.

(8) \$40,337,000 of the state taxable building construction account—state appropriation is provided solely for the following list of projects:

African Diaspora Cultural Anchor Village (SeaTac)	\$4,000,000
Gravelly Lake Commons at LASA (Lakewood)	\$500,000
Kenmore Supportive Housing (Kenmore)	\$1,000,000
Leavenworth Affordable Workforce Rental Housing (Leavenworth)	\$1,000,000
Lewis County Homeless Shelter (Cehalis)	\$2,500,000
Lincoln District Family Housing (Tacoma)	\$5,050,000
Mary's Place Shelter Replacement (Burien)	\$6,000,000
Mount Zion Housing (Seattle)	\$1,000,000
Multicultural Village Design (Kent)	\$550,000
New Hope Family Housing (Seattle)	\$325,000
Peninsula Community Health Housing (Bremerton)	\$412,000
Shiloh Baptist Church New Life Housing (Tacoma)	\$1,000,000
Skyway Affordable Housing (Skyway)	\$3,000,000
Tacoma/Pierce County Habitat Affordable Housing (Pierce County)	\$14,000,000

(9) In evaluating projects in this section, the department must give preference for applications based on some or all of the criteria in RCW 43.185.070(5).

(10) The department shall strive to allocate at least 30 percent of the funds provided in this section to projects located in rural areas of the state, as defined by the department.

(11) The department must strive to allocate all of the amounts appropriated in this section within the 2023-2025 fiscal biennium in the manner prescribed in each subsection. However, if upon review of applications the department determines there are not adequate suitable projects in a category, the department may allocate funds to other affordable housing projects serving other low-

income and special needs populations, provided those projects are located in an area with an identified need for the type of housing proposed.

Appropriation:

State Building Construction Account—State	\$65,000,000
State Taxable Building Construction Account—	
State	\$335,000,000
Subtotal Appropriation	\$400,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$1,600,000,000
TOTAL	\$2,000,000,000

NEW SECTION. Sec. 1021. FOR THE DEPARTMENT OF COMMERCE

2023-25 Connecting Housing to Infrastructure (CHIP) (40000296)

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

(1) The appropriation in this section is provided solely for grants or deferred loans to local governments and public utility districts or their contracted service providers for system development charges and utility improvements for new affordable housing projects that serve and benefit low-income households. Where applicable, the extension must be consistent with the approved comprehensive plans under the growth management act and must be within the established boundaries of the urban growth area.

(2) \$37,202,000 of the state building construction account—state appropriation is provided solely for grants or deferred loans to local governments or public utilities located within a jurisdiction that impose a sales and use tax under RCW 82.14.530(1) (a)(ii) or (b)(i)(B), 82.14.540, or 84.52.105.

(3) \$20,000,000 of the state building construction account—state appropriation in this section is provided solely for grants to local governments or public utilities located within:

- (a) A city or county with a population of 150,000 or less; and
- (b) A jurisdiction that imposed a sales and use tax under RCW 82.14.530(1) (a)(ii) or (b)(i)(B).

(4) \$798,000 of the state building construction account—state appropriation in this section is provided solely for the Habitat for Humanity Infrastructure Project in Kennewick and Walla Walla.

(5) \$2,000,000 of the state building construction account—state appropriation in this section is provided solely for the Aviva Crossing Sanitary Sewer Upgrades Project (Tacoma).

(6) To be eligible for funding under this section, an applicant must demonstrate, at minimum:

- (a) That affordable housing development will begin construction within 24 months of the grant or loan award; and
- (b) A strong probability of serving the original target group or income level for a period of at least 25 years.
- (7) For purposes of this section, the following definitions apply.
 - (a) "Affordable housing" has the same meaning as in RCW 43.185A.010.

(b) "Low-income household" has the same meaning as in RCW 43.185A.010.

(c) "System development charges" means charges for new drinking water, wastewater, or stormwater connections when a local government or public utility has waived standard fees normally applied to developers for connection charges on affordable housing projects.

(d) "Utility improvements" means drinking water, wastewater, or stormwater utility improvements.

Appropriation:

State Building Construction Account—State	\$60,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$240,000,000
TOTAL	\$300,000,000

NEW SECTION. Sec. 1022. FOR THE DEPARTMENT OF COMMERCE

Transit Oriented Housing Development Partnership Match (40000298)

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely as match to private investment for grants to for-profit and nonprofit housing developers and public entities to carry out projects designed to increase the supply and affordability of transit-oriented housing development. Grants from this appropriation may only be used for the construction of units affordable at 80 percent of area median income or lower, if a project includes a range of affordability levels. The department shall work with the department of transportation to develop and administer a competitive grant program to assist in the financing of housing projects within rapid transit corridors. The department shall implement the program pursuant to the following eligibility criteria and definitions:

(1) Entities eligible to receive grant awards are state agencies, local governments, and nonprofit or for-profit housing developers. Eligible uses of grant awards include project capital costs and infrastructure costs and addressing gaps in project financing that would prevent ongoing or complete project construction.

(2) Eligible housing projects must meet the following requirements:

(a) Be within a rapid transit corridor. For purposes of this subsection (2), "rapid transit corridor" includes either one-half mile from light rail or commuter rail, or one-quarter mile from bus rapid transit.

(b) Produce at least 100 units of housing; and

(c) Include a covenant on the property requiring at least 10 percent of total housing units in the project remain affordable for households with incomes at or below 60 percent of area median income and at least 10 percent of total housing units in the project remain affordable for households with incomes at or below 80 percent of area median income for at least 99 years.

(3) The department must prioritize eligible projects by occupancy date, with a target occupancy date of December 31, 2025, or sooner.

(4) To source project requests, the department may first review the list of housing trust fund applications from the prior two years to determine if any projects not fully funded would meet the criteria listed in subsection (2) of this

section and would be able to proceed to construction. If so, the department must conduct outreach to those project owners to discuss the grant program before soliciting new projects.

(5) The department must also consider the following criteria when prioritizing all projects:

- (a) Are comprised of the largest number of affordable units;
- (b) Have the largest total number of units affordable to households with incomes at or below 60 percent area median income;
- (c) Include land acquired at a reduced price or without cost;
- (d) Abide by any applicable antidisplacement measures;
- (e) Include units with additional bedrooms or intended for occupancy by families with multiple dependents; or
- (f) Have acquired all necessary permits.

(6) The department may adopt any necessary guidance or rules to implement the competitive grant program under this section, including any additional project eligibility criteria and prioritization criteria.

(7) The department must report a program update and any projects awarded on their website by June 30, 2024. The report must include project award data at the time of award, such as, but not limited to, the awardee, total project cost, amount of the award, number of households being served by household income, project location, and any other relevant information.

(8) The department must strive to allocate the amounts appropriated in this section by September 30, 2024, in the manner prescribed in this section. However, if upon review of applications the department determines there are not adequate suitable projects to receive awards, the department may allocate state funding to other affordable housing projects serving other low-income and special needs populations.

Appropriation:

General Fund—Private/Local	\$25,000,000
State Building Construction Account—State	\$25,000,000
Subtotal Appropriation	\$50,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$200,000,000
TOTAL	\$250,000,000

NEW SECTION. Sec. 1023. FOR THE DEPARTMENT OF COMMERCE

2023-25 Behavioral Health Community Capacity Grants (40000299)

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

(1) The appropriation in this section is provided solely for the department to issue grants to community hospitals or other community providers to expand and establish new capacity for behavioral health services in communities. The department must consult an advisory group consisting of representatives from the department of social and health services, the health care authority, one representative from a managed care organization, one representative from an accountable care organization, and one representative from the association of county human services. Amounts provided in this section may be used for construction and equipment costs associated with establishment or preservation

of the facilities. The department may approve funding for the acquisition of a facility if the project will result in increased behavioral health capacity. Amounts provided in this section may not be used for operating costs associated with the treatment of patients using these services.

(2) In awarding funding for projects in subsection (5) of this section, the department must establish criteria for the issuance of the grants, which must include:

(a) Evidence that the application was developed in collaboration with one or more regional behavioral health entities that administer the purchasing of services;

(b) Evidence that the applicant has assessed and would meet gaps in geographical availability of behavioral health services in their region;

(c) Evidence that the applicant is able to meet applicable licensing and certification requirements in the facility that will be used to provide services;

(d) A commitment by applicants to serve persons who are publicly funded and persons detained for involuntary commitment under chapter 71.05 RCW;

(e) A commitment by the applicant to maintain and operate the beds or facility for a time period commensurate to the state investment, but for at least a 10-year period;

(f) The date upon which structural modifications or construction would begin and the anticipated date of completion of the project;

(g) A detailed estimate of the costs associated with opening the beds;

(h) A financial plan demonstrating the applicant's ability to maintain and operate the facility; and

(i) The applicant's commitment to work with local courts and prosecutors to ensure that prosecutors and courts in the area served by the hospital or facility will be available to conduct involuntary commitment hearings and proceedings under chapter 71.05 RCW.

(3) In awarding funding for projects in subsection (5) of this section, the department, in consultation with the advisory group established in subsection (1) of this section, must strive for geographic distribution and to allocate funding based on population and service needs of an area. The department must consider current services available, anticipated services available based on projects underway, and the service delivery needs of an area.

(4) The department must prioritize projects that increase capacity in underserved and underserved areas of the state.

(5)(a) \$28,443,000 of the state building construction account—state appropriation in this section is provided solely for competitive community behavioral health grants to address regional needs. Applicants must provide confirmation that the health care authority, department of social and health services, or a managed care organization plans to contract with the facility sufficient to cover the facility's operating costs. The department must give priority to facilities that:

(i) Serve individuals on 90-day or 180-day civil commitments as an alternative to treatment in the state hospitals;

(ii) Serve individuals who will be transitioned from or diverted from the state hospitals;

(iii) Provide secure withdrawal management and stabilization treatment beds; or

(iv) Provide substance use disorder treatment.

(b) In awarding this funding to projects under (a)(i) of this subsection (5), the department must coordinate with the department of social and health services, the health care authority, and the department of health and must only select facilities that meet the following conditions:

(i) The funding must be used to increase capacity related to serving individuals who will be transitioned from or diverted from the state hospitals;

(ii) The facility is not subject to federal funding restrictions that apply to institutions of mental diseases;

(iii) The provider has submitted a proposal for operating the facility to the health care authority;

(iv) The provider has demonstrated to the department of health and the health care authority that it is able to meet the applicable licensing and certification requirements for the facility that will be used to provide services; and

(v) The health care authority has confirmed that it intends to contract with the facility for operating costs within funds provided in the operating budget for these purposes.

(c) \$24,000,000 of the state building construction account—state appropriation in this section is provided solely for grants to intensive behavioral health treatment facilities for long-term placement of behavioral health patients with complex needs and that are not subject to federal funding restrictions that apply to institutions of mental diseases.

(d) \$18,000,000 of the state building construction account—state appropriation in this section is provided solely for grants to community providers to increase behavioral health services and capacity for children and minor youth including, but not limited to, services for youth crisis walk-in intervention, substance use disorder treatment, sexual assault and traumatic stress, anxiety, or depression, children with behavioral health and intellectual or developmental disability needs, and interventions for children exhibiting aggressive or depressive behaviors in facilities that are not subject to federal funding restrictions. Consideration must be given to programs that incorporate outreach and treatment for youth dealing with behavioral health or social isolation issues.

(6) The amounts provided in this subsection are subject to the criteria in subsection (1) of this section, except the projects are not required to establish new capacity:

(a) \$7,500,000 of the state building construction account—state appropriation in this section is provided solely for grants to community providers to prevent the closure of existing behavioral health facilities. For purposes of this subsection (6)(a), the department must implement necessary procedures to enable rapid commitment of funds on a first-come, first-served basis to qualifying project proposals that satisfy the goal of long-term preservation of behavioral health facilities.

(b) \$133,057,000 of the appropriation in this section is provided solely for the following list of projects:

Aristo Healthcare Services (Renton)	\$2,000,000
Center for Alcohol & Drug Treatment New Facility (Wenatchee)	\$19,600,000

Compass Health Broadway Behavioral Health Services (Everett)	\$18,700,000
CRMHS Satellite Building Project (Vancouver)	\$2,500,000
Evergreen Treatment Services (Seattle)	\$6,000,000
Jamestown S'Klallam Behavior Health Center (Sequim)	\$13,000,000
Lummi Nation Substance Abuse Treatment (Bellingham)	\$8,147,000
Lynnwood Community Recovery Center (Lynnwood)	\$2,750,000
Nisqually Tribe Healing Village (Olympia)	\$12,000,000
Recovery Innovations Crisis Stabilization (Federal Way)	\$1,900,000
SeaMar Youth Crisis Center (Seattle)	\$480,000
SHC Medical Center - Astria/Toppenish Hospital (Toppenish)	\$2,500,000
SIHB Thunderbird Treatment Center (Vashon)	\$1,030,000
Skagit County Crisis Stabilization Center (SCCSC) (Sedro-Woolley)	\$12,700,000
Spokane Treatment and Recovery Service (Spokane)	\$4,000,000
Substance Use Disorder & Mental Health Inpatient Treatment (Yakima)	\$11,750,000
Three Rivers Behavioral Health Center (Kennewick)	\$5,000,000
Whatcom 23-Hour Crisis Relief Center (Bellingham)	\$9,000,000

(7) The department shall notify all applicants that they may be required to have a construction review performed by the department of health.

(8) To accommodate the emergent need for behavioral health services, the department and the department of health, in collaboration with the health care authority and the department of social and health services, must establish a concurrent and expedited process to assist grant applicants in meeting any applicable regulatory requirements necessary to operate inpatient psychiatric beds, freestanding evaluation and treatment facilities, enhanced services facilities, triage facilities, crisis stabilization facilities, or secure detoxification/secure withdrawal management and stabilization facilities.

(9) The department must strive to allocate all of the amounts provided in this section in the manner prescribed in each subsection. However, if upon review of applications, the department determines, in consultation with the advisory group established in subsection (1) of this section, that there are not adequate suitable projects in a category, the department may allocate funding to other project categories listed in this section, prioritizing projects that support serving individuals who will be transitioned from or diverted from the state hospitals. Underserved areas of the state may also be considered.

(10) In contracts for grants authorized under this section, the department must include provisions that require that the grantee or successor hold the capital improvements for at least a 10-year period. The provisions must require the facility to be used for behavioral health services, but may allow the facility to change ownership or facility type during the commitment period. The department shall monitor the activities of recipients of grants under this program to determine compliance with the terms and conditions set forth in its contract.

(11) The department must provide a progress report to the appropriate committees of the legislature by September 1, 2024. The report must include:

- (a) The total number of applications and amount of funding requested;
- (b) A list and description of the projects approved for funding including state funding, total project cost, services anticipated to be provided, bed capacity, and anticipated completion date;
- (c) A statewide map of new capacity since 2018, including projected bed capacity and opening dates;
- (d) A status report of projects that received funding in prior funding rounds, including details about the project completion and the date the facility began providing services; and
- (e) Recommendations for statutory language that would codify the grant program on an ongoing basis including:
 - (i) Evaluation and prioritization criteria;
 - (ii) Monitoring and compliance requirements;
 - (iii) Preconstruction and technical assistance services; and
 - (iv) Data needed to determine the service needs by area of the state.

(12) The department must coordinate with the health care authority to submit capital budget requests to fund behavioral health community capacity grants for the 2025-2027 biennial budget by the due date established by the office of financial management. Associated state budget operating costs must also be identified and requested.

Appropriation:

State Building Construction Account—State	\$211,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$844,000,000
TOTAL	\$1,055,000,000

NEW SECTION. Sec. 1024. FOR THE DEPARTMENT OF COMMERCE

2023-25 Early Learning Facilities Fund Grant Program (40000300)

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

- (1) \$5,000,000 of the Ruth Lecocq Kagi early learning facilities development account—state appropriation in this section is provided solely for minor renovation grants.
- (2) \$42,050,000 of the Ruth Lecocq Kagi early learning facilities development account—state appropriation in this section is provided solely for the early learning facility grant and loan program, subject to the provisions of RCW 43.31.573 through 43.31.583 and 43.84.092, to provide state assistance for designing, constructing, purchasing, expanding, or modernizing public or private early learning education facilities for eligible organizations. Up to four percent of the funding in this subsection may be used by the department of children, youth, and families to provide technical assistance to early learning providers interested in applying for the early learning facility grant or loan program.
- (3) The department of children, youth, and families must develop methodology to identify, at the school district boundary level, the geographic locations of where early childhood education and assistance program slots are needed to meet the entitlement specified in RCW 43.216.556. This methodology

must be linked to the caseload forecast produced by the caseload forecast council and must include estimates of the number of slots needed at each school district. This methodology must inform any early learning facilities needs assessment conducted by the department and the department of children, youth, and families. This methodology must be included as part of the budget submittal documentation required by RCW 43.88.030.

(4) When prioritizing areas with the highest unmet need for early childhood education and assistance program slots, the committee of early learning experts convened by the department pursuant to RCW 43.31.581 must first consider those areas at risk of not meeting the entitlement specified in RCW 43.216.556.

(5) The department must track the number of slots being renovated separately from the number of slots being constructed and, within these categories, must track the number of slots separately by program for the working connections child care program and the early childhood education and assistance program.

(6) When prioritizing applications for projects pursuant to RCW 43.31.581, the department must award priority points to applications from a rural county or from extreme child care deserts as defined by the department of children, youth, and families.

(7) For early learning facilities collocated with affordable or supportive housing developments, the department may remit state funding on a reimbursement basis for 100 percent of eligible project costs, regardless of the project's match amount, once the nonstate share of project costs have been either expended or firmly committed in an amount sufficient to complete the entire project or a distinct phase of the project that is useable to the public as an early learning facility. These projects are not subject to section 8015 of this act or RCW 43.88.150.

(8) It is the intent of the legislature to reappropriate funding in the 2023-2025 omnibus capital appropriations act for early learning facilities appropriated in this section.

(9) \$17,600,000 of the Ruth Lecocq Kagi early learning facilities development account—state appropriation in this section is provided solely for the following list of early learning facility projects:

Cora Whitley Family Center (Tacoma)	\$2,500,000
Eastside Early Childhood Center (Bellevue)	\$1,100,000
New Tomorrow's Hope Child Development Center (Everett)	\$1,000,000
Northgate Jose Marti Early Learning Center (Seattle)	\$1,000,000
Rainier Valley Early Learning Center (Seattle)	\$6,000,000
Skyway Affordable Housing and Early Learning Center (Seattle)	\$3,000,000
YMCA Early Learning Center (Port Angeles)	\$2,000,000
Young Child & Family Center, North Thurston PS (Olympia)	\$1,000,000

(10) \$350,000 of the Ruth Lecocq Kagi early learning facilities development account—state appropriation in this section is provided solely for the early learning facilities capital readiness pilot program. The department, in

partnership with the department of children, youth, and families, shall administer the program as part of the early learning facilities program. The early learning facilities capital readiness pilot program must support no more than 10 licensed early learning providers that will serve children through working connections child care or through the early childhood education and assistance program to study the feasibility of expanding, remodeling, purchasing, or constructing early learning facilities and classrooms. Participants must receive small grants and project support to conduct capital feasibility studies that cover financing, architectural design, construction, business operations, and other relevant topics. Participants must also have access to professional consultation related to financing, architectural design, construction, and business operations.

Appropriation:

Ruth Lecocq Kagi Early Learning Facilities	
Development Account—State	\$65,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$260,000,000
TOTAL	\$325,000,000

NEW SECTION. Sec. 1025. FOR THE DEPARTMENT OF COMMERCE

2024 Local and Community Projects (40000301)

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

(1) The department shall not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of 10 years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations in which the sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high performance building standards under chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only and may not be advanced under any circumstances.

(5) In contracts for grants authorized under this section, the department shall include provisions that require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) The department must comply with the requirements set forth in executive order 21-02 and must consult with the department of archaeology and historic preservation and affected tribes on the potential effects of these projects on cultural resources and historic properties. Consultation with the department of archaeology and historic preservation and affected tribes must be initiated before project funds are made available.

(8) The state building construction account—state appropriation in this section is provided solely for the following list of projects:

57th Ave Sewer Project (University Place)	\$200,000
ACT Historic Landmark Roof Restoration (Seattle)	\$539,000
ADA For Northwest Center Janitorial (Spokane Valley)	\$20,000
Admiral Theatre Facility Improvements (Bremerton)	\$165,000
Affordable Housing Land Acquisition (Tacoma)	\$1,500,000
Afterschool Program Expansion (Walla Walla)	\$45,000
Agricultural Innovation Center (Pasco)	\$200,000
Airlift Northwest Hangar (East Wenatchee)	\$500,000
Airway Heights Public Safety (Airway Heights)	\$1,340,000
Algona Wetland Preserve Interpretive Trail (Algona)	\$600,000
American Indian Community Center (Spokane)	\$1,000,000
American Legion Post 79 Roof Replacement (Snoqualmie)	\$49,000
Anderson Island Multipurpose Building (Anderson Island)	\$258,000
Angleside Reservoir Capacity Upgrades (Shelton)	\$1,850,000
Arlington Commercial Kitchen (Arlington)	\$581,000
ARTE NOIR Capital Construction Completion (Seattle)	\$381,000
Asbestos Abatement Old City Hall (Benton City)	\$309,000
Ashley House (Spokane)	\$515,000
Ashley House (Tacoma)	\$500,000
Asia Pacific Cultural Center (Tacoma)	\$2,000,000
ASUW Shell House (Seattle)	\$3,000,000
Athletic Field Lights For Ridgefield Outdoor (Ridgefield)	\$250,000
Auburn Avenue Theater Rebuild (Auburn)	\$1,545,000
Avista Stadium Improvements (Spokane Valley)	\$543,000
B5 Community Learning Center (Kennewick)	\$773,000
Ball Field at Historic Petes (Enumclaw)	\$439,000
Ballard Boys & Girls Clubs Flooring Replacement (Seattle)	\$49,000
Behavioral Health Wellbeing Clinic (Spokane)	\$1,571,000
Bonney Lake Senior Center Rehab Project (Bonney Lake)	\$650,000
Boys & Girls Club Parking Lot Renovation (Federal	

Way)	\$168,000
Boys & Girls Club Seismic Upgrade & Roof Replacement (Vancouver)	\$412,000
Brewster Boys and Girls Club Facility (Brewster)	\$300,000
Bridge Meadows Pre-Development (Tacoma)	\$515,000
Bringing It Home II 24-Hour Domestic Violence Shelter (Yakima)	\$125,000
Browse Infrastructure (Seattle)	\$144,000
Camp Thunderbird Wastewater Treatment Facility (Olympia)	\$618,000
Cannery Parking Lot & Sidewalk Rehab (Anacortes)	\$110,000
Capitol Land Trust Public Access Preconstruction (Olympia)	\$77,000
Cathlamet Waterfront Park (Cathlamet)	\$86,000
Cedarwood Community Recreation Ctr Redevelopment (Lake Stevens)	\$1,123,000
Celebration Park Synthetic Turf Upgrade (Federal Way)	\$822,000
Center Senior Living Housing Development (Grand Coulee)	\$361,000
Central Colville Apartments (Colville)	\$52,000
Central Whidbey Fire & Rescue Station 53 (Coupeville)	\$2,750,000
Centralia Quad Infield Turf Project (Centralia)	\$2,480,000
Chehalis River Raw Water (Chehalis)	\$250,000
Chelan Butte Acquisition Feasibility Study (Chelan)	\$125,000
Children's Therapy Center (University Place)	\$500,000
Chinese Reconciliation Project Design (Tacoma)	\$1,000,000
City Hall Structural Assessment (Toledo)	\$53,000
City of Longview Mint Valley Golf Course Irrigation Replacement (Longview)	\$2,000,000
City of Othello Lions Park (Othello)	\$600,000
City of Selah Wastewater Treatment Plant Improvements (Selah)	\$1,442,000
City of Sequim Park Acquisition (Sequim)	\$375,000
Clallam Joint Public Safety Facility (Port Angeles)	\$5,750,000
Cloney Inclusive Playground (Longview)	\$1,000,000
Colfax Community Center (Colfax)	\$72,000
Colfax Pool (Colfax)	\$1,030,000
Columbia Grove Community Playground (East Wenatchee)	\$72,000
Columbia Play Project Children's Museum (Vancouver)	\$515,000
Commercial Pumpouts to Save Puget Sound (Anacortes)	\$800,000
Communications Devices for Officials (Olympia)	\$15,000
Community Center at Lake Chelan (Chelan)	\$1,723,000

Community Center Roof Replacement (Aberdeen)	\$165,000
Community Homes Renovations 41st LD (Bellevue)	\$106,000
Community Homes Renovations 45th LD (Woodinville)	\$77,000
Community Homes Renovations 48th LD (Bellevue)	\$243,000
Community Homes Upgrades 1st LD (Bothell)	\$104,000
Conconully Service Complex/Fire Hall (Conconully)	\$2,050,000
Coupeville Food Bank & Workforce Housing Apartments (Coupeville)	\$230,000
Cross Kirkland Corridor 132nd Avenue NE Improvements (Kirkland)	\$515,000
Day Island Bridge Design Project (University Place)	\$200,000
Des Moines Marina Steps (Des Moines)	\$1,000,000
deWilde Rugby Fields (Ferndale)	\$150,000
Diking District 7 Fish Passage and Levee (Stanwood)	\$1,900,000
Dishman Hills Conservancy Education Ctr Site Planning (Spokane)	\$46,000
Double Culvert Replacement (Castle Rock)	\$2,000,000
Downtown Pasco North Plaza (Pasco)	\$155,000
Eagle Track Raceway Stadium Light Project (Republic)	\$117,000
East Hill North Community Park Phase 1 (Kent)	\$1,000,000
Eaton Urban Pathway Project (Battle Ground)	\$1,000,000
Ebey Waterfront Trail Phase 4 (Marysville)	\$1,030,000
Edmonds Boys & Girls Clubs Capital Project (Edmonds)	\$1,385,000
Edmonds Center for the Arts Design (Edmonds)	\$200,000
Ejidos Community Farm (Everson)	\$824,000
El Centro de la Raza Federal Way Campus (Federal Way)	\$1,545,000
Electron Way & Contra Costa Ave Intersection Improvment (Fircrest)	\$153,000
Ellensburg Rodeo Grandstands (Ellensburg)	\$1,030,000
Emergency Operation Generator (Coupeville)	\$386,000
Emergency Shelter Capital Improvements (Shelton)	\$103,000
Enumclaw Community Center (Enumclaw)	\$500,000
Evans Creek Relocation Project (Redmond)	\$1,030,000
EWAM Handicap Parking Improvement Project (Pomeroy)	\$98,000
Fair Building Improvements (Graham)	\$77,000
Fall City Business District Septic Project (Fall City)	\$1,550,000
Family Resource Center at Cedar Crossing (Seattle)	\$360,000
Felts Field Gateway Improvement (Spokane)	\$515,000
Ferndale Civic and Community Organization Campus (Ferndale)	\$3,050,000
Ferry County Fairgrounds (Republic)	\$50,000
Fife Aquatic & Community Center Improvements	

(Fife)	\$1,500,000
Fire Panel Replacement & Integration (Seattle)	\$294,000
FISH Food Bank Expansion (Ellensburg)	\$573,000
Foothills Trail Crossing at Main Street (Buckley)	\$128,000
Forest Park Pickleball Court Installation (Everett)	\$345,000
Free Clinic & Central Construction Project (Walla Walla)	\$515,000
Frontier Park Horse Cover (Graham)	\$1,388,000
Ft Steilacoom Park Nisqually Indian Tribe Improvements (Lakewood)	\$309,000
Gibson Hall Improvement Project (Issaquah)	\$206,000
Glen Tana (Spokane)	\$3,000,000
Golden Tiger Multi-Use Trail Phase 2 (Republic)	\$168,000
Goldendale Municipal Airport - Land Acquisition (Goldendale)	\$361,000
Greater Wenatchee Irrigation Dist Infrastructure (East Wenatchee)	\$2,000,000
Greenwood Early Learning Playground (Seattle)	\$69,000
Greg Cuoio Park Accessibility Improvements (Lacey)	\$515,000
Harbour Point Boulevard Pathway (Mukilteo)	\$258,000
Harlequin Theater Renovation (Olympia)	\$700,000
Heritage Center at Mecker Mansion (Puyallup)	\$496,000
Heritage Heights Remodel and Conversion to Medical Care (Chelan)	\$824,000
High Prairie Fire District 14 Emergency Preparedness (Lyle)	\$248,000
Highland Park Improvement Club Rebuild (Seattle)	\$500,000
Historic Lamar Cabin Preservation (Prescott)	\$267,000
HUB Sports Fields (Liberty Lake)	\$1,030,000
ICOM 911 Microwave Radio Broadband System (Oak Harbor)	\$500,000
Indian American Community Services Community Center (Kent)	\$794,000
Interurban Trail War Memorials (Pacific)	\$400,000
Issaquah Senior Ctr Veterans Memorial Consolidated Prk (Issaquah)	\$721,000
Japanese American Exclusion Memorial Vis Ctr (Bainbridge Island)	\$350,000
Jarstad Aquatic Center Assessment & Roof Repair (Bremerton)	\$309,000
Jenkins Creek Recreation Trail (Covington)	\$250,000
Kalama Creek Hatchery Renovation (Olympia)	\$3,350,000
KCFD #50 Generator (Baring)	\$20,000
Kelso School District-Construction & Renovation Projects (Kelso)	\$165,000
Kelso Train Station Roof Replacement (Kelso)	\$575,000
Kennewick Kiwanis Playground (Kennewick)	\$258,000
King County Sheriff's Office Air Support Unit	

(Seattle).....	\$1,000,000
King Street Station Creative Youth Empowerment Hub (Seattle).....	\$500,000
Kirkland Boys & Girls Clubs Community Playfield (Kirkland).....	\$150,000
Kirkland Performance Center Safety Improvements (Kirkland).....	\$1,288,000
Kitsap Humane Society Veterinary Lifesaving Center (Silverdale).....	\$412,000
Klineline Bridge and ADA Improvements (Vancouver).....	\$1,365,000
Kulshan View (Mount Vernon).....	\$309,000
Lacamas Lake Water Improvements (Camas).....	\$515,000
Lake Boren CrossTown Recreational Trail (Newcastle).....	\$824,000
Lake Chelan Food Bank Building Remodel & Addition (Chelan).....	\$2,000,000
Lake Hills Clubhouse Renovation (Bellevue).....	\$583,000
Lake Wilderness Arboretum Improvements (Maple Valley).....	\$450,000
Lakebay Marina (Lakebay).....	\$300,000
Lambert House Flood Abatement & Foundation Replacement (Seattle).....	\$1,030,000
Larson Playfield Irrigation Conversion (Moses Lake).....	\$258,000
Latah Water System Rehabilitation Project (Latah).....	\$180,000
Latino Community Service Center (Lynnwood).....	\$515,000
Lester Creek Personnel to Water Intake (Pe Ell).....	\$640,000
Lewis County Senior Centers (Chehalis).....	\$500,000
Lincoln County Fair and Livestock (Davenport).....	\$1,000,000
Local Grain Conveyance & Storage System (Tumwater).....	\$255,000
Logistics Facility (Vancouver).....	\$874,000
Lynden Senior and Community Center (Lynden).....	\$309,000
Lynnwood Neighborhood Center (Lynnwood).....	\$2,050,000
Lyon Creek Culvert at SR 104 (Lake Forest Park).....	\$1,820,000
Madison Street School Sidewalk Project (South Bend).....	\$175,000
Manson Fire Station - Training Room and Living Quarters (Manson).....	\$206,000
Marine Spills Operations Base (Friday Harbor).....	\$210,000
Marshall Park Inclusive Community Playground (Vancouver).....	\$685,000
Mason County Jail Expansion (Shelton).....	\$1,030,000
Mason PUD I Vuecrest Water System Storage Project (Union).....	\$618,000
Mason PUD Water Infrastructure (Matlock).....	\$1,000,000
Masonic Building Roof Renovation (Centralia).....	\$170,000
Mays Pond Playground (Bothell).....	\$650,000
Medical Lake Storm Water Mitigation (Medical Lake).....	\$1,000,000
Medically-Tailored Meals & Groceries Expansion	

(Seattle)	\$1,175,000
Memorial Stadium (Seattle)	\$4,000,000
Menastash Grange Revitalization and Expansion (Ellensburg)	\$85,000
Mental Health Quiet Room (Moses Lake)	\$31,000
Mill Creek City Hall North Renovation (Mill Creek)	\$515,000
Mill Creek Multiuse Recreational Property (Mill Creek)	\$1,030,000
MLK Jr. Resource & Technology Center (Pasco)	\$250,000
MLK Jr. Park & Swimming Pool (Yakima)	\$1,160,000
Modernization of Pacific County Jail Facility (South Bend)	\$464,000
Monroe Therapeutic Facility (Monroe)	\$1,100,000
Montesano Economic Development (Montesano)	\$700,000
Mt. Spokane Ski & Snowboard Park (Mead)	\$100,000
Mukilteo First Responder Wellness Center (Mukilteo)	\$258,000
Muslim American Youth Foundation Center (Burien)	\$500,000
National Nordic Museum East Garden Capital Project (Seattle)	\$258,000
Nespelem Community Longhouse (Nespelem)	\$1,850,000
New Beginnings Homes (Puyallup)	\$440,000
No. County Rec. Association Youth Sports (Castle Rock)	\$256,000
Nooksack Community Housing (Deming)	\$470,000
North Fork Skykomish River 911 Extension Project (Index)	\$420,000
North Seattle Boys & Girls Clubs Flooring Replacement (Seattle)	\$134,000
NW Stream Center Sustainable Infrastructure (Everett)	\$273,000
Oak Harbor Boys & Girls Club Sports Court (Oak Harbor)	\$250,000
Oak Harbor Economic Development (Oak Harbor)	\$621,000
ODT Land Purchase (Port Townsend)	\$750,000
Old Fort Lake Subarea Remediation & Public Access Proj (DuPont)	\$215,000
Othello's Regional Water Plan (Othello)	\$412,000
Parkland School (Parkland)	\$500,000
Pasado's Safe Haven Water and Safety Upgrades (Monroe)	\$485,000
Pasco Boulevard Soccer Field (Pasco)	\$750,000
Pasco Clubhouse Safety Modernization (Pasco)	\$840,000
Peninsula Medical Respite & Housing Center (Bremerton)	\$1,000,000
Peninsula Senior Activity (Ocean Park)	\$272,000
PenMet Parks Community Recreation Center (Gig Harbor)	\$1,030,000
Perfect Passage (Tonasket)	\$730,000

Pierce County Food Hub (Bonney Lake)	\$300,000
Pike Place Market Elevator & Stair Replacement (Seattle)	\$515,000
Plaza Retreat Space (Vashon)	\$544,000
Pond to Pines Infrastructure (Ellensburg)	\$518,000
Port Gamble Shoreline Restoration (Port Gamble)	\$2,400,000
Port of Allyn Public Pier Replacement (Allyn)	\$515,000
Port of Anacortes T-Dock Reconfiguration (Anacortes)	\$1,000,000
Port of Mattawa Event Center Phase 3 Upgrade Project (Mattawa)	\$361,000
Port of Skamania Cascades Business Park (North Bonneville)	\$1,000,000
Port of Willapa Harbor (South Bend)	\$800,000
Port Orchard Breakwater Replacement (Port Orchard)	\$1,000,000
Port Remediation (Olympia)	\$2,200,000
Portland Avenue Park Sprayground (Tacoma)	\$500,000
Poulsbo Historical Society - Nilsen-Sonju House (Poulsbo)	\$300,000
Prosser City Entrance Sign (Prosser)	\$110,000
Public Works Facility & Vehicle Storage (Sedro Woolley)	\$500,000
Puyallup Elks Roof Replacement (Puyallup)	\$370,000
Rainier Court Phase V (Seattle)	\$750,000
Raze Development Capital Project (Spokane)	\$500,000
Redondo Fishing Pier Replacement Phase 1 (Des Moines)	\$1,000,000
Refugee Welcoming & Healing Center (SeaTac)	\$515,000
Regional Athletic Complex Transformer Upgrade (Olympia)	\$103,000
Regional Water & Sewer Upgrades (Rochester)	\$250,000
Rejuvenation Community Day Center (Bremerton)	\$200,000
Remembrance Gallery (Puyallup)	\$257,000
Renovation and Addition to RP Theater Building (Richland)	\$350,000
Renton Public Square (Renton)	\$1,485,000
Republic Community Library (Republic)	\$183,000
Reservoir Capacity & Seismic (Battle Ground)	\$1,288,000
Ritzville Legion Hall Renovation (Ritzville)	\$165,000
Ritzville Rodeo Bleachers Replacement (Ritzville)	\$194,000
Ritzville Theater (Ritzville)	\$75,000
Rock Creek Horse Park (Ravensdale)	\$206,000
Roslyn Old City Hall Community Center (Roslyn)	\$77,000
Rotary Boys & Girls Clubs HVAC Replacement (Seattle)	\$309,000
Rotary Morrow Community Park (Poulsbo)	\$100,000
Roy Water Preliminary Design (Roy)	\$250,000
Sail Sand Point (Seattle)	\$258,000
Sam Chastain Trail (Renton)	\$500,000

School Based Health Care Facility (Tacoma)	\$515,000
Scott Hill Park & Sports Complex of Woodland (Woodland)	\$350,000
Scriber Place Housing for Homeless Students (Lynnwood)	\$2,050,000
Search & Rescue Headquarters Feasibility Study (Snoqualmie)	\$103,000
Seattle Aquarium (Seattle)	\$3,000,000
Seattle Public Library Holds Pick-Up Locker (Seattle)	\$93,000
Seattle Public Theater Accessibility Upgrades (Seattle)	\$77,000
Security & Access Improvements (Shelton)	\$250,000
Sentinel Gap Community Park (Mattawa)	\$1,000,000
Sewer Pump Station 12 & Force Main (Bellevue)	\$1,030,000
Shelton Day Care & Building Project (Shelton)	\$215,000
Short's Farm Purchase (Chimacum)	\$1,000,000
Skagit PUD 10th District Waterlines (Skagit)	\$650,000
Skagit PUD 39th District Waterline Relocations (Mt. Vernon)	\$600,000
Skagit PUD Headquarters Public Meeting Room (Mt. Vernon)	\$206,000
Slavonian Hall (Tacoma)	\$472,000
Snohomish Boys & Girls Club Teen Center (Snohomish)	\$412,000
Snohomish Public Safety & City Services Campus (Snohomish)	\$700,000
Snoqualmie Indian Tribe Consultation (Snoqualmie)	\$150,000
Snoqualmie Valley Youth Center Barn with Storage (North Bend)	\$232,000
South Seattle Community Food Hub (Seattle)	\$499,000
South Thurston Fire & EMS New Fire Station (Tenino)	\$3,050,000
South UGA Water and Sewer Extensions (Kennewick)	\$1,122,000
South Whidbey Aquatic Wellness Center (Langley)	\$360,000
Southwest Boys & Girls Clubs Safety & Security Improve (Seattle)	\$3,000
SPARC Capital Campaign (Mount Vernon)	\$750,000
Spokane Civic Theatre Facility (Spokane)	\$1,500,000
Spokane International Airport (Spokane)	\$1,000,000
Spokane Scale House Market (Spokane Valley)	\$750,000
Spring Box Replacement/Water (Concrete)	\$450,000
St. Mary Medical Center (Walla Walla)	\$75,000
Stanwood Art Center Design (Stanwood)	\$327,000
Stonerose Fossil Center (Republic)	\$721,000
Storm Upgrades Downtown Phase N2 (Puyallup)	\$696,000
Sue Bird and Lenny Wilkens Statues (Seattle)	\$412,000
Sultan Basin Park (Sultan)	\$500,000

Sumas Ave Water Pipe Replacement (Sumas)	\$150,000
SW WA Agricultural Business (Tenino)	\$1,250,000
Swede Hall Renovation Project (Rochester)	\$198,000
Take-A-Break Park Playground (Maple Valley)	\$412,000
Tam O'Shanter Multi-Purpose Court Fencing and Lighting (Kelso)	\$46,000
Taproot Theatre Jewell Mainstage Renovation (Seattle)	\$515,000
Tasveer Art Center (Bellevue)	\$258,000
Tenino Stone Carvers Guild Workshop and Classroom (Tenino)	\$160,000
Terminal 4 Expansion & Redevelopment Project (Aberdeen)	\$3,500,000
Thun Field - Emergency Response and Meeting Space (Puyallup)	\$1,000,000
Town of Elmer City Fire Station Improvements (Elmer City)	\$537,000
Town of Index Water Line Repair and Replacement (Index)	\$628,000
Township Hall North & West (Spokane)	\$100,000
Tribal Cultural Center & Museum Restoration (Steilacoom)	\$200,000
Tugboat Parthia Pavilion Construction (Olympia)	\$148,000
Tukwila Community Center HVAC Replacement (Tukwila)	\$515,000
Tukwila Immigrant & Refugee Wadajir Land Acquisition (Tukwila)	\$2,250,000
Tulalip Creek Hatchery (Marysville)	\$1,000,000
United Way Elevator and Disability Access (Tacoma)	\$129,000
Van Zandt Community Hall Renovation (Deming)	\$502,000
Veterans Memorial Balfour Park (Spokane Valley)	\$207,000
VFW Post 2224 Critical Renovations (Puyallup)	\$206,000
Village Theatre's Francis J Gaudette HVAC Replacement (Issaquah)	\$489,000
Wallace Heights Septic Elimination Program (Vancouver)	\$500,000
Washougal Civic Campus Project (Washougal)	\$2,000,000
Washtucna Town Hall (Washtucna)	\$20,000
Wastewater Lift Stations (Concrete)	\$450,000
Wastewater Treatment Facility & Loss Project (Carbonado)	\$500,000
Wastewater Treatment System Upgrades (Long Beach)	\$340,000
Waterfront Organic Soil Removal (Washougal)	\$2,000,000
Weld Seattle Reentry Resource Center (Seattle)	\$5,000,000
Wenatchee Valley Museum Expansion and Redesign (Wenatchee)	\$1,000,000
Wenatchee Valley YMCA (Wenatchee)	\$1,030,000
West Biddle Lake Dam Restoration (Vancouver)	\$412,000
Whatcom Ag Research Station (Lynden)	\$764,000

What-Comm Dispatch Center (Bellingham)	\$1,000,000
White Bluffs Rail/Rail Replacement (Richland)	\$1,250,000
White Center Community Hub (Seattle)	\$1,000,000
White Center Food Bank Renovation (Seattle)	\$275,000
Wilkeson Infrastructure (Wilkeson)	\$824,000
Windermere Park Playground (Longview)	\$155,000
WRF Upgrades Solid Side (Yelm)	\$442,000
Yakama Nation "Creator Law Sculpture" (Roslyn)	\$99,000
Yakima Co Fire Emergency Responder Radio System (Yakima)	\$139,000
Yakima County Fire District 12 Wildfire Response (Yakima)	\$38,000
Yakima County Meals on Wheels (Union Gap)	\$1,000,000
Yakima Trolley Museum (Yakima)	\$25,000
Youth Assist Program Skills Training Center (Tacoma)	\$500,000
Youth Emergency Shelter (Longview)	\$250,000
Zillah Park Renovation (Zillah)	\$300,000

(9) The model toxics control capital account—state appropriation in this section is provided solely for the Port of Vancouver Dock Demo and Removal of Creosote project in Vancouver.

Appropriation:

Model Toxics Control Capital Account—State	\$3,500,000
State Building Construction Account—State	\$228,343,000
Subtotal Appropriation	\$231,843,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$912,000,000
TOTAL	\$1,143,843,000

NEW SECTION. Sec. 1026. FOR THE DEPARTMENT OF COMMERCE

2023-25 Dental Capacity Grants (92001393)

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

(1) Funding provided in this section must be used for the construction and equipment directly associated with dental facilities. The funding provided in this section is for projects that are maintained for at least a 10-year period and provide capacity to address unmet patient need and increase efficiency in dental access.

(2) The amount provided in this section is provided solely for the following list of projects:

CVCH East Wenatchee Dental Clinic (East Wenatchee)	\$1,850,000
HealthPoint (Seattle)	\$490,000
Lake Roosevelt Community Health Center (Inchelium)	\$160,000
Lake Roosevelt Community Health Center (Keller)	\$80,000
Neighborcare Health (Seattle)	\$1,800,000
Peninsula Community Health Services (Bremerton)	\$495,000
PNWU Dental School (Yakima)	\$5,000,000
Sea Mar Community Health Center (Tacoma)	\$3,500,000

Seattle Indian Health Board (Seattle)	\$305,000
Yakima Valley Farm Workers Clinic (Kennewick)	\$4,000,000

Appropriation:

State Building Construction Account—State	\$17,680,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$70,720,000
TOTAL	\$88,400,000

NEW SECTION. Sec. 1027. FOR THE DEPARTMENT OF COMMERCE

Tribal Climate Adaptation Pass-through Grants (40000421)

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

(1) The appropriation in this section is provided solely for grants to provide tribal assistance to mitigate and adapt to the effects of climate change, including, but not limited to, supporting relocation for Indian tribes located in areas of heightened risk due to anticipated sea level rise, flooding, or other disturbances caused by climate change. In developing the grant program, the department must collaborate with tribes to determine program parameters for award amounts, distribution, and benchmarks for success. In order to meet the requirements of RCW 70A.65.230(1)(b), tribal applicants are encouraged to include a tribal resolution supporting their request with their application.

(2) \$12,050,000 of the climate commitment account—state appropriation is provided solely for the Quinault Indian nation for the following list of projects:

Architectural Drawings For The Quinault Museum	\$150,000
Marine Climate Change Assessment	\$300,000
Queets Generations Building	\$8,000,000
Queets Village Relocation Planning	\$1,000,000
Taholah Water Tank	\$2,600,000

Appropriation:

Climate Commitment Account—State	\$50,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$151,800,000
TOTAL	\$201,800,000

NEW SECTION. Sec. 1028. FOR THE DEPARTMENT OF COMMERCE

2023-25 Community Relief (40000556)

The appropriation in this section is subject to the following conditions and limitations: \$1,000,000 of the state taxable building construction account—appropriation in this section is provided solely for the department to contract with the communities of concern commission for development of a list of community-led capital projects that serve underserved communities. Eligible expenses include costs incurred by the communities of concern commission in conducting outreach, developing an application process, providing technical assistance, assisting project proponents with project readiness, and assisting the department with identifying barriers faced in accessing capital grant programs. The communities of concern commission must provide a report to the house capital budget committee and the senate ways and means committee that

describes the transparency of their process to develop the list and how the \$1,000,000 was spent by December 1, 2023. The department may submit a list of identified projects prepared by the communities of concern commission to the governor and fiscal committees of the legislature for consideration for funding in the 2024 supplemental capital budget.

Appropriation:

State Taxable Building Construction Account—	
State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$4,000,000
TOTAL	\$5,000,000

NEW SECTION. Sec. 1029. FOR THE DEPARTMENT OF COMMERCE

DOE Hydrogen Hub -State Match (40000561)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for state match for the Pacific Northwest hydrogen association application, supported by the department, for a United States department of energy hydrogen hub grant.

Appropriation:

Climate Commitment Account—State	\$20,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$20,000,000

NEW SECTION. Sec. 1030. FOR THE DEPARTMENT OF COMMERCE

Home Efficiency Rebates Program (40000564)

Appropriation:

General Fund—Federal	\$83,200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$83,200,000

NEW SECTION. Sec. 1031. FOR THE DEPARTMENT OF COMMERCE

Housing Finance Commission Land Acquisition Program (40000568)

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

(1) \$28,000,000 of the capital community assistance account—state appropriation in this section is provided solely for the housing finance commission land acquisition program to assist eligible organizations purchase land for affordable rental or homeownership housing developments serving low-income households.

(a) In addition to affordable housing, facilities intended to provide supportive services to affordable housing residents and low-income households in the nearby community may be developed on the land.

(b) Priority must be given to projects serving households whose adjusted income is at or below 50 percent of the median family income for the county where the project is located.

(c) For purposes of this section, the following definitions apply:

(i) "Eligible organizations" has the same meaning as in RCW 43.185A.040.

(ii) "Low-income household" has the same meaning as in RCW 43.185A.010.

(2) The department must work with the housing finance commission and provide the governor and the appropriate committees of the legislature with a progress report by November 1, 2024. The report must include:

(a) The total number of applications and amount of funding requested; and

(b) A list and description of the projects approved for funding, including project location.

Appropriation:

Capital Community Assistance Account—State	\$38,623,000
State Building Construction Account—State	\$1,377,000
Subtotal Appropriation	\$40,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$40,000,000

NEW SECTION. Sec. 1032. FOR THE DEPARTMENT OF COMMERCE

2023-25 Defense Community Compatibility Projects (40000572)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the following list of projects:

City of Lakewood, McChord North Clear Zone (Lakewood)	\$900,000
Compatible Lands Foundation, Fairchild REPI Easement Acquisition (Spokane)	\$2,500,000
Crescent Elementary (Oak Harbor)	\$13,600,000
Lakewood Water District, Water Well (K-3, G-4) (Lakewood)	\$1,860,000
Oak Harbor Early Learning Center (Oak Harbor)	\$13,900,000
Quincy Square Civic Improvements (Bremerton)	\$1,750,000
Whidbey Camano Land Trust, Keystone Preserve (Greenbank)	\$1,300,000

Appropriation:

State Building Construction Account—State	\$35,810,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$48,800,000
TOTAL	\$84,610,000

NEW SECTION. Sec. 1033. FOR THE DEPARTMENT OF COMMERCE

Rising Strong Project Grant Pass Through (40000576)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the rising

strong project to construct supportive transitional housing to support no fewer than 24 households in western Washington to receive comprehensive family services as well as treatment for substance use disorders while preserving the family unit.

Appropriation:

State Building Construction Account—State	\$13,356,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL	\$13,356,000

NEW SECTION. Sec. 1034. FOR THE DEPARTMENT OF COMMERCE

Reducing Emissions in Hard-to-Decarbonize Sectors Program (40000577)

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

(1) The appropriation in this section is provided solely for the department to administer a grant program for greenhouse gas emissions reduction strategies for hard to decarbonize sectors, including industry, aviation, and maritime.

(2) Grant awards may be used only to achieve near-term greenhouse gas emissions reductions in eligible sectors beyond what would have been achieved under business as usual. The grant program must prioritize projects that improve compliance with state greenhouse gas reduction policies including, but not limited to, the cap and invest program, the clean fuel standard, and the hydrofluorocarbon phasedown. Projects may include efficiency and process improvements. Awards per applicant may not exceed 15 percent of available funding. The department may require that applicants provide nonstate matching funds.

(3) Up to \$250,000 of the appropriation in this section is for the department to provide facilitation and consultation to eligible facilities to help them identify, plan, and implement near-term strategies to achieve reductions in the facility's greenhouse gas emissions. The department may also consult with eligible facilities to develop a long-term strategy for industrial decarbonization and emissions reduction.

(4) Up to \$324,000 of the appropriation provided in this section is for the department to develop a process, in consultation with Washington department of transportation, to select projects to advance the research, development, or manufacturing of sustainable aviation.

(5) Up to 5 percent of the appropriation in this section is for the department to administer the reducing emissions in hard-to-decarbonize sectors program, including, but not limited to, providing technical assistance, managing contracts, reporting, and providing assistance in the planning and implementation process.

(6) A minimum of 40 percent of the appropriation must be spent for projects that benefit vulnerable populations in overburdened communities as defined in RCW 70A.65.010.

Appropriation:

Climate Commitment Account—State	\$20,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$80,000,000
TOTAL	\$100,000,000

NEW SECTION. Sec. 1035. FOR THE DEPARTMENT OF COMMERCE

Local Emission Reduction Projects (91002184)

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

(1) The appropriations in this section are provided solely for the following list of projects:

C6 Forest to Farm Biochar Pilot Plant (Leavenworth)	\$1,425,000
Great Northern School District HVAC Installation (Spokane)	\$1,613,000
Hydrogen Storage & Fuel Cell for Peak Shaving (Okanogan)	\$1,648,000
Meydenbauer Center Energy Efficiency (Bellevue)	\$6,000,000
Outdoor Fields LED Retrofit and Solar Installation (Tukwila)	\$500,000
Process Water Reuse Facility (Pasco)	\$5,050,000
Small Faces Preschool HVAC Upgrades (Seattle)	\$435,000
Waterfront Low Carbon District Energy System (Bellingham)	\$100,000

(2) The department may not expend funding for a project in this section unless and until the nonstate share of that project's costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(3) Prior to receiving funding, grant recipients must demonstrate that the project site is under control for a minimum of 10 years, either through ownership or a long-term lease. This requirement does not apply to grants for preconstruction activities or grants in which the sole purpose is to purchase real property that does not include a construction or renovation component.

(4) In contracts for grants authorized under this section, the department must include provisions that require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the department finds the grantee to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

Appropriation:

Climate Commitment Account—State	\$15,346,000
Natural Climate Solutions Account—State	\$1,425,000
Subtotal Appropriation	\$16,771,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$16,771,000

NEW SECTION. Sec. 1036. FOR THE DEPARTMENT OF COMMERCE

2023-25 Rural Rehabilitation Grant Program (91002195)

Appropriation:

State Building Construction Account—State	\$6,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$24,000,000
TOTAL	\$30,000,000

NEW SECTION. Sec. 1037. FOR THE DEPARTMENT OF COMMERCE

Broadband Study (91002196)

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

(1) The appropriation in this section is provided solely for the state broadband office to study and report on the feasibility of increasing broadband access in unserved and underserved areas of the state through low-orbit satellite networks. The study must evaluate factors such as unique topography, lack of population density, remote location, and other considerations related to cost-effective broadband service delivery. The study must include, at a minimum:

(a) A comparison of the estimated costs of satellite network build-out with the design and construction costs of other broadband service infrastructure types such as fiber optic and wireless technologies in unique geographic areas; and

(b) Identification of areas not prioritized for federal support in the five-year action plan submitted by the office in accordance with the broadband equity, access, and deployment program funded under P.L. 117-58 (infrastructure investment and jobs act) and recommendations for how to improve broadband service in those areas.

(2) The office must report findings and recommendations resulting from the study to the governor and the appropriate committees of the legislature by December 1, 2023.

Appropriation:

State Building Construction Account—State	\$75,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$75,000

NEW SECTION. Sec. 1038. FOR THE DEPARTMENT OF COMMERCE

Public Facility Improvement Fund (92001367)

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

(1) \$24,000,000 of the youth athletic facility account—state appropriation in this section is provided solely for the following list of projects:

Bellingham: Joe Martin Stadium	\$700,000
Everett School District: Everett Memorial Stadium	\$7,400,000
Lower Columbia College: David Story Field	\$1,300,000
Pasco: Gesa Stadium	\$3,000,000
Port Angeles: Civic Field	\$600,000
Ridgefield: Ridgefield Outdoor Recreational Complex	\$450,000
Spokane County: Avista Stadium	\$5,800,000
Tacoma: Cheney Stadium	\$3,000,000

Walla Walla: Borleske Stadium	\$525,000
Wenatchee Valley College: Paul Thomas Sr. Field	\$700,000
Yakima County: Yakima County Stadium	\$525,000

(2) The funding appropriated under this section must be combined with local funds.

(3) The department may not expend funding for a project in this section unless and until the nonstate share of that project's costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(4) Prior to receiving funding, grant recipients must demonstrate that the project site is under control for a minimum of 10 years, either through ownership or a long-term lease. This requirement does not apply to grants for preconstruction activities or grants in which the sole purpose is to purchase real property that does not include a construction or renovation component.

(5) In contracts for grants authorized under this section, the department must include provisions that require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the department finds the grantee to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

(6) \$360,000 of the state building construction account—state appropriation in this section is provided solely for administrative costs.

Appropriation:

State Building Construction Account—State	\$360,000
Youth Athletic Facility Account—	
State	\$24,000,000
Subtotal Appropriation	\$24,360,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$24,360,000

NEW SECTION. Sec. 1039. FOR THE DEPARTMENT OF COMMERCE

2023-25 Landlord Mitigation Account (92001419)

The appropriation in this section is subject to the following conditions and limitations: \$5,000,000 of the state taxable building construction account—state appropriation is provided solely for deposit in the landlord mitigation program account.

Appropriation:

State Taxable Building Construction Account—	
State	\$5,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$20,000,000
TOTAL	\$25,000,000

NEW SECTION. Sec. 1040. FOR THE DEPARTMENT OF COMMERCE

Large Scale Solar Innovation Projects (92001669)

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

(1) \$20,000,000 of the appropriation in this section is provided solely for the Yakama Nation Solar project.

(2) \$19,000,000 of the appropriation in this section is provided solely for a competitive grant program for large scale solar innovation projects.

Appropriation:

Climate Commitment Account—State	\$39,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$39,000,000

NEW SECTION. Sec. 1041. FOR THE DEPARTMENT OF COMMERCE

Public Utilities Relocation (91002418)

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

(1) The appropriation in this section is provided solely for the public works board to enter into a professional services contract for the purpose of estimating the cost to local governments and special purpose districts for relocating publicly owned utility infrastructure due to state-funded fish barrier removal projects associated with roads and highways. The public works board shall consult with the department of transportation, the Brian Abbott fish barrier removal board, the transportation improvement board, the county road administration board, the department of fish and wildlife, the interagency, multijurisdictional system improvement team established in RCW 43.155.150, the municipal research and services center, the department of commerce, and other agencies as necessary, to evaluate the financial impact to local governments and special purpose districts.

(2) The public works board shall report to the governor and the appropriate fiscal committees of the legislature by November 1, 2024, the results of the evaluation, including the estimated:

(a) Number of state and locally owned fish barriers remaining to be corrected;

(b) Number of fish barriers that may require relocation of publicly owned utilities; and

(c) Costs for relocation of publicly owned utilities due to removal of fish barriers along local or state roads and highways.

Appropriation:

Public Works Assistance Account—State	\$300,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$300,000

NEW SECTION. Sec. 1042. FOR THE DEPARTMENT OF COMMERCE

Port of Everett (92001364)

The appropriation in this section is subject to the following conditions and limitations: To be eligible to receive state funds under this section, the port 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 when such power is available at the port facility.

Appropriation:

Climate Commitment Account—State	\$5,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000

NEW SECTION. Sec. 1043. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Emergency Repairs (40000005)

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

(1) Emergency repair funding is provided solely to address unexpected building or grounds failures that will impact public health and safety and the day-to-day operations of the facility. To be eligible for funds from the emergency repair pool, a request letter for emergency funding signed by the affected agency director must be submitted to the office of financial management and the appropriate legislative fiscal committees. The request must include a statement describing the health and safety hazard and impacts to facility operations, the possible cause, the proposed scope of emergency repair work and related cost estimate, and identification of other funding that may be applied to the project.

(2) For emergencies occurring during a legislative session, an agency must notify the legislative fiscal committees before requesting emergency funds from the office of financial management.

(3) The office of financial management must notify the legislative evaluation and accountability program committee and the legislative fiscal committees as emergency projects are approved for funding and include what funded level was approved.

Appropriation:

State Building Construction Account—State	\$4,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$16,000,000
TOTAL	\$20,000,000

NEW SECTION. Sec. 1044. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Elevator Modernization (30000786)

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

(1) The reappropriations are subject to the provisions of section 1075, chapter 413, Laws of 2019.

(2) The appropriation in this section is provided solely for the following list of projects:

Plaza Garage, Elevator #4	\$1,417,000
Insurance - Elevator No. 1	\$932,000
Leg - Elevator No. 5	\$2,229,000
Leg - Elevator No. 6	\$2,229,000
TOJ - Elevator No. 1	\$886,000

Reappropriation:

State Building Construction Account—State	\$1,316,000
Thurston County Capital Facilities Account—State	\$1,229,000
Subtotal Reappropriation	\$2,545,000

Appropriation:

Capitol Building Construction Account—State	\$7,693,000
Prior Biennia (Expenditures)	\$1,846,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$12,084,000

NEW SECTION. Sec. 1045. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Capitol Campus Security & Safety Enhancements (40000226)

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

- (1) The reappropriation is subject to the provisions of section 1110, chapter 332, Laws of 2021.
- (2) The appropriation in this section is provided solely for the following list of projects:

Capitol Campus Access Controls - Exterior Doors	\$1,000,000
Executive Residence Video Surveillance and Lighting Improvements	\$540,000
Wedge Barriers - Syd Snyder & Water Street	\$1,570,000

Reappropriation:

State Building Construction Account—State	\$5,135,000
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Appropriation:

State Building Construction Account—State	\$3,110,000
Prior Biennia (Expenditures)	\$922,000
Future Biennia (Projected Costs)	\$11,682,000
TOTAL	\$20,849,000

NEW SECTION. Sec. 1046. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Facility Professional Services Staffing (40000244)

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

- (1) The appropriation in this section is provided solely for architectural and engineering services to manage public works contracting for all state facilities pursuant to RCW 43.19.450.
- (2) At the end of each biennium, the department must report to the office of financial management and the appropriate committees of the legislature on performance, including the following:
 - (a) The number of projects managed by each project manager by fiscal year;

(b) The number of project predesigns completed on time, reported by project and fiscal year;

(c) The number of project designs completed, reported by project and fiscal year;

(d) The number of project constructions completed on time, reported by project and fiscal year and in total;

(e) Projects that were not completed on schedule, how many days they were delayed, and the reasons for the delays;

(f) The number and cost of the change orders and the reason for each change order; and

(g) A list of the interagency agreements executed with state agencies during the 2023-2025 fiscal biennium to provide staff support to state agencies that is over and above the allocation provided in this section. The list must include the agency, the amount of dollars by fiscal year, and the rationale for the additional service.

Appropriation:

State Building Construction Account—State	\$23,951,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$95,804,000
TOTAL	\$119,755,000

NEW SECTION. Sec. 1047. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Campus - Critical Fire System Upgrades (40000245)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided to fund the first item on the department's prioritized list of critical fire system upgrades. The legislature intends to fund further priorities in the 2024 supplemental capital budget upon completion of the department's evaluation and final prioritization of fire system upgrades.

Appropriation:

State Building Construction Account—State	\$1,020,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$8,000,000
TOTAL	\$9,020,000

NEW SECTION. Sec. 1048. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

B&G Maintenance Facility - Rebuild (40000247)

Appropriation:

Thurston County Capital Facilities Account—State	\$5,582,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,582,000

NEW SECTION. Sec. 1049. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

NRB - Replace Piping for Wet Fire Suppression (40000249)

Appropriation:

State Building Construction Account—State	\$250,000
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Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$9,876,000
TOTAL	\$10,126,000

NEW SECTION. Sec. 1050. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

2023-25 Statewide Minor Works - Preservation (40000250)

Appropriation:

Thurston County Capital Facilities Account—State	\$2,141,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$8,564,000
TOTAL	\$10,705,000

NEW SECTION. Sec. 1051. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

2023-25 Statewide Minor Works - Programmatic (40000305)

Appropriation:

Capitol Building Construction Account—State	\$474,000
Thurston County Capital Facilities Account—State	\$162,000
Subtotal Appropriation	\$636,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$2,544,000
TOTAL	\$3,180,000

NEW SECTION. Sec. 1052. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Modular Building - Critical Repairs & Upgrades (40000314)

Appropriation:

State Building Construction Account—State	\$2,850,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$27,268,000
TOTAL	\$30,118,000

NEW SECTION. Sec. 1053. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

GA - Building Demolition (40000317)

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

(1) \$4,300,000 of the state building construction account—state appropriation is provided solely for design and preparation activities to demolish the general administration building on the capitol campus. At a minimum, the department shall provide a plan, including recommended timeline and costs, for:

- (a) Capping of all utilities to the site;
- (b) Completion of an asbestos survey;
- (c) Preparation of the building for demolition;
- (d) Evaluation of stabilizing the hillside; and
- (e) Construction of a parking lot or other uses consistent with the capitol campus on the site of the demolished building.

(2) The department must submit the design to the appropriate committees of the legislature by June 30, 2024.

Appropriation:

State Building Construction Account—State	\$4,300,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$14,198,000
TOTAL	\$18,498,000

NEW SECTION. Sec. 1054. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Washington Building (40000331)

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

(1) \$2,200,000 of the state building construction account—state appropriation is provided solely for replacement of the roof and for asbestos abatement.

(2) \$2,801,000 of the climate commitment account—state appropriation is provided solely for replacement of the HVAC system.

Appropriation:

Climate Commitment Account—State	\$2,801,000
State Building Construction Account—State	\$2,200,000
Subtotal Appropriation	\$5,001,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,001,000

NEW SECTION. Sec. 1055. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Old Cap - Roof Replacement (40000338)

Appropriation:

Thurston County Capital Facilities Account—State	\$1,474,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$5,579,000
TOTAL	\$7,053,000

NEW SECTION. Sec. 1056. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Legislative Building Centennial Skylights (40000340)

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

(1) The appropriations in this section are provided solely for design and the beginning of construction for the restoration of the legislative skylight systems located above the chambers of the house of representatives and the senate, to include work on each bronze ceiling laylight, skylight attic, roof and skylight system, and chamber acoustics.

(2) The legislature intends to provide funding in the amount of \$7,271,000 over the course of the 2023-2025, 2025-2027, and 2027-2029 fiscal biennia for construction of the legislative skylight system with completion in time for the legislative building's centennial in 2028. Pursuant to RCW 43.88.130, the department is authorized to enter into a multibiennium contract for the construction of the skylight system. Nothing in this section authorizes the agency to make an expenditure without an appropriation.

Appropriation:

Capitol Building Construction Account—State	\$1,348,000
Thurston County Capital Facilities Account—State	\$1,348,000
Subtotal Appropriation	\$2,696,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$4,575,000
TOTAL	\$7,271,000

NEW SECTION. Sec. 1057. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Capitol Campus Emergency Generator Replacement (40000393)

Appropriation:

State Building Construction Account—State	\$854,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$1,161,000
TOTAL	\$2,015,000

NEW SECTION. Sec. 1058. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Legislative Building Cleaning (40000400)

Appropriation:

Capitol Building Construction Account—State	\$1,970,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$5,708,000
TOTAL	\$7,678,000

NEW SECTION. Sec. 1059. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

HB 1390 - District Energy Systems (91000449)

Appropriation:

Climate Commitment Account—State	\$450,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$450,000

NEW SECTION. Sec. 1060. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

2023-25 Capitol Campus Security (91000450)

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

(1) The state building construction account—state appropriation is provided solely for the following list of projects:

Campus - Barrier Protection Predesign	\$418,000
Campus - Physical Access Control (Re-Key Locksets)	\$200,000
Campus - Vehicle Access Control	\$601,000
Mansion - Enhancements & Security Improvements - Guard Posts	\$1,660,000

(2) The capitol building construction account—state appropriation is provided solely for the following list of projects:

Campus - Duress System Replacement	\$120,000
Campus - Redundant Fiber Optic Pathway	\$376,000

Appropriation:

Capitol Building Construction Account—State	\$496,000
State Building Construction Account—State	\$2,879,000
Subtotal Appropriation	\$3,375,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$499,000
TOTAL	\$3,874,000

NEW SECTION. Sec. 1061. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Legislative Campus Modernization (92000020)

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

(1) The reappropriations are subject to the provisions of section 1059, chapter 296, Laws of 2022.

(2) The department must consult with the senate facilities and operations committee or its designees and the house of representatives' executive rules committee or its designees at least every other month.

(3) All appropriations must be coded and tracked as separate discrete subprojects in the agency financial reporting system.

(4) If the department receives information, after value engineering has been performed, that projected costs for any of the subprojects in subsections (5), (6), or (7) of this section will exceed the amount provided in the respective subsections, including projected costs in future biennia, the department must timely notify and provide that information in writing to the project executive team. Prior to proceeding with design or construction, the department must:

(a) Provide at least three options that do not include square footage reduction to reduce the subproject costs to stay within the amount provided for that subproject and the project schedule;

(b) Consult with the project executive team on the options offered, prior to proceeding with a reduced cost option; and

(c) Receive majority consensus from the project executive team to either adopt and move forward with reduced cost options that bring the subproject costs within amounts appropriated or adopt a tentative modified budget for the subproject. If a tentative modified budget is adopted, the department must seek additional funding in the next agency budget submittal.

(5) \$20,751,000 of the amount provided in this section is provided solely for the Irv Newhouse building replacement design and construction subproject on opportunity site six west. The department must:

(a) Start Newhouse building construction by July 1, 2023;

(b) Complete Newhouse building construction by October 31, 2024; and

(c) Consult with the leadership of the senate, or their designees, at least every month, beginning July 1, 2023.

(6) \$87,000,000 of the amount provided in this section is provided solely for the rehabilitation, design, and construction of the Pritchard building and the renovation of the John L. O'Brien building subproject. The legislature intends to provide funding in the amount of \$136,504,000 over the course of the 2023-2025 and the 2025-2027 fiscal biennia for design and construction of this project. Pursuant to RCW 43.88.130, the department may enter into a

multiennium contract for the construction of the subproject. Nothing in this section authorizes the agency to make an expenditure without an appropriation.

(7) \$4,865,000 of the amount provided in this section is provided solely for the legislative campus modernization global subproject that includes, but is not limited to, the visitor lot (opportunity site six east), Columbia street site work, the legislative modular building, and Water street site work.

Reappropriation:

State Building Construction Account—State	\$72,346,000
Thurston County Capital Facilities Account—State	\$2,665,000
Subtotal Reappropriation	\$75,011,000

Appropriation:

State Building Construction Account—State	\$112,616,000
Prior Biennia (Expenditures)	\$14,925,000
Future Biennia (Projected Costs)	\$49,504,000
TOTAL	\$252,056,000

NEW SECTION. Sec. 1062. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Temple of Justice HVAC, Lighting & Water Systems (92000040)

Reappropriation:

State Building Construction Account—State	\$25,410,000
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Appropriation:

Capitol Building Construction Account—State	\$4,007,000
Prior Biennia (Expenditures)	\$4,590,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$34,007,000

NEW SECTION. Sec. 1063. FOR THE MILITARY DEPARTMENT

Joint Force Readiness Center: Replacement (30000591)

Reappropriation:

State Building Construction Account—State	\$144,000
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Appropriation:

General Fund—Federal	\$42,000,000
State Building Construction Account—State	\$12,000,000
Subtotal Appropriation	\$54,000,000
Prior Biennia (Expenditures)	\$156,000
Future Biennia (Projected Costs)	\$22,000,000
TOTAL	\$76,300,000

NEW SECTION. Sec. 1064. FOR THE MILITARY DEPARTMENT

King County Area Readiness Center (30000592)

The appropriations in this section are subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1093, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—State	\$569,000
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Appropriation:

State Building Construction Account—State	\$6,000,000
Prior Biennia (Expenditures)	\$6,486,000
Future Biennia (Projected Costs)	\$6,000,000

TOTAL \$19,055,000

NEW SECTION. Sec. 1065. FOR THE MILITARY DEPARTMENT

Tri-Cities Readiness Center (30000808)

Reappropriation:

General Fund—Federal \$1,421,000
 Military Department Capital Account—State \$204,000
 State Building Construction Account—State \$265,000
 Subtotal Reappropriation \$1,890,000

Appropriation:

General Fund—Federal \$2,000,000
 State Building Construction Account—State \$944,000
 Subtotal Appropriation \$2,944,000
 Prior Biennia (Expenditures) \$16,010,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$20,844,000

NEW SECTION. Sec. 1066. FOR THE MILITARY DEPARTMENT

Snohomish Readiness Center (30000930)

Reappropriation:

General Fund—Federal \$3,872,000
 State Building Construction Account—State \$1,406,000
 Subtotal Reappropriation \$5,278,000

Appropriation:

General Fund—Federal \$2,196,000
 State Building Construction Account—State \$1,707,000
 Subtotal Appropriation \$3,903,000
 Prior Biennia (Expenditures) \$637,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$9,818,000

NEW SECTION. Sec. 1067. FOR THE MILITARY DEPARTMENT

Field Maintenance Shop Addition-Sedro Woolley FMS (40000104)

Reappropriation:

General Fund—Federal \$1,373,000

Appropriation:

General Fund—Federal \$874,000
 Prior Biennia (Expenditures) \$3,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$2,250,000

NEW SECTION. Sec. 1068. FOR THE MILITARY DEPARTMENT

Camp Murray Bldg 47 and 48 Barracks Replacement (40000190)

Reappropriation:

General Fund—Federal \$1,976,000

Appropriation:

General Fund—Federal \$853,000
 Prior Biennia (Expenditures) \$171,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$3,000,000

NEW SECTION. Sec. 1069. FOR THE MILITARY DEPARTMENT

Camp Murray Bldg 65 Barracks Replacement (40000191)

Reappropriation:

General Fund—Federal \$2,051,000

Appropriation:

General Fund—Federal \$764,000

Prior Biennia (Expenditures) \$185,000

Future Biennia (Projected Costs) \$0

TOTAL \$3,000,000

NEW SECTION, Sec. 1070. FOR THE MILITARY DEPARTMENT

Camp Murray Bldg 34 Renovation (40000192)

Appropriation:

General Fund—Federal \$4,915,000

State Building Construction Account—State \$3,425,000

Subtotal Appropriation \$8,340,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$8,340,000

NEW SECTION, Sec. 1071. FOR THE MILITARY DEPARTMENT

Moses Lake Readiness Center Renovation (40000194)

Appropriation:

General Fund—Federal \$3,080,000

State Building Construction Account—State \$2,462,000

Subtotal Appropriation \$5,542,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$5,542,000

NEW SECTION, Sec. 1072. FOR THE MILITARY DEPARTMENT

JBLM Non-Organizational (POV) Parking Expansion (40000196)

Reappropriation:

General Fund—Federal \$1,210,000

Appropriation:

General Fund—Federal \$650,000

Prior Biennia (Expenditures) \$35,000

Future Biennia (Projected Costs) \$0

TOTAL \$1,895,000

NEW SECTION, Sec. 1073. FOR THE MILITARY DEPARTMENT

Minor Works Program 2023-25 Biennium (40000274)

Appropriation:

General Fund—Federal \$7,764,000

State Building Construction Account—State \$4,721,000

Subtotal Appropriation \$12,485,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$49,940,000

TOTAL \$62,425,000

NEW SECTION, Sec. 1074. FOR THE MILITARY DEPARTMENT

WA Army National Guard Vehicle Storage Buildings (40000290)

Appropriation:

General Fund—Federal \$11,450,000

State Building Construction Account—State \$750,000

Subtotal Appropriation	\$12,200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$1,960,000
TOTAL	\$14,160,000

NEW SECTION. Sec. 1075. FOR THE MILITARY DEPARTMENT

Yakima Training Center 951 Renovation (40000297)

Appropriation:

General Fund—Federal	\$3,060,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,060,000

NEW SECTION. Sec. 1076. FOR THE MILITARY DEPARTMENT

Central Building Automation System for National Guard Buildings (40000298)

Appropriation:

General Fund—Federal	\$2,227,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,227,000

NEW SECTION. Sec. 1077. FOR THE MILITARY DEPARTMENT

Spokane Readiness Center IT Infrastructure Upgrade (40000300)

Appropriation:

General Fund—Federal	\$1,241,000
State Building Construction Account—State	\$609,000
Subtotal Appropriation	\$1,850,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,850,000

NEW SECTION. Sec. 1078. FOR THE MILITARY DEPARTMENT

Minor Works Preservation 2023-25 Biennium (40000301)

Appropriation:

General Fund—Federal	\$3,971,000
State Building Construction Account—State	\$3,479,000
Subtotal Appropriation	\$7,450,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$29,800,000
TOTAL	\$37,250,000

NEW SECTION. Sec. 1079. FOR THE MILITARY DEPARTMENT

Wenatchee Army National Guard Aviation Support Facility (40000305)

Appropriation:

Military Department Capital Account—State	\$3,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$76,700,000
TOTAL	\$80,200,000

NEW SECTION. Sec. 1080. FOR THE MILITARY DEPARTMENT

Kent Readiness Center Water Damage Repairs (40000311)

Appropriation:

General Fund—Federal	\$1,707,000
State Building Construction Account—State	\$569,000
Subtotal Appropriation	\$2,276,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,276,000

NEW SECTION. Sec. 1081. FOR THE MILITARY DEPARTMENT

Yakima Training Center Army NG Combat Fitness Training Facility (40000314)

Appropriation:

General Fund—Federal	\$600,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$6,000,000
TOTAL	\$6,600,000

NEW SECTION. Sec. 1082. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

2023-25 Historic County Courthouse Rehabilitation Grant Program (40000015)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the following list of projects:

Douglas County Courthouse	\$400,000
Grant County Courthouse	\$250,000
Grays Harbor County Courthouse	\$225,000
Klickitat County Courthouse	\$585,000
Lewis County Courthouse	\$120,000
Okanogan County Courthouse	\$670,000
Stevens County Courthouse	\$97,000
Yakima County Courthouse	\$815,000

Appropriation:

State Building Construction Account—State	\$3,162,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$12,648,000
TOTAL	\$15,810,000

NEW SECTION. Sec. 1083. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

2023-25 Historic Cemetery Grant Program (40000016)

Appropriation:

State Building Construction Account—State	\$515,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,060,000
TOTAL	\$2,575,000

NEW SECTION. Sec. 1084. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

2023-25 Historic Theater Capital Grant Program (40000017)

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

activities that preserve the historic character of theaters and not maintenance and upkeep.

Appropriation:

State Building Construction Account—State	\$515,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,060,000
TOTAL	\$2,575,000

**NEW SECTION. Sec. 1085. FOR THE DEPARTMENT OF
ARCHAEOLOGY AND HISTORIC PRESERVATION**
2023-25 Heritage Barn Grant Program (40000018)

Appropriation:

State Building Construction Account—State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$4,000,000
TOTAL	\$5,000,000

**PART 2
HUMAN SERVICES**

**NEW SECTION. Sec. 2001. FOR THE CRIMINAL JUSTICE
TRAINING COMMISSION**
Omnibus Minor Works (40000017)

Appropriation:

State Building Construction Account—State	\$356,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$1,424,000
TOTAL	\$1,780,000

**NEW SECTION. Sec. 2002. FOR THE CRIMINAL JUSTICE
TRAINING COMMISSION**
Criminal Justice Training Facilities (40000019)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely to fund a predesign for a criminal justice training facility or facilities to serve the training needs of the commission.

(1) The predesign must include an option for renovation of the Burien campus that:

(a) Assesses the current condition of each building on campus, including an evaluation of major mechanical systems, building envelope, roofing, and energy upgrades.

(b) Assesses the viability of renovating each building on campus to meet the training needs of the commission and recommends whether each building should be renovated, demolished, or rebuilt.

(c) Recommends the placement and construction of any new buildings or structures on campus, which may include repurposing of the track, to meet the demands of the commission.

(d) Prioritizes each of the recommendations in subsections (b) and (c) of this section including a justification, estimated time of construction, and cost for each.

(e) Recommends mechanisms that will enable the commission to maintain training capacity during the course of construction. In addition to phased construction, recommendations may include the use of temporary modular buildings on the Burien campus or the use of leased space.

(2) As part of the predesign process, the commission must:

(a) Address the extent to which regional training centers will be used as a long-term delivery mechanism to deliver trainings around the state. The commission must include information regarding the current or proposed training location; facilities available or proposed to be provided at the regional location; type and target number of classes and students; and the cost or anticipated cost of the facilities; and

(b) Collaborate with the department of corrections and the Washington state patrol to identify and evaluate options for colocating training facilities and maximizing efficiencies in space usage. The commission shall consider where cost efficiencies and mutually beneficial shared arrangements for training could occur, including the possibility of a regional training facility or expanded tactical training at the Washington state patrol academy in Shelton. Any capital budget requests submitted by the commission for the 2024 supplemental capital budget or the 2025-2027 biennial capital budget that are related to the design, renovation, or construction of training facilities must include a discussion of the colocation options considered.

(3) The commission shall submit a plan for consideration in the 2025-2027 biennial budget cycle that includes a phased construction schedule over the next two or three biennia with a target total budget for the commission of \$100,000,000.

Appropriation:

State Building Construction Account—State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$100,000,000
TOTAL	\$100,500,000

NEW SECTION. Sec. 2003. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

Regional Training Facilities (92000006)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the following list of projects:

NW Regional Training Academy - Firing Range	\$360,000
Spokane Academy Expansion	\$1,400,000
SW Regional Training Academy	\$1,000,000

Appropriation:

State Building Construction Account—State	\$2,760,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,760,000

NEW SECTION. Sec. 2004. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

Minor Works Preservation Projects (30000035)

Appropriation:

Accident Account—State	\$999,000
Medical Aid Account—State.....	\$997,000
Subtotal Appropriation.....	\$1,996,000
Prior Biennia (Expenditures).....	\$4,630,000
Future Biennia (Projected Costs).....	\$7,984,000
TOTAL	\$14,610,000

NEW SECTION. Sec. 2005. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

Interior Lighting and Controls Upgrade (40000014)

Appropriation:

Climate Commitment Account—State	\$1,925,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$1,924,000
TOTAL	\$3,849,000

NEW SECTION. Sec. 2006. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

Solar Panel Installation - Lab & Training Facility (40000015)

Appropriation:

Climate Commitment Account—State	\$3,734,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL	\$3,734,000

NEW SECTION. Sec. 2007. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Lakeland Village: Code Required Campus Infrastructure Upgrades (30002238)

Reappropriation:

State Building Construction Account—State	\$1,000,000
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Appropriation:

State Building Construction Account—State	\$3,505,000
Prior Biennia (Expenditures).....	\$10,200,000
Future Biennia (Projected Costs).....	\$0
TOTAL	\$14,705,000

NEW SECTION. Sec. 2008. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

DOC/DSHS McNeil Island-Main Dock: Float & Dolphin Replacement (30003234)

Appropriation:

State Building Construction Account—State	\$250,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$14,215,000
TOTAL	\$14,465,000

NEW SECTION. Sec. 2009. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Child Study and Treatment Center-Ketron: LSA Expansion (40000411)

Reappropriation:

State Building Construction Account—State	\$1,535,000
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Appropriation:

State Building Construction Account—State	\$1,382,000
Prior Biennia (Expenditures)	\$83,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,000,000

NEW SECTION. Sec. 2010. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital-Activity Therapy Building: HVAC Upgrades (40000493)

Appropriation:

State Building Construction Account—State	\$3,715,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,715,000

NEW SECTION. Sec. 2011. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Child Study & Treatment Center-Emergency Power: Replacement (40000559)

Appropriation:

State Building Construction Account—State	\$800,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$800,000

NEW SECTION. Sec. 2012. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Lakeland Village-Cottages: Roofing Replacement (40000572)

Appropriation:

State Building Construction Account—State	\$1,300,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,300,000

NEW SECTION. Sec. 2013. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Rainier School-Cottages: Roofing Replacement (40000573)

Appropriation:

State Building Construction Account—State	\$3,800,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,800,000

NEW SECTION. Sec. 2014. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital-Multiple Bldgs: Sprinkler Head Replacement (40000594)

Appropriation:

State Building Construction Account—State	\$1,394,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,394,000

NEW SECTION. Sec. 2015. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital-Commissary: Building Repairs (40000606)

Appropriation:

Climate Commitment Account—State	\$1,100,000
State Building Construction Account—State	\$3,350,000
Subtotal Appropriation	\$4,450,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,450,000

NEW SECTION. Sec. 2016. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor Works Programmatic 2023-25 (40000953)

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account—State	\$2,377,000
State Building Construction Account—State	\$3,618,000
Subtotal Appropriation	\$5,995,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$18,920,000
TOTAL	\$24,915,000

NEW SECTION. Sec. 2017. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor Works Preservation 2023-25 (40000954)

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account—State	\$3,482,000
State Building Construction Account—State	\$7,666,000
Subtotal Appropriation	\$11,148,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$91,976,000
TOTAL	\$103,124,000

NEW SECTION. Sec. 2018. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

DOC/DSHS McNeil Island-Infrastructure: Repairs & Upgrades 2023-25 (40000955)

Appropriation:

State Building Construction Account—State	\$2,451,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$1,378,000
TOTAL	\$3,829,000

NEW SECTION. Sec. 2019. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Statewide: Communications Systems Condition Assessment (40000959)

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account—State	\$6,292,000
Prior Biennia (Expenditures)	\$0

Future Biennia (Projected Costs)	\$81,998,000
TOTAL	\$88,290,000

NEW SECTION. Sec. 2020. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Statewide: Clean Buildings Act (40000960)

Appropriation:

Climate Commitment Account—State	\$3,727,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$8,875,000
TOTAL	\$12,602,000

NEW SECTION. Sec. 2021. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

YVS Main Building: Exterior Window Replacement (40000962)

Appropriation:

Climate Commitment Account—State	\$5,330,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,330,000

NEW SECTION. Sec. 2022. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Medical Lake-Campus: Electrical Feeder Replacement (40000964)

Appropriation:

Charitable, Educational, Penal, and Reformatory	
Institutions Account—State	\$685,000
State Building Construction Account—State	\$1,392,000
Subtotal Appropriation	\$2,077,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$10,228,000
TOTAL	\$12,305,000

NEW SECTION. Sec. 2023. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Special Commitment Center-Campus: Fire Alarm Replacement (40000965)

Appropriation:

State Building Construction Account—State	\$5,115,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,115,000

NEW SECTION. Sec. 2024. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital-AT Bldg: Electrical & Emerg. Generator (40000969)

Appropriation:

State Building Construction Account—State	\$3,205,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,205,000

NEW SECTION. Sec. 2025. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital-Eastlake: Nursing Station Improvements (40000970)

Appropriation:

State Building Construction Account—State	\$1,740,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,740,000

NEW SECTION. Sec. 2026. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital-Water System: Assessment and Improvements (40001089)

The appropriation in this section is subject to the following conditions and limitations: As part of its assessment, the department must conduct a long-term cost-benefit analysis of transitioning the water system to the City of Lakewood and any cost mitigation strategies available to the state.

Appropriation:

State Building Construction Account—State	\$2,490,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,490,000

NEW SECTION. Sec. 2027. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Diversion and Recovery Community Capacity (40001140)

The appropriation in this section is subject to the following conditions and limitations: \$500,000 of the state building construction account—state appropriation is provided solely for a planning study to develop options for behavioral health diversion and treatment facilities for individuals with mental illnesses involved in or at risk of becoming involved in the criminal justice system.

Appropriation:

State Building Construction Account—State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

NEW SECTION. Sec. 2028. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital: New Forensic Hospital (91000067)

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

- (1) The reappropriation is subject to the provisions of section 2037, chapter 332, Laws of 2021.
- (2) The legislature intends to provide funding in the amount of \$895,000,000 over the course of the 2023-2025 and 2025-2027 biennia for construction of the new forensic hospital on the Western State behavioral health campus. Pursuant to RCW 43.88.130, the department is authorized to enter into

a multibiennium contract for this project. Nothing in this section authorizes the agency to make an expenditure without an appropriation.

Reappropriation:

State Building Construction Account—State \$43,870,000

Appropriation:

State Building Construction Account—State \$613,000,000

Prior Biennia (Expenditures) \$8,130,000

Future Biennia (Projected Costs) \$282,000,000

TOTAL \$947,000,000

NEW SECTION. Sec. 2029. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

BH: State Owned, Mixed Use Community Civil 48-Bed Capacity (91000077)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2054, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—State \$50,480,000

Appropriation:

State Building Construction Account—State \$20,629,000

Prior Biennia (Expenditures) \$7,645,000

Future Biennia (Projected Costs) \$0

TOTAL \$78,754,000

NEW SECTION. Sec. 2030. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

BH Rapid Community Capacity (91000090)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely to provide capital grants to entities for the commission or renovation of facilities as may be necessary for the department's immediate needs in treating clients committed to the department for competency evaluation, competency restoration, civil conversion, or treatment following acquittal by reason of insanity.

Appropriation:

State Building Construction Account—State \$5,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$5,000,000

NEW SECTION. Sec. 2031. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Maple Lane - Rapid BH Bed Capacity (92000046)

Appropriation:

State Building Construction Account—State \$21,070,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$20,200,000

TOTAL \$41,270,000

NEW SECTION. Sec. 2032. FOR THE DEPARTMENT OF HEALTH

Public Health Lab South Laboratory Addition (30000379)

Reappropriation:

State Building Construction Account—State \$4,131,000

Appropriation:

State Building Construction Account—State \$53,452,000

Prior Biennia (Expenditures) \$998,000

Future Biennia (Projected Costs) \$0

TOTAL \$58,581,000

NEW SECTION. Sec. 2033. FOR THE DEPARTMENT OF HEALTH

New LED Lighting and Controls in Existing Laboratory Spaces (40000054)

Appropriation:

State Building Construction Account—State \$365,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$1,214,000

TOTAL \$1,579,000

NEW SECTION. Sec. 2034. FOR THE DEPARTMENT OF HEALTH

New Deionized Water (DI) Piping at Public Health Laboratories (40000063)

Appropriation:

State Building Construction Account—State \$1,172,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$1,172,000

NEW SECTION. Sec. 2035. FOR THE DEPARTMENT OF HEALTH

Drinking Water System Rehabilitations and Consolidations (40000065)

The appropriation in this section is subject to the following conditions and limitations: \$2,214,000 of the state building construction account—state appropriation is provided solely for the department to facilitate a water supply agreement between the City of North Bend and the Sallal Water System. Of that amount, \$1,507,000 must be distributed to the Sallal Water System and \$707,000 to the City of North Bend, conditional on a signed water supply agreement that ensures a minimum of 100 acre feet per year of permanent mitigation water supply for the city.

Appropriation:

State Building Construction Account—State \$5,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$12,000,000

TOTAL \$17,000,000

NEW SECTION. Sec. 2036. FOR THE DEPARTMENT OF HEALTH

2023-25 DWSRF State Match (40000066)

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

(1) For projects involving repair, replacement, or improvement of a clean water infrastructure facility or other public works facility for which an investment grade efficiency audit is reasonably obtainable, the department shall require as a contract condition that the project sponsor undertake an investment

grade efficiency audit. The project sponsor may finance the costs of the audit as part of its drinking water state revolving fund program loan.

(2) The department must encourage local government use of federally funded drinking water infrastructure programs operated by the United States department of agriculture rural development agency.

Appropriation:

Drinking Water Assistance Account—State	\$3,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$69,000,000
TOTAL	\$72,500,000

NEW SECTION. Sec. 2037. FOR THE DEPARTMENT OF HEALTH
2023-25 DWSRF Construction Loan Program (40000067)

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

(1) For projects involving repair, replacement, or improvement of a clean water infrastructure facility or other public works facility for which an investment grade efficiency audit is reasonably obtainable, the department must require as a contract condition that the project sponsor undertake an investment grade efficiency audit. The project sponsor may finance the costs of the audit as part of its drinking water state revolving fund program loan.

(2) The department must encourage local government use of federally funded drinking water infrastructure programs operated by the United States department of agriculture rural development agency.

Appropriation:

Drinking Water Assistance Account—Federal	\$131,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$261,000,000
TOTAL	\$392,000,000

NEW SECTION. Sec. 2038. FOR THE DEPARTMENT OF HEALTH
Lower Yakima Valley Groundwater Management Area Water Supply (92000208)

Appropriation:

State Building Construction Account—State	\$850,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$850,000

NEW SECTION. Sec. 2039. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Minor Works Facilities Preservation (30000094)

Reappropriation:

Model Toxics Control Capital Account—State	\$170,000
State Building Construction Account—State	\$450,000
Subtotal Reappropriation	\$620,000

Appropriation:

State Building Construction Account—State	\$1,860,000
Prior Biennia (Expenditures)	\$4,918,000
Future Biennia (Projected Costs)	\$7,440,000
TOTAL	\$14,838,000

NEW SECTION. Sec. 2040. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Northwest Washington State Veterans Cemetery Feasibility Study (40000035)

Appropriation:

Charitable, Educational, Penal, and Reformatory	
Institutions Account—State	\$200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$200,000

NEW SECTION. Sec. 2041. FOR THE DEPARTMENT OF VETERANS AFFAIRS

WSVC - Raise, Realign, and Clean Markers (40000070)

Appropriation:

State Building Construction Account—State	\$1,250,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,250,000

NEW SECTION. Sec. 2042. FOR THE DEPARTMENT OF VETERANS AFFAIRS

SVH - Skilled Nursing Facility Replacement - Feasibility Study (40000071)

Appropriation:

Charitable, Educational, Penal, and Reformatory	
Institutions Account—State	\$200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$200,000

NEW SECTION. Sec. 2043. FOR THE DEPARTMENT OF VETERANS AFFAIRS

WSH Master Plan (40000075)

Appropriation:

Charitable, Educational, Penal, and Reformatory	
Institutions Account—State	\$200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$200,000

NEW SECTION. Sec. 2044. FOR THE DEPARTMENT OF VETERANS AFFAIRS

WSVC - Burial and Columbarium Expansion Grant (40000092)

Appropriation:

General Fund—Federal	\$3,000,000
State Building Construction Account—State	\$300,000
Subtotal Appropriation	\$3,300,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,300,000

NEW SECTION. Sec. 2045. FOR THE DEPARTMENT OF VETERANS AFFAIRS

WVH - Fire Alarm Replacement - 240 Building (40000099)

Appropriation:

State Building Construction Account—State	\$1,280,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,280,000

NEW SECTION. Sec. 2046. FOR THE DEPARTMENT OF VETERANS AFFAIRS

DVA ARPA Federal Funds & State Match (91000013)

The appropriations in this section are subject to the following conditions and limitations: The appropriations are subject to the provisions of section 7064 of this act.

Reappropriation:

General Fund—Federal	\$24,495,000
State Building Construction Account—State	\$10,849,000
Subtotal Reappropriation	\$35,344,000

Appropriation:

State Building Construction Account—State	\$6,810,000
Prior Biennia (Expenditures)	\$55,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$42,209,000

NEW SECTION. Sec. 2047. FOR THE DEPARTMENT OF VETERANS AFFAIRS

HB 1390 - District Energy Systems (91000017)

Appropriation:

Climate Commitment Account—State	\$400,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$400,000

NEW SECTION. Sec. 2048. FOR THE DEPARTMENT OF VETERANS AFFAIRS

WSH - Roosevelt Building Restroom Renovation (92000002)

Appropriation:

General Fund—Federal	\$3,800,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,800,000

NEW SECTION. Sec. 2049. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES

Echo Glen Secure Facility Improvements (40000546)

Appropriation:

State Building Construction Account—State	\$8,050,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$8,050,000

NEW SECTION. Sec. 2050. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES

Echo Glen Emergency Generator & Fuel Storage Tank (40000547)

The appropriation in this section is subject to the following conditions and limitations: The department must assess the environmental considerations of installing an above ground storage tank versus an underground storage tank, with preference given to an above ground storage tank.

Appropriation:

State Building Construction Account—State	\$2,630,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,630,000

NEW SECTION. Sec. 2051. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES

Green Hill Spruce Living Unit Renovation Minimum Security (40000552)

Appropriation:

State Building Construction Account—State	\$1,270,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$7,463,000
TOTAL	\$8,733,000

NEW SECTION. Sec. 2052. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES

Statewide Minor Works (40000557)

Appropriation:

State Building Construction Account—State	\$2,959,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$11,836,000
TOTAL	\$14,795,000

NEW SECTION. Sec. 2053. FOR THE DEPARTMENT OF CORRECTIONS

WCC: Paint & Repair 300,000 Gallon Water Storage Tank (30000697)

The appropriations in this section are subject to the following conditions and limitations: \$600,000 of the model toxics control capital account—state appropriation is provided solely for the lead abatement activities associated with this project.

Reappropriation:

State Building Construction Account—State	\$500,000
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Appropriation:

Model Toxics Control Capital Account—State	\$600,000
State Building Construction Account—State	\$2,406,000
Subtotal Appropriation	\$3,006,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,506,000

NEW SECTION. Sec. 2054. FOR THE DEPARTMENT OF CORRECTIONS

SW IMU Recreation Yard Improvement (30001123)

Reappropriation:

State Building Construction Account—State \$2,244,000

Appropriation:

State Building Construction Account—State \$2,000,000

Prior Biennia (Expenditures) \$756,000

Future Biennia (Projected Costs) \$2,000,000

TOTAL \$7,000,000

NEW SECTION. Sec. 2055. FOR THE DEPARTMENT OF CORRECTIONS

SCCC Roof Replacement (30001128)

Appropriation:

State Building Construction Account—State \$6,194,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$6,194,000

NEW SECTION. Sec. 2056. FOR THE DEPARTMENT OF CORRECTIONS

ECWR: Foundation and Siding (40000067)

Reappropriation:

State Building Construction Account—State \$850,000

Appropriation:

State Building Construction Account—State \$5,111,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$5,961,000

NEW SECTION. Sec. 2057. FOR THE DEPARTMENT OF CORRECTIONS

MCC: SOU and TRU - Domestic Water and HVAC Piping System (40000246)

The appropriations in this section are subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2026, chapter 356, Laws of 2020.

Reappropriation:

State Building Construction Account—State \$2,962,000

Appropriation:

State Building Construction Account—State \$26,000,000

Prior Biennia (Expenditures) \$167,000

Future Biennia (Projected Costs) \$21,143,000

TOTAL \$50,272,000

NEW SECTION. Sec. 2058. FOR THE DEPARTMENT OF CORRECTIONS

CBCC: Fire Pump Replacement (40000324)

Appropriation:

State Building Construction Account—State \$1,411,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$1,411,000

NEW SECTION. Sec. 2059. FOR THE DEPARTMENT OF CORRECTIONS

CRCC Sage Unit Move to AHCC (40000414)

Reappropriation:

State Building Construction Account—State \$1,026,000

Appropriation:

State Building Construction Account—State \$1,452,000

Prior Biennia (Expenditures)..... \$24,000

Future Biennia (Projected Costs)..... \$0

TOTAL \$2,502,000

NEW SECTION. Sec. 2060. FOR THE DEPARTMENT OF CORRECTIONS

AHCC: Modular Building for Health Service Staff (40000415)

Reappropriation:

State Building Construction Account—State \$791,000

Appropriation:

State Building Construction Account—State \$408,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs)..... \$0

TOTAL \$1,199,000

NEW SECTION. Sec. 2061. FOR THE DEPARTMENT OF CORRECTIONS

CRCC: Modular Building for Health Service Staff (40000416)

Reappropriation:

State Building Construction Account—State \$777,000

Appropriation:

State Building Construction Account—State \$428,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs)..... \$0

TOTAL \$1,205,000

NEW SECTION. Sec. 2062. FOR THE DEPARTMENT OF CORRECTIONS

McNeil Island Passenger Ferry Replacement (40000418)

Appropriation:

State Building Construction Account—State \$900,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs)..... \$11,158,000

TOTAL \$12,058,000

NEW SECTION. Sec. 2063. FOR THE DEPARTMENT OF CORRECTIONS

McNeil Island Transport Barge Replacement (40000419)

Appropriation:

State Building Construction Account—State \$900,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs)..... \$7,385,000

TOTAL \$8,285,000

NEW SECTION. Sec. 2064. FOR THE DEPARTMENT OF CORRECTIONS

Minor Works Preservation Projects (40000427)

Appropriation:

State Building Construction Account—State	\$9,992,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$39,968,000
TOTAL	\$49,960,000

NEW SECTION. Sec. 2065. FOR THE DEPARTMENT OF CORRECTIONS

HB 1390 - District Energy Systems (91000434)

Appropriation:

Climate Commitment Account—State	\$1,600,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,600,000

NEW SECTION. Sec. 2066. FOR THE DEPARTMENT OF CORRECTIONS

WSP: Unit Six Roof Replacement (92000037)

Reappropriation:

State Building Construction Account—State	\$375,000
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Appropriation:

State Building Construction Account—State	\$12,569,000
Prior Biennia (Expenditures)	\$1,050,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$13,994,000

NEW SECTION. Sec. 2067. FOR THE DEPARTMENT OF CORRECTIONS

Corrections Training Center (92001125)

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

The appropriation in this section is provided solely to fund a predesign for the construction or renovation of a training center or centers to provide for the staff training needs of the department.

(1) The predesign must include, at least:

(a) The projected training needs by fiscal year for fiscal years 2024 through 2027, to include the number of individuals to be trained and how the department will use existing training locations to meet training needs;

(b) A proposed plan for how training will be delivered to staff assigned to correctional facilities across the state, including the target training location, facilities served by the location, type and target number of classes and students, and cost or anticipated cost of the facilities by fiscal year for fiscal years 2024 through 2027;

(c) Where the department recommends locating potential new training facilities, to include all analysis and prioritization used to reach the recommendation; and

(d) For the proposed training plan, the estimated operational cost impacts to the department's base funded operating budget level by fiscal year.

(2) In reviewing facility options, the department must collaborate with the Washington state patrol and the criminal justice training commission to identify and evaluate options for colocating training facilities and maximizing efficiencies in space usage. The department shall consider where cost efficiencies and mutually beneficial shared arrangements for training could occur. Any capital budget requests submitted by the department for the 2024 supplemental capital budget or the 2025-2027 biennial capital budget that are related to the design, renovation, or construction of training facilities must include a discussion of the colocation options considered.

Appropriation:

State Building Construction Account—State	\$350,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$12,000,000
TOTAL	\$12,350,000

PART 3

NATURAL RESOURCES

NEW SECTION. Sec. 3001. FOR THE DEPARTMENT OF ECOLOGY

2023-25 Reducing Diesel Greenhouse Gases (GHG) and Toxic Emissions (40000474)

Appropriation:

Model Toxics Control Capital Account—State	\$15,632,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$62,528,000
TOTAL	\$78,160,000

NEW SECTION. Sec. 3002. FOR THE DEPARTMENT OF ECOLOGY

2023-25 Coastal Wetlands Federal Funds (40000475)

Appropriation:

General Fund—Federal	\$14,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$56,000,000
TOTAL	\$70,000,000

NEW SECTION. Sec. 3003. FOR THE DEPARTMENT OF ECOLOGY

2023-25 Chehalis Basin Strategy (40000476)

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

(1) \$66,100,000 of the appropriation in this section is provided solely for board-approved projects:

(a) To protect and restore aquatic species habitat, including: Construction and property acquisition; preconstruction and acquisition planning and project development, feasibility, design, environmental review, and permitting; postconstruction and acquisition monitoring and adaptive management; and engagement of state agencies, tribes, conservation partners, landowners, and other parties;

(b) To reduce flood damage, including: Construction and property acquisition; preconstruction and acquisition project planning and development, feasibility, design, environmental review, and permitting; completion of environmental review and endangered species act consultation on the proposed flood protection facility; refinement and evaluation of the local action non-dam alternative; and engagement of state agencies, tribes, project sponsors, landowners, and other parties; and

(c) That advance both the habitat restoration and the flood damage reduction goals of the Chehalis Basin strategy using a multibenefit approach, including: Community outreach and education; construction and property acquisition; preconstruction and acquisition planning and project development, feasibility, design, environmental review, and permitting; post construction and acquisition monitoring and adaptive management; and engagement of federal, state, and local agencies, tribes, conservation partners, landowners, and other parties.

(2) \$3,900,000 of the appropriation in this section is provided solely for the operations of the office of Chehalis Basin and Chehalis Basin board to oversee the development, implementation, and amendment of the Chehalis Basin strategy, and this is the maximum amount the board may expend for this purpose. Oversight operations include, but are not limited to: Providing financial accountability, project management, and board meeting administration and facilitation.

(3) Specific projects must be approved by at least six of the seven voting members of the Chehalis Basin board. The Chehalis Basin board has the discretion to allocate the funding between subsections (1)(a), (b), and (c) of this section as needed to meet the objectives of this appropriation and if approved by at least six of the seven voting members of the board. However, \$3,900,000 is the maximum amount the department may expend for the purposes of subsection (2) of this section.

(4) Up to 1.5 percent of the appropriation in this section may be used by the recreation and conservation office to administer contracts associated with the subprojects funded through this section. Contract administration includes, but is not limited to: Drafting and amending contracts, reviewing and approving invoices, tracking expenditures, and performing field inspections to assess project status when conducting similar assessments related to other agency contracts in the same geographic area.

Appropriation:

State Building Construction Account—State	\$70,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$280,000,000
TOTAL	\$350,000,000

NEW SECTION. Sec. 3004. FOR THE DEPARTMENT OF ECOLOGY

2023-25 Freshwater Aquatic Invasive Plants Grant Program (40000477)

Appropriation:

Freshwater Aquatic Weeds Account—State	\$1,700,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$6,800,000
TOTAL	\$8,500,000

NEW SECTION. Sec. 3005. FOR THE DEPARTMENT OF ECOLOGY

2023-25 Freshwater Algae Grant Program (40000478)

Appropriation:

Aquatic Algae Control Account—State	\$710,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,840,000
TOTAL	\$3,550,000

NEW SECTION. Sec. 3006. FOR THE DEPARTMENT OF ECOLOGY

2023-25 Reducing Toxic Wood Stove Emissions (40000479)

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

(1) \$4,044,000 of the appropriation in this section is provided solely for the replacement of uncertified heating devices to reduce toxic air pollution. Whenever possible and most cost effective, the agency and local air agency partners must select home heating devices that are certified by the United States environmental protection agency or that do not use natural gas to replace noncompliant devices.

(2) \$100,000 of the appropriation in this section is provided solely for air agencies to offer the opportunity to replace a noncompliant woodstove with a compliant woodstove under this program.

Appropriation:

Model Toxics Control Capital Account—State	\$4,144,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$16,576,000
TOTAL	\$20,720,000

NEW SECTION. Sec. 3007. FOR THE DEPARTMENT OF ECOLOGY

2023-25 Affordable Housing Cleanup Grant Program (40000480)

Appropriation:

Model Toxics Control Capital Account—State	\$12,259,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$49,036,000
TOTAL	\$61,295,000

NEW SECTION. Sec. 3008. FOR THE DEPARTMENT OF ECOLOGY

2023-25 Product Replacement Program (40000486)

Appropriation:

Model Toxics Control Capital Account—State	\$6,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$26,000,000
TOTAL	\$32,500,000

NEW SECTION. Sec. 3009. FOR THE DEPARTMENT OF ECOLOGY

2023-25 Clean Up Toxic Sites - Puget Sound (40000487)

Appropriation:

Model Toxics Control Capital Account—State	\$7,455,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$29,820,000
TOTAL	\$37,275,000

NEW SECTION. Sec. 3010. FOR THE DEPARTMENT OF ECOLOGY

2023-25 Remedial Action Grant Program (40000495)

Appropriation:

Model Toxics Control Capital Account—State	\$115,111,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$460,444,000
TOTAL	\$575,555,000

NEW SECTION. Sec. 3011. FOR THE DEPARTMENT OF ECOLOGY

2023-25 Protect Investments in Cleanup Remedies (40000526)

Appropriation:

Model Toxics Control Capital Account—State	\$4,450,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$17,800,000
TOTAL	\$22,250,000

NEW SECTION. Sec. 3012. FOR THE DEPARTMENT OF ECOLOGY

2023-25 ASARCO Everett Smelter Plume Cleanup (40000529)

Appropriation:

Model Toxics Control Capital Account—State	\$7,679,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$21,358,000
TOTAL	\$29,037,000

NEW SECTION. Sec. 3013. FOR THE DEPARTMENT OF ECOLOGY

2023-25 PFAS Contaminated Drinking Water (40000530)

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

(1) \$1,500,000 of the state building construction account—state appropriation is provided solely for the investigation of PFAS contaminated drinking water in the Lower Issaquah Valley.

(2) \$7,857,000 of the model toxics control capital account—state appropriation is provided solely as state grant assistance to the Sammamish Plateau Water and Sewer District for a municipal water treatment plant. State grant assistance is provided as matching funds, not to exceed 50 percent of the estimated total capital cost or actual cost of the project, whichever is less.

Appropriation:

Model Toxics Control Capital Account—State	\$7,857,000
State Building Construction Account—State	\$1,500,000
Subtotal Appropriation	\$9,357,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0

TOTAL \$9,357,000

NEW SECTION. Sec. 3014. FOR THE DEPARTMENT OF ECOLOGY

2023-25 Eastern Washington Clean Sites Initiative (40000533)

Appropriation:

Model Toxics Control Capital Account—State	\$950,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$3,800,000
TOTAL	\$4,750,000

NEW SECTION. Sec. 3015. FOR THE DEPARTMENT OF ECOLOGY

2023-25 Swift Creek Natural Asbestos Flood Control and Cleanup (40000538)

Appropriation:

State Building Construction Account—State	\$4,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$30,828,000
TOTAL	\$34,828,000

NEW SECTION. Sec. 3016. FOR THE DEPARTMENT OF ECOLOGY

2023-25 Stormwater Financial Assistance Program (40000539)

Appropriation:

Model Toxics Control Stormwater Account—State	\$68,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$272,000,000
TOTAL	\$340,000,000

NEW SECTION. Sec. 3017. FOR THE DEPARTMENT OF ECOLOGY

2023-25 Floodplains by Design (40000540)

Appropriation:

Natural Climate Solutions Account—State	\$17,592,000
State Building Construction Account—State	\$49,800,000
Subtotal Appropriation	\$67,392,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$269,568,000
TOTAL	\$336,960,000

NEW SECTION. Sec. 3018. FOR THE DEPARTMENT OF ECOLOGY

2023-25 Sunnyside Valley Irrigation District Water Conservation (40000559)

Appropriation:

State Building Construction Account—State	\$3,246,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$12,984,000
TOTAL	\$16,230,000

NEW SECTION. Sec. 3019. FOR THE DEPARTMENT OF ECOLOGY

2023-25 Water Pollution Control Revolving Program (40000563)

Appropriation:

Water Pollution Control Revolving Fund—Federal	\$200,000,000
Water Pollution Control Revolving Fund—State	\$435,000,000
Subtotal Appropriation	\$635,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,540,000,000
TOTAL	\$3,175,000,000

NEW SECTION. **Sec. 3020. FOR THE DEPARTMENT OF ECOLOGY**

2023-25 State Match - Water Pollution Control Revolving Program (40000564)

Appropriation:

Water Pollution Control Revolving Fund—State	\$35,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$140,000,000
TOTAL	\$175,000,000

NEW SECTION. **Sec. 3021. FOR THE DEPARTMENT OF ECOLOGY**

2023-25 Streamflow Restoration Program (40000565)

Appropriation:

Watershed Restoration and Enhancement Bond	
Account—State	\$40,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$160,000,000
TOTAL	\$200,000,000

NEW SECTION. **Sec. 3022. FOR THE DEPARTMENT OF ECOLOGY**

2023-25 Sewer Overflow & Stormwater Reuse Municipal Grants Prog (40000567)

Appropriation:

General Fund—Federal	\$16,700,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$66,800,000
TOTAL	\$83,500,000

NEW SECTION. **Sec. 3023. FOR THE DEPARTMENT OF ECOLOGY**

2023-25 Waste Tire Pile Cleanup and Prevention (40000568)

Appropriation:

Waste Tire Removal Account—State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$4,000,000
TOTAL	\$5,000,000

NEW SECTION. **Sec. 3024. FOR THE DEPARTMENT OF ECOLOGY**

2023-25 Stormwater Public Private Partnerships (40000569)

Appropriation:

Model Toxics Control Stormwater Account—State	\$3,000,000
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Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$100,000,000
TOTAL.....	\$103,000,000

NEW SECTION. Sec. 3025. FOR THE DEPARTMENT OF ECOLOGY

Elevator Restorations at Ecology Facilities (40000570)

Appropriation:

State Building Construction Account—State	\$1,735,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$2,813,000
TOTAL.....	\$4,548,000

NEW SECTION. Sec. 3026. FOR THE DEPARTMENT OF ECOLOGY

2023-25 Centennial Clean Water Program (40000571)

Appropriation:

Model Toxics Control Capital Account—State.....	\$40,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$160,000,000
TOTAL.....	\$200,000,000

NEW SECTION. Sec. 3027. FOR THE DEPARTMENT OF ECOLOGY

2023-25 Yakima River Basin Water Supply (40000572)

Appropriation:

State Building Construction Account—State	\$49,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$196,000,000
TOTAL.....	\$245,000,000

NEW SECTION. Sec. 3028. FOR THE DEPARTMENT OF ECOLOGY

2023-25 Columbia River Water Supply Development Program (40000583)

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

(1) \$32,800,000 of the state building construction account—state appropriation in this section is provided solely for planning, designing, engineering, development, coordination, and construction of the Odessa groundwater replacement project, sufficient to irrigate the acres located within the Odessa Subarea Special Study and facilities modifications necessary to accommodate capacity demands resulting from the individual public delivery systems within the Odessa groundwater replacement program.

(a) To be eligible for a grant under this subsection (1), a project must have at least 30 percent of its design work completed by July 1, 2023.

(b) The east Columbia basin irrigation district may only be allowed to make any administrative charges sufficient to administer the state grants, not to exceed one percent of amounts provided to them within this appropriation, with the requirement to report administrative expenditures to the office of Columbia river annually.

(2) \$850,000 of the state building construction account—state appropriation in this section is provided solely for the department to enter into an agreement with the United States bureau of reclamation to reimburse the bureau for costs related to the design and review activities necessary to complete the transfer of the groundwater replacement delivery system title to the United States by the east Columbia basin irrigation district and to secure project reserved power for public delivery systems.

Appropriation:

Columbia River Basin Water Supply Revenue	
Recovery Account—State	\$1,500,000
State Building Construction Account—State	\$59,200,000
Subtotal Appropriation	\$60,700,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$242,800,000
TOTAL	\$303,500,000

NEW SECTION. Sec. 3029. FOR THE DEPARTMENT OF ECOLOGY

Product Testing Laboratory (40000604)

Appropriation:

State Building Construction Account—State	\$350,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$16,111,000
TOTAL	\$16,461,000

NEW SECTION. Sec. 3030. FOR THE DEPARTMENT OF ECOLOGY

2023-25 Zosel Dam Preservation (40000605)

Appropriation:

State Building Construction Account—State	\$5,549,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,549,000

NEW SECTION. Sec. 3031. FOR THE DEPARTMENT OF ECOLOGY

Improving Air Quality in Overburdened Communities Initiative (40000606)

Appropriation:

Air Quality and Health Disparities Improvement	
Account—State	\$21,400,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$85,600,000
TOTAL	\$107,000,000

NEW SECTION. Sec. 3032. FOR THE DEPARTMENT OF ECOLOGY

Landfill Methane Capture (40000611)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the department to administer a grant program for landfills to comply with methane emission requirements established in chapter 70A.540 RCW.

Appropriation:

Climate Commitment Account—State	\$15,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$60,000,000
TOTAL	\$75,000,000

NEW SECTION. **Sec. 3033. FOR THE DEPARTMENT OF ECOLOGY**

Padilla Bay Samish Conservation Area (40000612)

Appropriation:

General Fund—Federal	\$2,333,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,333,000

NEW SECTION. **Sec. 3034. FOR THE DEPARTMENT OF ECOLOGY**

PSCAA Ultra-fine Particle Monitoring (91000378)

Appropriation:

Air Quality and Health Disparities Improvement Account—State	\$400,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$400,000

NEW SECTION. **Sec. 3035. FOR THE DEPARTMENT OF ECOLOGY**

PFAS Statewide Funding Strategy (91000382)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the department, in consultation with the department of health, to develop a multiyear statewide funding strategy for reducing perfluoroalkyl and polyfluoroalkyl substances (PFAS) in the environment. The strategy must build upon the recommendations contained in the department's 2022 per- and polyfluoroalkyl substances chemical action plan and focus on funding for future capital projects related to safe drinking water, managing environmental contamination, and evaluating perfluoroalkyl and polyfluoroalkyl substances waste management options. The department must submit the strategy in a report to the governor and the appropriate fiscal and policy committees of the legislature by December 1, 2024. It is the intent of the legislature to identify future funding sources for perfluoroalkyl and polyfluoroalkyl substances mitigation, informed by the strategy developed under this section, that do not include the model toxics control capital account.

Appropriation:

Model Toxics Control Capital Account—State	\$400,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$400,000

NEW SECTION. **Sec. 3036. FOR THE DEPARTMENT OF ECOLOGY**

North Shore Levee (92000200)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely as state grant assistance to the cities of Aberdeen and Hoquiam to match federal funding for the Aberdeen-Hoquiam flood protection project, north shore levee and north shore levee-west segments. The legislature intends to provide funds in the amount of \$35,500,000 over the course of the 2023-2025 and 2025-2027 fiscal biennia in grant funds for construction of the north shore levee project.

Appropriation:

State Building Construction Account—State	\$18,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$17,000,000
TOTAL	\$35,500,000

NEW SECTION. Sec. 3037. FOR THE DEPARTMENT OF ECOLOGY

2023-25 Drought Response (92000205)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for projects that include drought mitigation measures, water rights acquisition, or long-term leasing of water rights.

Appropriation:

State Building Construction Account—State	\$3,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$12,000,000
TOTAL	\$15,000,000

NEW SECTION. Sec. 3038. FOR THE DEPARTMENT OF ECOLOGY

DDT Soil Remediation Pilot (91000383)

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

(1) The appropriation in this section is provided solely for the department to implement a pilot program located in Okanogan county to remediate soil contaminated with dichlorodiphenyltrichloroethane (DDT) and DDT remnants, if the liquor and cannabis board determines the soil in the pilot program location produced cannabis products that meet or exceed state action levels under WAC 314-55-108. If the board determines that soil in the pilot program location does not produce cannabis products that meet or exceed these levels, the amount provided in this section shall lapse.

(2) If the department implements the pilot program under subsection (1) of this section, it shall provide a status report on remediation efforts to the legislature by December 1, 2023, and a final report on the outcome of its remediation efforts and any recommendations related to the implementation of a statewide remediation program for DDT-contaminated soil by December 1, 2024.

(3) The department shall coordinate implementation of the pilot program created under this section with the Washington department of agriculture and the liquor and cannabis board.

Appropriation:

Model Toxics Control Capital Account—State	\$5,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000

NEW SECTION. Sec. 3039. FOR THE POLLUTION LIABILITY INSURANCE PROGRAM

2023-25 Underground Storage Tank Capital Financial Assistance Program (40000002)

Appropriation:

Pollution Liability Insurance Agency Underground Storage Tank Revolving Account—State	\$12,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$48,000,000
TOTAL	\$60,000,000

NEW SECTION. Sec. 3040. FOR THE POLLUTION LIABILITY INSURANCE PROGRAM

2023-25 Heating Oil Capital Financing Assistance Program (40000003)

Appropriation:

Pollution Liability Insurance Agency Underground Storage Tank Revolving Account—State	\$8,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$32,000,000
TOTAL	\$40,000,000

NEW SECTION. Sec. 3041. FOR THE STATE PARKS AND RECREATION COMMISSION

Lake Chelan State Park Moorage Dock Pile Replacement (30000416)

Reappropriation:

State Building Construction Account—State	\$72,000
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Appropriation:

State Building Construction Account—State	\$574,000
Prior Biennia (Expenditures)	\$1,772,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,418,000

NEW SECTION. Sec. 3042. FOR THE STATE PARKS AND RECREATION COMMISSION

Local Grant Authority (30000857)

Appropriation:

Parks Renewal and Stewardship Account—Private/Local	\$2,000,000
Prior Biennia (Expenditures)	\$6,516,000
Future Biennia (Projected Costs)	\$8,000,000
TOTAL	\$16,516,000

NEW SECTION. Sec. 3043. FOR THE STATE PARKS AND RECREATION COMMISSION

Federal Grant Authority (30000858)

Appropriation:

General Fund—Federal	\$750,000
Prior Biennia (Expenditures)	\$2,650,000
Future Biennia (Projected Costs)	\$3,000,000
TOTAL	\$6,400,000

NEW SECTION. Sec. 3044. FOR THE STATE PARKS AND RECREATION COMMISSION

Parkland Acquisition (30000976)

Appropriation:

Parkland Acquisition Account—State	\$2,500,000
Prior Biennia (Expenditures)	\$2,753,000
Future Biennia (Projected Costs)	\$10,000,000
TOTAL	\$15,253,000

NEW SECTION. Sec. 3045. FOR THE STATE PARKS AND RECREATION COMMISSION

Saltwater - Green Vision Project (40000053)

The appropriation in this section is subject to the following conditions and limitations: During the 2023-2025 fiscal biennium, the state parks and recreation commission must pursue, to the extent practicable, relevant opportunities to fund the future costs of this project through other state and federal capital grant programs.

Appropriation:

State Building Construction Account—State	\$450,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$450,000

NEW SECTION. Sec. 3046. FOR THE STATE PARKS AND RECREATION COMMISSION

Nisqually New Full Service Park (40000153)

Reappropriation:

State Building Construction Account—State	\$10,244,000
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Appropriation:

State Building Construction Account—State	\$21,825,000
Prior Biennia (Expenditures)	\$4,739,000
Future Biennia (Projected Costs)	\$15,099,000
TOTAL	\$51,907,000

NEW SECTION. Sec. 3047. FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Ebey Replace Campground Restroom (40000186)

Appropriation:

State Building Construction Account—State	\$270,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$1,072,000
TOTAL	\$1,342,000

NEW SECTION. Sec. 3048. FOR THE STATE PARKS AND RECREATION COMMISSION

Recreational Marine Sewage Disposal Program (CVA) (40000366)

Appropriation:

General Fund—Federal	\$2,600,000
Prior Biennia (Expenditures)	\$2,600,000
Future Biennia (Projected Costs)	\$10,400,000
TOTAL	\$15,600,000

NEW SECTION. Sec. 3049. FOR THE STATE PARKS AND RECREATION COMMISSION

Palouse to Cascades Trail - Trail Structure Repairs (40000438)

Appropriation:

State Building Construction Account—State	\$1,261,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$3,533,000
TOTAL	\$4,794,000

NEW SECTION. Sec. 3050. FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Worden PDA Geothermal Heating (40000457)

Appropriation:

Climate Commitment Account—State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$7,000,000
TOTAL	\$8,000,000

NEW SECTION. Sec. 3051. FOR THE STATE PARKS AND RECREATION COMMISSION

2023-25 Capital Preservation Pool (91000443)

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

- (1) The appropriation in this section is provided solely for minor works projects, as described in section 8017 of this act.
- (2) The state parks and recreation commission may not use the appropriation in this section for planning, predesign, or design costs that will result in a request for construction funding in a subsequent biennium.

Appropriation:

State Building Construction Account—State	\$19,932,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$79,728,000
TOTAL	\$99,660,000

NEW SECTION. Sec. 3052. FOR THE STATE PARKS AND RECREATION COMMISSION

Nisqually Day Use Improvements (40000202)

Appropriation:

State Building Construction Account—State	\$2,468,000
Prior Biennia (Expenditures)	\$383,000
Future Biennia (Projected Costs)	\$41,478,000
TOTAL	\$44,329,000

NEW SECTION. Sec. 3053. FOR THE STATE PARKS AND RECREATION COMMISSION

Enhancement of Puget Sound Pump Out Facilities (92001127)

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

(1) \$500,000 of the state building construction account—state appropriation is provided solely for conducting a needs assessment of recreational marine pump out facilities in Puget Sound with the goal of identifying areas underserved by the current infrastructure and new projects that will help meet the Puget Sound no discharge zone and prevent vessels from discharging sewage directly into Puget Sound.

(2) \$500,000 of the state building construction account—state appropriation is provided solely to assist facilities that might otherwise experience hardship paying the federal matching requirements for projects funded under the United States fish and wildlife service clean vessel act program.

Appropriation:

State Building Construction Account—State	\$1,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 3054. FOR THE STATE PARKS AND RECREATION COMMISSION

2023-25 State Parks Capital Projects Pool (92001128)

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

(1) The following projects are the only projects eligible for funding provided in this section.

(a) \$23,548,000 of the state building construction account—state appropriation in this section is provided solely for the following pool of eligible projects owned by the state parks and recreation commission.

- Cape Disappointment: Campground Access Road Culverts
- Cape Disappointment - Welcome Center and Entrance Improvements
- Fort Worden PDA Fire Alarm System Modifications and Upgrades
- Lake Sylvia Culvert Replacement
- Larrabee Water System Replacement
- Millersylvania Replace Original 1940's Water System
- NW Region Wide Culvert Replacements
- Palouse to Cascade Trail - Kittitas Depot Historic Preservation
- Sun Lakes Replace Primary Lift Station
- Wallace Falls Water System Replacement

(b) \$1,375,000 of the natural climate solutions account—state appropriation in this section is provided solely for the statewide fish barrier removal project.

(2) The commission shall report to the governor and the appropriate committees of the legislature the list of projects with funding levels, allotments, and schedules for the projects in this section by January 1, 2024.

Appropriation:

Natural Climate Solutions Account—State.....	\$1,375,000
State Building Construction Account—State	\$23,548,000

Subtotal Appropriation	\$24,923,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$99,692,000
TOTAL	\$124,615,000

NEW SECTION. Sec. 3055. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2023-25 Washington Wildlife Recreation Program (40000053)

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for projects approved by the legislature, as identified in LEAP capital document No. RCO-1-2023, developed April 10, 2023.

Appropriation:

Farm and Forest Account—State	\$12,000,000
Habitat Conservation Account—State	\$54,000,000
Outdoor Recreation Account—State	\$54,000,000
Subtotal Appropriation	\$120,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$480,000,000
TOTAL	\$600,000,000

NEW SECTION. Sec. 3056. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2023-25 Salmon Recovery Funding Board Grant Programs (40000054)

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

(1) \$2,400,000 of the state building construction account—state appropriation is provided solely to maintain the lead entity program as described in chapter 77.85 RCW.

(2) \$640,000 of the state building construction account—state appropriation is provided solely for regional fisheries enhancement groups created in RCW 77.95.060.

Appropriation:

General Fund—Federal	\$75,000,000
State Building Construction Account—State	\$20,000,000
Subtotal Appropriation	\$95,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$380,000,000
TOTAL	\$475,000,000

NEW SECTION. Sec. 3057. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2023-25 Boating Facilities Program (40000055)

Appropriation:

Recreation Resources Account—State	\$13,800,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$55,200,000
TOTAL	\$69,000,000

NEW SECTION. Sec. 3058. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2023-25 Nonhighway and Off-Road Vehicle Activities (40000056)

Appropriation:

NOVA Program Account—State	\$12,063,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$48,252,000
TOTAL	\$60,315,000

NEW SECTION. Sec. 3059. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2023-25 Firearms and Archery Range Recreation (40000057)

Appropriation:

Firearms Range Account—State	\$840,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$3,360,000
TOTAL	\$4,200,000

NEW SECTION. Sec. 3060. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2023-25 Youth Athletics Facilities (40000058)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for projects approved by the legislature, as identified in LEAP capital document No. RCO-3-2023, developed April 10, 2023.

Appropriation:

Youth Athletic Facility Account—State	\$10,440,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$41,760,000
TOTAL	\$52,200,000

NEW SECTION. Sec. 3061. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2023-25 Aquatic Lands Enhancement Account (40000059)

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for projects approved by the legislature, as identified in LEAP capital document No. RCO-4-2023, developed April 10, 2023.

Appropriation:

Aquatic Lands Enhancement Account—State	\$3,500,000
State Building Construction Account—State	\$2,358,000
Subtotal Appropriation	\$5,858,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$23,432,000
TOTAL	\$29,290,000

NEW SECTION. Sec. 3062. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2023-25 Community Forest Grant Program (40000060)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for projects approved by the legislature, as identified in LEAP capital document No. RCO-5-2023, developed April 10, 2023.

Appropriation:

State Building Construction Account—State	\$7,807,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$31,228,000
TOTAL	\$39,035,000

NEW SECTION. Sec. 3063. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2023-25 Puget Sound Acquisition and Restoration (40000061)

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for projects approved by the legislature, as identified in LEAP capital document No. RCO-2-2023, developed April 10, 2023.

Appropriation:

Natural Climate Solutions Account—State	\$10,115,000
State Building Construction Account—State	\$49,050,000
Subtotal Appropriation	\$59,165,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$236,660,000
TOTAL	\$295,825,000

NEW SECTION. Sec. 3064. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2023-25 Estuary and Salmon Restoration Program (40000062)

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

(1) Except as provided under subsections (2) and (3) of this section, the appropriation in this section is provided solely for projects approved by the legislature, as identified in LEAP capital document No. RCO-7-2023, developed April 10, 2023.

(2) The recreation and conservation funding board may retain a portion of the funding appropriated in this section for the administration of the grants. The portion of the funding retained for administration may not exceed \$545,000.

(3) The department of fish and wildlife may retain a portion of the funding appropriated in this section for costs related to technical assistance and program administration. The portion of the funding retained for costs related to technical assistance and program administration may not exceed \$545,000.

Appropriation:

State Building Construction Account—State	\$14,309,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$57,236,000
TOTAL	\$71,545,000

NEW SECTION. Sec. 3065. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2023-25 Washington Coastal Restoration and Resiliency Initiative (40000063)

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

(1) Except as provided under subsection (2) of this section, the appropriation in this section is provided solely for projects approved by the legislature, as identified in LEAP capital document No. RCO-8-2023, developed April 10, 2023.

(2) The recreation and conservation funding board may retain a portion of the funds appropriated in this section for the administration of the grants. The portion of the funding retained for administration may not exceed 4.12 percent of the appropriation.

Appropriation:

State Building Construction Account—State	\$10,134,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$40,536,000
TOTAL	\$50,670,000

NEW SECTION. Sec. 3066. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2023-25 Brian Abbott Fish Barrier Removal Board (40000064)

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

(1) Except as provided under subsections (2) and (3) of this section, the appropriations in this section are provided solely for projects approved by the legislature, as identified in LEAP capital document No. RCO-6-2023, developed April 10, 2023.

(2) The recreation and conservation funding board may retain a portion of the funding appropriated in this section for the administration of the grants. The portion of the funding retained for administration may not exceed \$1,356,000 from the state building construction account—state appropriation in this section.

(3) The department of fish and wildlife may retain up to \$1,862,000 of the state building construction account—state appropriation in this section for the Brian Abbott fish barrier removal board for technical assistance in developing projects for consideration.

Appropriation:

Natural Climate Solutions Account—State	\$21,092,000
State Building Construction Account—State	\$27,315,000
Subtotal Appropriation	\$48,407,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$193,628,000
TOTAL	\$242,035,000

NEW SECTION. Sec. 3067. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2023-25 Recreational Trails Program (40000065)

Appropriation:

General Fund—Federal	\$5,000,000
Prior Biennia (Expenditures)	\$0

Future Biennia (Projected Costs).....	\$20,000,000
TOTAL	\$25,000,000

NEW SECTION. Sec. 3068. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2023-25 Boating Infrastructure Grants (40000066)

Appropriation:

General Fund—Federal	\$5,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$20,000,000
TOTAL	\$25,000,000

NEW SECTION. Sec. 3069. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2023-25 Land and Water Conservation Fund (40000067)

Appropriation:

General Fund—Federal	\$20,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$80,000,000
TOTAL	\$100,000,000

NEW SECTION. Sec. 3070. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2023-25 Family Forest Fish Passage Program (40000068)

Appropriation:

Natural Climate Solutions Account—State.....	\$7,780,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$31,120,000
TOTAL	\$38,900,000

NEW SECTION. Sec. 3071. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Planning for Recreation Access Grants (40000503)

Appropriation:

State Building Construction Account—State	\$5,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$20,000,000
TOTAL	\$25,000,000

NEW SECTION. Sec. 3072. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Upper Quinault River Restoration Project (91000958)

The appropriation in this section is subject to the following conditions and limitations: It is the intent of the legislature that future requests for state funding for the Upper Quinault River Restoration Project will be made through competitive grant programs.

Reappropriation:

State Building Construction Account—State	\$2,123,000
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Appropriation:

State Building Construction Account—State	\$2,000,000
Prior Biennia (Expenditures).....	\$1,877,000

Future Biennia (Projected Costs)	\$0
TOTAL	\$6,000,000

NEW SECTION. Sec. 3073. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Springwood Ranch in Kittitas County (91001663)

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

(1) Except as provided under subsection (4) of this section, the appropriations in this section are provided solely for a grant from the agency to The Trust for Public Land to cover the costs of the Trust's acquisition, disposition, and temporary management of real property in upper Kittitas County known as Springwood Ranch in exchange for an agreement to reconvey the real property for public purposes as described in this section.

(2) The recreation and conservation office shall enter into a grant agreement with The Trust for Public Land that allows for the disbursement of the funding described in subsection (1) of this section to The Trust for Public Land for the following purposes:

(a) To convey a portion of the Springwood Ranch property to Kittitas County for its ownership and management, including maintenance of existing agricultural uses and future uses allowed under current zoning or that provide a public use or benefit;

(b) To convey a portion of the Springwood Ranch property to the department of fish and wildlife for its ownership and management to provide public use and benefit;

(c) To convey a portion of the Springwood Ranch property to the Yakama Nation for its ownership and management to provide public benefit;

(d) To convey a portion of the Springwood Ranch property to the Kittitas Reclamation District, which shall hold the property until a transfer, without compensation and subject to section 8039 of this act, to the United States bureau of reclamation for the purposes of construction of a water supply reservoir for managing instream flow in accordance with the Yakima Basin integrated plan, or until such purpose is declared by the bureau of reclamation as no longer feasible; and

(e) To assist in achieving the goals of the Yakima Basin integrated plan.

(3) If the bureau of reclamation determines that the construction of a water supply reservoir is not feasible as described in subsection (2)(d) of this section, the Kittitas Reclamation District must work with Kittitas County, the Yakama Nation, the department of fish and wildlife, and other interested stakeholders to identify the appropriate public owner and manager and convey, without compensation and in accordance with RCW 87.03.136, as amended in section 8039 of this act, the Kittitas Reclamation District's portion of Springwood Ranch to that entity.

(4) The recreation and conservation office may use up to one percent of the appropriations in this section, if necessary, to recover its administrative costs.

Reappropriation:

State Building Construction Account—State	\$10,000,000
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Appropriation:

State Building Construction Account—State	\$11,600,000
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State Taxable Building Construction Account—

State	\$2,400,000
Subtotal Appropriation	\$14,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$24,000,000

NEW SECTION. Sec. 3074. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Salmon Recovery Funding Board: Riparian Grant Program (91001679)

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

(1) The salmon recovery funding board shall develop and administer a grant category under this section that is specific to riparian areas. The legislature intends that the riparian area grant category complement the existing salmon recovery grant program that is designed to address the highest priority needs of salmon habitat and protection.

(2) In developing the riparian area grant category, the salmon recovery funding board:

(a) Shall use existing structures, processes, procedures, policies, and criteria developed pursuant to chapter 77.85 RCW; and

(b) May adopt additional criteria specific to riparian areas to achieve restoration of fully functioning riparian ecosystems.

Appropriation:

Natural Climate Solutions Account—State	\$25,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$100,000,000
TOTAL	\$125,000,000

NEW SECTION. Sec. 3075. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Fish Barrier Removal Projects in Skagit County (91001662)

The appropriations in this section are subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3046, chapter 296, Laws of 2022.

Reappropriation:

State Building Construction Account—State	\$1,000,000
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Appropriation:

State Building Construction Account—State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000

NEW SECTION. Sec. 3076. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Community Outdoor Athletic Facilities Program (92000458)

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

(1) Except as provided under subsection (2) of this section, the appropriations in this section are provided solely for a competitive grant program that improves equitable access to community outdoor athletic facilities as provided in RCW 43.99N.060, as amended in section 8036 of this act.

(2) Up to four percent of the appropriations in this section may be used by the recreation and conservation office for the costs of administration.

Appropriation:

Youth Athletic Facility Account—State	\$6,600,000
State Building Construction Account—State	\$5,900,000
Subtotal Appropriation	\$12,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$12,500,000
TOTAL	\$25,000,000

NEW SECTION. Sec. 3077. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

City of LaCenter Breezee Creek Culvert Replacement (92000461)

Appropriation:

State Building Construction Account—State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 3078. FOR THE STATE CONSERVATION COMMISSION

2023-25 VSP Project Funding (40000021)

Appropriation:

State Building Construction Account—State	\$3,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$12,000,000
TOTAL	\$15,000,000

NEW SECTION. Sec. 3079. FOR THE STATE CONSERVATION COMMISSION

2023-25 Natural Resource Investment for the Economy & Environment (40000022)

Appropriation:

State Building Construction Account—State	\$4,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$16,000,000
TOTAL	\$20,000,000

NEW SECTION. Sec. 3080. FOR THE STATE CONSERVATION COMMISSION

2023-25 Conservation Reserve Enhancement Program (CREP) (40000023)

Appropriation:

Natural Climate Solutions Account—State	\$11,000,000
State Building Construction Account—State	\$4,000,000
Subtotal Appropriation	\$15,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$60,000,000
TOTAL	\$75,000,000

NEW SECTION. Sec. 3081. FOR THE STATE CONSERVATION COMMISSION

2023-25 Farmland Protection and Land Access (40000024)

Appropriation:

State Building Construction Account—State	\$4,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$16,000,000
TOTAL	\$20,000,000

NEW SECTION. Sec. 3082. FOR THE STATE CONSERVATION COMMISSION

2023-25 Irrigation Efficiencies (40000025)

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

(1) The appropriation in this section is provided solely for technical assistance and grants to conservation districts for the purpose of implementing water conservation measures and irrigation efficiencies. The state conservation commission shall give preference to projects located in the 16 fish critical basins, other water-short or drought impacted basins, and basins with significant water resource and instream flow issues. Projects that are not within the basins described in this subsection are also eligible to receive funding.

(2) Conservation districts statewide are eligible for grants under subsection (1) of this section. A conservation district receiving funds shall manage each grant to ensure that a portion of the water saved by the water conservation measure or irrigation efficiency is available for other instream and out-of-stream uses and users. The proportion of saved water made available for other uses and users must be equal to the percentage of the public investment in the conservation measure or irrigation efficiency.

Appropriation:

State Building Construction Account—State	\$2,500,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$10,000,000
TOTAL	\$12,500,000

NEW SECTION. Sec. 3083. FOR THE STATE CONSERVATION COMMISSION

2023-25 Regional Conservation Partnership Program (RCPP) (40000026)

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

(1) The 2025-2027 fiscal biennium budget request for the regional conservation partnership program state match must include the following information:

- (a) Total project cost broken out by federal, state, and other fund sources;
- (b) Anticipated budget by fund source by state fiscal year;

(c) Whether or not the commission received the project cost information from the project sponsor prior to the sponsor applying for funding from the federal government; and

(d) The date of when the federal award was received or is anticipated to be received.

(2) It is the intent of the legislature to prioritize projects that report the need for state match to the commission prior to submitting an application to the federal government. The commission must communicate this requirement and legislative intent to conservation districts and other interested applicants.

Appropriation:

State Building Construction Account—State	\$3,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$12,000,000
TOTAL	\$15,000,000

NEW SECTION. Sec. 3084. FOR THE STATE CONSERVATION COMMISSION

2023-25 Conservation Reserve Enhancement Program (CREP) PIP (40000027)

Appropriation:

Conservation Assistance Rev Account—State	\$100,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$400,000
TOTAL	\$500,000

NEW SECTION. Sec. 3085. FOR THE STATE CONSERVATION COMMISSION

2023-25 Washington Shrubsteppe Restoration & Resiliency Initiative (40000028)

Appropriation:

State Building Construction Account—State	\$1,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$6,000,000
TOTAL	\$7,500,000

NEW SECTION. Sec. 3086. FOR THE STATE CONSERVATION COMMISSION

2023-25 Improve Shellfish Growing Areas (40000029)

Appropriation:

State Building Construction Account—State	\$3,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$14,000,000
TOTAL	\$17,500,000

NEW SECTION. Sec. 3087. FOR THE STATE CONSERVATION COMMISSION

Riparian Restoration with Landowners (91000020)

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

(1) The appropriations in this section are provided solely for the state conservation commission to provide grants for riparian restoration projects with landowners.

(2)(a) Within funds appropriated in this section, the commission shall develop and implement the voluntary riparian grant program to fund protection and restoration of critical riparian management zones. The commission is responsible for developing the voluntary grant program criteria to achieve

optimal restoration of functioning riparian ecosystems in priority critical riparian management zones.

(b) In adopting the program criteria under this section, the commission must:

- (i) Invite federally recognized tribes to be full participants;
- (ii) Coordinate with private landowners and other interested stakeholders;
- (iii) Coordinate with the department of ecology, the department of fish and wildlife, conservation districts, and the department of agriculture; and
- (iv) Consider the best available, locally applicable science that is specific to each region of the state where the program criteria will be applied.

(3)(a) The commission shall prioritize critical riparian management zones at the watershed or subbasin scale where grant funding under the program created in this section would be primarily targeted. The prioritization must be informed by, consistent with, and aligned with one or more of the following: Watershed plans developed pursuant to chapter 90.82 RCW; the action agenda developed under RCW 90.71.260; regional recovery plans created under RCW 77.85.090; the habitat project lists developed pursuant to RCW 77.85.050; the prioritization process developed under RCW 77.95.160; and priority projects identified for salmon recovery through agency grant programs.

(b) The prioritization of critical riparian management projects must be developed in coordination with:

- (i) Local federally recognized tribes;
- (ii) Local private landowners who are voluntarily participating in the program;
- (iii) Local conservation districts; and
- (iv) The local county, the department of fish and wildlife, the department of ecology, and water resource inventory area planning units organized pursuant to chapter 90.82 RCW.

(4)(a) Conditions for awarding funding for projects under this program include, but are not limited to:

- (i) Consistency with the program criteria established under subsection (2) of this section;
- (ii) Tiered incentive rates tied to improving functionality for riparian areas; and
- (iii) Other requirements as determined by the commission.

(b) The commission must give preference and compensation for permanent protection of riparian areas or removal of riparian land from agricultural production or other development by purchase at fair market value.

(5) The commission must distribute riparian grant program funding equitably throughout the state, consistent with received grant applications and benefit to salmon habitat. Funding is intended primarily for projects located in salmon recovery regions, as defined in RCW 77.85.010, but funding may also be distributed to a project not located in a salmon recovery region upon a determination by the commission that the project will provide a unique benefit to salmon habitat.

(6) Allowable expenses to a grantee receiving funds under this section include, but are not limited to, labor, equipment, fencing, mulch, seed, seedling trees, manual weed control, and yearly maintenance costs for up to 10 years.

(7) Any native woody trees and shrubs planted with funding provided under this section must be maintained for a minimum of five years or as otherwise set by the commission for each grantee. Vegetation must be chosen to prevent invasive weed populations and ensure survival and successful establishment of plantings.

(8) The commission shall determine appropriate recordkeeping and data collections procedures required for program implementation and shall establish a data management system that allows for coordination between the commission and other state agencies. Any data collected or shared under this section may be used only to assess the successes of the riparian grant program in improving the functions of critical riparian habitat.

(9) The commission shall develop and implement a framework that includes monitoring, adaptive management, and metrics in order to ensure consistency with the requirements of the riparian grant program. The monitoring and adaptive management framework may include, but is not limited to, consideration of:

- (a) Acres identified as eligible for restoration within a watershed;
- (b) Acres planned to be restored;
- (c) Acres actually planted and maintained;
- (d) Success in targeting and achieving aggregated project implementation resulting in increase in linear miles restored;
- (e) Plan review criteria; and
- (f) Other similar factors as identified by the commission.

(10) The commission may use up to two percent of any amounts appropriated in this section for targeted outreach activities that focus on critically identified geographic locations for listed salmon species.

(11) The commission may use up to four percent of amounts appropriated in this section for administrative expenses.

(12) For the purposes of this section, "critical riparian management zone" means the area adjacent to freshwaters, wetlands, and marine waters that has been locally or regionally identified as an area where salmon recovery efforts would significantly benefit from enhanced protection or restoration.

Reappropriation:

Salmon Recovery Account—State	\$10,000,000
Appropriation:	
Natural Climate Solutions Account—State	\$25,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$100,000,000
TOTAL	\$135,000,000

NEW SECTION. Sec. 3088. FOR THE STATE CONSERVATION COMMISSION

Whitman County Fire Recovery (92000017)

Appropriation:

State Building Construction Account—State	\$961,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$961,000

NEW SECTION. Sec. 3089. FOR THE STATE CONSERVATION COMMISSION

Skagit County Voluntary Stewardship (92001497)

Appropriation:

State Building Construction Account—State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 3090. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Migratory Waterfowl Habitat (20082045)

Reappropriation:

Limited Fish and Wildlife Account—State	\$1,182,000
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Appropriation:

Limited Fish and Wildlife Account—State	\$600,000
Prior Biennia (Expenditures)	\$2,655,000
Future Biennia (Projected Costs)	\$2,400,000
TOTAL	\$6,837,000

NEW SECTION. Sec. 3091. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Mitigation Projects and Dedicated Funding (20082048)

Reappropriation:

General Fund—Federal	\$13,728,000
General Fund—Private/Local	\$2,080,000
Limited Fish and Wildlife Account—State	\$1,388,000
Special Wildlife Account—Federal	\$2,303,000
Special Wildlife Account—Private/Local	\$3,328,000
Subtotal Reappropriation	\$22,827,000

Appropriation:

Fish, Wildlife, and Conservation Account—State	\$500,000
General Fund—Federal	\$10,000,000
General Fund—Private/Local	\$1,000,000
Special Wildlife Account—Federal	\$1,000,000
Special Wildlife Account—Private/Local	\$1,000,000
Subtotal Appropriation	\$13,500,000
Prior Biennia (Expenditures)	\$89,394,000
Future Biennia (Projected Costs)	\$54,000,000
TOTAL	\$179,721,000

NEW SECTION. Sec. 3092. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Minter Hatchery Intakes (30000277)

Reappropriation:

State Building Construction Account—State	\$7,576,000
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Appropriation:

State Building Construction Account—State	\$1,441,000
Prior Biennia (Expenditures)	\$1,335,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,352,000

NEW SECTION. Sec. 3093. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Wallace River Hatchery - Replace Intakes and Ponds (30000660)

Reappropriation:

State Building Construction Account—State \$6,810,000

Appropriation:

State Building Construction Account—State \$17,228,000

Prior Biennia (Expenditures) \$8,495,000

Future Biennia (Projected Costs) \$12,936,000

TOTAL \$45,469,000

NEW SECTION. Sec. 3094. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Soos Creek Hatchery Renovation (30000661)

Reappropriation:

State Building Construction Account—State \$3,180,000

Appropriation:

State Building Construction Account—State \$2,054,000

Prior Biennia (Expenditures) \$16,861,000

Future Biennia (Projected Costs) \$0

TOTAL \$22,095,000

NEW SECTION. Sec. 3095. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Spokane Hatchery Renovation (30000663)

Reappropriation:

State Building Construction Account—State \$2,277,000

Appropriation:

Model Toxics Control Capital Account—State \$8,647,000

State Building Construction Account—State \$8,153,000

Subtotal Appropriation \$16,800,000

Prior Biennia (Expenditures) \$523,000

Future Biennia (Projected Costs) \$36,446,000

TOTAL \$56,046,000

NEW SECTION. Sec. 3096. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Naselle Hatchery Renovation (30000671)

Reappropriation:

State Building Construction Account—State \$16,235,000

Appropriation:

State Building Construction Account—State \$11,500,000

Prior Biennia (Expenditures) \$6,897,000

Future Biennia (Projected Costs) \$25,588,000

TOTAL \$60,220,000

NEW SECTION. Sec. 3097. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Beaver Creek Hatchery - Renovation (30000680)

Reappropriation:

State Building Construction Account—State \$129,000

Appropriation:

State Building Construction Account—State	\$2,696,000
Prior Biennia (Expenditures)	\$6,000
Future Biennia (Projected Costs)	\$28,872,000
TOTAL	\$31,703,000

NEW SECTION. Sec. 3098. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Toutle River Fish Collection Facility - Match (40000021)

The appropriations in this section are subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3058, chapter 296, Laws of 2022.

Reappropriation:

State Building Construction Account—State	\$2,042,000
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Appropriation:

State Building Construction Account—State	\$300,000
Prior Biennia (Expenditures)	\$667,000
Future Biennia (Projected Costs)	\$9,600,000
TOTAL	\$12,609,000

NEW SECTION. Sec. 3099. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Fish and Wildlife Health and BioSecurity Facility (40000090)

Appropriation:

State Building Construction Account—State	\$884,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$6,921,000
TOTAL	\$7,805,000

NEW SECTION. Sec. 3100. FOR THE DEPARTMENT OF FISH AND WILDLIFE

SRKW - Sol Duc Hatchery Modifications (40000147)

Reappropriation:

State Building Construction Account—State	\$127,000
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Appropriation:

State Building Construction Account—State	\$1,186,000
Prior Biennia (Expenditures)	\$73,000
Future Biennia (Projected Costs)	\$8,508,000
TOTAL	\$9,894,000

NEW SECTION. Sec. 3101. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Duckabush Estuary Habitat Restoration (40000163)

The appropriations in this section are subject to the following conditions and limitations: \$14,000,000 of the state building construction account—state appropriation is provided solely to fund construction of the Duckabush estuary habitat restoration project. The legislature intends to provide funding in the amount of \$41,000,000 over the course of the 2023-2025 and 2025-2027 fiscal biennia for this project.

Appropriation:

General Fund—Federal	\$30,000,000
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State Building Construction Account—State	\$14,000,000
Subtotal Appropriation	\$44,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$27,000,000
TOTAL	\$71,000,000

NEW SECTION. Sec. 3102. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Minor Works Preservation 23-25 (40000164)

Appropriation:

State Building Construction Account—State	\$11,255,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$45,020,000
TOTAL	\$56,275,000

NEW SECTION. Sec. 3103. FOR THE DEPARTMENT OF FISH AND WILDLIFE

SRKW - Palmer Ponds Expansion (40000175)

Appropriation:

State Building Construction Account—State	\$950,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$3,842,000
TOTAL	\$4,792,000

NEW SECTION. Sec. 3104. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Minor Works Programmatic 23-25 (40000178)

Appropriation:

State Building Construction Account—State	\$2,850,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$11,400,000
TOTAL	\$14,250,000

NEW SECTION. Sec. 3105. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Snohomish County Wildlife Rehabilitation Facility (PAWS) (40000267)

Appropriation:

State Building Construction Account—State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

NEW SECTION. Sec. 3106. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Cooperative Elk and Deer Damage Fencing (91000162)

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

(1) \$1,200,000 of the appropriation provided in this section is provided solely for a cooperative elk fencing program administered by the department.

(2) \$200,000 of the appropriation provided in this section is provided solely for the department to purchase deer fencing materials to provide to private landowners.

Appropriation:

State Building Construction Account—State	\$1,400,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$5,600,000
TOTAL	\$7,000,000

NEW SECTION. Sec. 3107. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Samish Hatchery - Friday Creek Intake & Fish Passage (30000843)

Appropriation:

State Building Construction Account—State	\$150,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$10,798,000
TOTAL	\$10,948,000

NEW SECTION. Sec. 3108. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Tribal Hatcheries (91000163)

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

(1) \$1,583,000 of the appropriation in this section is provided solely for the department to provide funding to the Puyallup Tribe for equipment installation, operations, and improvements at salmon hatcheries.

(2) \$850,000 of the appropriation in this section is provided solely for the department to provide funding to the Suquamish Tribe for hatchery improvements and water quality enhancements.

(3) \$1,050,000 of the appropriation in this section is provided solely for the department to provide funding to the Yakama Nation for hatchery equipment and operations.

Appropriation:

State Taxable Building Construction Account—	
State	\$3,483,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,483,000

NEW SECTION. Sec. 3109. FOR THE DEPARTMENT OF NATURAL RESOURCES

2023-25 Forestry Riparian Easement Program (40000139)

Appropriation:

Natural Climate Solutions Account—State	\$10,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$40,000,000
TOTAL	\$50,000,000

NEW SECTION. Sec. 3110. FOR THE DEPARTMENT OF NATURAL RESOURCES

2023-25 Rivers and Habitat Open Space Program (RHOSP) (40000140)

Appropriation:

Natural Climate Solutions Account—State	\$1,660,000
State Building Construction Account—State	\$3,354,000

Subtotal Appropriation	\$5,014,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$20,056,000
TOTAL	\$25,070,000

NEW SECTION. Sec. 3111. FOR THE DEPARTMENT OF NATURAL RESOURCES

2023-25 Safe and Sustainable Recreation (40000141)

Appropriation:

State Building Construction Account—State	\$2,915,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$11,660,000
TOTAL	\$14,575,000

NEW SECTION. Sec. 3112. FOR THE DEPARTMENT OF NATURAL RESOURCES

2023-25 School Seismic Safety - Geologic Site Class Assessments (40000142)

Appropriation:

State Building Construction Account—State	\$663,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,652,000
TOTAL	\$3,315,000

NEW SECTION. Sec. 3113. FOR THE DEPARTMENT OF NATURAL RESOURCES

Whiteman Cove Restoration (40000143)

Appropriation:

State Building Construction Account—State	\$6,937,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,937,000

NEW SECTION. Sec. 3114. FOR THE DEPARTMENT OF NATURAL RESOURCES

Lakebay Marina UST Cleanup (40000144)

Appropriation:

Model Toxics Control Capital Account—State	\$1,009,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,009,000

NEW SECTION. Sec. 3115. FOR THE DEPARTMENT OF NATURAL RESOURCES

2023-25 State Trust Land Replacement (40000145)

Appropriation:

Community and Technical College Forest Reserve Account—State	\$1,000,000
Natural Resources Real Property Replacement Account—State	\$49,571,000
Resource Management Cost Account—State	\$30,000,000
Subtotal Appropriation	\$80,571,000
Prior Biennia (Expenditures)	\$0

Future Biennia (Projected Costs).....	\$322,284,000
TOTAL	\$402,855,000

NEW SECTION. Sec. 3116. FOR THE DEPARTMENT OF NATURAL RESOURCES

2023-25 Federal Land Acquisition Grants (40000148)

Appropriation:

General Fund—Federal	\$5,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$20,000,000
TOTAL	\$25,000,000

NEW SECTION. Sec. 3117. FOR THE DEPARTMENT OF NATURAL RESOURCES

2023-25 Forest Legacy (40000149)

Appropriation:

General Fund—Federal	\$14,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$56,000,000
TOTAL	\$70,000,000

NEW SECTION. Sec. 3118. FOR THE DEPARTMENT OF NATURAL RESOURCES

2023-25 Structurally Deficient Bridges (40000150)

Appropriation:

State Building Construction Account—State	\$3,062,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$12,248,000
TOTAL	\$15,310,000

NEW SECTION. Sec. 3119. FOR THE DEPARTMENT OF NATURAL RESOURCES

2023-25 Natural Areas Facilities Preservation and Access (40000151)

Appropriation:

State Building Construction Account—State	\$5,092,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$20,368,000
TOTAL	\$25,460,000

NEW SECTION. Sec. 3120. FOR THE DEPARTMENT OF NATURAL RESOURCES

Revitalizing Trust Land Transfers (40000152)

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for projects approved by the legislature, as identified in LEAP capital document No. DNR-1-2023, developed April 10, 2023.

Appropriation:

Natural Climate Solutions Account—State.....	\$8,000,000
State Building Construction Account—State	\$9,325,000
Subtotal Appropriation.....	\$17,325,000
Prior Biennia (Expenditures).....	\$0

Future Biennia (Projected Costs)	\$69,300,000
TOTAL	\$86,625,000

NEW SECTION. Sec. 3121. FOR THE DEPARTMENT OF NATURAL RESOURCES

Webster Nursery Seed Plant Replacement (40000153)

Appropriation:

State Building Construction Account—State	\$6,745,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,745,000

NEW SECTION. Sec. 3122. FOR THE DEPARTMENT OF NATURAL RESOURCES

2023-25 Minor Works Preservation (40000154)

Appropriation:

Model Toxics Control Capital Account—State	\$824,000
State Building Construction Account—State	\$4,484,000
Subtotal Appropriation	\$5,308,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$21,232,000
TOTAL	\$26,540,000

NEW SECTION. Sec. 3123. FOR THE DEPARTMENT OF NATURAL RESOURCES

Correction of Fish Barrier Culverts (40000155)

Appropriation:

State Building Construction Account—State	\$750,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$3,000,000
TOTAL	\$3,750,000

NEW SECTION. Sec. 3124. FOR THE DEPARTMENT OF NATURAL RESOURCES

Omak Consolidation, Expansion and Relocation (40000156)

Appropriation:

State Building Construction Account—State	\$2,789,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$20,740,000
TOTAL	\$23,529,000

NEW SECTION. Sec. 3125. FOR THE DEPARTMENT OF NATURAL RESOURCES

Webster Nursery Production Expansion (40000157)

Appropriation:

State Building Construction Account—State	\$663,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$663,000

NEW SECTION. Sec. 3126. FOR THE DEPARTMENT OF NATURAL RESOURCES

2023-25 Emergent Environmental Mitigation Projects (40000158)

Appropriation:

Model Toxics Control Capital Account—State	\$720,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,880,000
TOTAL	\$3,600,000

NEW SECTION. Sec. 3127. FOR THE DEPARTMENT OF NATURAL RESOURCES

Ahtanum Fire Camp Relocation or Renovation (40000161)

Appropriation:

State Building Construction Account—State	\$426,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$426,000

NEW SECTION. Sec. 3128. FOR THE DEPARTMENT OF NATURAL RESOURCES

2023-25 Minor Works Programmatic (40000162)

Appropriation:

State Building Construction Account—State	\$3,232,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$12,928,000
TOTAL	\$16,160,000

NEW SECTION. Sec. 3129. FOR THE DEPARTMENT OF NATURAL RESOURCES

Eatonville Work Center and Fire Station (40000163)

Appropriation:

State Building Construction Account—State	\$880,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$880,000

NEW SECTION. Sec. 3130. FOR THE DEPARTMENT OF NATURAL RESOURCES

Carbon Sequestration Forests (40000405)

The appropriation in this section is subject to the following conditions and limitations: \$83,000,000 of the appropriation is provided solely for the purchase of property to be managed for increased carbon sequestration and carbon storage through sustainable harvests and as replacement trust lands for existing encumbered forested state trust lands; and for structurally complex, carbon dense, forested state trust lands that may be transferred from trust status. The amount provided in this section is also to be used to carry out additional silvicultural activities on state trust lands, to convene a stakeholder group and conduct additional analysis related to the management of forested state trust lands, and to cover department costs to implement this section. Of the amount provided in this section:

(1)(a) \$70,000,000 of the appropriation is provided solely to purchase forestland in counties west of the crest of the Cascade mountains, all of Skamania county, and the western portion of Klickitat county. When feasible and appropriate, the department should prioritize the purchase of lands at risk of

conversion to a nonforested use. Once purchased, the land must be considered as part of the land bank created in RCW 79.19.020. The property must be purchased before the transfer of any existing trust land is fully executed. The department must transfer the appropriated amount into the natural resources real property replacement account in accordance with RCW 79.17.210.

(b) Up to 2,000 acres of structurally complex, carbon dense forestland currently existing on state trust lands may be transferred out of trust status with, prior to the transfer, a letter of support issued to the department by the legislative authority of the county in which the forestland is located. Forestland transferred out of trust status according to this subsection (1)(b) must be replaced with lands purchased in (a) of this subsection (1). Replacement lands must be of equal value to the lands transferred. The department must prepare a preliminary identification of the acres intended to be transferred out of trust status under this subsection (1)(b) and submit it to the board of natural resources no later than December 31, 2023.

(c) The remainder of the new purchased land may be used as exchange land for any encumbered state forest lands in Clallam, Jefferson, Pacific, Skamania, and Wahkiakum counties. Any exchanged land under this purpose must be designated as state forest transfer land and be managed under the department's habitat conservation plan and policy for sustainable forests.

(d) Forested state trust lands exchanged with lands purchased under this subsection (1) may be designated by the department as natural area preserves or natural resource conservation areas without being subject to the requirements of chapter 79.70 and 79.71 RCW. The legislative authority of the county from which the real property was transferred may not request that the department distribute a percentage of the proceeds associated with the valuable materials to the legislative authority of the county from which the real property was transferred.

(e) By December 1, 2023, the department must submit an initial progress report to the legislature on the implementation of this subsection (1).

(2) \$10,000,000 of the appropriation is provided solely for the department to enhance forest stand growth on managed trust lands in western Washington, employing silviculture to increase growth and vigor of the trees for healthy, resilient forests.

(3) \$2,500,000 of the appropriation is provided solely for the department to:

(a) Contract with an independent facilitator to convene a stakeholder group comprised of a balanced representation of relevant stakeholders and tribal interests to:

(i) Collaborate on approaches related to the conservation and management of older, carbon dense, structurally complex forest stands located on lands managed by the department; increasing carbon sequestration and storage in forests and harvested wood products from department managed forestlands; generating predictable beneficiary revenue; maintaining timber supplies that support local industry; and addressing economic needs in rural counties;

(ii) Develop an understanding of current timber supply by region and the effect of potential changes to forest management practices on regional wood supply for the timber market, including an analysis of what is currently known about the needs of existing forest industry infrastructure and what information gaps exist; and

(iii) Explore concepts and strategies relevant to the sequestration and storage of carbon in forests and wood products from forested state trust lands managed by the department, including the effect of potential changes to forest management practices, that satisfy the department's trust management responsibilities; and

(b) Contract with universities or other researchers or consultants for additional analysis or existing research that is beneficial in the execution of this section, which must include an analysis of:

(i) The existing and future demand for wood supply by region, including levels required to maintain existing industry related infrastructure, and modeled impacts on wood supply increases or decreases based on potential changes to forest management practices;

(ii) Carbon accounting and quantification methodologies outlined by the intergovernmental panel on climate change as well as emerging scientific research. The methodologies considered must be used to verify and assess the potential increases or decreases in carbon sequestration and storage, in both forests and harvested wood products based on potential changes to management practices on forested state trust lands that also account for increases or decreases in the availability of wood products harvested from forests managed by the department.

(c) A report of the stakeholder group's findings, including any information received in work performed in (b) of this subsection (3), must be submitted to the appropriate committees of the legislature by December 1, 2023.

(4) \$500,000 of the appropriation is provided solely for the department to analyze the appropriateness of using consulting businesses for buying large forest parcels in a competitive marketplace as a way to execute the provisions of this section, and, if appropriate, enter into contracts for that purpose. If the department does not enter into a contract or contracts with consultants for the purposes of purchasing large forest parcels, the funding appropriated for this subsection (4) may be solely used for the purposes of subsection (3) of this section.

Appropriation:

Natural Climate Solutions Account—State	\$83,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$320,000,000
TOTAL	\$403,000,000

NEW SECTION. Sec. 3131. FOR THE DEPARTMENT OF NATURAL RESOURCES

2023-25 State Forest Land Replacement - Encumbered Lands (40000146)

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

(1) Except as provided for under subsections (2), (3), and (4) of this section, the appropriation in this section is provided solely for the department to disburse grants in the 2023-2025 fiscal biennium as follows: (a) \$1,820,000 to Pacific county; (b) \$1,820,000 to Wahkiakum county; and (c) \$1,820,000 to Skamania county.

(2) The department shall deposit \$240,000 of the appropriation in this section in the park land trust revolving account for the purpose of purchasing replacement land for Pacific, Wahkiakum, and Skamania counties.

(3) The department may retain up to \$300,000 of the appropriation in this section for its administrative costs.

(4) \$1,500,000 of the appropriation in this section is provided solely for the purchase and rehabilitation of commercial land, or other private or public land, located in Skamania county.

Appropriation:

State Building Construction Account—State	\$7,500,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$24,000,000
TOTAL	\$31,500,000

NEW SECTION. Sec. 3132. FOR THE DEPARTMENT OF NATURAL RESOURCES

Removal of Aquatic Derelict Structures (40000147)

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

(1) The appropriation in this section is provided solely for the removal and disposal of aquatic derelict structures, including the derelict structures known as Dickman Mill, Former High Tides Seafood Pier, Ray's Boathouse Pier, and Triton-America Pier.

(2) The department must first complete the four projects listed in this section before funding any additional aquatic derelict structure removal using the funding provided under this section. After completing the four projects listed in this section, the department may fund additional derelict aquatic structure removal projects under this section if the additional projects also meet the requirements of chapter 70A.305 RCW.

Appropriation:

Model Toxics Control Capital Account—State	\$9,650,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$38,600,000
TOTAL	\$48,250,000

NEW SECTION. Sec. 3133. FOR THE DEPARTMENT OF NATURAL RESOURCES

Trust Land Transfer Program (40000034)

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

(1) The appropriation in this section is provided solely for the completion of the Dabob Bay trust land transfer.

(2) The reappropriation is subject to the provisions of section 3281, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—State	\$1,692,000
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Appropriation:

State Building Construction Account—State	\$2,246,000
Prior Biennia (Expenditures).....	\$4,708,000

Future Biennia (Projected Costs).....	\$0
TOTAL	\$8,646,000

NEW SECTION. Sec. 3134. FOR THE DEPARTMENT OF NATURAL RESOURCES

Land Appraisals (92000057)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the department to conduct land appraisals of parcel number 55161.9025 located in the City of Liberty Lake in Spokane county and the Geiger field property operated by the national guard and located at the Spokane international airport. The department shall complete the land appraisals and provide the legislature with findings by December 1, 2023.

Appropriation:

State Building Construction Account—State	\$40,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL	\$40,000

NEW SECTION. Sec. 3135. FOR THE DEPARTMENT OF AGRICULTURE

2023-25 WA State Fairs Health and Safety Grants (92000006)

Appropriation:

State Building Construction Account—State	\$8,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$32,000,000
TOTAL	\$40,000,000

**PART 4
TRANSPORTATION**

NEW SECTION. Sec. 4001. FOR THE WASHINGTON STATE PATROL

Vancouver Crime Lab - New Roof (30000240)

Appropriation:

State Building Construction Account—State	\$1,594,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL	\$1,594,000

NEW SECTION. Sec. 4002. FOR THE WASHINGTON STATE PATROL

Crime Laboratory I-5 North Corridor Consolidated Facility (30000290)

Reappropriation:

State Building Construction Account—State	\$246,000
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Appropriation:

State Building Construction Account—State	\$7,200,000
Prior Biennia (Expenditures).....	\$87,000
Future Biennia (Projected Costs).....	\$82,900,000
TOTAL	\$90,433,000

NEW SECTION. Sec. 4003. FOR THE WASHINGTON STATE PATROL

FTA Minor Works and Repairs (40000031)

Reappropriation:

State Building Construction Account—State\$181,000

Appropriation:

State Building Construction Account—State\$237,000

Prior Biennia (Expenditures)..... \$44,000

Future Biennia (Projected Costs).....\$948,000

TOTAL \$1,410,000

NEW SECTION. Sec. 4004. FOR THE WASHINGTON STATE PATROL

Crime Laboratory South I-5 Corridor Consolidated Facility (40000072)

Appropriation:

State Building Construction Account—State \$8,600,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs)..... \$94,200,000

TOTAL \$102,800,000

NEW SECTION. Sec. 4005. FOR THE WASHINGTON STATE PATROL

Fire Training Academy Roof Replacement (40000077)

Appropriation:

State Building Construction Account—State\$572,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs)..... \$0

TOTAL\$572,000

NEW SECTION. Sec. 4006. FOR THE WASHINGTON STATE PATROL

Seattle Crime Laboratory Generator Replacement (40000081)

Appropriation:

State Building Construction Account—State\$450,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs)..... \$0

TOTAL\$450,000

NEW SECTION. Sec. 4007. FOR THE DEPARTMENT OF TRANSPORTATION

2023-25 CARB Loans (40000003)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section must be deposited in the public use general aviation airport loan revolving account.

Appropriation:

Public Works Assistance Account—State \$5,000,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs).....\$20,000,000

TOTAL \$25,000,000

**PART 5
EDUCATION**

NEW SECTION. Sec. 5001. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

West Sound Technical Skills Center Modernization (40000015)

The appropriations in this section are subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5003, chapter 269, Laws of 2022.

Reappropriation:

State Building Construction Account—State \$10,990,000

Appropriation:

School Construction and Skill Centers Building Account—State	\$755,000
State Building Construction Account—State	\$40,606,000
Subtotal Appropriation	\$41,361,000
Prior Biennia (Expenditures)	\$410,000
Future Biennia (Projected Costs)	\$44,343,000
TOTAL	\$97,104,000

NEW SECTION. Sec. 5002. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2023-25 School Construction Assistance Program (40000063)

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

(1) \$412,044,000 of the state building construction account—state appropriation and \$171,097,000 of the common school construction account—state appropriation in this section are provided solely for school construction assistance grants for qualifying public school construction projects.

(2) \$5,031,000 of the common school construction account—state appropriation in this section is provided solely for study and survey grants and for completing inventory and building condition assessments for public school districts every six years, and for the acquisition of art pursuant to RCW 28A.335.210.

Appropriation:

Common School Construction Fund—State	\$176,128,000
State Building Construction Account—State	\$412,044,000
Subtotal Appropriation	\$588,172,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$5,136,683,000
TOTAL	\$5,724,855,000

NEW SECTION. Sec. 5003. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2023-25 Small District & Tribal Compact Schools Modernization (40000065)

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

(1) \$78,390,000 of the common school construction account—state appropriation and \$3,000,000 of the common school construction fund—federal appropriation in this section are provided solely for modernization grants for small school districts authorized under RCW 28A.525.159.

(2) \$1,496,000 of the common school construction account—state appropriation in this section is provided solely for planning grants for small school districts authorized under RCW 28A.525.159. Planning grants may not exceed \$50,000 per district. Planning grants may only be awarded to school districts with an estimated total project cost of \$6,000,000 or less.

(3) \$12,145,000 of the state building construction account—state appropriation in this section is provided solely for planning grants and modernization grants to state-tribal compact schools. The superintendent of public instruction may prioritize planning grants for state-tribal compact schools with the most serious building deficiencies and the most limited financial capacity.

(4) \$5,000,000 of the climate commitment account—state appropriation in this section is provided solely for energy assessment grants for small school districts eligible under RCW 28A.525.159. Grant funding awarded may be used to perform facility energy assessments of instructional buildings.

(5) The superintendent of public instruction shall submit a list of small school district modernization projects, as prioritized by the advisory committee under RCW 28A.525.159, to the legislature and the governor by September 15, 2024. The list must include: (a) A description of the project; (b) the proposed state funding level, not to exceed \$6,000,000 per project; (c) estimated total project costs; and (d) local funding resources.

(6) The appropriations in this section may be awarded only to projects approved by the legislature, as identified in LEAP capital document No. OSP1-1-2023, developed April 10, 2023.

Appropriation:

Climate Commitment Account—State	\$5,000,000
Common School Construction Account—State	\$79,886,000
Common School Construction Fund—Federal	\$3,000,000
State Building Construction Account—State	\$12,145,000
Subtotal Appropriation	\$100,031,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$400,124,000
TOTAL	\$500,155,000

NEW SECTION. Sec. 5004. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2023-25 School Seismic Safety Grant Program (40000066)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for seismic planning and remediation project grants to school districts and state-tribal education compact schools authorized under RCW 28A.525.320.

Appropriation:

State Building Construction Account—State	\$40,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$160,000,000

TOTAL \$200,000,000

NEW SECTION. Sec. 5005. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2023-25 School District Health and Safety (40000067)

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

(1) \$5,000,000 of the appropriation in this section is provided solely for emergency repair grants to address unexpected and imminent health and safety hazards at K-12 public schools, including skill centers, that will impact the day-to-day operations of the school facility, and this is the maximum amount that may be spent for this purpose. For emergency repair grants only, an emergency declaration must be signed by the school district board of directors and submitted to the superintendent of public instruction for consideration. The emergency declaration must include a description of the imminent health and safety hazard, the possible cause, the proposed scope of emergency repair work and related cost estimate, and identification of local funding to be applied to the project. Grants of emergency repair moneys must be conditioned upon the written commitment and plan of the school district board of directors to repay the grant with any insurance payments or other judgments that may be awarded, if applicable.

(2) \$11,600,000 of the appropriation in this section is provided solely for urgent repair grants to address nonrecurring urgent small repair projects at K-12 public schools, excluding skill centers, that could impact the health and safety of students and staff if not completed, and this is the maximum amount that may be spent for this purpose. The office of the superintendent of public instruction, after consulting with maintenance and operations administrators of school districts, shall develop criteria and assurances for providing funding for specific projects through a competitive grant program. The criteria and assurances must include, but are not limited to, the following: (a) Limiting school districts to one grant, not to exceed \$500,000, per three-year period; (b) prioritizing applications based on limited school district financial resources for the project; and (c) requiring any district receiving funding provided in this section to demonstrate a consistent commitment to addressing school facility needs. The grant applications must include a comprehensive description of the health and safety issues to be addressed, a detailed description of the remedy, including a detailed cost estimate of the repair or replacement work to be performed, and identification of local funding, if any, which will be applied to the project. Grants may be used for, but are not limited to: Repair or replacement of failing building systems, abatement of potentially hazardous materials, and safety-related structural improvements.

(3) \$3,600,000 of the appropriation in this section is provided solely for equal access grants for facility repairs and alterations at K-12 public schools, including skills centers, to improve compliance with the Americans with disabilities act and individuals with disabilities education act, and this is the maximum amount that may be spent for this purpose. The office of the superintendent of public instruction shall develop criteria and assurances for providing funding for specific projects through a competitive grant program. The criteria and assurances must include, but are not limited to, the following:

(a) Limiting districts to one grant, not to exceed \$100,000, per three-year period; (b) prioritizing applications based on limited school district financial resources for the project; and (c) requiring recipient districts to demonstrate a consistent commitment to addressing school facility needs. The grant applications must include a description of the Americans with disabilities act or individuals with disabilities education act compliance deficiency, a comprehensive description of the facility accessibility issues to be addressed, a detailed description of the remedy including a detailed cost estimate of the repair or replacement work to be performed, and identification of local funding, if any, which will be applied to the project. Priority for grant funding must be given to school districts that demonstrate a lack of capital resources to address the compliance deficiencies outlined in the grant application.

(4) The superintendent of public instruction must notify the office of financial management, the legislative evaluation and accountability program committee, the house capital budget committee, and the senate ways and means committee as projects described in subsection (1) of this section are approved for funding.

Appropriation:

State Building Construction Account—State	\$20,200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$80,800,000
TOTAL	\$101,000,000

NEW SECTION. Sec. 5006. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2023-25 Healthy Kids-Healthy Schools (40000068)

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

(1)(a) \$10,000,000 of the common school construction account—state appropriation in this section is provided solely for healthy kids and healthy schools grants for projects that are consistent with the healthiest next generation priorities.

(b) The appropriation in this subsection (1) is provided solely for grant funding to school districts for the purchase of equipment or to make repairs to existing equipment that is related to improving: (i) Children's physical health, and may include, but is not limited to, fitness playground equipment, covered play areas, and physical education equipment or related structures or renovation; and (ii) children's nutrition, and may include, but is not limited to, garden related structures and greenhouses to provide students access to fresh produce, and kitchen equipment or upgrades.

(c) The office of the superintendent of public instruction shall develop criteria for grant funding under this subsection (1) that include, but are not limited to, the following requirements: (i) Districts may apply for grants, but no single district may receive more than \$200,000 of the appropriation for grants awarded under this section; (ii) any district receiving funding provided in this section must demonstrate a consistent commitment to addressing school facilities' needs; and (iii) applicants with a high percentage of students who are eligible and enrolled in the free and reduced-price meals program may be prioritized.

(2) \$1,500,000 of the state building construction account—state appropriation in this section is provided solely for grants to school districts, charter schools, and state-tribal education compact schools for the replacement of lead-contaminated pipes, drinking water fixtures, and the purchase of water filters, including the labor costs of remediation design, installation, and construction.

Appropriation:

Common School Construction Account—State	\$10,000,000
State Building Construction Account—State	\$1,500,000
Subtotal Appropriation	\$11,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$46,000,000
TOTAL	\$57,500,000

NEW SECTION. Sec. 5007. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2023-25 Career Preparation and Launch Capital Grants (40000069)

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

(1) The appropriation in this section is provided solely for the superintendent of public instruction to provide competitive grants to school districts to purchase and install career and technical education equipment that expands career connected learning and work-integrated learning opportunities.

(2) The office of the superintendent of public instruction, after consulting with school districts, Career Connect Washington, and the workforce training and education coordinating board, shall develop criteria and assurances for providing funding and outcomes for specific projects through a competitive grant program to stay within the appropriation level provided in this section consistent with the following priorities. The criteria must include, but are not limited to, the following:

(a) Districts or schools must demonstrate that the request provides necessary equipment to deliver career and technical education; and

(b) Applicants with a high percentage of students who are eligible and enrolled in the free and reduced-price meals program must be prioritized.

(3) No single district may receive more than \$150,000 of the appropriation.

Appropriation:

Common School Construction Account—State	\$4,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$16,000,000
TOTAL	\$20,000,000

NEW SECTION. Sec. 5008. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2023-25 Skills Centers Minor Works (40000070)

Appropriation:

State Building Construction Account—State	\$5,135,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$20,540,000
TOTAL	\$25,675,000

NEW SECTION. Sec. 5009. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

K-12 Capital Programs Administration (40000090)

Appropriation:

Common School Construction Account—State	\$4,839,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$19,356,000
TOTAL	\$24,195,000

NEW SECTION. Sec. 5010. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Chief Leschi School HVAC (40000099)

Appropriation:

Climate Commitment Account—State	\$10,000,000
State Building Construction Account—State	\$15,000,000
Subtotal Appropriation	\$25,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$25,000,000

NEW SECTION. Sec. 5011. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Green Schools: Stormwater Infrastructure Projects (91000466)

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

(1) The appropriation in this section is provided solely for a contract with a statewide community-based organization with experience planning and developing green stormwater infrastructure and related educational programs on public school properties. The organization awarded funding under this section must use this funding solely for green stormwater infrastructure projects on public school properties.

(2) The organization selected under subsection (1) of this section must use geographic analysis to identify green stormwater infrastructure project locations based on the opportunity to reduce stormwater runoff.

(3) To qualify for a project under this section, schools must be eligible for financial assistance under Title I of the elementary and secondary education act, as amended by the every student succeeds act (P.L. 114-95). The organization selected under subsection (1) of this section must prioritize schools with high percentages of students eligible for the free and reduced-price meals program that also serve diverse student populations.

(4) Stormwater infrastructure projects under this section should aim to: (a) Provide equity of opportunity in high-need communities; and (b) engage students in conjunction with K-12 STEM education programs aligned with the Washington state science and learning standards.

Appropriation:

Model Toxics Control Stormwater Account—State	\$575,000
Prior Biennia (Expenditures)	\$300,000
Future Biennia (Projected Costs)	\$2,300,000
TOTAL	\$3,175,000

***NEW SECTION. Sec. 5012. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

HB 1044 - Capital Assistance to Small School Districts (91000491)

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

(1) The appropriation in this section is provided solely for preconstruction grants and administrative implementation pursuant to Substitute House Bill No. 1044.

(2) If Substitute House Bill No. 1044 (capital assistance/schools) is not enacted by June 30, 2023, the amount provided in this section shall lapse.

Appropriation:

State Building Construction Account—State	\$3,979,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$1,356,583,000
TOTAL	\$1,360,562,000

**Sec. 5012 was vetoed. See message at end of chapter.*

NEW SECTION. Sec. 5013. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2023-25 Distressed Schools (92000928)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the following list of projects:

Cascadia Technical Academy (Vancouver)	\$250,000
Ingraham High School Construction Trades Skills Center (Seattle)	\$527,000
Maritime 253: South Puget Sound Maritime Skills Center (Tacoma)	\$8,000,000
Rainier Beach High School Campus Skills Center	\$9,915,000
Seattle Skills Center (Seattle)	\$2,200,000
Stevenson-Carson High School (Stevenson)	\$750,000
Washington Middle School (Seattle)	\$98,000

Appropriation:

State Building Construction Account—State	\$21,740,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$86,960,000
TOTAL	\$108,700,000

NEW SECTION. Sec. 5014. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2023-25 Agricultural Science in Schools Grant to FFA Foundation (92000931)

Appropriation:

State Building Construction Account—State	\$5,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$20,000,000
TOTAL	\$25,000,000

NEW SECTION. Sec. 5015. FOR THE STATE SCHOOL FOR THE BLIND

2023-25 Campus Preservation (Minor Works) (40000021)

Appropriation:

State Building Construction Account—State	\$2,100,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$8,400,000
TOTAL	\$10,500,000

NEW SECTION. Sec. 5016. CENTER FOR DEAF AND HARD OF HEARING YOUTH

Academic and Physical Education Building (30000036)

Reappropriation:

State Building Construction Account—State	\$47,706,000
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Appropriation:

State Building Construction Account—State	\$12,453,000
Prior Biennia (Expenditures)	\$7,370,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$67,529,000

NEW SECTION. Sec. 5017. CENTER FOR DEAF AND HARD OF HEARING YOUTH

Northrop Primary School Building Renovation (40000006)

Appropriation:

State Building Construction Account—State	\$2,100,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$10,342,000
TOTAL	\$12,442,000

NEW SECTION. Sec. 5018. CENTER FOR DEAF AND HARD OF HEARING YOUTH

2023-25 Minor Works (40000007)

Appropriation:

State Building Construction Account—State	\$830,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$3,320,000
TOTAL	\$4,150,000

NEW SECTION. Sec. 5019. FOR THE WASHINGTON STATE ARTS COMMISSION

2023-25 Creative Districts Capital Projects Program (30000003)

Appropriation:

State Building Construction Account—State	\$416,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$1,664,000
TOTAL	\$2,080,000

NEW SECTION. Sec. 5020. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Great Hall Core Exhibit Renewal (40000145)

Reappropriation:

State Building Construction Account—State	\$575,000
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Appropriation:

State Building Construction Account—State	\$3,900,000
Prior Biennia (Expenditures)	\$751,000

Future Biennia (Projected Costs).....	\$0
TOTAL	\$5,226,000

NEW SECTION. Sec. 5021. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Heritage Capital Grant Projects 2023-25 (40000150)

Appropriation:

State Building Construction Account—State	\$10,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$40,000,000
TOTAL	\$50,000,000

NEW SECTION. Sec. 5022. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Preservation - Minor Works 2023-25 (40000180)

Appropriation:

State Building Construction Account—State	\$973,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$3,892,000
TOTAL	\$4,865,000

NEW SECTION. Sec. 5023. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Program-Museum Audio Visual Upgrades (40000181)

Appropriation:

State Building Construction Account—State	\$437,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL	\$437,000

NEW SECTION. Sec. 5024. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

Minor Works: Preservation 2023-25 (40000054)

Appropriation:

State Building Construction Account—State	\$2,482,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$9,928,000
TOTAL	\$12,410,000

NEW SECTION. Sec. 5025. FOR THE UNIVERSITY OF WASHINGTON

Anderson Hall Renovation (20091002)

Appropriation:

State Building Construction Account—State	\$28,650,000
Prior Biennia (Expenditures).....	\$200,000
Future Biennia (Projected Costs).....	\$0
TOTAL	\$28,850,000

NEW SECTION. Sec. 5026. FOR THE UNIVERSITY OF WASHINGTON

UW Major Infrastructure (30000808)

Reappropriation:

State Building Construction Account—State	\$2,000,000
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University of Washington Building Account—State	\$1,637,000
Subtotal Reappropriation	\$3,637,000
Appropriation:	
University of Washington Building Account—State	\$14,300,000
Prior Biennia (Expenditures)	\$38,863,000
Future Biennia (Projected Costs)	\$18,000,000
TOTAL	\$74,800,000

NEW SECTION. Sec. 5027. FOR THE UNIVERSITY OF WASHINGTON

Magnuson Health Sciences Phase II- Renovation/Replacement (40000049)

Reappropriation:	
State Building Construction Account—State	\$4,284,000
Appropriation:	
State Building Construction Account—State	\$58,000,000
Prior Biennia (Expenditures)	\$1,716,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$64,000,000

NEW SECTION. Sec. 5028. FOR THE UNIVERSITY OF WASHINGTON

UW Clean Energy Testbeds (40000098)

Reappropriation:	
Climate Commitment Account—State	\$7,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,500,000

NEW SECTION. Sec. 5029. FOR THE UNIVERSITY OF WASHINGTON

Intellectual House - Phase 2 (40000100)

Reappropriation:	
State Building Construction Account—State	\$9,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$9,000,000

NEW SECTION. Sec. 5030. FOR THE UNIVERSITY OF WASHINGTON

UW Tacoma - Land Acquisition (40000101)

Reappropriation:	
State Building Construction Account—State	\$7,700,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,700,000

NEW SECTION. Sec. 5031. FOR THE UNIVERSITY OF WASHINGTON

UW Seattle - Asset Preservation (Minor Works) 23-25 (40000103)

Reappropriation:	
University of Washington Building Account—State	\$33,691,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$134,764,000

TOTAL \$168,455,000

NEW SECTION. Sec. 5032. FOR THE UNIVERSITY OF WASHINGTON

UW Bothell - Asset Preservation (Minor Works) 23-25 (40000129)

Appropriation:

University of Washington Building Account—State.....	\$5,919,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$23,676,000
TOTAL.....	\$29,595,000

NEW SECTION. Sec. 5033. FOR THE UNIVERSITY OF WASHINGTON

UW Tacoma - Asset Preservation (Minor Works) 23-25 (40000131)

Appropriation:

University of Washington Building Account—State.....	\$4,915,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$19,660,000
TOTAL.....	\$24,575,000

NEW SECTION. Sec. 5034. FOR THE UNIVERSITY OF WASHINGTON

Infrastructure Renewal (40000132)

Appropriation:

University of Washington Building Account—State.....	\$9,175,000
Climate Commitment Account—State.....	\$15,000,000
Subtotal Appropriation.....	\$24,175,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$96,700,000
TOTAL.....	\$120,875,000

NEW SECTION. Sec. 5035. FOR THE UNIVERSITY OF WASHINGTON

UWMC NW - Campus Behavioral Health Renovation (91000027)

The appropriations in this section are subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5055, chapter 332, Laws of 2021.

Reappropriation:

State Building Construction Account—State \$1,297,000

Appropriation:

State Building Construction Account—State.....	\$13,000,000
Prior Biennia (Expenditures).....	\$703,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$15,000,000

NEW SECTION. Sec. 5036. FOR THE UNIVERSITY OF WASHINGTON

Preventive Facility Maintenance and Building System Repairs (91000029)

Appropriation:

University of Washington Building Account—State.....	\$25,825,000
Prior Biennia (Expenditures).....	\$0

Future Biennia (Projected Costs)	\$0
TOTAL	\$25,825,000

NEW SECTION. Sec. 5037. FOR THE UNIVERSITY OF WASHINGTON

UW Tacoma Campus Soil Remediation (92000002)

Reappropriation:

Model Toxics Control Capital Account—State	\$3,120,000
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Appropriation:

Model Toxics Control Capital Account—State	\$2,000,000
Prior Biennia (Expenditures)	\$7,680,000
Future Biennia (Projected Costs)	\$8,000,000
TOTAL	\$20,800,000

NEW SECTION. Sec. 5038. FOR WASHINGTON STATE UNIVERSITY

Minor Capital Preservation 2023-25 (MCR) (40000340)

Appropriation:

Washington State University Building Account— State	\$40,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$200,460,000
TOTAL	\$240,460,000

NEW SECTION. Sec. 5039. FOR WASHINGTON STATE UNIVERSITY

Minor Capital Program 2023-25 (MCI & Omnibus Equip.) (40000341)

Appropriation:

Washington State University Building Account— State	\$6,500,000
State Building Construction Account—State	\$6,500,000
Subtotal Appropriation	\$13,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$26,000,000
TOTAL	\$39,000,000

NEW SECTION. Sec. 5040. FOR WASHINGTON STATE UNIVERSITY

New Engineering Student Success Building & Infrastructure (40000342)

Appropriation:

State Building Construction Account—State	\$40,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$40,000,000

NEW SECTION. Sec. 5041. FOR WASHINGTON STATE UNIVERSITY

Knott Dairy Infrastructure (40000343)

Appropriation:

State Building Construction Account—State	\$10,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,000,000

NEW SECTION. Sec. 5042. FOR WASHINGTON STATE UNIVERSITY

Bustad Renovation (SIM for Vet Teaching Anatomy) (40000344)

Appropriation:

State Building Construction Account—State	\$8,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$8,000,000

NEW SECTION. Sec. 5043. FOR WASHINGTON STATE UNIVERSITY

Clean Building Standard Energy Efficiency Improvements (40000346)

Appropriation:

Climate Commitment Account—State	\$5,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$20,000,000
TOTAL	\$25,000,000

NEW SECTION. Sec. 5044. FOR WASHINGTON STATE UNIVERSITY

Spokane Team Health Education Building (40000361)

Appropriation:

State Building Construction Account—State	\$7,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$30,000,000
TOTAL	\$37,000,000

NEW SECTION. Sec. 5045. FOR WASHINGTON STATE UNIVERSITY

Eastlick-Abelson Renovation (40000362)

Appropriation:

State Building Construction Account—State	\$22,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$22,000,000

NEW SECTION. Sec. 5046. FOR WASHINGTON STATE UNIVERSITY

Preventive Facility Maintenance and Building System Repairs (91000037)

Appropriation:

Washington State University Building Account—	
State	\$10,115,000
Prior Biennia (Expenditures)	\$20,230,000
Future Biennia (Projected Costs)	\$40,460,000
TOTAL	\$70,805,000

NEW SECTION. Sec. 5047. FOR WASHINGTON STATE UNIVERSITY

Agriculture Research Stations (92001125)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the following list of projects:

Grain Drill (Lind)	\$200,000
Greenhouse Improvements (Prosser).....	\$700,000
Shop Improvements (Lind)	\$100,000
Appropriation:	
State Building Construction Account—State	\$1,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 5048. FOR EASTERN WASHINGTON

UNIVERSITY

Science Renovation (30000507)

Reappropriation:

State Building Construction Account—State	\$26,452,000
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Appropriation:

State Building Construction Account—State	\$58,000,000
Prior Biennia (Expenditures).....	\$26,835,000
Future Biennia (Projected Costs).....	\$0
TOTAL	\$111,287,000

NEW SECTION. Sec. 5049. FOR EASTERN WASHINGTON

UNIVERSITY

Martin - Williamson Hall (40000113)

Appropriation:

State Building Construction Account—State	\$350,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$63,550,000
TOTAL	\$63,900,000

NEW SECTION. Sec. 5050. FOR EASTERN WASHINGTON

UNIVERSITY

Infrastructure Renewal IV (40000114)

Appropriation:

State Building Construction Account—State	\$12,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$13,800,000
TOTAL	\$25,800,000

NEW SECTION. Sec. 5051. FOR EASTERN WASHINGTON

UNIVERSITY

Minor Works: Preservation 2023-25 (40000116)

Appropriation:

State Building Construction Account—State	\$5,375,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$21,500,000
TOTAL	\$26,875,000

NEW SECTION. Sec. 5052. FOR EASTERN WASHINGTON

UNIVERSITY

Minor Works: Program 2023-25 (40000120)

Appropriation:

Eastern Washington University Capital Projects Account—State	\$6,000,000
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Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$24,000,000
TOTAL	\$30,000,000

NEW SECTION. Sec. 5053. FOR EASTERN WASHINGTON UNIVERSITY

Preventative Maintenance/Backlog Reduction (40000134)

Appropriation:

Eastern Washington University Capital Projects	
Account—State	\$2,217,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$8,868,000
TOTAL	\$11,085,000

NEW SECTION. Sec. 5054. FOR EASTERN WASHINGTON UNIVERSITY

HB 1390 - District Energy Systems (91000027)

Appropriation:

Climate Commitment Account—State	\$200,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL	\$200,000

NEW SECTION. Sec. 5055. FOR CENTRAL WASHINGTON UNIVERSITY

Arts Education (30000836)

Appropriation:

State Building Construction Account—State	\$300,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$75,472,000
TOTAL	\$75,772,000

NEW SECTION. Sec. 5056. FOR CENTRAL WASHINGTON UNIVERSITY

Humanities & Social Science Complex (40000081)

Reappropriation:

State Building Construction Account—State	\$2,844,000
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Appropriation:

Climate Commitment Account—State	\$7,000,000
State Building Construction Account—State	\$85,600,000
Subtotal Appropriation.....	\$92,600,000
Prior Biennia (Expenditures).....	\$2,361,000
Future Biennia (Projected Costs).....	\$11,158,000
TOTAL	\$108,963,000

NEW SECTION. Sec. 5057. FOR CENTRAL WASHINGTON UNIVERSITY

Multicultural Center (40000123)

Appropriation:

State Building Construction Account—State	\$6,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL	\$6,000,000

NEW SECTION. Sec. 5058. FOR CENTRAL WASHINGTON UNIVERSITY

Minor Works Preservation 2023-2025 (40000128)

Appropriation:

Central Washington University Capital Projects	
Account—State	\$7,594,000
State Building Construction Account—State	\$1,035,000
Subtotal Appropriation	\$8,629,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$34,516,000
TOTAL	\$43,145,000

NEW SECTION. Sec. 5059. FOR CENTRAL WASHINGTON UNIVERSITY

Minor Works Program 2023-2025 (40000145)

Appropriation:

Central Washington University Capital Projects	
Account—State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$4,000,000
TOTAL	\$5,000,000

NEW SECTION. Sec. 5060. FOR CENTRAL WASHINGTON UNIVERSITY

Preventive Facility Maintenance and Building System Repairs (91000023)

Appropriation:

Central Washington University Capital Projects	
Account—State	\$2,422,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,422,000

NEW SECTION. Sec. 5061. FOR CENTRAL WASHINGTON UNIVERSITY

HB 1390 - District Energy Systems (91000024)

Appropriation:

Climate Commitment Account—State	\$800,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$800,000

NEW SECTION. Sec. 5062. FOR THE EVERGREEN STATE COLLEGE

Seminar I Renovation (30000125)

Reappropriation:

State Building Construction Account—State	\$1,679,000
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Appropriation:

State Building Construction Account—State	\$25,227,000
Prior Biennia (Expenditures)	\$1,533,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$28,439,000

NEW SECTION. Sec. 5063. FOR THE EVERGREEN STATE COLLEGE

Preventative Facility Maintenance and Building System Repairs (30000612)

Appropriation:

The Evergreen State College Capital Projects	
Account—State	\$880,000
Prior Biennia (Expenditures)	\$2,493,000
Future Biennia (Projected Costs)	\$3,520,000
TOTAL	\$6,893,000

NEW SECTION. Sec. 5064. FOR THE EVERGREEN STATE COLLEGE

Minor Works Preservation 2023-25 (40000085)

Appropriation:

State Building Construction Account—State		\$2,300,000
The Evergreen State College Capital Projects		
Account—State	\$5,790,000	
Subtotal Appropriation	\$8,090,000	
Prior Biennia (Expenditures)	\$0	
Future Biennia (Projected Costs)	\$35,880,000	
TOTAL	\$43,970,000	

NEW SECTION. Sec. 5065. FOR THE EVERGREEN STATE COLLEGE

Minor Works Program 2023-25 (40000094)

Appropriation:

The Evergreen State College Capital Projects	
Account—State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,000,000
TOTAL	\$2,500,000

NEW SECTION. Sec. 5066. FOR THE EVERGREEN STATE COLLEGE

HB 1390 - District Energy Systems (91000037)

Appropriation:

Climate Commitment Account—State		\$25,000
Prior Biennia (Expenditures)	\$0	
Future Biennia (Projected Costs)	\$0	
TOTAL	\$25,000	

***NEW SECTION. Sec. 5067. FOR THE EVERGREEN STATE COLLEGE**

State Building Code Council Building Code Cycle (92000047)

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

(1) The appropriation in this section is provided solely for the Washington state institute for public policy to study and report the costs and benefits to public construction projects of transitioning to a six-year building code cycle.

(2) *The Washington state institute for public policy must provide a report to the appropriate committees of the legislature by July 1, 2024. At a minimum, the report must include an analysis of:*

(a) *The impact to the state's omnibus operating, transportation, and capital budgets of transitioning to a six-year building code cycle.*

(b) *The impact to local government and school district budgets of transitioning to a six-year building code cycle.*

(c) *The state building code council's staffing needs using a three-year code cycle versus a six-year code cycle.*

Appropriation:

<i>State Building Construction Account—State</i>	<i>\$250,000</i>
<i>Prior Biennia (Expenditures)</i>	<i>\$0</i>
<i>Future Biennia (Projected Costs)</i>	<i>\$0</i>
TOTAL	\$250,000

**Sec. 5067 was vetoed. See message at end of chapter.*

NEW SECTION. Sec. 5068. FOR WESTERN WASHINGTON UNIVERSITY

Access Control Security Upgrades (30000604)

Reappropriation:

State Building Construction Account—State	\$1,290,000
Western Washington University Capital Projects Account—State	\$556,000
Subtotal Reappropriation	\$1,846,000

Appropriation:

State Building Construction Account—State	\$6,250,000
Prior Biennia (Expenditures)	\$1,669,000
Future Biennia (Projected Costs)	\$25,000,000
TOTAL	\$34,765,000

NEW SECTION. Sec. 5069. FOR WESTERN WASHINGTON UNIVERSITY

Student Development and Success Center (30000919)

Appropriation:

State Building Construction Account—State	\$47,950,000
Prior Biennia (Expenditures)	\$225,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$48,175,000

NEW SECTION. Sec. 5070. FOR WESTERN WASHINGTON UNIVERSITY

Environmental Studies Renovation (40000004)

Appropriation:

State Building Construction Account—State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$70,000,000
TOTAL	\$70,500,000

NEW SECTION. Sec. 5071. FOR WESTERN WASHINGTON UNIVERSITY

Heating Conversion Project (40000005)

Appropriation:

Climate Commitment Account—State	\$10,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$139,000,000
TOTAL	\$149,000,000

NEW SECTION. Sec. 5072. FOR WESTERN WASHINGTON UNIVERSITY

Minor Works - Preservation 2023-25 (40000006)

Appropriation:

Western Washington University Capital Projects	
Account—State	\$4,888,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$19,552,000
TOTAL	\$24,440,000

NEW SECTION. Sec. 5073. FOR WESTERN WASHINGTON UNIVERSITY

Minor Works - Program 2023-25 (40000007)

Appropriation:

Western Washington University Capital Projects	
Account—State	\$3,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$12,000,000
TOTAL	\$15,000,000

NEW SECTION. Sec. 5074. FOR WESTERN WASHINGTON UNIVERSITY

Classroom, Lab, and Collaborative Space Upgrades (40000008)

Appropriation:

State Building Construction Account—State	\$1,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,500,000

NEW SECTION. Sec. 5075. FOR WESTERN WASHINGTON UNIVERSITY

Preventative Facility Maintenance and Building System Repairs (40000012)

Appropriation:

Western Washington University Capital Projects	
Account—State	\$3,614,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$14,456,000
TOTAL	\$18,070,000

NEW SECTION. Sec. 5076. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Lake Washington: Center for Design (40000102)

Reappropriation:

State Building Construction Account—State	\$893,000
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Appropriation:

State Building Construction Account—State	\$38,949,000
Prior Biennia (Expenditures)	\$2,267,000

Future Biennia (Projected Costs)	\$0
TOTAL	\$42,109,000

NEW SECTION. Sec. 5077. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Tacoma: Center for Innovative Learning and Engagement (40000104)

Reappropriation:

State Building Construction Account—State	\$2,379,000
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Appropriation:

State Building Construction Account—State	\$39,606,000
Prior Biennia (Expenditures)	\$613,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$42,598,000

NEW SECTION. Sec. 5078. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Bates: Fire Service Training Center (40000130)

Reappropriation:

State Building Construction Account—State	\$2,558,000
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Appropriation:

State Building Construction Account—State	\$38,135,000
Prior Biennia (Expenditures)	\$244,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$40,937,000

NEW SECTION. Sec. 5079. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Everett: Baker Hall Replacement (40000190)

Reappropriation:

State Building Construction Account—State	\$135,000
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Appropriation:

State Building Construction Account—State	\$37,904,000
Prior Biennia (Expenditures)	\$140,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$38,179,000

NEW SECTION. Sec. 5080. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Wenatchee: Center for Technical Education and Innovation (40000198)

Reappropriation:

State Building Construction Account—State	\$1,949,000
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Appropriation:

State Building Construction Account—State	\$46,471,000
Prior Biennia (Expenditures)	\$1,317,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$49,737,000

NEW SECTION. Sec. 5081. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Shoreline: STE(A)M Education Center (40000214)

Reappropriation:

State Building Construction Account—State	\$1,735,000
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Appropriation:

State Building Construction Account—State	\$39,692,000
Prior Biennia (Expenditures)	\$1,304,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$42,731,000

NEW SECTION. Sec. 5082. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Minor Works - Facility Repairs (23-25) (40000595)

Appropriation:

Community and Technical College Capital Projects	
Account—State	\$2,537,000
State Building Construction Account—State	\$36,909,000
Subtotal Appropriation	\$39,446,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$157,784,000
TOTAL	\$197,230,000

NEW SECTION. Sec. 5083. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Minor Works - Preservation (23-25) (40000630)

Appropriation:

Model Toxics Control Capital Account—State	\$2,000,000
State Building Construction Account—State	\$26,724,000
Subtotal Appropriation	\$28,724,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$114,896,000
TOTAL	\$143,620,000

NEW SECTION. Sec. 5084. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Minor Works - Roof Repairs (23-25) (40000670)

Appropriation:

Community and Technical College Capital Projects	
Account—State	\$5,000,000
State Building Construction Account—State	\$6,207,000
Subtotal Appropriation	\$11,207,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$44,828,000
TOTAL	\$56,035,000

NEW SECTION. Sec. 5085. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Minor Works - Site Repairs (23-25) (40000698)

Appropriation:

Community and Technical College Capital Projects	
Account—State	\$1,000,000
State Building Construction Account—State	\$5,171,000
Subtotal Appropriation	\$6,171,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$24,684,000
TOTAL	\$30,855,000

NEW SECTION. Sec. 5086. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Minor Works - Infrastructure Replacement (23-25) (40000721)

Appropriation:

Community and Technical College Capital Projects	
Account—State	\$3,000,000
State Building Construction Account—State	\$37,300,000
Subtotal Appropriation	\$40,300,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$161,200,000
TOTAL	\$201,500,000

NEW SECTION. Sec. 5087. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Minor Works - Program Improvements (23-25) (40000754)

Appropriation:

Community and Technical College Capital Projects	
Account—State	\$5,000,000
State Building Construction Account—State	\$48,200,000
Subtotal Appropriation	\$53,200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$212,800,000
TOTAL	\$266,000,000

NEW SECTION. Sec. 5088. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Preventive Facility Maintenance and Bldg System Repairs (40000871)

Appropriation:

Community and Technical College Capital Projects	
Account—State	\$22,800,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$91,200,000
TOTAL	\$114,000,000

NEW SECTION. Sec. 5089. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

HB 1390 - District Energy Systems (91000443)

Appropriation:

Climate Commitment Account—State	\$429,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$429,000

NEW SECTION. Sec. 5090. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

2023-25 Career Preparation and Launch Grants (92000037)

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

(1) This appropriation is provided solely for the state board for community and technical colleges to provide competitive grants to community and technical

colleges to purchase and install equipment that expands career-connected learning opportunities.

(2) The state board for community and technical colleges shall develop common criteria for providing competitive grant funding and outcomes for specific projects.

Appropriation:

State Building Construction Account—State	\$5,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$20,000,000
TOTAL	\$25,000,000

PART 6

REAPPROPRIATIONS

NEW SECTION. Sec. 6001. FOR THE OFFICE OF THE SECRETARY OF STATE

Archives Minor Works (30000044)

Reappropriation:

State Building Construction Account—State	\$56,000
Prior Biennia (Expenditures)	\$269,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$325,000

NEW SECTION. Sec. 6002. FOR THE DEPARTMENT OF COMMERCE

Community Economic Revitalization Board (30000097)

Reappropriation:

Public Facility Construction Loan Revolving Account—State	\$7,774,000
Prior Biennia (Expenditures)	\$10,246,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$18,020,000

NEW SECTION. Sec. 6003. FOR THE DEPARTMENT OF COMMERCE

Public Works Assistance Account Program 2013 Loan List (30000184)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1016, chapter 2, Laws of 2012 2nd sp. sess.

Reappropriation:

Public Works Assistance Account—State	\$503,000
Prior Biennia (Expenditures)	\$31,655,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$32,158,000

NEW SECTION. Sec. 6004. FOR THE DEPARTMENT OF COMMERCE

Clean Energy and Energy Freedom Program (30000726)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 6003, chapter 4, Laws of 2017 3rd sp. sess.

Reappropriation:

State Building Construction Account—State	\$2,086,000
State Taxable Building Construction Account— State	\$2,523,000
Subtotal Reappropriation	\$4,609,000
Prior Biennia (Expenditures)	\$35,791,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$40,400,000

NEW SECTION. Sec. 6005. FOR THE DEPARTMENT OF COMMERCE

2017 Local and Community Projects (30000846)

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

(1) The reappropriation is subject to the provisions of section 6004, chapter 4, Laws of 2017 3rd sp. sess.

(2) The reappropriation for any project for which the department has not executed a contract by December 31, 2023, shall lapse. The department shall provide a list of lapsed projects to the legislative fiscal committees no later than January 15, 2024.

Reappropriation:

State Building Construction Account—State	\$1,229,000
Prior Biennia (Expenditures)	\$9,517,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,746,000

NEW SECTION. Sec. 6006. FOR THE DEPARTMENT OF COMMERCE

2017-19 Housing Trust Fund Program (30000872)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 1004, chapter 296, Laws of 2022.

Reappropriation:

State Building Construction Account—State	\$3,645,000
State Taxable Building Construction Account— State	\$6,007,000
Washington Housing Trust Account—State	\$1,476,000
Subtotal Reappropriation	\$11,128,000
Prior Biennia (Expenditures)	\$102,161,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$113,289,000

NEW SECTION. Sec. 6007. FOR THE DEPARTMENT OF COMMERCE

Economic Opportunity Grants (30000873)

Reappropriation:

Rural Washington Loan Account—State	\$325,000
Prior Biennia (Expenditures)	\$6,425,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,750,000

NEW SECTION. Sec. 6008. FOR THE DEPARTMENT OF COMMERCE

Public Works Assistance Account Construction Loans (30000878)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1019, chapter 413, Laws of 2019.

Reappropriation:

State Taxable Building Construction Account—	
State	\$22,673,000
Prior Biennia (Expenditures)	\$54,547,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$77,220,000

NEW SECTION. Sec. 6009. FOR THE DEPARTMENT OF COMMERCE

Weatherization Plus Health Matchmaker Program (30000879)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 1014, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$222,000
State Taxable Building Construction Account—	
State	\$3,492,000
Subtotal Reappropriation	\$3,714,000
Prior Biennia (Expenditures)	\$19,786,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$23,500,000

NEW SECTION. Sec. 6010. FOR THE DEPARTMENT OF COMMERCE

Clean Energy Funds 3 (30000881)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 1007, chapter 296, Laws of 2022.

Reappropriation:

Energy Efficiency Account—State	\$4,994,000
State Building Construction Account—State	\$20,387,000
Subtotal Reappropriation	\$25,381,000
Prior Biennia (Expenditures)	\$18,319,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$43,700,000

NEW SECTION. Sec. 6011. FOR THE DEPARTMENT OF COMMERCE

Energy Efficiency and Solar Grants (30000882)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 6007, chapter 413, Laws of 2019.

Reappropriation:

Energy Efficiency Account—State	\$1,293,000
State Building Construction Account—State	\$782,000
Subtotal Reappropriation	\$2,075,000
Prior Biennia (Expenditures)	\$8,925,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$11,000,000

NEW SECTION. Sec. 6012. FOR THE DEPARTMENT OF COMMERCE

2018 Local and Community Projects (40000005)

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

(1) The reappropriation is subject to the provisions of section 1052, chapter 296, Laws of 2022.

(2) The reappropriation for any project for which the department has not executed a contract by December 31, 2024, shall lapse. The department shall provide a list of lapsed projects to the legislative fiscal committees no later than January 15, 2025.

Reappropriation:

State Building Construction Account—State	\$21,708,000
Prior Biennia (Expenditures)	\$106,629,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$128,337,000

NEW SECTION. Sec. 6013. FOR THE DEPARTMENT OF COMMERCE

Early Learning Facility Grants (40000006)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 1005, chapter 298, Laws of 2018.

Reappropriation:

Early Learning Facilities Development Account—	
State	\$314,000
Early Learning Facilities Revolving Account—	
State	\$1,556,000
Subtotal Reappropriation	\$1,870,000
Prior Biennia (Expenditures)	\$13,595,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$15,465,000

NEW SECTION. Sec. 6014. FOR THE DEPARTMENT OF COMMERCE

Dental Clinic Capacity Grants (40000007)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1002, chapter 356, Laws of 2020.

Reappropriation:

State Building Construction Account—State	\$978,000
Prior Biennia (Expenditures)	\$14,556,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$15,534,000

NEW SECTION. Sec. 6015. FOR THE DEPARTMENT OF COMMERCE

PWAA Preconstruction and Emergency Loan Programs (40000009)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1027, chapter 413, Laws of 2019.

Reappropriation:

State Taxable Building Construction Account—	
State	\$1,702,000
Prior Biennia (Expenditures)	\$17,298,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$19,000,000

NEW SECTION. Sec. 6016. FOR THE DEPARTMENT OF COMMERCE

Behavioral Health Community Capacity (40000018)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 6004, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—State	\$19,163,000
Prior Biennia (Expenditures)	\$63,936,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$83,099,000

NEW SECTION. Sec. 6017. FOR THE DEPARTMENT OF COMMERCE

2019-21 Housing Trust Fund Program (40000036)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 6005, chapter 332, Laws of 2021.

Reappropriation:

State Building Construction Account—State	\$2,775,000
State Taxable Building Construction Account—	
State	\$35,592,000
Subtotal Reappropriation	\$38,367,000
Prior Biennia (Expenditures)	\$134,383,000
Future Biennia (Projected Costs)	\$0

TOTAL \$172,750,000

NEW SECTION. Sec. 6018. FOR THE DEPARTMENT OF COMMERCE

Public Works Board (40000038)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1020, chapter 356, Laws of 2020.

Reappropriation:

Public Works Assistance Account—State	\$17,000,000
Prior Biennia (Expenditures)	\$76,578,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$93,578,000

NEW SECTION. Sec. 6019. FOR THE DEPARTMENT OF COMMERCE

2019-21 Building for the Arts Grant Program (40000039)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 6011, chapter 332, Laws of 2021.

Reappropriation:

State Building Construction Account—State	\$1,497,000
Prior Biennia (Expenditures)	\$8,827,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,324,000

NEW SECTION. Sec. 6020. FOR THE DEPARTMENT OF COMMERCE

2019-21 Community Economic Revitalization Board (40000040)

Reappropriation:

Public Facility Construction Loan Revolving Account—State	\$18,600,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$18,600,000

NEW SECTION. Sec. 6021. FOR THE DEPARTMENT OF COMMERCE

2019-21 Youth Recreational Facilities Grant Program (40000041)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1034, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—State	\$3,190,000
Prior Biennia (Expenditures)	\$2,690,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,880,000

NEW SECTION. Sec. 6022. FOR THE DEPARTMENT OF COMMERCE

Clean Energy Transition 4 (40000042)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 1005, chapter 356, Laws of 2020.

Reappropriation:

State Building Construction Account—State	\$15,234,000
State Taxable Building Construction Account—	
State	\$901,000
Subtotal Reappropriation	\$16,135,000
Prior Biennia (Expenditures)	\$16,465,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$32,600,000

NEW SECTION. Sec. 6023. FOR THE DEPARTMENT OF COMMERCE

2019-21 Building Communities Fund Program (40000043)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1036, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—State	\$15,255,000
Prior Biennia (Expenditures)	\$21,530,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$36,785,000

NEW SECTION. Sec. 6024. FOR THE DEPARTMENT OF COMMERCE

2019-21 Early Learning Facilities (40000044)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 1006, chapter 356, Laws of 2020.

Reappropriation:

Early Learning Facilities Development Account—	
State	\$1,140,000
Early Learning Facilities Revolving Account—	
State	\$13,292,000
State Building Construction Account—State	\$3,767,000
Subtotal Reappropriation	\$18,199,000
Prior Biennia (Expenditures)	\$16,821,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$35,020,000

NEW SECTION. Sec. 6025. FOR THE DEPARTMENT OF COMMERCE

2019-21 Weatherization (40000048)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1038, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—State	\$1,000,000
Prior Biennia (Expenditures)	\$19,000,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$20,000,000

NEW SECTION. Sec. 6026. FOR THE DEPARTMENT OF COMMERCE

2019-21 Energy Efficiency and Solar Grants Program (40000049)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1023, chapter 356, Laws of 2020.

Reappropriation:

State Building Construction Account—State	\$5,979,000
Prior Biennia (Expenditures)	\$6,521,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$12,500,000

NEW SECTION. Sec. 6027. FOR THE DEPARTMENT OF COMMERCE

2019-21 Behavioral Health Capacity Grants (40000114)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1010, chapter 356, Laws of 2020.

Reappropriation:

State Building Construction Account—State	\$35,919,000
Prior Biennia (Expenditures)	\$90,232,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$126,151,000

NEW SECTION. Sec. 6028. FOR THE DEPARTMENT OF COMMERCE

2020 Local and Community Projects (40000116)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 6007, chapter 332, Laws of 2021, except that funding may not be directed to the Arivva Community Center.

Reappropriation:

State Building Construction Account—State	\$50,532,000
Prior Biennia (Expenditures)	\$115,775,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$166,307,000

NEW SECTION. Sec. 6029. FOR THE DEPARTMENT OF COMMERCE

Washington Broadband Program (40000117)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1012, chapter 356, Laws of 2020.

Reappropriation:

Statewide Broadband Account—State	\$16,079,000
Prior Biennia (Expenditures)	\$5,471,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$21,550,000

NEW SECTION. Sec. 6030. FOR THE DEPARTMENT OF COMMERCE

2019-21 Behavioral Rehabilitation Services Capacity Grants (40000124)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1044, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—State	\$1,967,000
Prior Biennia (Expenditures)	\$33,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000

NEW SECTION. Sec. 6031. FOR THE DEPARTMENT OF COMMERCE

2021 Local and Community Projects (40000130)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 6008, chapter 332, Laws of 2021.

Reappropriation:

State Building Construction Account—State	\$11,416,000
Prior Biennia (Expenditures)	\$21,256,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$32,672,000

NEW SECTION. Sec. 6032. FOR THE DEPARTMENT OF COMMERCE

Seattle Vocational Institute (40000136)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 1009, chapter 356, Laws of 2020.

Reappropriation:

State Building Construction Account—State	\$175,000
State Taxable Building Construction Account— State	\$81,000
Subtotal Reappropriation	\$256,000
Prior Biennia (Expenditures)	\$1,044,000
Future Biennia (Projected Costs)	\$0

TOTAL \$1,300,000

NEW SECTION. Sec. 6033. FOR THE DEPARTMENT OF COMMERCE

2021-23 Youth Recreational Facilities Grant Program (40000139)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1056, chapter 332, Laws of 2021.

Reappropriation:

State Building Construction Account—State	\$3,019,000
Prior Biennia (Expenditures)	\$670,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,689,000

NEW SECTION. Sec. 6034. FOR THE DEPARTMENT OF COMMERCE

2021-23 Early Learning Facilities-School Districts Grant (40000140)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1057, chapter 332, Laws of 2021.

Reappropriation:

Early Learning Facilities Development Account—	
State	\$2,281,000
Prior Biennia (Expenditures)	\$2,438,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,719,000

NEW SECTION. Sec. 6035. FOR THE DEPARTMENT OF COMMERCE

2021-23 Public Works Assistance Account-Construction (40000141)

Reappropriation:

Public Works Assistance Account—State	\$217,510,000
Prior Biennia (Expenditures)	\$31,490,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$249,000,000

NEW SECTION. Sec. 6036. FOR THE DEPARTMENT OF COMMERCE

2021-23 Building Communities Fund Grant Program (40000142)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1059, chapter 332, Laws of 2021.

Reappropriation:

State Building Construction Account—State	\$27,103,000
Prior Biennia (Expenditures)	\$3,043,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$30,146,000

NEW SECTION. Sec. 6037. FOR THE DEPARTMENT OF COMMERCE

2021-23 Building for the Arts Grant Program (40000143)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1060, chapter 332, Laws of 2021.

Reappropriation:

State Building Construction Account—State	\$9,955,000
Prior Biennia (Expenditures)	\$6,045,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$16,000,000

NEW SECTION. Sec. 6038. FOR THE DEPARTMENT OF COMMERCE

2021-23 CERB Capital Construction (40000144)

Reappropriation:

Capital Community Assistance Account—State	\$40,000,000
Public Facility Construction Loan Revolving Account—State	\$10,000,000
State Taxable Building Construction Account—State	\$412,000
Subtotal Reappropriation	\$50,412,000
Prior Biennia (Expenditures)	\$14,588,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$65,000,000

NEW SECTION. Sec. 6039. FOR THE DEPARTMENT OF COMMERCE

2021-23 Library Capital Improvement Program (LCIP) Grants (40000147)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1017, chapter 296, Laws of 2022.

Reappropriation:

State Building Construction Account—State	\$14,871,000
Prior Biennia (Expenditures)	\$973,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$15,844,000

NEW SECTION. Sec. 6040. FOR THE DEPARTMENT OF COMMERCE

2021-23 Clean Energy V-Investing in Washington's Clean Energy (40000148)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 7005 of this act.

Reappropriation:

State Building Construction Account—State	\$52,821,000
State Taxable Building Construction Account—	

State	\$2,410,000
Subtotal Reappropriation	\$55,231,000
Prior Biennia (Expenditures)	\$1,067,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$56,298,000

NEW SECTION. Sec. 6041. FOR THE DEPARTMENT OF COMMERCE

2021-23 Energy Retrofits for Public Buildings Grant Program (40000149)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 7011 of this act.

Reappropriation:

State Building Construction Account—State	\$8,211,000
Prior Biennia (Expenditures)	\$1,746,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$9,957,000

NEW SECTION. Sec. 6042. FOR THE DEPARTMENT OF COMMERCE

2021-23 Weatherization Plus Health (40000150)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 7015 of this act.

Reappropriation:

Capital Community Assistance Account—State	\$8,182,000
General Fund—Federal	\$47,049,000
State Building Construction Account—State	\$4,940,000
Subtotal Reappropriation	\$60,171,000
Prior Biennia (Expenditures)	\$6,944,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$67,115,000

NEW SECTION. Sec. 6043. FOR THE DEPARTMENT OF COMMERCE

2021-23 PWB Broadband Infrastructure (40000152)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 1067, chapter 332, Laws of 2021.

Reappropriation:

Coronavirus Capital Projects Account—Federal.	\$45,040,000
Statewide Broadband Account—State.	\$14,000,000
Subtotal Reappropriation	\$59,040,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$59,040,000

NEW SECTION. Sec. 6044. FOR THE DEPARTMENT OF COMMERCE

2021-23 Housing Trust Fund Investment in Affordable Housing (40000153)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 1020, chapter 296, Laws of 2022.

Reappropriation:

Capital Community Assistance Account—State	\$104,723,000
Coronavirus State Fiscal Recovery Fund—Federal.	\$66,268,000
State Building Construction Account—State	\$28,793,000
State Taxable Building Construction Account— State	\$56,051,000
Subtotal Reappropriation	\$255,835,000
Prior Biennia (Expenditures).	\$31,856,000
Future Biennia (Projected Costs).	\$0
TOTAL	\$287,691,000

NEW SECTION. Sec. 6045. FOR THE DEPARTMENT OF COMMERCE

2021-23 Behavioral Health Community Capacity Grants (40000219)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 7010 of this act.

Reappropriation:

Capital Community Assistance Account—State	\$26,323,000
State Building Construction Account—State	\$89,011,000
Subtotal Reappropriation	\$115,334,000
Prior Biennia (Expenditures).	\$6,153,000
Future Biennia (Projected Costs).	\$0
TOTAL	\$121,487,000

NEW SECTION. Sec. 6046. FOR THE DEPARTMENT OF COMMERCE

2019-21 Housing Trust Fund Investment from Operating (40000220)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1070, chapter 332, Laws of 2021.

Reappropriation:

Washington Housing Trust Account—State	\$17,156,000
Prior Biennia (Expenditures).	\$30,285,000
Future Biennia (Projected Costs).	\$0
TOTAL	\$47,441,000

NEW SECTION. Sec. 6047. FOR THE DEPARTMENT OF COMMERCE

2021-23 Rapid Capital Housing Acquisition (40000222)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 7003 of this act.

Reappropriation:

Coronavirus State Fiscal Recovery Fund—Federal	\$16,532,000
State Building Construction Account—State	\$41,036,000
Subtotal Reappropriation	\$57,568,000
Prior Biennia (Expenditures)	\$62,567,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$120,135,000

NEW SECTION. Sec. 6048. FOR THE DEPARTMENT OF COMMERCE

2021-23 Rural Rehabilitation Loan Program (40000223)

Reappropriation:

State Taxable Building Construction Account—	
State	\$2,833,000
Prior Biennia (Expenditures)	\$9,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,842,000

NEW SECTION. Sec. 6049. FOR THE DEPARTMENT OF COMMERCE

2022 Local & Community Projects (40000230)

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

(1) The reappropriation is subject to the provisions of section 7012 of this act.

(2) The department must reimburse the city of Chelan for its expenditures for the Chelan municipal airport extension project. The amount of the reimbursement to the city of Chelan under this section may not exceed the amount appropriated for the Chelan municipal airport extension project in section 1022, chapter 296, Laws of 2022.

(3) It is the intent of the legislature to appropriate funding for the remaining costs of the Chelan municipal airport extension project in fiscal year 2024.

Reappropriation:

State Building Construction Account—State	\$117,688,000
Prior Biennia (Expenditures)	\$51,879,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$169,567,000

NEW SECTION. Sec. 6050. FOR THE DEPARTMENT OF COMMERCE

Economic Opportunity Grants Authority (40000246)

Reappropriation:

Rural Washington Loan Account—State	\$903,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$903,000

NEW SECTION. Sec. 6051. FOR THE DEPARTMENT OF COMMERCE

2022 Rapid Capital Housing Acquisition (40000260)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 1024, chapter 296, Laws of 2022.

Reappropriation:

Apple Health and Homes Account—State	\$59,952,000
Capital Community Assistance Account—State	\$175,558,000
Coronavirus State Fiscal Recovery Fund—Federal.	\$15,065,000
State Building Construction Account—State	\$22,935,000
Subtotal Reappropriation	\$273,510,000
Prior Biennia (Expenditures).	\$26,490,000
Future Biennia (Projected Costs).	\$0
TOTAL	\$300,000,000

NEW SECTION. Sec. 6052. FOR THE DEPARTMENT OF COMMERCE

2023 Local and Community Projects (40000266)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 7007 of this act.

Reappropriation:

Capital Community Assistance Account—State	\$309,000
State Building Construction Account—State	\$48,301,000
Subtotal Reappropriation	\$48,610,000
Prior Biennia (Expenditures).	\$5,017,000
Future Biennia (Projected Costs).	\$0
TOTAL	\$53,627,000

NEW SECTION. Sec. 6053. FOR THE DEPARTMENT OF COMMERCE

Ports Infrastructure (40000278)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1027, chapter 296, Laws of 2022.

Reappropriation:

State Building Construction Account—State	\$14,328,000
Prior Biennia (Expenditures).	\$1,718,000
Future Biennia (Projected Costs).	\$0
TOTAL	\$16,046,000

NEW SECTION. Sec. 6054. FOR THE DEPARTMENT OF COMMERCE

CERB Administered Broadband Infrastructure (91000943)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 1011, chapter 296, Laws of 2022.

Reappropriation:

Coronavirus Capital Projects Account—Federal	\$25,000,000
Public Works Assistance Account—State	\$3,450,000
State Taxable Building Construction Account— State	\$2,100,000
Subtotal Reappropriation	\$30,550,000
Prior Biennia (Expenditures)	\$7,900,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$38,450,000

NEW SECTION. Sec. 6055. FOR THE DEPARTMENT OF COMMERCE

2019 Local and Community Projects (91001157)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1017, chapter 356, Laws of 2020.

Reappropriation:

State Building Construction Account—State	\$4,781,000
Prior Biennia (Expenditures)	\$35,749,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$40,530,000

NEW SECTION. Sec. 6056. FOR THE DEPARTMENT OF COMMERCE

Library Capital Improvement Program (91001239)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1053, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—State	\$4,702,000
Prior Biennia (Expenditures)	\$8,136,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$12,838,000

NEW SECTION. Sec. 6057. FOR THE DEPARTMENT OF COMMERCE

Rapid Response Community Preservation Pilot Program (91001278)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1018, chapter 356, Laws of 2020.

Reappropriation:

Capital Community Assistance Account—State	\$2,000,000
Prior Biennia (Expenditures)	\$2,000,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,000,000

NEW SECTION. Sec. 6058. FOR THE DEPARTMENT OF COMMERCE

Dental Capacity Grants (91001306)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 6012, chapter 332, Laws of 2021.

Reappropriation:

State Building Construction Account—State	\$485,000
Prior Biennia (Expenditures)	\$1,093,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,578,000

NEW SECTION. Sec. 6059. FOR THE DEPARTMENT OF COMMERCE

Continuing Affordability in Current Housing (91001659)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1072, chapter 332, Laws of 2021.

Reappropriation:

State Building Construction Account—State	\$10,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,000,000

NEW SECTION. Sec. 6060. FOR THE DEPARTMENT OF COMMERCE

2021-23 Dental Capacity Grants (91001660)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1043, chapter 296, Laws of 2022.

Reappropriation:

State Building Construction Account—State	\$4,676,000
Prior Biennia (Expenditures)	\$1,549,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,225,000

NEW SECTION. Sec. 6061. FOR THE DEPARTMENT OF COMMERCE

Substance Use Disorder Recovery Housing (91001675)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1031, chapter 296, Laws of 2022.

Reappropriation:

State Taxable Building Construction Account—	
State	\$48,000
Prior Biennia (Expenditures)	\$102,000
Future Biennia (Projected Costs)	\$0

TOTAL\$150,000

NEW SECTION. Sec. 6062. FOR THE DEPARTMENT OF COMMERCE

2021-23 Early Learning Facilities (91001677)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 1037, chapter 296, Laws of 2022.

Reappropriation:

Capital Community Assistance Account—State	\$25,878,000
Early Learning Facilities Development Account— State	\$18,841,000
Early Learning Facilities Revolving Account— State	\$2,192,000
State Building Construction Account—State	\$891,000
Subtotal Reappropriation	\$47,802,000
Prior Biennia (Expenditures)	\$14,698,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$62,500,000

NEW SECTION. Sec. 6063. FOR THE DEPARTMENT OF COMMERCE

Early Learning Renovation Grants (91001681)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 7014 of this act.

Reappropriation:

State Building Construction Account—State	\$8,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$8,500,000

NEW SECTION. Sec. 6064. FOR THE DEPARTMENT OF COMMERCE

Grants for Affordable Housing Development Connections (91001685)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 1032, chapter 296, Laws of 2022.

Reappropriation:

Coronavirus State Fiscal Recovery Fund—Federal	\$27,000,000
State Building Construction Account—State	\$17,910,000
Subtotal Reappropriation	\$44,910,000
Prior Biennia (Expenditures)	\$390,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$45,300,000

NEW SECTION. Sec. 6065. FOR THE DEPARTMENT OF COMMERCE

Work, Education, Health Monitoring Projects (91001686)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 7013 of this act.

Reappropriation:

State Building Construction Account—State	\$805,000
Prior Biennia (Expenditures)	\$21,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$826,000

NEW SECTION. Sec. 6066. FOR THE DEPARTMENT OF COMMERCE

Infrastructure Projects (91001687)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 1033, chapter 296, Laws of 2022.

Reappropriation:

Capital Community Assistance Account—State	\$25,714,000
Coronavirus State Fiscal Recovery Fund—Federal	\$94,106,000
Public Works Assistance Account—State	\$485,000
State Building Construction Account—State	\$10,087,000
Subtotal Reappropriation	\$130,392,000
Prior Biennia (Expenditures)	\$6,908,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$137,300,000

NEW SECTION. Sec. 6067. FOR THE DEPARTMENT OF COMMERCE

Capital Grant Program Equity (91001688)

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

(1) The reappropriation is subject to the provisions of section 1093, chapter 332, Laws of 2021.

(2) The department may use up to 5 percent of the reappropriation in this section to administer the program, including, but not limited to, providing technical assistance, managing contracts, and reporting.

(3) The department must provide a report to the appropriate committees of the legislature and the governor by October 1, 2024, on progress and recommendations for improving outreach to underrepresented and remote communities and eliminating barriers to participating in state capital funding programs.

Reappropriation:

State Building Construction Account—State	\$5,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000

NEW SECTION. Sec. 6068. FOR THE DEPARTMENT OF COMMERCE

Food Banks (91001690)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1034, chapter 296, Laws of 2022.

Reappropriation:

State Building Construction Account—State	\$6,900,000
Prior Biennia (Expenditures)	\$5,686,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$12,586,000

NEW SECTION. Sec. 6069. FOR THE DEPARTMENT OF COMMERCE

Homeless Youth Facilities (91001991)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1048, chapter 296, Laws of 2022.

Reappropriation:

Capital Community Assistance Account—State	\$9,723,000
Prior Biennia (Expenditures)	\$5,172,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$14,895,000

NEW SECTION. Sec. 6070. FOR THE DEPARTMENT OF COMMERCE

2022 Permanent Supportive Housing Remediation (91002160)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1035, chapter 296, Laws of 2022.

Reappropriation:

State Building Construction Account—State	\$200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$200,000

NEW SECTION. Sec. 6071. FOR THE DEPARTMENT OF COMMERCE

Dig-Once Pilot Program (91002171)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1050, chapter 296, Laws of 2022.

Reappropriation:

State Building Construction Account—State	\$17,000
Prior Biennia (Expenditures)	\$23,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$40,000

NEW SECTION. Sec. 6072. FOR THE DEPARTMENT OF COMMERCE

Projects for Jobs & Economic Development (92000151)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 6013, chapter 332, Laws of 2021.

Reappropriation:

Public Facility Construction Loan Revolving	
Account—State	\$116,000
State Building Construction Account—State	\$735,000
Subtotal Reappropriation	\$851,000
Prior Biennia (Expenditures)	\$35,786,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$36,637,000

NEW SECTION. Sec. 6073. FOR THE DEPARTMENT OF COMMERCE

Projects that Strengthen Communities & Quality of Life (92000230)

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

- (1) The reappropriation is subject to the provisions of section 6006, chapter 3, Laws of 2015 3rd sp. sess.
- (2) The reappropriation for any project for which the department has not executed a contract by December 31, 2023, shall lapse. The department shall provide a list of lapsed projects to the legislative fiscal committees no later than January 15, 2024.

Reappropriation:

State Building Construction Account—State	\$982,000
Prior Biennia (Expenditures)	\$31,102,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$32,084,000

NEW SECTION. Sec. 6074. FOR THE DEPARTMENT OF COMMERCE

Local & Community Projects 2016 (92000369)

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

- (1) The reappropriation is subject to the provisions of section 1030, chapter 296, Laws of 2022.
- (2) The reappropriation for any project for which the department has not executed a contract by December 31, 2023, shall lapse. The department shall provide a list of lapsed projects to the legislative fiscal committees no later than January 15, 2024.

Reappropriation:

State Building Construction Account—State	\$5,917,000
Prior Biennia (Expenditures)	\$123,002,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$128,919,000

NEW SECTION. Sec. 6075. FOR THE DEPARTMENT OF COMMERCE

Enhanced Shelter Capacity Grants (92000939)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 7008 of this act.

Reappropriation:

State Building Construction Account—State	\$3,889,000
Prior Biennia (Expenditures)	\$723,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,612,000

NEW SECTION. Sec. 6076. FOR THE DEPARTMENT OF COMMERCE

2021-23 Broadband Office (92000953)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 7016 of this act.

Reappropriation:

Coronavirus Capital Projects Account—Federal.	\$124,726,000
Coronavirus State Fiscal Recovery Fund—Federal	\$150,522,000
State Building Construction Account—State	\$26,878,000
Subtotal Reappropriation	\$302,126,000
Prior Biennia (Expenditures)	\$1,468,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$303,594,000

NEW SECTION. Sec. 6077. FOR THE DEPARTMENT OF COMMERCE

2021-23 Community Relief (92000957)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 1044, chapter 296, Laws of 2022.

Reappropriation:

State Building Construction Account—State	\$9,848,000
State Taxable Building Construction Account— State	\$1,000
Subtotal Reappropriation	\$9,849,000
Prior Biennia (Expenditures)	\$4,901,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$14,750,000

NEW SECTION. Sec. 6078. FOR THE DEPARTMENT OF COMMERCE

Reimann Roads, Telecomm and Utility Relocation (Pasco) (92001004)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1088, chapter 332, Laws of 2021.

Reappropriation:

State Building Construction Account—State	\$6,515,000
Prior Biennia (Expenditures)	\$985,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,500,000

NEW SECTION. Sec. 6079. FOR THE DEPARTMENT OF COMMERCE

Child Care Minor Renovation Grants (92001109)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1045, chapter 296, Laws of 2022.

Reappropriation:

General Fund—Federal	\$28,011,000
Prior Biennia (Expenditures)	\$511,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$28,522,000

NEW SECTION. Sec. 6080. FOR THE DEPARTMENT OF COMMERCE

Increasing Housing Inventory (92001122)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1090, chapter 332, Laws of 2021.

Reappropriation:

State Building Construction Account—State	\$2,183,000
Prior Biennia (Expenditures)	\$317,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,500,000

NEW SECTION. Sec. 6081. FOR THE DEPARTMENT OF COMMERCE

2022 Dental Capacity Grants (92001175)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1049, chapter 296, Laws of 2022.

Reappropriation:

State Building Construction Account—State	\$5,705,000
Prior Biennia (Expenditures)	\$96,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,801,000

NEW SECTION. Sec. 6082. FOR THE DEPARTMENT OF COMMERCE

2022 Broadband Office (92001178)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 7017 of this act.

Reappropriation:

General Fund—Federal	\$49,991,000
Prior Biennia (Expenditures)	\$9,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$50,000,000

NEW SECTION. Sec. 6083. FOR THE DEPARTMENT OF COMMERCE

Energy Efficiency Revolving Loan Fund Capitalization Program (92001179)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1051, chapter 296, Laws of 2022.

Reappropriation:

Energy Efficiency Rev Loan Capital—State	\$1,869,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,869,000

NEW SECTION. Sec. 6084. FOR THE DEPARTMENT OF COMMERCE

2022 Crisis Stabilization Facilities (92001286)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1025, chapter 296, Laws of 2022.

Reappropriation:

Capital Community Assistance Account—State	\$71,995,000
Prior Biennia (Expenditures)	\$5,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$72,000,000

NEW SECTION. Sec. 6085. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Cowlitz River Dredging (20082856)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1053, chapter 296, Laws of 2022.

Reappropriation:

State Building Construction Account—State	\$2,000,000
Prior Biennia (Expenditures)	\$700,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,700,000

NEW SECTION. Sec. 6086. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Construction Cost Assessment (40000002)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1099, chapter 332, Laws of 2021.

Reappropriation:

Thurston County Capital Facilities Account—State	\$54,000
Prior Biennia (Expenditures)	\$246,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$300,000

NEW SECTION. Sec. 6087. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Fircrest School Land Use Assessment (92000035)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1100, chapter 332, Laws of 2021.

Reappropriation:

State Building Construction Account—State	\$165,000
Prior Biennia (Expenditures)	\$335,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

NEW SECTION. Sec. 6088. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Inflation and Contingency Fund (92001124)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section is subject to the provisions of section 1056, chapter 296, Laws of 2022, as amended by section 7020 of this act.

Reappropriation:

Capital Community Assistance Account—State	\$2,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000

NEW SECTION. Sec. 6089. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Campus Physical Security & Safety Improvements (30000812)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 6023, chapter 332, Laws of 2021.

Reappropriation:

Capitol Building Construction Account—State	\$292,000
State Building Construction Account—State	\$156,000
Thurston County Capital Facilities Account—State	\$544,000
Subtotal Reappropriation	\$992,000
Prior Biennia (Expenditures)	\$5,184,000
Future Biennia (Projected Costs)	\$0

TOTAL \$6,176,000

NEW SECTION. Sec. 6090. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

21-31 Statewide Minor Works - Preservation (40000180)

Reappropriation:

State Building Construction Account—State\$323,000
Prior Biennia (Expenditures).....\$564,000
Future Biennia (Projected Costs)..... \$0
TOTAL\$887,000

NEW SECTION. Sec. 6091. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Executive Guard Post One (40000448)

Reappropriation:

State Building Construction Account—State\$740,000
Prior Biennia (Expenditures)..... \$0
Future Biennia (Projected Costs)..... \$0
TOTAL\$740,000

NEW SECTION. Sec. 6092. FOR THE WASHINGTON STATE PATROL

FTA Emergency Power Generator Replacement (30000171)

Reappropriation:

State Building Construction Account—State\$821,000
Prior Biennia (Expenditures)..... \$54,000
Future Biennia (Projected Costs)..... \$0
TOTAL\$875,000

NEW SECTION. Sec. 6093. FOR THE WASHINGTON STATE PATROL

FTA - Student Dormitory HVAC (40000034)

Reappropriation:

State Building Construction Account—State\$127,000
Prior Biennia (Expenditures).....\$198,000
Future Biennia (Projected Costs)..... \$0
TOTAL\$325,000

NEW SECTION. Sec. 6094. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

Omnibus Minor Works (40000014)

Reappropriation:

State Building Construction Account—State\$726,000
Prior Biennia (Expenditures)..... \$9,000
Future Biennia (Projected Costs)..... \$0
TOTAL\$735,000

NEW SECTION. Sec. 6095. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

Modernize Lab and Training Facility (30000043)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 2005, chapter 413, Laws of 2019.

Reappropriation:

Accident Account—State	\$9,860,000
Medical Aid Account—State.	\$1,730,000
Subtotal Reappropriation	\$11,590,000
Prior Biennia (Expenditures).	\$41,613,000
Future Biennia (Projected Costs).	\$0
TOTAL	\$53,203,000

NEW SECTION. Sec. 6096. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

Air Handler Retrofit and Cooling Tower Replacement (30000059)

Reappropriation:

Accident Account—State	\$2,050,000
Medical Aid Account—State.	\$2,050,000
Subtotal Reappropriation	\$4,100,000
Prior Biennia (Expenditures).	\$638,000
Future Biennia (Projected Costs).	\$0
TOTAL	\$4,738,000

NEW SECTION. Sec. 6097. FOR THE MILITARY DEPARTMENT Thurston County Readiness Center (30000594)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 1027, chapter 35, Laws of 2016 sp. sess.

Reappropriation:

General Fund—Federal	\$3,301,000
Military Department Capital Account—State	\$553,000
Subtotal Reappropriation	\$3,854,000
Prior Biennia (Expenditures).	\$44,098,000
Future Biennia (Projected Costs).	\$0
TOTAL	\$47,952,000

NEW SECTION. Sec. 6098. FOR THE MILITARY DEPARTMENT Anacortes Readiness Center Major Renovation (40000004)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 1100, chapter 413, Laws of 2019.

Reappropriation:

General Fund—Federal	\$2,472,000
Military Department Capital Account—State	\$62,000
State Building Construction Account—State	\$2,707,000
Subtotal Reappropriation	\$5,241,000
Prior Biennia (Expenditures).	\$2,010,000
Future Biennia (Projected Costs).	\$0
TOTAL	\$7,251,000

NEW SECTION. Sec. 6099. FOR THE MILITARY DEPARTMENT Stryker Canopies Kent Site (40000073)

Reappropriation:

General Fund—Federal	\$2,547,000
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Prior Biennia (Expenditures)	\$453,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,000,000

NEW SECTION, Sec. 6100. FOR THE MILITARY DEPARTMENT

Stryker Canopies Bremerton Site (40000077)

Reappropriation:

General Fund—Federal	\$1,107,000
Prior Biennia (Expenditures)	\$393,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,500,000

NEW SECTION, Sec. 6101. FOR THE MILITARY DEPARTMENT

Montesano Field Maintenance Shop (FMS) Addition (40000095)

Reappropriation:

General Fund—Federal	\$2,964,000
Prior Biennia (Expenditures)	\$36,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,000,000

NEW SECTION, Sec. 6102. FOR THE MILITARY DEPARTMENT

Minor Works Program 21-23 Biennium (40000185)

Reappropriation:

General Fund—Federal	\$5,309,000
State Building Construction Account—State	\$2,002,000
Subtotal Reappropriation	\$7,311,000
Prior Biennia (Expenditures)	\$1,351,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$8,662,000

NEW SECTION, Sec. 6103. FOR THE MILITARY DEPARTMENT

Minor Works Preservation 2021-23 Biennium (40000188)

Reappropriation:

General Fund—Federal	\$6,289,000
State Building Construction Account—State	\$2,028,000
Subtotal Reappropriation	\$8,317,000
Prior Biennia (Expenditures)	\$1,215,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$9,532,000

NEW SECTION, Sec. 6104. FOR THE MILITARY DEPARTMENT

Camp Murray Bldg. 20 Roof Top Unit Upgrade (40000189)

Reappropriation:

State Building Construction Account—State	\$307,000
Prior Biennia (Expenditures)	\$6,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$313,000

NEW SECTION, Sec. 6105. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital New Kitchen and Commissary Building (20081319)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2003, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$1,263,000
Prior Biennia (Expenditures)	\$28,927,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$30,190,000

NEW SECTION, Sec. 6106. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Firecrest School-Back-Up Power & Electrical Feeders (30000415)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2005, chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:

State Building Construction Account—State	\$1,035,000
Prior Biennia (Expenditures)	\$4,165,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,200,000

NEW SECTION, Sec. 6107. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital: New Boiler Plant (30000468)

Reappropriation:

State Building Construction Account—State	\$2,095,000
Prior Biennia (Expenditures)	\$11,234,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$13,329,000

NEW SECTION, Sec. 6108. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor Works Preservation Projects: Statewide (30002235)

Reappropriation:

State Building Construction Account—State	\$1,419,000
Prior Biennia (Expenditures)	\$25,266,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$26,685,000

NEW SECTION, Sec. 6109. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Rainier School-Multiple Buildings: Roofing Replacement & Repairs (30002752)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2005, chapter 356, Laws of 2020.

Reappropriation:

State Building Construction Account—State	\$456,000
Prior Biennia (Expenditures)	\$2,174,000
Future Biennia (Projected Costs)	\$0

TOTAL \$2,630,000

NEW SECTION. Sec. 6110. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Fircrest School-Nursing Facilities: Replacement (30002755)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 7023 of this act.

Reappropriation:

State Building Construction Account—State \$10,032,000
Prior Biennia (Expenditures) \$261,000
Future Biennia (Projected Costs) \$0
TOTAL \$10,293,000

NEW SECTION. Sec. 6111. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital-Westlake: New HVAC DDC Controls (30002759)

Reappropriation:

State Building Construction Account—State \$1,589,000
Prior Biennia (Expenditures) \$2,261,000
Future Biennia (Projected Costs) \$0
TOTAL \$3,850,000

NEW SECTION. Sec. 6112. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital-Forensic Services: Two Wards Addition (30002765)

Reappropriation:

State Building Construction Account—State \$8,673,000
Prior Biennia (Expenditures) \$21,827,000
Future Biennia (Projected Costs) \$0
TOTAL \$30,500,000

NEW SECTION. Sec. 6113. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

DOC/DSHS McNeil Island-Infrastructure: Repairs & Upgrades (30003211)

Reappropriation:

State Building Construction Account—State \$979,000
Prior Biennia (Expenditures) \$976,000
Future Biennia (Projected Costs) \$0
TOTAL \$1,955,000

NEW SECTION. Sec. 6114. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

DOC/DSHS McNeil Island-Infrastructure: Water System Replacement (30003213)

Reappropriation:

State Building Construction Account—State \$96,000
Prior Biennia (Expenditures) \$2,412,000
Future Biennia (Projected Costs) \$0
TOTAL \$2,508,000

NEW SECTION. Sec. 6115. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Child Study and Treatment Center: CLIP Capacity (30003324)

Reappropriation:

State Building Construction Account—State	\$157,000
Prior Biennia (Expenditures)	\$12,787,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$12,944,000

NEW SECTION. Sec. 6116. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

State Psychiatric Hospitals: Compliance with Federal Requirements (30003569)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2015, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$94,000
Prior Biennia (Expenditures)	\$1,906,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000

NEW SECTION. Sec. 6117. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital: Master Plan Update (30003571)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2016, chapter 2, Laws of 2018.

Reappropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account—State	
	\$69,000
Prior Biennia (Expenditures)	\$456,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$525,000

NEW SECTION. Sec. 6118. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Yakima Valley School-Multiple Buildings: Safety Improvements (30003573)

Reappropriation:

State Building Construction Account—State	\$56,000
Prior Biennia (Expenditures)	\$1,819,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,875,000

NEW SECTION. Sec. 6119. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Special Commitment Center-Community Facilities: New Capacity (30003577)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 2023, chapter 332, Laws of 2021.

Reappropriation:

Charitable, Educational, Penal, and Reformatory	
Institutions Account—State	\$176,000
State Building Construction Account—State	\$6,000,000
Subtotal Reappropriation	\$6,176,000
Prior Biennia (Expenditures)	\$324,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,500,000

NEW SECTION. Sec. 6120. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital-Multiple Buildings: Fire Suppression (30003579)

Reappropriation:

State Building Construction Account—State	\$55,000
Prior Biennia (Expenditures)	\$945,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 6121. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital-Multiple Buildings: Elevator Modernization (30003582)

Reappropriation:

State Building Construction Account—State	\$318,000
Prior Biennia (Expenditures)	\$4,782,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,100,000

NEW SECTION. Sec. 6122. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Fircrest School: Campus Master Plan & Rezone (30003601)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 2007, chapter 296, Laws of 2022.

Reappropriation:

Charitable, Educational, Penal, and Reformatory	
Institutions Account—State	\$1,000
State Building Construction Account—State	\$163,000
Subtotal Reappropriation	\$164,000
Prior Biennia (Expenditures)	\$329,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$493,000

NEW SECTION. Sec. 6123. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital-Forensic Services: Roofing Replacement (30003603)

Reappropriation:

State Building Construction Account—State	\$54,000
Prior Biennia (Expenditures)	\$1,901,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,955,000

NEW SECTION, Sec. 6124. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital: Emergency Electrical System Upgrades (30003616)

Reappropriation:

State Building Construction Account—State	\$1,182,000
Prior Biennia (Expenditures)	\$873,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,055,000

NEW SECTION, Sec. 6125. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Behavioral Health: Compliance with Systems Improvement Agreement (30003849)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2033, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—State	\$124,000
Prior Biennia (Expenditures)	\$8,776,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$8,900,000

NEW SECTION, Sec. 6126. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor Works Preservation Projects: Statewide 2019-21 (40000381)

Reappropriation:

Charitable, Educational, Penal, and Reformatory

Institutions Account—State	\$913,000
State Building Construction Account—State	\$6,447,000
Subtotal Reappropriation	\$7,360,000
Prior Biennia (Expenditures)	\$7,690,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$15,050,000

NEW SECTION, Sec. 6127. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor Works Program Projects: Statewide 2019-21 (40000382)

Reappropriation:

Charitable, Educational, Penal, and Reformatory

Institutions Account—State	\$566,000
State Building Construction Account—State	\$171,000
Subtotal Reappropriation	\$737,000
Prior Biennia (Expenditures)	\$2,018,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,755,000

NEW SECTION. Sec. 6128. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital-Multiple Buildings: Fire Doors Replacement (40000392)

Reappropriation:

State Building Construction Account—State	\$4,602,000
Prior Biennia (Expenditures)	\$498,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,100,000

NEW SECTION. Sec. 6129. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital-Eastlake & Westlake: Fire & Smoke Controls (40000404)

Reappropriation:

State Building Construction Account—State	\$1,728,000
Prior Biennia (Expenditures)	\$322,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,050,000

NEW SECTION. Sec. 6130. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital-Westlake: Fire Stops (40000405)

Reappropriation:

State Building Construction Account—State	\$1,874,000
Prior Biennia (Expenditures)	\$256,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,130,000

NEW SECTION. Sec. 6131. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital-EL & WL: HVAC Compliance & Monitoring (40000492)

Reappropriation:

State Building Construction Account—State	\$570,000
Prior Biennia (Expenditures)	\$1,345,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,915,000

NEW SECTION. Sec. 6132. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Maple Lane-Columbia Cottage: Behavioral Health Expansion (40000567)

Reappropriation:

State Building Construction Account—State	\$3,871,000
Prior Biennia (Expenditures)	\$1,129,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000

NEW SECTION. Sec. 6133. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor Works Program Projects: Statewide 2021-23 (40000569)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2046, chapter 332, Laws of 2021.

Reappropriation:

State Building Construction Account—State	\$2,070,000
Prior Biennia (Expenditures)	\$685,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,755,000

NEW SECTION. Sec. 6134. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor Works Preservation Projects: Statewide 2021-23 (40000571)

Reappropriation:

Charitable, Educational, Penal, and Reformatory	
Institutions Account—State	\$1,612,000
State Building Construction Account—State	\$7,600,000
Subtotal Reappropriation	\$9,212,000
Prior Biennia (Expenditures)	\$2,378,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$11,590,000

NEW SECTION. Sec. 6135. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Transitional Care Center-Main Building: Patient Rooms Cooling (40000574)

Reappropriation:

Coronavirus State Fiscal Recovery Fund—Federal	\$2,315,000
Prior Biennia (Expenditures)	\$20,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,335,000

NEW SECTION. Sec. 6136. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Statewide-Behavioral Health: Patient Safety Improvements 2021-23 (40000578)

Reappropriation:

State Building Construction Account—State	\$6,151,000
Prior Biennia (Expenditures)	\$849,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,000,000

NEW SECTION. Sec. 6137. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital-Building 29: Roofing Replacement (40000589)

Reappropriation:

State Building Construction Account—State	\$4,867,000
Prior Biennia (Expenditures)	\$168,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,035,000

NEW SECTION. Sec. 6138. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital-Building 27: Roofing Replacement (40000888)

Reappropriation:

State Building Construction Account—State	\$512,000
Prior Biennia (Expenditures)	\$688,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,200,000

NEW SECTION. Sec. 6139. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Fircrest School-ICF Cottages: HVAC & Water Heater Improvements (40000946)

Reappropriation:

State Building Construction Account—State	\$5,605,000
Prior Biennia (Expenditures)	\$175,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,780,000

NEW SECTION. Sec. 6140. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital-Building 29: CMS Certification (40000948)

Reappropriation:

State Building Construction Account—State	\$30,000
Prior Biennia (Expenditures)	\$190,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$220,000

NEW SECTION. Sec. 6141. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

ESH and WSH-All Wards: Patient Safety Improvements (91000019)

Reappropriation:

State Building Construction Account—State	\$4,633,000
Prior Biennia (Expenditures)	\$14,036,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$18,669,000

NEW SECTION. Sec. 6142. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

DSHS & DCYF Fire Alarms (91000066)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2036, chapter 332, Laws of 2021.

Reappropriation:

State Building Construction Account—State	\$6,026,000
Prior Biennia (Expenditures)	\$10,793,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$16,819,000

NEW SECTION. Sec. 6143. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital Elevators (91000068)

Reappropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account—State	\$720,000
Prior Biennia (Expenditures)	\$1,980,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,700,000

NEW SECTION. Sec. 6144. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital & CSTC Power Upgrades (91000070)

Reappropriation:

State Building Construction Account—State	\$783,000
Prior Biennia (Expenditures)	\$1,517,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,300,000

NEW SECTION. Sec. 6145. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

BH: State Operated Community Civil 16-Bed Capacity (91000075)

Reappropriation:

State Building Construction Account—State	\$2,255,000
Prior Biennia (Expenditures)	\$17,935,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$20,190,000

NEW SECTION. Sec. 6146. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Rainier School-PATs E,C Cottage Cooling Upgrades (91000078)

Reappropriation:

State Building Construction Account—State	\$143,000
Prior Biennia (Expenditures)	\$7,857,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$8,000,000

NEW SECTION. Sec. 6147. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital Treatment & Recovery Center (91000080)

Reappropriation:

State Building Construction Account—State	\$23,931,000
Prior Biennia (Expenditures)	\$669,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$24,600,000

NEW SECTION. Sec. 6148. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Child Study & Treatment Center - Youth Housing (91000084)

Reappropriation:

State Building Construction Account—State	\$350,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$350,000

NEW SECTION. Sec. 6149. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Residential Habilitation Center Land Management (92000044)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2060, chapter 332, Laws of 2021.

Reappropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account—State	\$150,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$150,000

NEW SECTION. Sec. 6150. FOR THE DEPARTMENT OF HEALTH

Drinking Water Preconstruction Loans (30000334)

Reappropriation:

Drinking Water Assistance Account—State	\$4,279,000
Prior Biennia (Expenditures)	\$1,721,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,000,000

NEW SECTION. Sec. 6151. FOR THE DEPARTMENT OF HEALTH

New Central Boiler Plant (30000381)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2064, chapter 332, Laws of 2021.

Reappropriation:

State Building Construction Account—State	\$10,658,000
Prior Biennia (Expenditures)	\$2,607,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$13,265,000

NEW SECTION. Sec. 6152. FOR THE DEPARTMENT OF HEALTH

Drinking Water Construction Loans (30000409)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2034, chapter 2, Laws of 2018.

Reappropriation:

Drinking Water Assistance Account—State	\$36,094,000
Prior Biennia (Expenditures)	\$81,906,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$118,000,000

NEW SECTION. Sec. 6153. FOR THE DEPARTMENT OF HEALTH

Drinking Water System Repairs and Consolidation (40000006)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2035, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$760,000
Prior Biennia (Expenditures)	\$4,240,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000

NEW SECTION. Sec. 6154. FOR THE DEPARTMENT OF HEALTH
 2019-21 Drinking Water Assistance Program (40000025)

Reappropriation:

Drinking Water Assistance Account—Federal	\$2,197,000
Prior Biennia (Expenditures)	\$32,803,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$35,000,000

NEW SECTION. Sec. 6155. FOR THE DEPARTMENT OF HEALTH
 2019-21 Drinking Water System Repairs and Consolidation (40000027)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2068, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—State	\$592,000
Prior Biennia (Expenditures)	\$908,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,500,000

NEW SECTION. Sec. 6156. FOR THE DEPARTMENT OF HEALTH
 Small & Disadvantaged Communities DW (40000031)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2020, chapter 296, Laws of 2022.

Reappropriation:

General Fund—Federal	\$20,042,000
Prior Biennia (Expenditures)	\$764,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$20,806,000

NEW SECTION. Sec. 6157. FOR THE DEPARTMENT OF HEALTH
 Replace Air Handling Unit (AHU) in A/Q-wings (40000034)

Reappropriation:

Coronavirus State Fiscal Recovery Fund—Federal	\$1,894,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,894,000

NEW SECTION. Sec. 6158. FOR THE DEPARTMENT OF HEALTH
 2021-23 Drinking Water Assistance Program (40000049)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2023, chapter 296, Laws of 2022.

Reappropriation:

Drinking Water Assistance Account—Federal	\$112,900,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$112,900,000

NEW SECTION. Sec. 6159. FOR THE DEPARTMENT OF HEALTH
 2021-23 Drinking Water Construction Loans - State Match (40000051)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2024, chapter 296, Laws of 2022.

Reappropriation:

Drinking Water Assistance Account—State	\$11,769,000
Prior Biennia (Expenditures)	\$8,631,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$20,400,000

NEW SECTION. Sec. 6160. FOR THE DEPARTMENT OF HEALTH
 Lakewood Water District PFAS Treatment Facility (40000052)

Reappropriation:

State Building Construction Account—State	\$936,000
Prior Biennia (Expenditures)	\$4,633,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,569,000

NEW SECTION. Sec. 6161. FOR THE DEPARTMENT OF HEALTH
 Generator for New Central Boiler Plant (40000053)

Reappropriation:

State Building Construction Account—State	\$1,837,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,837,000

NEW SECTION. Sec. 6162. FOR THE DEPARTMENT OF HEALTH
 Improve Critical Water Infrastructure (40000058)

Reappropriation:

Drinking Water Assistance Account—State	\$20,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$20,000,000

NEW SECTION. Sec. 6163. FOR THE DEPARTMENT OF HEALTH
 Increase DWSRF Preconstruction Loans (40000059)

Reappropriation:

Drinking Water Assistance Account—State	\$400,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$400,000

NEW SECTION. Sec. 6164. FOR THE DEPARTMENT OF VETERANS AFFAIRS

WVH HVAC Retrofit (40000006)

Reappropriation:

State Building Construction Account—State	\$395,000
Prior Biennia (Expenditures)	\$355,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$750,000

NEW SECTION. Sec. 6165. FOR THE DEPARTMENT OF VETERANS AFFAIRS

WSH - Life Safety Grant (40000013)

Reappropriation:

General Fund—Federal	\$315,000
State Building Construction Account—State	\$164,000
Subtotal Reappropriation	\$479,000
Prior Biennia (Expenditures)	\$21,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

NEW SECTION. Sec. 6166. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Transitional Housing Capital Improvements (40000066)

Reappropriation:

General Fund—Federal	\$2,286,000
Prior Biennia (Expenditures)	\$114,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,400,000

NEW SECTION. Sec. 6167. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Extended Care Facilities Construction Grants (92000001)

Reappropriation:

General Fund—Federal	\$12,538,000
Prior Biennia (Expenditures)	\$595,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$13,133,000

NEW SECTION. Sec. 6168. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES

Echo Glen-Housing Unit: Acute Mental Health Unit (30002736)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2078, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—State	\$5,043,000
Prior Biennia (Expenditures)	\$4,557,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$9,600,000

NEW SECTION. Sec. 6169. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES

Green Hill School-Recreation Building: Replacement (30003237)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2013, chapter 356, Laws of 2020.

Reappropriation:

State Building Construction Account—State	\$14,726,000
Prior Biennia (Expenditures)	\$17,036,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$31,762,000

NEW SECTION. Sec. 6170. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES

Minor Works Preservation Projects: Statewide 2019-21 (40000400)

Reappropriation:

State Building Construction Account—State	\$140,000
Prior Biennia (Expenditures)	\$2,300,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,440,000

NEW SECTION. Sec. 6171. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES

Minor Works Preservation Projects - SW 2021-23 (40000532)

Reappropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account—State	\$739,000
Prior Biennia (Expenditures)	\$22,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$761,000

NEW SECTION. Sec. 6172. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES

Green Hill School - Baker North Remodel (40000534)

Reappropriation:

State Building Construction Account—State	\$5,935,000
Prior Biennia (Expenditures)	\$689,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,624,000

NEW SECTION. Sec. 6173. FOR THE DEPARTMENT OF CORRECTIONS

MCC: WSR Perimeter Wall Renovation (30000117)

Reappropriation:

State Building Construction Account—State	\$905,000
Prior Biennia (Expenditures)	\$295,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,200,000

NEW SECTION. Sec. 6174. FOR THE DEPARTMENT OF CORRECTIONS

Washington Corrections Center: Transformers and Switches (30000143)

Reappropriation:

State Building Construction Account—State	\$8,002,000
Prior Biennia (Expenditures)	\$12,583,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$20,585,000

NEW SECTION. Sec. 6175. FOR THE DEPARTMENT OF CORRECTIONS

MCC: TRU Roof Programs and Recreation Building (30000738)

Reappropriation:

State Building Construction Account—State	\$5,840,000
Prior Biennia (Expenditures)	\$156,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,996,000

NEW SECTION. Sec. 6176. FOR THE DEPARTMENT OF CORRECTIONS

MCC: WSR Clinic Roof Replacement (40000180)

Reappropriation:

State Building Construction Account—State	\$9,123,000
Prior Biennia (Expenditures)	\$210,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$9,333,000

NEW SECTION. Sec. 6177. FOR THE DEPARTMENT OF CORRECTIONS

Minor Works - Preservation Projects (40000254)

Reappropriation:

State Building Construction Account—State	\$7,595,000
Prior Biennia (Expenditures)	\$2,728,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,323,000

NEW SECTION. Sec. 6178. FOR THE DEPARTMENT OF CORRECTIONS

LCC: Boiler Replacement (40000255)

Reappropriation:

State Building Construction Account—State	\$1,210,000
Prior Biennia (Expenditures)	\$90,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,300,000

NEW SECTION. Sec. 6179. FOR THE DEPARTMENT OF CORRECTIONS

WCC: Interim Mental Health Building (40000260)

Reappropriation:

Capital Community Assistance Account—State	\$672,000
State Building Construction Account—State	\$1,237,000
Subtotal Reappropriation	\$1,909,000
Prior Biennia (Expenditures)	\$38,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,947,000

NEW SECTION. Sec. 6180. FOR THE DEPARTMENT OF CORRECTIONS

MCC: TRU Support Building HVAC Replacement (40000379)

Reappropriation:

Coronavirus State Fiscal Recovery Fund—Federal	\$4,606,000
Prior Biennia (Expenditures)	\$40,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,646,000

NEW SECTION. Sec. 6181. FOR THE DEPARTMENT OF CORRECTIONS

WCC: Support Buildings Roof Replacement (40000380)

Reappropriation:

State Building Construction Account—State	\$6,746,000
Prior Biennia (Expenditures)	\$254,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,000,000

NEW SECTION. Sec. 6182. FOR THE DEPARTMENT OF CORRECTIONS

Inpatient Psychiatric Unit (40000413)

Reappropriation:

State Building Construction Account—State	\$350,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$350,000

NEW SECTION. Sec. 6183. FOR THE STATE SCHOOL FOR THE BLIND

Independent Living Skills Center (30000107)

Reappropriation:

State Building Construction Account—State	\$2,228,000
Prior Biennia (Expenditures)	\$6,770,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$8,998,000

NEW SECTION. Sec. 6184. FOR THE STATE SCHOOL FOR THE BLIND

Minor Works: Campus Preservation 2019-21 (40000004)

Reappropriation:

State Building Construction Account—State	\$75,000
Prior Biennia (Expenditures)	\$580,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$655,000

NEW SECTION. Sec. 6185. FOR THE STATE SCHOOL FOR THE BLIND

21-23 Campus Preservation (40000015)

Reappropriation:

State Building Construction Account—State	\$459,000
Prior Biennia (Expenditures)	\$16,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$475,000

NEW SECTION. Sec. 6186. FOR THE WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS

Minor Works: Preservation 2021-23 (30000047)

Reappropriation:

State Building Construction Account—State	\$75,000
Prior Biennia (Expenditures)	\$170,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$245,000

NEW SECTION. Sec. 6187. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

Rehabilitation of Beverly Bridge (30000022)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 1111, chapter 413, Laws of 2019.

Reappropriation:

General Fund—Private/Local	\$429,000
State Building Construction Account—State	\$156,000
Subtotal Reappropriation	\$585,000
Prior Biennia (Expenditures)	\$4,990,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,575,000

NEW SECTION. Sec. 6188. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

2019-21 Historic County Courthouse Grants Program (30000023)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1112, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—State	\$160,000
Prior Biennia (Expenditures)	\$959,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,119,000

NEW SECTION. Sec. 6189. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

2019-21 Historic Cemetery Grant Program (40000001)

Reappropriation:

State Building Construction Account—State	\$121,000
Prior Biennia (Expenditures)	\$394,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$515,000

NEW SECTION. Sec. 6190. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

Ebey's National Historic Reserve (40000003)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1115, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—State	\$624,000
Prior Biennia (Expenditures)	\$696,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,320,000

NEW SECTION. Sec. 6191. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

2021-23 Heritage Barn Grants (40000005)

Reappropriation:

State Building Construction Account—State	\$765,000
Prior Biennia (Expenditures)	\$235,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 6192. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

2021-23 Historic County Courthouse Rehabilitation Program (40000006)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1144, chapter 332, Laws of 2021.

Reappropriation:

State Building Construction Account—State	\$1,603,000
Prior Biennia (Expenditures)	\$259,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,862,000

NEW SECTION. Sec. 6193. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

2021-23 Historic Cemetery Grant Program (40000007)

Reappropriation:

State Building Construction Account—State	\$275,000
Prior Biennia (Expenditures)	\$25,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$300,000

NEW SECTION. Sec. 6194. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

2021-23 Historic Theater Capital Grant Program (40000012)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1146, chapter 332, Laws of 2021.

Reappropriation:

State Building Construction Account—State	\$288,000
Prior Biennia (Expenditures)	\$12,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$300,000

NEW SECTION. Sec. 6195. FOR THE UNIVERSITY OF WASHINGTON

UW Bothell (30000378)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5037, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—State	\$24,018,000
Prior Biennia (Expenditures)	\$55,420,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$79,438,000

NEW SECTION. Sec. 6196. FOR THE UNIVERSITY OF WASHINGTON

College of Engineering Interdisciplinary/Education Research Ctr (30000492)

Reappropriation:

State Building Construction Account—State	\$36,677,000
Prior Biennia (Expenditures)	\$13,323,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$50,000,000

NEW SECTION. Sec. 6197. FOR THE UNIVERSITY OF WASHINGTON

Behavioral Health Teaching Facility (40000038)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 5014, chapter 296, Laws of 2022.

Reappropriation:

Capital Community Assistance Account—State	\$10,000,000
State Building Construction Account—State	\$88,777,000
Subtotal Reappropriation	\$98,777,000
Prior Biennia (Expenditures)	\$145,223,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$244,000,000

NEW SECTION. Sec. 6198. FOR THE UNIVERSITY OF WASHINGTON

UW Seattle - Asset Preservation (Minor Works) 21-23 (40000050)

Reappropriation:

University of Washington Building Account—State	\$16,552,000
Prior Biennia (Expenditures)	\$19,133,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$35,685,000

NEW SECTION. Sec. 6199. FOR THE UNIVERSITY OF WASHINGTON

UW Bothell - Asset Preservation (Minor Works) 2021-23 (40000070)

Reappropriation:

University of Washington Building Account—State	\$1,429,000
Prior Biennia (Expenditures)	\$2,209,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,638,000

NEW SECTION. Sec. 6200. FOR THE UNIVERSITY OF WASHINGTON

Ctr for Advanced Materials and Clean Energy Research Test Beds (91000016)

Reappropriation:

State Building Construction Account—State	\$12,588,000
Prior Biennia (Expenditures)	\$16,412,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$29,000,000

NEW SECTION. Sec. 6201. FOR WASHINGTON STATE

UNIVERSITY

WSU Vancouver - Life Sciences Building (30000840)

Reappropriation:

State Building Construction Account—State	\$32,017,000
Prior Biennia (Expenditures)	\$25,083,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$57,100,000

NEW SECTION. Sec. 6202. FOR WASHINGTON STATE

UNIVERSITY

Spokane-Biomedical and Health Sc Building Ph II (40000012)

Reappropriation:

State Building Construction Account—State	\$9,095,000
Prior Biennia (Expenditures)	\$6,405,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$15,500,000

NEW SECTION. Sec. 6203. FOR WASHINGTON STATE

UNIVERSITY

Minor Capital Preservation (MCR): 2021-23 (40000145)

Reappropriation:

Washington State University Building Account—	
State	\$13,607,000
Prior Biennia (Expenditures)	\$14,186,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$27,793,000

NEW SECTION. Sec. 6204. FOR WASHINGTON STATE

UNIVERSITY

Campus Fire Protection and Domestic Water Reservoir (40000272)

Reappropriation:

State Building Construction Account—State	\$5,721,000
Prior Biennia (Expenditures)	\$2,279,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$8,000,000

NEW SECTION. Sec. 6205. FOR WASHINGTON STATE

UNIVERSITY

Clark Hall Research Lab Renovation (40000274)

Reappropriation:

Washington State University Building Account—	
State	\$1,050,000
Prior Biennia (Expenditures)	\$3,850,000
Future Biennia (Projected Costs)	\$0

TOTAL \$4,900,000

NEW SECTION. Sec. 6206. FOR WASHINGTON STATE UNIVERSITY

Pullman Student Success Center Phase 1 (40000339)

Reappropriation:

State Building Construction Account—State \$1,903,000
Prior Biennia (Expenditures).....\$97,000
Future Biennia (Projected Costs)..... \$0
TOTAL \$2,000,000

NEW SECTION. Sec. 6207. FOR EASTERN WASHINGTON UNIVERSITY

Infrastructure Renewal II (40000016)

Reappropriation:

State Building Construction Account—State \$5,436,000
Prior Biennia (Expenditures).....\$9,564,000
Future Biennia (Projected Costs)..... \$0
TOTAL \$15,000,000

NEW SECTION. Sec. 6208. FOR EASTERN WASHINGTON UNIVERSITY

Infrastructure Renewal III (40000070)

Reappropriation:

State Building Construction Account—State \$9,876,000
Prior Biennia (Expenditures).....\$124,000
Future Biennia (Projected Costs)..... \$0
TOTAL \$10,000,000

NEW SECTION. Sec. 6209. FOR EASTERN WASHINGTON UNIVERSITY

Lucy Covington Center (40000071)

Reappropriation:

Eastern Washington University Capital Projects
Account—State \$272,000
Prior Biennia (Expenditures).....\$28,000
Future Biennia (Projected Costs)..... \$0
TOTAL \$300,000

NEW SECTION. Sec. 6210. FOR EASTERN WASHINGTON UNIVERSITY

Minor Works: Preservation 2021-23 (40000107)

Reappropriation:

Eastern Washington University Capital Projects
Account—State \$1,806,000
Prior Biennia (Expenditures).....\$1,194,000
Future Biennia (Projected Costs)..... \$0
TOTAL \$3,000,000

NEW SECTION. Sec. 6211. FOR EASTERN WASHINGTON UNIVERSITY

Minor Works: Program 2021-23 (40000110)

Reappropriation:

Eastern Washington University Capital Projects	
Account—State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 6212. FOR CENTRAL WASHINGTON UNIVERSITY

Nutrition Science (30000456)

Reappropriation:

State Building Construction Account—State	\$2,344,000
Prior Biennia (Expenditures)	\$57,236,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$59,580,000

NEW SECTION. Sec. 6213. FOR CENTRAL WASHINGTON UNIVERSITY

Health Education (40000009)

Reappropriation:

State Building Construction Account—State	\$24,224,000
Prior Biennia (Expenditures)	\$37,981,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$62,205,000

NEW SECTION. Sec. 6214. FOR CENTRAL WASHINGTON UNIVERSITY

Chiller Addition (40000075)

Reappropriation:

State Building Construction Account—State	\$952,000
Prior Biennia (Expenditures)	\$2,237,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,189,000

NEW SECTION. Sec. 6215. FOR CENTRAL WASHINGTON UNIVERSITY

Minor Works Preservation 2021 - 2023 (40000083)

Reappropriation:

Central Washington University Capital Projects	
Account—State	\$2,504,000
State Building Construction Account—State	\$300,000
Subtotal Reappropriation	\$2,804,000
Prior Biennia (Expenditures)	\$4,657,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,461,000

NEW SECTION. Sec. 6216. FOR CENTRAL WASHINGTON UNIVERSITY

Minor Works Program 2021 - 2023 (40000084)

Reappropriation:

Central Washington University Capital Projects	
Account—State	\$511,000
Prior Biennia (Expenditures)	\$489,000
Future Biennia (Projected Costs)	\$0

TOTAL \$1,000,000

NEW SECTION. Sec. 6217. FOR CENTRAL WASHINGTON UNIVERSITY

Electrical Grid Security (40000121)

Reappropriation:

Central Washington University Capital Projects

Account—State \$576,000

State Building Construction Account—State \$576,000

Subtotal Reappropriation \$1,152,000

Prior Biennia (Expenditures) \$356,000

Future Biennia (Projected Costs) \$0

TOTAL \$1,508,000

NEW SECTION. Sec. 6218. FOR THE EVERGREEN STATE COLLEGE

Minor Works Preservation 2021-23 (40000034)

Reappropriation:

State Building Construction Account—State \$1,772,000

The Evergreen State College Capital Projects

Account—State \$850,000

Subtotal Reappropriation \$2,622,000

Prior Biennia (Expenditures) \$2,903,000

Future Biennia (Projected Costs) \$0

TOTAL \$5,525,000

NEW SECTION. Sec. 6219. FOR THE EVERGREEN STATE COLLEGE

Lab II HVAC Upgrades (40000047)

Reappropriation:

Coronavirus State Fiscal Recovery Fund—Federal \$3,454,000

Prior Biennia (Expenditures) \$546,000

Future Biennia (Projected Costs) \$0

TOTAL \$4,000,000

NEW SECTION. Sec. 6220. FOR THE EVERGREEN STATE COLLEGE

Recreation and Athletic Center Critical Repairs (40000082)

Reappropriation:

State Building Construction Account—State \$971,000

Prior Biennia (Expenditures) \$29,000

Future Biennia (Projected Costs) \$0

TOTAL \$1,000,000

NEW SECTION. Sec. 6221. FOR THE EVERGREEN STATE COLLEGE

Emergency Dispatch & Communication System Replacement (40000084)

Reappropriation:

The Evergreen State College Capital Projects

Account—State \$992,000

Prior Biennia (Expenditures) \$8,000

Future Biennia (Projected Costs) \$0

TOTAL \$1,000,000

NEW SECTION. Sec. 6222. FOR WESTERN WASHINGTON UNIVERSITY

Electrical Engineering/Computer Science Building (30000872)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 5028, chapter 296, Laws of 2022.

Reappropriation:

Capital Community Assistance Account—State	\$1,863,000
State Building Construction Account—State	\$46,324,000
Western Washington University Capital Projects Account—State	\$1,500,000
Subtotal Reappropriation	\$49,687,000
Prior Biennia (Expenditures)	\$6,676,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$56,363,000

NEW SECTION. Sec. 6223. FOR WESTERN WASHINGTON UNIVERSITY

2021-23 Classroom & Lab Upgrades (30000911)

Reappropriation:

State Building Construction Account—State	\$2,033,000
Prior Biennia (Expenditures)	\$1,817,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,850,000

NEW SECTION. Sec. 6224. FOR WESTERN WASHINGTON UNIVERSITY

Coast Salish Longhouse (30000912)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 5105, chapter 332, Laws of 2021.

Reappropriation:

State Building Construction Account—State	\$2,749,000
Western Washington University Capital Projects Account—State	\$1,500,000
Subtotal Reappropriation	\$4,249,000
Prior Biennia (Expenditures)	\$251,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,500,000

NEW SECTION. Sec. 6225. FOR WESTERN WASHINGTON UNIVERSITY

Minor Works - Preservation 2021-23 (30000915)

Reappropriation:

Western Washington University Capital Projects Account—State	\$2,610,000
Prior Biennia (Expenditures)	\$2,190,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,800,000

NEW SECTION. Sec. 6226. FOR WESTERN WASHINGTON UNIVERSITY

Minor Works - Program 2021-2023 (30000918)

Reappropriation:

State Building Construction Account—State	\$544,000
Western Washington University Capital Projects Account—State	\$318,000
Subtotal Reappropriation	\$862,000
Prior Biennia (Expenditures)	\$695,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,557,000

NEW SECTION. Sec. 6227. FOR THE WASHINGTON STATE ARTS COMMISSION

Creative Districts Capital Construction Projects (30000002)

Reappropriation:

State Building Construction Account—State	\$381,000
Prior Biennia (Expenditures)	\$31,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$412,000

NEW SECTION. Sec. 6228. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Heritage Capital Grants Projects (30000297)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5054, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$1,003,000
Prior Biennia (Expenditures)	\$7,376,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$8,379,000

NEW SECTION. Sec. 6229. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Heritage Capital Grant Projects: 2019-21 (40000014)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5020, chapter 356, Laws of 2020.

Reappropriation:

State Building Construction Account—State	\$2,303,000
Prior Biennia (Expenditures)	\$6,828,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$9,131,000

NEW SECTION. Sec. 6230. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Heritage Capital Grant Projects 2021-2023 (40000099)

Reappropriation:

State Building Construction Account—State	\$7,457,000
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Prior Biennia (Expenditures)	\$1,359,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$8,816,000

NEW SECTION. Sec. 6231. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Preservation - Minor Works 2021-23 (40000136)

Reappropriation:

State Building Construction Account—State	\$2,637,000
Prior Biennia (Expenditures)	\$2,060,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,697,000

NEW SECTION. Sec. 6232. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Black History Commemoration (91000008)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5022, chapter 356, Laws of 2020.

Reappropriation:

State Building Construction Account—State	\$17,000
Prior Biennia (Expenditures)	\$83,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$100,000

NEW SECTION. Sec. 6233. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

Campbell and Carriage House Repairs and Restoration (40000017)

Reappropriation:

State Building Construction Account—State	\$764,000
Prior Biennia (Expenditures)	\$1,192,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,956,000

NEW SECTION. Sec. 6234. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

Minor Works: Preservation 2021-23 (40000041)

Reappropriation:

State Building Construction Account—State	\$109,000
Prior Biennia (Expenditures)	\$669,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$778,000

NEW SECTION. Sec. 6235. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

Complete HVAC Controls Replacement (40000052)

Reappropriation:

State Building Construction Account—State	\$11,000
Prior Biennia (Expenditures)	\$279,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$290,000

NEW SECTION. Sec. 6236. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

Garage & Emergency Exit Concrete Remediation (40000053)

Reappropriation:

State Building Construction Account—State	\$838,000
Prior Biennia (Expenditures)	\$63,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$901,000

NEW SECTION. Sec. 6237. FOR THE DEPARTMENT OF ECOLOGY

Water Supply Facilities (19742006)

Reappropriation:

State and Local Improvements Revolving Account—	
Water Supply Facilities—State	\$295,000
Prior Biennia (Expenditures)	\$15,116,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$15,411,000

NEW SECTION. Sec. 6238. FOR THE DEPARTMENT OF ECOLOGY

Low-Level Nuclear Waste Disposal Trench Closure (19972012)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3002, chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:

Site Closure Account—State	\$1,774,000
Prior Biennia (Expenditures)	\$5,128,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,902,000

NEW SECTION. Sec. 6239. FOR THE DEPARTMENT OF ECOLOGY

Twin Lake Aquifer Recharge Project (20042951)

Reappropriation:

State Building Construction Account—State	\$128,000
Prior Biennia (Expenditures)	\$622,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$750,000

NEW SECTION. Sec. 6240. FOR THE DEPARTMENT OF ECOLOGY

Quad Cities Water Right Mitigation (20052852)

Reappropriation:

State Building Construction Account—State	\$116,000
Prior Biennia (Expenditures)	\$1,484,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,600,000

NEW SECTION. Sec. 6241. FOR THE DEPARTMENT OF ECOLOGY

Transfer of Water Rights for Cabin Owners (20081951)

Reappropriation:

State Building Construction Account—State	\$57,000
Prior Biennia (Expenditures)	\$393,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$450,000

NEW SECTION. Sec. 6242. FOR THE DEPARTMENT OF ECOLOGY

Watershed Plan Implementation and Flow Achievement (30000028)

Reappropriation:

State Building Construction Account—State	\$57,000
Prior Biennia (Expenditures)	\$5,939,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,996,000

NEW SECTION. Sec. 6243. FOR THE DEPARTMENT OF ECOLOGY

Watershed Plan Implementation and Flow Achievement (30000213)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3030, chapter 49, Laws of 2011 1st sp. sess.

Reappropriation:

State Building Construction Account—State	\$67,000
Prior Biennia (Expenditures)	\$7,933,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$8,000,000

NEW SECTION. Sec. 6244. FOR THE DEPARTMENT OF ECOLOGY

Remedial Action Grant Program (30000216)

Reappropriation:

Model Toxics Control Capital Account—State	\$15,255,000
Prior Biennia (Expenditures)	\$47,404,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$62,659,000

NEW SECTION. Sec. 6245. FOR THE DEPARTMENT OF ECOLOGY

ASARCO - Tacoma Smelter Plume and Mines (30000280)

Reappropriation:

Cleanup Settlement Account—State	\$2,090,000
Prior Biennia (Expenditures)	\$17,837,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$19,927,000

NEW SECTION. Sec. 6246. FOR THE DEPARTMENT OF ECOLOGY

Padilla Bay Federal Capital Projects (30000282)

Reappropriation:

General Fund—Federal	\$60,000
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Prior Biennia (Expenditures)	\$740,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$800,000

NEW SECTION. Sec. 6247. FOR THE DEPARTMENT OF ECOLOGY

Watershed Plan Implementation and Flow Achievement (30000331)

Reappropriation:

State Building Construction Account—State	\$895,000
Prior Biennia (Expenditures)	\$9,105,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,000,000

NEW SECTION. Sec. 6248. FOR THE DEPARTMENT OF ECOLOGY

Dungeness Water Supply & Mitigation (30000333)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3082, chapter 19, Laws of 2013 2nd sp. sess.

Reappropriation:

State Building Construction Account—State	\$375,000
Prior Biennia (Expenditures)	\$1,675,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,050,000

NEW SECTION. Sec. 6249. FOR THE DEPARTMENT OF ECOLOGY

ASARCO Cleanup (30000334)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3001, chapter 296, Laws of 2022.

Reappropriation:

Cleanup Settlement Account—State	\$443,000
Prior Biennia (Expenditures)	\$35,817,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$36,260,000

NEW SECTION. Sec. 6250. FOR THE DEPARTMENT OF ECOLOGY

Remedial Action Grants (30000374)

Reappropriation:

Model Toxics Control Capital Account—State	\$7,933,000
Prior Biennia (Expenditures)	\$54,299,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$62,232,000

NEW SECTION. Sec. 6251. FOR THE DEPARTMENT OF ECOLOGY

Eastern Washington Clean Sites Initiative (30000432)

Reappropriation:

Model Toxics Control Capital Account—State	\$4,684,000
Prior Biennia (Expenditures)	\$3,124,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,808,000

NEW SECTION. Sec. 6252. FOR THE DEPARTMENT OF ECOLOGY

Remedial Action Grants (30000458)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3011, chapter 35, Laws of 2016 sp. sess.

Reappropriation:

State Building Construction Account—State	\$9,421,000
Prior Biennia (Expenditures)	\$34,584,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$44,005,000

NEW SECTION. Sec. 6253. FOR THE DEPARTMENT OF ECOLOGY

Floodplains by Design (30000537)

Reappropriation:

State Building Construction Account—State	\$2,183,000
Prior Biennia (Expenditures)	\$33,344,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$35,527,000

NEW SECTION. Sec. 6254. FOR THE DEPARTMENT OF ECOLOGY

ASARCO Cleanup (30000538)

Reappropriation:

Cleanup Settlement Account—State	\$1,022,000
Prior Biennia (Expenditures)	\$10,939,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$11,961,000

NEW SECTION. Sec. 6255. FOR THE DEPARTMENT OF ECOLOGY

Cleanup Toxics Sites - Puget Sound (30000542)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3013, chapter 35, Laws of 2016 sp. sess.

Reappropriation:

Model Toxics Control Capital Account—State	\$2,054,000
Prior Biennia (Expenditures)	\$11,418,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$13,472,000

NEW SECTION. Sec. 6256. FOR THE DEPARTMENT OF ECOLOGY

Columbia River Water Supply Development Program (30000588)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3068, chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:

Columbia River Basin Water Supply Revenue	
Recovery Account—State	\$462,000
Prior Biennia (Expenditures)	\$18,538,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$19,000,000

NEW SECTION. Sec. 6257. FOR THE DEPARTMENT OF ECOLOGY

Sunnyside Valley Irrigation District Water Conservation (30000589)

Reappropriation:

State Building Construction Account—State	\$1,125,000
Prior Biennia (Expenditures)	\$1,930,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,055,000

NEW SECTION. Sec. 6258. FOR THE DEPARTMENT OF ECOLOGY

Yakima River Basin Water Supply (30000590)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 7041 of this act.

Reappropriation:

State Taxable Building Construction Account—	
State	\$294,000
Prior Biennia (Expenditures)	\$26,456,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$26,750,000

NEW SECTION. Sec. 6259. FOR THE DEPARTMENT OF ECOLOGY

Watershed Plan Implementation and Flow Achievement (30000591)

Reappropriation:

State Building Construction Account—State	\$875,000
Prior Biennia (Expenditures)	\$4,125,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000

NEW SECTION. Sec. 6260. FOR THE DEPARTMENT OF ECOLOGY

ASARCO Cleanup (30000670)

Reappropriation:

Cleanup Settlement Account—State	\$10,884,000
Prior Biennia (Expenditures)	\$17,876,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$28,760,000

NEW SECTION. Sec. 6261. FOR THE DEPARTMENT OF ECOLOGY

Sunnyside Valley Irrigation District Water Conservation (30000673)

Reappropriation:

State Building Construction Account—State	\$1,815,000
Prior Biennia (Expenditures)	\$2,869,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,684,000

NEW SECTION. Sec. 6262. FOR THE DEPARTMENT OF ECOLOGY

2015-17 Restored Eastern Washington Clean Sites Initiative (30000704)

Reappropriation:

State Building Construction Account—State	\$2,068,000
Prior Biennia (Expenditures)	\$368,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,436,000

NEW SECTION. Sec. 6263. FOR THE DEPARTMENT OF ECOLOGY

2017-19 Centennial Clean Water program (30000705)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3009, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$5,693,000
Prior Biennia (Expenditures)	\$27,907,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$33,600,000

NEW SECTION. Sec. 6264. FOR THE DEPARTMENT OF ECOLOGY

Floodplains by Design 2017-19 (30000706)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3001, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$8,919,000
Prior Biennia (Expenditures)	\$26,522,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$35,441,000

NEW SECTION. Sec. 6265. FOR THE DEPARTMENT OF ECOLOGY

2017-19 Remedial Action Grants (30000707)

Reappropriation:

Model Toxics Control Capital Account—State	\$1,123,000
Prior Biennia (Expenditures)	\$4,420,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,543,000

NEW SECTION. Sec. 6266. FOR THE DEPARTMENT OF ECOLOGY

Swift Creek Natural Asbestos Flood Control and Cleanup (30000708)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3040, chapter 332, Laws of 2021.

Reappropriation:

State Building Construction Account—State	\$123,000
Prior Biennia (Expenditures)	\$8,318,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$8,441,000

NEW SECTION. Sec. 6267. FOR THE DEPARTMENT OF ECOLOGY

Columbia River Water Supply Development Program (30000712)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3006, chapter 298, Laws of 2018.

Reappropriation:

Columbia River Basin Water Supply Development	
Account—State	\$5,836,000
Columbia River Basin Water Supply Revenue	
Recovery Account—State	\$893,000
State Building Construction Account—State	\$1,529,000
Subtotal Reappropriation	\$8,258,000
Prior Biennia (Expenditures)	\$25,542,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$33,800,000

NEW SECTION. Sec. 6268. FOR THE DEPARTMENT OF ECOLOGY

Watershed Plan Implementation and Flow Achievement (30000714)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3017, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$3,374,000
Prior Biennia (Expenditures)	\$1,626,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000

NEW SECTION. Sec. 6269. FOR THE DEPARTMENT OF ECOLOGY

Water Irrigation Efficiencies Program (30000740)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3007, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$204,000
Prior Biennia (Expenditures)	\$6,296,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,500,000

NEW SECTION. Sec. 6270. FOR THE DEPARTMENT OF ECOLOGY

2017-19 Eastern Washington Clean Sites Initiative (30000742)

Reappropriation:

Model Toxics Control Capital Account—State	\$1,727,000
Prior Biennia (Expenditures)	\$13,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,740,000

NEW SECTION. Sec. 6271. FOR THE DEPARTMENT OF ECOLOGY

2015-17 Restored Clean Up Toxic Sites - Puget Sound (30000763)

Reappropriation:

State Building Construction Account—State	\$1,557,000
Prior Biennia (Expenditures)	\$3,139,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,696,000

NEW SECTION. Sec. 6272. FOR THE DEPARTMENT OF ECOLOGY

2017-19 Stormwater Financial Assistance Program (30000796)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3049, chapter 332, Laws of 2021.

Reappropriation:

Model Toxics Control Stormwater Account—State	\$4,138,000
State Building Construction Account—State	\$19,192,000
Subtotal Reappropriation	\$23,330,000
Prior Biennia (Expenditures)	\$13,070,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$36,400,000

NEW SECTION. Sec. 6273. FOR THE DEPARTMENT OF ECOLOGY

2015-17 Restored Stormwater Financial Assistance (30000797)

Reappropriation:

State Building Construction Account—State	\$11,172,000
Prior Biennia (Expenditures)	\$18,928,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$30,100,000

NEW SECTION. Sec. 6274. FOR THE DEPARTMENT OF ECOLOGY

VW Settlement Funded Projects (40000018)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3008, chapter 298, Laws of 2018.

Reappropriation:

General Fund—Private/Local	\$92,185,000
Prior Biennia (Expenditures).....	\$20,515,000
Future Biennia (Projected Costs).....	\$0
TOTAL	\$112,700,000

NEW SECTION. Sec. 6275. FOR THE DEPARTMENT OF ECOLOGY

Reduce Air Pollution from Transit/Sch. Buses/State-Owned Vehicles (40000109)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3019, chapter 356, Laws of 2020.

Reappropriation:

Air Pollution Control Account—State.....	\$10,587,000
Prior Biennia (Expenditures).....	\$17,813,000
Future Biennia (Projected Costs).....	\$0
TOTAL	\$28,400,000

NEW SECTION. Sec. 6276. FOR THE DEPARTMENT OF ECOLOGY

2019-21 Water Pollution Control Revolving Program (40000110)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3070, chapter 413, Laws of 2019.

Reappropriation:

Water Pollution Control Revolving Fund—State	\$138,531,000
Prior Biennia (Expenditures).....	\$65,469,000
Future Biennia (Projected Costs).....	\$0
TOTAL	\$204,000,000

NEW SECTION. Sec. 6277. FOR THE DEPARTMENT OF ECOLOGY

2019-21 Sunnyside Valley Irrigation District Water Conservation (40000111)

Reappropriation:

State Building Construction Account—State	\$2,673,000
Prior Biennia (Expenditures).....	\$1,561,000
Future Biennia (Projected Costs).....	\$0
TOTAL	\$4,234,000

NEW SECTION. Sec. 6278. FOR THE DEPARTMENT OF ECOLOGY

2019-21 ASARCO Cleanup (40000114)

Reappropriation:

Cleanup Settlement Account—State	\$6,352,000
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Prior Biennia (Expenditures)	\$448,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,800,000

NEW SECTION. Sec. 6279. FOR THE DEPARTMENT OF ECOLOGY

2019-21 Reducing Toxic Diesel Emissions (40000115)

Reappropriation:

Air Pollution Control Account—State	\$217,000
Prior Biennia (Expenditures)	\$783,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 6280. FOR THE DEPARTMENT OF ECOLOGY

2019-21 Centennial Clean Water Program (40000116)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3074, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—State	\$13,226,000
Prior Biennia (Expenditures)	\$16,774,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$30,000,000

NEW SECTION. Sec. 6281. FOR THE DEPARTMENT OF ECOLOGY

2019-21 Eastern Washington Clean Sites Initiative (40000117)

Reappropriation:

Model Toxics Control Capital Account—State	\$12,052,000
Prior Biennia (Expenditures)	\$58,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$12,110,000

NEW SECTION. Sec. 6282. FOR THE DEPARTMENT OF ECOLOGY

Padilla Bay Federal Capital Projects (40000127)

Reappropriation:

General Fund—Federal	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

NEW SECTION. Sec. 6283. FOR THE DEPARTMENT OF ECOLOGY

2019-21 Floodplains by Design (40000129)

Reappropriation:

State Building Construction Account—State	\$27,982,000
Prior Biennia (Expenditures)	\$22,418,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$50,400,000

NEW SECTION. Sec. 6284. FOR THE DEPARTMENT OF ECOLOGY

2019-21 Clean Up Toxics Sites - Puget Sound (40000130)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3080, chapter 413, Laws of 2019.

Reappropriation:

Model Toxics Control Capital Account—State	\$11,636,000
Prior Biennia (Expenditures)	\$1,131,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$12,767,000

NEW SECTION. Sec. 6285. FOR THE DEPARTMENT OF ECOLOGY

2019-21 Stormwater Financial Assistance Program (40000144)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3020, chapter 356, Laws of 2020.

Reappropriation:

Model Toxics Control Stormwater Account—State	\$26,731,000
Prior Biennia (Expenditures)	\$22,275,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$49,006,000

NEW SECTION. Sec. 6286. FOR THE DEPARTMENT OF ECOLOGY

2015 Drought Authority (40000146)

Reappropriation:

State Drought Preparedness Account—	
State	\$669,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$669,000

NEW SECTION. Sec. 6287. FOR THE DEPARTMENT OF ECOLOGY

Healthy Housing Remediation Program (40000149)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3085, chapter 413, Laws of 2019.

Reappropriation:

Model Toxics Control Capital Account—State	\$3,449,000
Prior Biennia (Expenditures)	\$1,381,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,830,000

NEW SECTION. Sec. 6288. FOR THE DEPARTMENT OF ECOLOGY

2019-21 Columbia River Water Supply Development Program (40000152)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3087, chapter 413, Laws of 2019.

Reappropriation:

Columbia River Basin Water Supply Revenue	
Recovery Account—State	\$2,323,000
State Building Construction Account—State	\$16,144,000
State Taxable Building Construction Account— State	\$10,360,000
Subtotal Reappropriation	\$28,827,000
Prior Biennia (Expenditures)	\$11,173,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$40,000,000

NEW SECTION. Sec. 6289. FOR THE DEPARTMENT OF ECOLOGY

2019-21 Streamflow Restoration Program (40000177)

Reappropriation:

Watershed Restoration and Enhancement Bond	
Account—State	\$26,806,000
Prior Biennia (Expenditures)	\$13,194,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$40,000,000

NEW SECTION. Sec. 6290. FOR THE DEPARTMENT OF ECOLOGY

2019-21 Yakima River Basin Water Supply (40000179)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 7047 of this act.

Reappropriation:

State Building Construction Account—State	\$14,008,000
Prior Biennia (Expenditures)	\$22,906,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$36,914,000

NEW SECTION. Sec. 6291. FOR THE DEPARTMENT OF ECOLOGY

Zosel Dam Preservation (40000193)

Reappropriation:

State Building Construction Account—State	\$80,000
Prior Biennia (Expenditures)	\$137,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$217,000

NEW SECTION. Sec. 6292. FOR THE DEPARTMENT OF ECOLOGY

2019-21 Protect Investments in Cleanup Remedies (40000194)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 6032, chapter 332, Laws of 2021.

Reappropriation:

Model Toxics Control Capital Account—State	\$4,732,000
Prior Biennia (Expenditures)	\$3,472,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$8,204,000

NEW SECTION. Sec. 6293. FOR THE DEPARTMENT OF ECOLOGY

2019-21 Chehalis Basin Strategy (40000209)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3023, chapter 356, Laws of 2020.

Reappropriation:

State Building Construction Account—State	\$27,989,000
Prior Biennia (Expenditures)	\$45,918,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$73,907,000

NEW SECTION. Sec. 6294. FOR THE DEPARTMENT OF ECOLOGY

Chemical Action Plan Implementation (40000210)

Reappropriation:

Model Toxics Control Capital Account—State	\$261,000
Prior Biennia (Expenditures)	\$3,443,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,704,000

NEW SECTION. Sec. 6295. FOR THE DEPARTMENT OF ECOLOGY

2019-21 Remedial Action Grants (40000211)

Reappropriation:

Model Toxics Control Capital Account—State	\$31,903,000
Prior Biennia (Expenditures)	\$16,979,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$48,882,000

NEW SECTION. Sec. 6296. FOR THE DEPARTMENT OF ECOLOGY

2020 Eastern Washington Clean Sites Initiative (40000286)

Reappropriation:

Model Toxics Control Capital Account—State	\$632,000
Prior Biennia (Expenditures)	\$368,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 6297. FOR THE DEPARTMENT OF ECOLOGY

2020 Remedial Action Grants (40000288)

Reappropriation:

Model Toxics Control Capital Account—State	\$20,766,000
Prior Biennia (Expenditures)	\$11,890,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$32,656,000

NEW SECTION. Sec. 6298. FOR THE DEPARTMENT OF ECOLOGY

2021-23 ASARCO Everett Smelter Plume Cleanup (40000303)

Reappropriation:

Model Toxics Control Capital Account—State	\$10,797,000
Prior Biennia (Expenditures)	\$17,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,814,000

NEW SECTION. Sec. 6299. FOR THE DEPARTMENT OF ECOLOGY

2021-23 Remedial Action Grant Program (40000304)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3082, chapter 332, Laws of 2021.

Reappropriation:

Model Toxics Control Capital Account—State	\$68,985,000
Prior Biennia (Expenditures)	\$2,209,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$71,194,000

NEW SECTION. Sec. 6300. FOR THE DEPARTMENT OF ECOLOGY

2021-23 Stormwater Financial Assistance Program (40000336)

Reappropriation:

Model Toxics Control Stormwater Account—State	\$67,181,000
Prior Biennia (Expenditures)	\$7,819,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$75,000,000

NEW SECTION. Sec. 6301. FOR THE DEPARTMENT OF ECOLOGY

2021-23 Water Pollution Control Revolving Program (40000337)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3003, chapter 296, Laws of 2022.

Reappropriation:

Water Pollution Control Revolving Fund—Federal	\$14,603,000
Water Pollution Control Revolving Fund—State	\$225,000,000
Subtotal Reappropriation	\$239,603,000
Prior Biennia (Expenditures)	\$18,397,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$258,000,000

NEW SECTION. Sec. 6302. FOR THE DEPARTMENT OF ECOLOGY

2021-23 Waste Tire Pile Cleanup and Prevention (40000338)

Reappropriation:

Waste Tire Removal Account—State	\$419,000
Prior Biennia (Expenditures)	\$581,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 6303. FOR THE DEPARTMENT OF ECOLOGY

2021-23 Eastern Washington Clean Sites Initiative (40000340)

Reappropriation:

Model Toxics Control Capital Account—State	\$20,350,000
Prior Biennia (Expenditures)	\$470,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$20,820,000

NEW SECTION. Sec. 6304. FOR THE DEPARTMENT OF ECOLOGY

2021-23 Clean Up Toxic Sites - Puget Sound (40000346)

Reappropriation:

Model Toxics Control Capital Account—State	\$4,663,000
Prior Biennia (Expenditures)	\$1,145,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,808,000

NEW SECTION. Sec. 6305. FOR THE DEPARTMENT OF ECOLOGY

2021-23 Centennial Clean Water Program (40000359)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3089, chapter 332, Laws of 2021.

Reappropriation:

Model Toxics Control Capital Account—State	\$35,222,000
Prior Biennia (Expenditures)	\$4,778,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$40,000,000

NEW SECTION. Sec. 6306. FOR THE DEPARTMENT OF ECOLOGY

2021-23 Protect Investments in Cleanup Remedies (40000360)

Reappropriation:

Model Toxics Control Capital Account—State	\$10,137,000
Prior Biennia (Expenditures)	\$956,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$11,093,000

NEW SECTION. Sec. 6307. FOR THE DEPARTMENT OF ECOLOGY

2021-23 Reducing Toxic Wood Stove Emissions (40000371)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3091, chapter 332, Laws of 2021.

Reappropriation:

Model Toxics Control Capital Account—State	\$1,298,000
Prior Biennia (Expenditures)	\$1,702,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,000,000

NEW SECTION. Sec. 6308. FOR THE DEPARTMENT OF ECOLOGY

2021-23 Freshwater Aquatic Invasive Plants Grant Program (40000375)

Reappropriation:

Freshwater Aquatic Weeds Account—State	\$1,055,000
Prior Biennia (Expenditures)	\$645,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,700,000

NEW SECTION. Sec. 6309. FOR THE DEPARTMENT OF ECOLOGY

2021-23 Freshwater Algae Grant Program (40000376)

Reappropriation:

Aquatic Algae Control Account—State	\$486,000
Prior Biennia (Expenditures)	\$244,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$730,000

NEW SECTION. Sec. 6310. FOR THE DEPARTMENT OF ECOLOGY

2021-23 Healthy Housing Remediation Program (40000378)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 7050 of this act.

Reappropriation:

Model Toxics Control Capital Account—State	\$10,273,000
Prior Biennia (Expenditures)	\$299,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,572,000

NEW SECTION. Sec. 6311. FOR THE DEPARTMENT OF ECOLOGY

2021-23 ASARCO Tacoma Smelter Plume Cleanup (40000386)

Reappropriation:

Cleanup Settlement Account—State	\$3,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,000,000

NEW SECTION. Sec. 6312. FOR THE DEPARTMENT OF ECOLOGY

2021-23 Chehalis Basin Strategy (40000387)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3096, chapter 332, Laws of 2021.

Reappropriation:

State Building Construction Account—State	\$57,660,000
Prior Biennia (Expenditures)	\$12,340,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$70,000,000

NEW SECTION. Sec. 6313. FOR THE DEPARTMENT OF ECOLOGY

2021-23 Coastal Wetlands Federal Funds (40000388)

Reappropriation:

General Fund—Federal	\$10,836,000
Prior Biennia (Expenditures)	\$3,164,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$14,000,000

NEW SECTION. Sec. 6314. FOR THE DEPARTMENT OF ECOLOGY

2021-23 Floodplains by Design (40000389)

Reappropriation:

State Building Construction Account—State	\$41,349,000
Prior Biennia (Expenditures)	\$9,559,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$50,908,000

NEW SECTION. Sec. 6315. FOR THE DEPARTMENT OF ECOLOGY

2021-23 Reducing Diesel GHG & Toxic Emissions (40000390)

Reappropriation:

Model Toxics Control Capital Account—State	\$14,913,000
Prior Biennia (Expenditures)	\$87,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$15,000,000

NEW SECTION. Sec. 6316. FOR THE DEPARTMENT OF ECOLOGY

2021-23 Sunnyside Valley Irrigation District Water Conservation (40000391)

Reappropriation:

State Building Construction Account—State	\$4,281,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,281,000

NEW SECTION. Sec. 6317. FOR THE DEPARTMENT OF ECOLOGY

2021-23 Puget Sound Nutrient Reduction Grant Program (40000396)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3101, chapter 332, Laws of 2021.

Reappropriation:

State Building Construction Account—State	\$8,981,000
Prior Biennia (Expenditures)	\$19,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$9,000,000

NEW SECTION. Sec. 6318. FOR THE DEPARTMENT OF ECOLOGY

2021-23 Streamflow Restoration Program (40000397)

Reappropriation:

Watershed Restoration and Enhancement Bond	
Account—State	\$39,943,000
Prior Biennia (Expenditures)	\$57,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$40,000,000

NEW SECTION. Sec. 6319. FOR THE DEPARTMENT OF ECOLOGY

2021-23 Columbia River Water Supply Development Program (40000399)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3103, chapter 332, Laws of 2021.

Reappropriation:

Columbia River Basin Water Supply Revenue	
Recovery Account—State	\$1,464,000
State Building Construction Account—State	\$39,574,000
Subtotal Reappropriation	\$41,038,000
Prior Biennia (Expenditures)	\$3,962,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$45,000,000

NEW SECTION. Sec. 6320. FOR THE DEPARTMENT OF ECOLOGY

2021-23 Yakima River Basin Water Supply (40000422)

Reappropriation:

State Building Construction Account—State	\$18,909,000
Prior Biennia (Expenditures)	\$23,091,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$42,000,000

NEW SECTION. Sec. 6321. FOR THE DEPARTMENT OF ECOLOGY

2021-23 Product Replacement Program (40000436)

Reappropriation:

Model Toxics Control Capital Account—State	\$5,133,000
Prior Biennia (Expenditures)	\$1,367,000
Future Biennia (Projected Costs)	\$0

TOTAL \$6,500,000

NEW SECTION. Sec. 6322. FOR THE DEPARTMENT OF ECOLOGY

Pacific Wood Treating Site Cleanup - Cleanup Settlement Account (40000464)

Reappropriation:

Cleanup Settlement Account—State	\$2,326,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,326,000

NEW SECTION. Sec. 6323. FOR THE DEPARTMENT OF ECOLOGY

2022 Clean Up Toxic Sites - Puget Sound (40000465)

Reappropriation:

Model Toxics Control Capital Account—State	\$4,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,000,000

NEW SECTION. Sec. 6324. FOR THE DEPARTMENT OF ECOLOGY

2022 Community-Based Public-Private Stormwater Partnership (40000470)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3008, chapter 296, Laws of 2022.

Reappropriation:

Model Toxics Control Stormwater Account—State	\$987,000
Prior Biennia (Expenditures)	\$13,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 6325. FOR THE DEPARTMENT OF ECOLOGY

2022 Water Pollution Control Revolving Program (40000473)

Reappropriation:

Water Pollution Control Revolving Fund—State	\$200,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$200,000,000

NEW SECTION. Sec. 6326. FOR THE DEPARTMENT OF ECOLOGY

Skagit Water (91000347)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3012, chapter 298, Laws of 2018. By June 30, 2025, and in compliance with RCW 43.01.036, the department must submit all studies identified by the joint legislative task force on water supply to the house and senate committees responsible for water resource issues in the legislature.

Reappropriation:

State Building Construction Account—State	\$1,521,000
Prior Biennia (Expenditures)	\$979,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,500,000

NEW SECTION. Sec. 6327. FOR THE DEPARTMENT OF ECOLOGY

PFAS Pilot Project (91000359)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3108, chapter 332, Laws of 2021.

Reappropriation:

State Building Construction Account—State	\$494,000
Prior Biennia (Expenditures)	\$656,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,150,000

NEW SECTION. Sec. 6328. FOR THE DEPARTMENT OF ECOLOGY

2021-23 Water Banking (91000373)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 7052 of this act.

Reappropriation:

State Building Construction Account—State	\$5,000,000
State Drought Preparedness Account—	
State	\$9,000,000
Subtotal Reappropriation	\$14,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$14,000,000

NEW SECTION. Sec. 6329. FOR THE DEPARTMENT OF ECOLOGY

Storm Water Improvements (92000076)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3028, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$17,004,000
Prior Biennia (Expenditures)	\$79,962,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$96,966,000

NEW SECTION. Sec. 6330. FOR THE DEPARTMENT OF ECOLOGY

Drought Response (92000142)

Reappropriation:

State Drought Preparedness Account—	
State	\$1,205,000
Prior Biennia (Expenditures)	\$5,518,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,723,000

NEW SECTION. Sec. 6331. FOR THE DEPARTMENT OF ECOLOGY

Pier 63 Creosote Removal (92000193)

Reappropriation:

Model Toxics Control Capital Account—State	\$1,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,500,000

NEW SECTION. Sec. 6332. FOR THE DEPARTMENT OF ECOLOGY

2022 Stormwater Projects (92000195)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3011, chapter 296, Laws of 2022.

Reappropriation:

Model Toxics Control Stormwater Account—State	\$4,855,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,855,000

NEW SECTION. Sec. 6333. FOR THE POLLUTION LIABILITY INSURANCE PROGRAM

Underground Storage Tank Capital Program Demonstration and Design (30000001)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3085, chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:

Pollution Liability Insurance Program Trust	
Account—State	\$210,000
Prior Biennia (Expenditures)	\$1,590,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,800,000

NEW SECTION. Sec. 6334. FOR THE POLLUTION LIABILITY INSURANCE PROGRAM

Underground Storage Tank Capital Financial Assistance Program (30000002)

Reappropriation:

Pollution Liability Insurance Agency Underground	
Storage Tank Revolving Account—State	\$3,636,000
Prior Biennia (Expenditures)	\$6,364,000

Future Biennia (Projected Costs).....	\$0
TOTAL	\$10,000,000

NEW SECTION. Sec. 6335. FOR THE POLLUTION LIABILITY INSURANCE PROGRAM

Underground Storage Tank Capital Financing Assistance Pgm 2019-21 (30000702)

Reappropriation:

Pollution Liability Insurance Agency Underground Storage Tank Revolving Account—State	\$10,701,000
Prior Biennia (Expenditures).....	\$1,799,000
Future Biennia (Projected Costs).....	\$0
TOTAL	\$12,500,000

NEW SECTION. Sec. 6336. FOR THE POLLUTION LIABILITY INSURANCE PROGRAM

2021-23 Underground Storage Tank Capital Financial Assistance Pgm (30000705)

Reappropriation:

Pollution Liability Insurance Agency Underground Storage Tank Revolving Account—State	\$11,733,000
Prior Biennia (Expenditures).....	\$267,000
Future Biennia (Projected Costs).....	\$0
TOTAL	\$12,000,000

NEW SECTION. Sec. 6337. FOR THE POLLUTION LIABILITY INSURANCE PROGRAM

2021-23 Heating Oil Capital Financing Assistance Program (30000706)

Reappropriation:

Pollution Liability Insurance Agency Underground Storage Tank Revolving Account—State	\$7,815,000
Prior Biennia (Expenditures).....	\$185,000
Future Biennia (Projected Costs).....	\$0
TOTAL	\$8,000,000

NEW SECTION. Sec. 6338. FOR THE POLLUTION LIABILITY INSURANCE PROGRAM

Underground Storage Tank Capital Financial Assistance Pgm 2017-19 (92000001)

Reappropriation:

Pollution Liability Insurance Agency Underground Storage Tank Revolving Account—State	\$9,022,000
Prior Biennia (Expenditures).....	\$3,678,000
Future Biennia (Projected Costs).....	\$0
TOTAL	\$12,700,000

NEW SECTION. Sec. 6339. FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Flagler - Welcome Center Replacement (30000097)

Reappropriation:

State Building Construction Account—State	\$1,387,000
Prior Biennia (Expenditures).....	\$59,000
Future Biennia (Projected Costs).....	\$0

TOTAL \$1,446,000

NEW SECTION. Sec. 6340. FOR THE STATE PARKS AND RECREATION COMMISSION

Sun Lakes State Park: Dry Falls Campground Renovation (30000305)

Reappropriation:

State Building Construction Account—State \$288,000
Prior Biennia (Expenditures) \$114,000
Future Biennia (Projected Costs) \$0
TOTAL \$402,000

NEW SECTION. Sec. 6341. FOR THE STATE PARKS AND RECREATION COMMISSION

Schafer Relocate Campground (30000532)

Reappropriation:

State Building Construction Account—State \$3,292,000
Prior Biennia (Expenditures) \$1,474,000
Future Biennia (Projected Costs) \$0
TOTAL \$4,766,000

NEW SECTION. Sec. 6342. FOR THE STATE PARKS AND RECREATION COMMISSION

Kopachuck Day Use Development (30000820)

Reappropriation:

State Building Construction Account—State \$6,902,000
Prior Biennia (Expenditures) \$1,106,000
Future Biennia (Projected Costs) \$0
TOTAL \$8,008,000

NEW SECTION. Sec. 6343. FOR THE STATE PARKS AND RECREATION COMMISSION

Lake Sammamish Dock Grant Match (30000872)

Reappropriation:

State Building Construction Account—State \$866,000
Prior Biennia (Expenditures) \$200,000
Future Biennia (Projected Costs) \$0
TOTAL \$1,066,000

NEW SECTION. Sec. 6344. FOR THE STATE PARKS AND RECREATION COMMISSION

Field Spring Replace Failed Sewage Syst & Non-ADA Comfort Station (30000951)

Reappropriation:

State Building Construction Account—State \$538,000
Prior Biennia (Expenditures) \$1,210,000
Future Biennia (Projected Costs) \$0
TOTAL \$1,748,000

NEW SECTION. Sec. 6345. FOR THE STATE PARKS AND RECREATION COMMISSION

Mount Spokane - Maintenance Facility Relocation from Harms Way (30000959)

Reappropriation:

State Building Construction Account—State	\$1,750,000
Prior Biennia (Expenditures)	\$691,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,441,000

NEW SECTION. Sec. 6346. FOR THE STATE PARKS AND RECREATION COMMISSION

Palouse Falls Day Use Area Renovation (30000983)

Reappropriation:

State Building Construction Account—State	\$214,000
Prior Biennia (Expenditures)	\$6,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$220,000

NEW SECTION. Sec. 6347. FOR THE STATE PARKS AND RECREATION COMMISSION

Lake Sammamish Sunset Beach Picnic Area (30000984)

Reappropriation:

State Building Construction Account—State	\$1,968,000
Prior Biennia (Expenditures)	\$792,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,760,000

NEW SECTION. Sec. 6348. FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide New Park (30001019)

Reappropriation:

State Building Construction Account—State	\$94,000
Prior Biennia (Expenditures)	\$219,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$313,000

NEW SECTION. Sec. 6349. FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide Electric Vehicle Charging Stations (40000016)

Reappropriation:

State Building Construction Account—State	\$145,000
Prior Biennia (Expenditures)	\$55,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$200,000

NEW SECTION. Sec. 6350. FOR THE STATE PARKS AND RECREATION COMMISSION

Preservation Minor Works 2019-21 (40000151)

Reappropriation:

State Building Construction Account—State	\$611,000
Prior Biennia (Expenditures)	\$3,836,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,447,000

NEW SECTION. Sec. 6351. FOR THE STATE PARKS AND RECREATION COMMISSION

Palouse to Cascade Trail - Crab Creek Trestle Replacement (40000162)

Reappropriation:

State Building Construction Account—State	\$2,004,000
Prior Biennia (Expenditures)	\$277,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,281,000

NEW SECTION. Sec. 6352. FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Flagler Historic Theater Restoration (40000188)

Reappropriation:

State Building Construction Account—State	\$67,000
Prior Biennia (Expenditures)	\$129,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$196,000

NEW SECTION. Sec. 6353. FOR THE STATE PARKS AND RECREATION COMMISSION

Saint Edward Maintenance Facility (40000218)

Reappropriation:

State Building Construction Account—State	\$2,426,000
Prior Biennia (Expenditures)	\$98,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,524,000

NEW SECTION. Sec. 6354. FOR THE STATE PARKS AND RECREATION COMMISSION

Minor Works - Preservation 2021-23 (40000364)

Reappropriation:

State Building Construction Account—State	\$6,227,000
Prior Biennia (Expenditures)	\$773,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,000,000

NEW SECTION. Sec. 6355. FOR THE STATE PARKS AND RECREATION COMMISSION

Minor Works - Program 2021-23 (40000365)

Reappropriation:

State Building Construction Account—State	\$1,843,000
Prior Biennia (Expenditures)	\$93,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,936,000

NEW SECTION. Sec. 6356. FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Flagler Campground Road Relocation (91000434)

Reappropriation:

State Building Construction Account—State	\$620,000
Prior Biennia (Expenditures)	\$40,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$660,000

NEW SECTION. Sec. 6357. FOR THE STATE PARKS AND RECREATION COMMISSION

Anderson Lake - New Day Use Facilities and Trail Development (91000441)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3023, chapter 296, Laws of 2022.

Reappropriation:

State Building Construction Account—State	\$229,000
Prior Biennia (Expenditures)	\$106,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$335,000

NEW SECTION. Sec. 6358. FOR THE STATE PARKS AND RECREATION COMMISSION

State Parks Capital Preservation Pool (92000014)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3162, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—State	\$7,501,000
Prior Biennia (Expenditures)	\$22,464,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$29,965,000

NEW SECTION. Sec. 6359. FOR THE STATE PARKS AND RECREATION COMMISSION

2021-23 State Parks Capital Preservation Pool (92000017)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3025, chapter 296, Laws of 2022.

Reappropriation:

State Building Construction Account—State	\$31,583,000
Prior Biennia (Expenditures)	\$8,667,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$40,250,000

NEW SECTION. Sec. 6360. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Washington Wildlife Recreation Grants (30000220)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3029, chapter 296, Laws of 2022.

Reappropriation:

Farm and Forest Account—State	\$1,385,000
Habitat Conservation Account—State	\$2,045,000
Outdoor Recreation Account—State	\$2,879,000
Riparian Protection Account—State	\$117,000
Subtotal Reappropriation	\$6,426,000
Prior Biennia (Expenditures)	\$48,897,000

Future Biennia (Projected Costs).....	\$0
TOTAL	\$55,323,000

NEW SECTION. Sec. 6361. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Salmon Recovery Funding Board Programs (30000221)

The reappropriations in this section are subject to the following conditions and limitations: The state building construction account—state reappropriation is subject to the provisions of section 3164, chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:

General Fund—Federal	\$4,100,000
State Building Construction Account—State	\$1,312,000
Subtotal Reappropriation	\$5,412,000
Prior Biennia (Expenditures).....	\$60,933,000
Future Biennia (Projected Costs).....	\$0
TOTAL	\$66,345,000

NEW SECTION. Sec. 6362. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Puget Sound Estuary and Salmon Restoration Program (30000227)

Reappropriation:

State Building Construction Account—State	\$418,000
Prior Biennia (Expenditures).....	\$7,582,000
Future Biennia (Projected Costs).....	\$0
TOTAL	\$8,000,000

NEW SECTION. Sec. 6363. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Recreational Trails Program (30000229)

Reappropriation:

General Fund—Federal	\$552,000
Prior Biennia (Expenditures).....	\$4,035,000
Future Biennia (Projected Costs).....	\$0
TOTAL	\$4,587,000

NEW SECTION. Sec. 6364. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Salmon Recovery Funding Board Programs (30000408)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3070, chapter 2, Laws of 2018.

Reappropriation:

General Fund—Federal	\$20,925,000
State Building Construction Account—State	\$2,437,000
Subtotal Reappropriation	\$23,362,000
Prior Biennia (Expenditures).....	\$42,851,000
Future Biennia (Projected Costs).....	\$0
TOTAL	\$66,213,000

NEW SECTION. Sec. 6365. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2017-19 Washington Wildlife Recreation Grants (30000409)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3034, chapter 296, Laws of 2022.

Reappropriation:

Farm and Forest Account—State	\$3,939,000
Habitat Conservation Account—State	\$11,662,000
Outdoor Recreation Account—State	\$9,541,000
Subtotal Reappropriation	\$25,142,000
Prior Biennia (Expenditures)	\$54,858,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$80,000,000

NEW SECTION. Sec. 6366. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Boating Facilities Program (30000410)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3072, chapter 2, Laws of 2018.

Reappropriation:

Recreation Resources Account—State	\$5,473,000
Prior Biennia (Expenditures)	\$11,702,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$17,175,000

NEW SECTION. Sec. 6367. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Nonhighway Off-Road Vehicle Activities (30000411)

Reappropriation:

NOVA Program Account—State	\$2,397,000
Prior Biennia (Expenditures)	\$10,798,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$13,195,000

NEW SECTION. Sec. 6368. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Youth Athletic Facilities (30000412)

Reappropriation:

State Building Construction Account—State	\$1,218,000
Prior Biennia (Expenditures)	\$2,859,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,077,000

NEW SECTION. Sec. 6369. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Aquatic Lands Enhancement Account (30000413)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3037, chapter 296, Laws of 2022.

Reappropriation:

Aquatic Lands Enhancement Account—State	\$517,000
State Building Construction Account—State	\$2,205,000
Subtotal Reappropriation	\$2,722,000
Prior Biennia (Expenditures)	\$9,563,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$12,285,000

NEW SECTION. Sec. 6370. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Puget Sound Acquisition and Restoration (30000414)

Reappropriation:

State Building Construction Account—State	\$7,169,000
Prior Biennia (Expenditures)	\$32,831,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$40,000,000

NEW SECTION. Sec. 6371. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Puget Sound Estuary and Salmon Restoration Program (30000415)

Reappropriation:

State Building Construction Account—State	\$1,695,000
Prior Biennia (Expenditures)	\$6,305,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$8,000,000

NEW SECTION. Sec. 6372. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Firearms and Archery Range Recreation (30000416)

Reappropriation:

Firearms Range Account—State	\$390,000
Prior Biennia (Expenditures)	\$423,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$813,000

NEW SECTION. Sec. 6373. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Washington Coastal Restoration Initiative (30000420)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3082, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$4,105,000
Prior Biennia (Expenditures)	\$8,395,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$12,500,000

NEW SECTION. Sec. 6374. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Family Forest Fish Passage Program (40000001)

Reappropriation:

State Building Construction Account—State	\$97,000
Prior Biennia (Expenditures)	\$4,903,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000

NEW SECTION. Sec. 6375. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2019-21 - Washington Wildlife Recreation Grants (40000002)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3200, chapter 413, Laws of 2019.

Reappropriation:

Farm and Forest Account—State	\$5,286,000
Habitat Conservation Account—State	\$17,489,000
Outdoor Recreation Account—State	\$14,430,000
Subtotal Reappropriation	\$37,205,000
Prior Biennia (Expenditures)	\$47,795,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$85,000,000

NEW SECTION. Sec. 6376. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2019-21 - Salmon Recovery Funding Board Programs (40000004)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3201, chapter 413, Laws of 2019.

Reappropriation:

General Fund—Federal	\$17,126,000
State Building Construction Account—State	\$2,174,000
Subtotal Reappropriation	\$19,300,000
Prior Biennia (Expenditures)	\$55,700,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$75,000,000

NEW SECTION. Sec. 6377. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2019-21 - Boating Facilities Program (40000005)

Reappropriation:

Recreation Resources Account—State	\$10,764,000
Prior Biennia (Expenditures)	\$7,108,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$17,872,000

NEW SECTION. Sec. 6378. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2019-21 - Nonhighway Off-Road Vehicle Activities (40000006)

Reappropriation:

NOVA Program Account—State	\$1,776,000
Prior Biennia (Expenditures)	\$9,635,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$11,411,000

NEW SECTION. Sec. 6379. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2019-21 - Youth Athletic Facilities (40000007)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3041, chapter 296, Laws of 2022.

Reappropriation:

State Building Construction Account—State	\$3,764,000
Prior Biennia (Expenditures)	\$8,236,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$12,000,000

NEW SECTION. Sec. 6380. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2019-21 - Aquatic Lands Enhancement Account (40000008)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3202, chapter 332, Laws of 2021.

Reappropriation:

State Building Construction Account—State	\$1,813,000
Prior Biennia (Expenditures)	\$4,787,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,600,000

NEW SECTION. Sec. 6381. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2019-21 - Puget Sound Acquisition and Restoration (40000009)

Reappropriation:

State Building Construction Account—State	\$15,350,000
Prior Biennia (Expenditures)	\$34,157,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$49,507,000

NEW SECTION. Sec. 6382. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2019-21 - Puget Sound Estuary and Salmon Restoration Program (40000010)

Reappropriation:

State Building Construction Account—State	\$2,475,000
Prior Biennia (Expenditures)	\$7,525,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,000,000

NEW SECTION. Sec. 6383. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2019-21 - Washington Coastal Restoration Initiative (40000011)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3208, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—State	\$2,025,000
Prior Biennia (Expenditures)	\$10,061,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$12,086,000

NEW SECTION. Sec. 6384. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2019-21 - Brian Abbott Fish Barrier Removal Board (40000012)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3209, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—State	\$8,318,000
Prior Biennia (Expenditures)	\$18,173,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$26,491,000

NEW SECTION. Sec. 6385. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2019-21 - Firearms and Archery Range (40000013)

Reappropriation:

Firearms Range Account—State	\$320,000
Prior Biennia (Expenditures)	\$415,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$735,000

NEW SECTION. Sec. 6386. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2019-21 - Recreational Trails Program (40000014)

Reappropriation:

General Fund—Federal	\$1,917,000
Prior Biennia (Expenditures)	\$3,083,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000

NEW SECTION. Sec. 6387. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2019-21 - Boating Infrastructure Grants (40000015)

Reappropriation:

General Fund—Federal	\$649,000
Prior Biennia (Expenditures)	\$1,551,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,200,000

NEW SECTION. Sec. 6388. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2019-21 - Land and Water Conservation Fund (40000016)

Reappropriation:

General Fund—Federal	\$3,266,000
Prior Biennia (Expenditures)	\$2,734,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,000,000

NEW SECTION. Sec. 6389. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2019-21 Family Forest Fish Passage Program (40000017)

Reappropriation:

State Building Construction Account—State	\$431,000
Prior Biennia (Expenditures)	\$4,569,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000

NEW SECTION. Sec. 6390. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2021-23 - Washington Wildlife Recreation Grants (40000019)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3213, chapter 332, Laws of 2021.

Reappropriation:

Farm and Forest Account—State	\$9,110,000
Habitat Conservation Account—State	\$38,030,000
Outdoor Recreation Account—State	\$40,103,000
Subtotal Reappropriation	\$87,243,000
Prior Biennia (Expenditures)	\$12,757,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$100,000,000

NEW SECTION. Sec. 6391. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2021-23 - Salmon Recovery Funding Board Programs (40000021)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3042, chapter 296, Laws of 2022.

Reappropriation:

General Fund—Federal	\$56,169,000
State Building Construction Account—State	\$22,331,000
Subtotal Reappropriation	\$78,500,000
Prior Biennia (Expenditures)	\$16,500,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$95,000,000

NEW SECTION. Sec. 6392. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2021-23 - Boating Facilities Program (40000023)

Reappropriation:

Recreation Resources Account—State	\$12,283,000
Prior Biennia (Expenditures)	\$2,667,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$14,950,000

NEW SECTION. Sec. 6393. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2021-23 - Nonhighway Off-Road Vehicle Activities (40000025)

Reappropriation:

NOVA Program Account—State	\$8,786,000
Prior Biennia (Expenditures)	\$1,214,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,000,000

NEW SECTION. Sec. 6394. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2021-23 - Youth Athletic Facilities (40000027)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3217, chapter 332, Laws of 2021.

Reappropriation:

State Building Construction Account—State	\$9,417,000
Prior Biennia (Expenditures)	\$1,810,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$11,227,000

NEW SECTION. Sec. 6395. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2021-23 - Aquatic Lands Enhancement Account (40000029)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3048, chapter 296, Laws of 2022.

Reappropriation:

Aquatic Lands Enhancement Account—State	\$418,000
State Building Construction Account—State	\$8,430,000
Subtotal Reappropriation	\$8,848,000
Prior Biennia (Expenditures)	\$670,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$9,518,000

NEW SECTION. Sec. 6396. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2021-23 - Puget Sound Acquisition and Restoration (40000031)

Reappropriation:

State Building Construction Account—State	\$45,361,000
Prior Biennia (Expenditures)	\$7,446,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$52,807,000

NEW SECTION. Sec. 6397. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2021-23 - Washington Coastal Restoration Initiative (40000033)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3220, chapter 332, Laws of 2021.

Reappropriation:

State Building Construction Account—State	\$8,019,000
Prior Biennia (Expenditures)	\$2,294,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,313,000

NEW SECTION. Sec. 6398. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2021-23- Brian Abbott Fish Barrier Removal Board (40000035)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3043, chapter 296, Laws of 2022.

Reappropriation:

State Building Construction Account—State	\$20,114,000
Prior Biennia (Expenditures)	\$6,681,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$26,795,000

NEW SECTION. Sec. 6399. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2021-23 - Firearms and Archery Range (40000037)

Reappropriation:

Firearms Range Account—State	\$549,000
Prior Biennia (Expenditures)	\$81,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$630,000

NEW SECTION. Sec. 6400. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2021-23 - Recreational Trails Program (40000039)

Reappropriation:

General Fund—Federal	\$3,915,000
Prior Biennia (Expenditures)	\$1,085,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000

NEW SECTION. Sec. 6401. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2021-23 - Boating Infrastructure Grants (40000041)

Reappropriation:

General Fund—Federal	\$2,179,000
Prior Biennia (Expenditures)	\$21,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,200,000

NEW SECTION. Sec. 6402. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2021-23 - Land and Water Conservation Fund (40000043)

Reappropriation:

General Fund—Federal	\$18,874,000
Prior Biennia (Expenditures)	\$1,126,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$20,000,000

NEW SECTION. Sec. 6403. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2021-23 - Puget Sound Estuary and Salmon Restoration Program (40000045)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3226, chapter 332, Laws of 2021.

Reappropriation:

State Building Construction Account—State	\$13,282,000
Prior Biennia (Expenditures)	\$2,426,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$15,708,000

NEW SECTION. Sec. 6404. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2021-23 - Community Forest Grant Program (40000047)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3227, chapter 332, Laws of 2021.

Reappropriation:

State Building Construction Account—State	\$10,956,000
Prior Biennia (Expenditures)	\$5,343,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$16,299,000

NEW SECTION. Sec. 6405. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2021-23 - Outdoor Recreation Equity (40000049)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3203, chapter 332, Laws of 2021.

Reappropriation:

State Building Construction Account—State	\$3,908,000
Prior Biennia (Expenditures)	\$92,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,000,000

NEW SECTION. Sec. 6406. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2021-23 - Family Forest Fish Passage Program (40000050)

Reappropriation:

State Building Construction Account—State	\$3,033,000
Prior Biennia (Expenditures).....	\$2,924,000
Future Biennia (Projected Costs).....	\$0
TOTAL	\$5,957,000

NEW SECTION. Sec. 6407. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2021-23 Salmon Recovery Investment from Operating (40000069)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 7053 of this act.

Reappropriation:

Salmon Recovery Account—State	\$50,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL	\$50,000,000

NEW SECTION. Sec. 6408. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2021-23 Grants For Watershed Projects from Operating (40000070)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 7054 of this act.

Reappropriation:

Salmon Recovery Account—State	\$25,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL	\$25,000,000

NEW SECTION. Sec. 6409. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2021-23 Duckabush Estuary Restoration Project from Operating (40000071)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 7055 of this act.

Reappropriation:

Salmon Recovery Account—State	\$25,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL	\$25,000,000

NEW SECTION. Sec. 6410. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Coastal Restoration Grants (91000448)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3177, chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:

State Building Construction Account—State	\$622,000
Prior Biennia (Expenditures)	\$10,563,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$11,185,000

NEW SECTION. Sec. 6411. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Recreation & Conservation Office Recreation Grants (92000131)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3049, chapter 356, Laws of 2020.

Reappropriation:

Outdoor Recreation Account—State	\$433,000
State Building Construction Account—State	\$6,143,000
Subtotal Reappropriation	\$6,576,000
Prior Biennia (Expenditures)	\$28,205,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$34,781,000

NEW SECTION. Sec. 6412. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Statewide Multi-modal Trails Database (92000448)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3234, chapter 332, Laws of 2021.

Reappropriation:

State Building Construction Account—State	\$93,000
Prior Biennia (Expenditures)	\$107,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$200,000

NEW SECTION. Sec. 6413. FOR THE STATE CONSERVATION COMMISSION

Match for Federal RCPP Program (30000017)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3033, chapter 35, Laws of 2016 sp. sess.

Reappropriation:

General Fund—Federal	\$1,426,000
Prior Biennia (Expenditures)	\$5,449,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,875,000

NEW SECTION. Sec. 6414. FOR THE STATE CONSERVATION COMMISSION

2019-21 Match for Federal RCPP (40000006)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3051, chapter 356, Laws of 2020.

Reappropriation:

State Building Construction Account—State	\$212,000
Prior Biennia (Expenditures)	\$6,037,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,249,000

NEW SECTION. Sec. 6415. FOR THE STATE CONSERVATION COMMISSION

2019-21 Water Irrigation Efficiencies Program (40000009)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3224, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—State	\$3,383,000
Prior Biennia (Expenditures)	\$617,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,000,000

NEW SECTION. Sec. 6416. FOR THE STATE CONSERVATION COMMISSION

2021-23 Conservation Reserve Enhancement Program (CREP) (40000013)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3241, chapter 332, Laws of 2021.

Reappropriation:

State Building Construction Account—State	\$3,083,000
Prior Biennia (Expenditures)	\$917,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,000,000

NEW SECTION. Sec. 6417. FOR THE STATE CONSERVATION COMMISSION

2021-23 Water Irrigation Efficiencies Program (40000014)

Reappropriation:

State Building Construction Account—State	\$2,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000

NEW SECTION. Sec. 6418. FOR THE STATE CONSERVATION COMMISSION

2021-23 Conservation Reserve Enhancement Program (CREP) PIP loan (40000015)

Reappropriation:

Conservation Assistance Rev Account—State	\$160,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$160,000

NEW SECTION. Sec. 6419. FOR THE STATE CONSERVATION COMMISSION

2021-23 Natural Resource Investment for the Economy & Environment (40000016)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3244, chapter 332, Laws of 2021.

Reappropriation:

State Building Construction Account—State	\$3,606,000
Prior Biennia (Expenditures)	\$394,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,000,000

NEW SECTION. Sec. 6420. FOR THE STATE CONSERVATION COMMISSION

2021-23 Regional Conservation Partnership Program (RCPP) Match (40000017)

Reappropriation:

State Building Construction Account—State	\$6,884,000
Prior Biennia (Expenditures)	\$116,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,000,000

NEW SECTION. Sec. 6421. FOR THE STATE CONSERVATION COMMISSION

2021-23 Improve Shellfish Growing Areas (40000018)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3246, chapter 332, Laws of 2021.

Reappropriation:

State Building Construction Account—State	\$2,952,000
Prior Biennia (Expenditures)	\$548,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,500,000

NEW SECTION. Sec. 6422. FOR THE STATE CONSERVATION COMMISSION

2021-23 Farmland Protection and Land Access (40000020)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3050, chapter 296, Laws of 2022.

Reappropriation:

State Building Construction Account—State	\$2,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000

NEW SECTION. Sec. 6423. FOR THE STATE CONSERVATION COMMISSION

2021-23 Conservation Reserve Enhancement from Operating (40000038)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 7057 of this act.

Reappropriation:

Salmon Recovery Account—State	\$5,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000

NEW SECTION. Sec. 6424. FOR THE STATE CONSERVATION COMMISSION

2019-21 CREP Riparian Cost Share - State Match (91000017)

Reappropriation:

State Building Construction Account—State	\$588,000
Prior Biennia (Expenditures)	\$1,212,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,800,000

NEW SECTION. Sec. 6425. FOR THE STATE CONSERVATION COMMISSION

Natural Resource Investment for the Economy & Environment 2017-19 (92000011)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3090, chapter 2, Laws of 2018.

Reappropriation:

General Fund—Federal	\$1,000,000
Prior Biennia (Expenditures)	\$4,000,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000

NEW SECTION. Sec. 6426. FOR THE STATE CONSERVATION COMMISSION

Voluntary Stewardship Program (92000016)

Reappropriation:

State Building Construction Account—State	\$2,991,000
Prior Biennia (Expenditures)	\$9,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,000,000

NEW SECTION. Sec. 6427. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Eells Springs Hatchery Renovation (30000214)

Reappropriation:

State Building Construction Account—State	\$396,000
Prior Biennia (Expenditures)	\$1,097,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,493,000

NEW SECTION. Sec. 6428. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Samish Hatchery Intakes (30000276)

Reappropriation:

State Building Construction Account—State	\$228,000
Prior Biennia (Expenditures)	\$8,504,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$8,732,000

NEW SECTION. Sec. 6429. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Puget Sound and Adjacent Waters Nearshore Restoration - Match (30000753)

Reappropriation:

General Fund—Federal	\$500,000
State Building Construction Account—State	\$281,000
Subtotal Reappropriation	\$781,000
Prior Biennia (Expenditures)	\$219,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 6430. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Snow Creek Reconstruct Facility (30000826)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3271, chapter 332, Laws of 2021.

Reappropriation:

State Building Construction Account—State	\$917,000
Prior Biennia (Expenditures)	\$219,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,136,000

NEW SECTION. Sec. 6431. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Forks Creek Hatchery - Renovate Intake and Diversion (30000827)

Reappropriation:

State Building Construction Account—State	\$2,312,000
Prior Biennia (Expenditures)	\$4,060,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,372,000

NEW SECTION. Sec. 6432. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Hurd Creek - Relocate Facilities out of Floodplain (30000830)

Reappropriation:

State Building Construction Account—State	\$11,307,000
Prior Biennia (Expenditures)	\$1,291,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$12,598,000

NEW SECTION. Sec. 6433. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Dungeness Hatchery - Replace Main Intake (30000844)

Reappropriation:

State Building Construction Account—State	\$322,000
Prior Biennia (Expenditures)	\$3,080,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,402,000

NEW SECTION. Sec. 6434. FOR THE DEPARTMENT OF FISH AND WILDLIFE

PSNERP Match (30000846)

Reappropriation:

General Fund—Federal	\$40,563,000
State Building Construction Account—State	\$2,376,000
Subtotal Reappropriation	\$42,939,000
Prior Biennia (Expenditures)	\$1,148,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$44,087,000

NEW SECTION. Sec. 6435. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Wiley Slough Dike Raising (40000004)

Reappropriation:

State Building Construction Account—State	\$5,401,000
Prior Biennia (Expenditures)	\$1,052,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,453,000

NEW SECTION. Sec. 6436. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Minor Works Preservation 2019-21 (40000007)

Reappropriation:

State Building Construction Account—State	\$550,000
Prior Biennia (Expenditures)	\$7,480,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$8,030,000

NEW SECTION. Sec. 6437. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Minor Works Programmatic 2019-21 (40000008)

Reappropriation:

State Building Construction Account—State	\$665,000
Prior Biennia (Expenditures)	\$1,762,000

Future Biennia (Projected Costs)	\$0
TOTAL	\$2,427,000

NEW SECTION, Sec. 6438. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Elochoman Hatchery Demolition and Restoration (40000024)

Reappropriation:

General Fund—Federal	\$250,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$250,000

NEW SECTION, Sec. 6439. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Region 1 Office - Construct Secure Storage (40000087)

Reappropriation:

State Building Construction Account—State	\$56,000
Prior Biennia (Expenditures)	\$94,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$150,000

NEW SECTION, Sec. 6440. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Minor Works Preservation 21-23 (40000089)

Reappropriation:

State Building Construction Account—State	\$4,815,000
Prior Biennia (Expenditures)	\$4,175,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$8,990,000

NEW SECTION, Sec. 6441. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Minor Works Program 21-23 (40000092)

Reappropriation:

State Building Construction Account—State	\$2,127,000
Prior Biennia (Expenditures)	\$801,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,928,000

NEW SECTION, Sec. 6442. FOR THE DEPARTMENT OF FISH AND WILDLIFE

SRKW - New Cowlitz River Hatchery (40000145)

Reappropriation:

State Building Construction Account—State	\$124,000
Prior Biennia (Expenditures)	\$176,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$300,000

NEW SECTION, Sec. 6443. FOR THE DEPARTMENT OF FISH AND WILDLIFE

SRKW - Kendall Creek Hatchery Modifications (40000146)

Reappropriation:

State Building Construction Account—State	\$3,957,000
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Prior Biennia (Expenditures)	\$360,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,317,000

NEW SECTION. Sec. 6444. FOR THE DEPARTMENT OF FISH AND WILDLIFE

SRKW - Voights Creek Hatchery Modifications (40000148)

Reappropriation:

State Building Construction Account—State	\$3,427,000
Prior Biennia (Expenditures)	\$124,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,551,000

NEW SECTION. Sec. 6445. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Klickitat WLA - Simcoe Fencing (40000161)

Reappropriation:

State Building Construction Account—State	\$422,000
Prior Biennia (Expenditures)	\$28,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$450,000

NEW SECTION. Sec. 6446. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Deschutes Watershed Center (20062008)

Reappropriation:

State Building Construction Account—State	\$3,888,000
Prior Biennia (Expenditures)	\$13,807,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$17,695,000

NEW SECTION. Sec. 6447. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Taneum Creek Property Acquisition Post Closing Activities (40000162)

Reappropriation:

State Building Construction Account—State	\$145,000
Prior Biennia (Expenditures)	\$55,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$200,000

NEW SECTION. Sec. 6448. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Upper Columbia River Salmon Reintroduction from Operating (40000266)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 7058 of this act.

Reappropriation:

Salmon Recovery Account—State	\$3,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,000,000

NEW SECTION. Sec. 6449. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Kalama Creek Hatchery (91000160)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3062, chapter 296, Laws of 2022.

Reappropriation:

State Building Construction Account—State	\$3,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,000,000

NEW SECTION. Sec. 6450. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Western Pond Turtle Nest Hill Restoration (91000161)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3061, chapter 296, Laws of 2022.

Reappropriation:

State Building Construction Account—State	\$192,000
Prior Biennia (Expenditures)	\$8,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$200,000

NEW SECTION. Sec. 6451. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Naches Rearing Ponds (92000049)

Reappropriation:

State Building Construction Account—State	\$512,000
Prior Biennia (Expenditures)	\$88,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$600,000

NEW SECTION. Sec. 6452. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Shrubsteppe and Rangeland Cooperative Wildlife Fencing (92000050)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3294, chapter 332, Laws of 2021.

Reappropriation:

State Building Construction Account—State	\$1,337,000
Prior Biennia (Expenditures)	\$163,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,500,000

NEW SECTION. Sec. 6453. FOR THE DEPARTMENT OF FISH AND WILDLIFE

2021-23 Cooperative Elk Damage Fencing (30000662)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3243, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—State	\$1,097,000
Prior Biennia (Expenditures)	\$2,503,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,600,000

NEW SECTION. Sec. 6454. FOR THE DEPARTMENT OF FISH AND

WILDLIFE

Wooten Wildlife Area Improve Flood Plain (30000481)

Reappropriation:

General Fund—Federal	\$5,700,000
State Building Construction Account—State	\$364,000
Subtotal Reappropriation	\$6,064,000
Prior Biennia (Expenditures)	\$4,636,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,700,000

NEW SECTION. Sec. 6455. FOR THE DEPARTMENT OF FISH AND

WILDLIFE

Kalama Falls Hatchery Replace Raceways and PA System (30000848)

Reappropriation:

State Building Construction Account—State	\$370,000
Prior Biennia (Expenditures)	\$446,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$816,000

NEW SECTION. Sec. 6456. FOR THE DEPARTMENT OF FISH AND

WILDLIFE

Recreational Fishing Access on the Grande Ronde River (92000051)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3064, chapter 296, Laws of 2022.

Reappropriation:

State Building Construction Account—State	\$488,000
Prior Biennia (Expenditures)	\$12,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

NEW SECTION. Sec. 6457. FOR THE DEPARTMENT OF FISH AND

WILDLIFE

Upper Indian Creek Fish Screen Removal (92001248)

Reappropriation:

State Building Construction Account—State	\$24,000
Prior Biennia (Expenditures)	\$41,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$65,000

NEW SECTION. Sec. 6458. FOR THE DEPARTMENT OF NATURAL RESOURCES

Port Angeles Storm Water Repair (40000015)

Reappropriation:

Model Toxics Control Stormwater Account—State	\$1,134,000
Prior Biennia (Expenditures)	\$86,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,220,000

NEW SECTION. Sec. 6459. FOR THE DEPARTMENT OF NATURAL RESOURCES

Airway Heights Facility Replacement (40000025)

Reappropriation:

State Building Construction Account—State	\$3,462,000
Prior Biennia (Expenditures)	\$738,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,200,000

NEW SECTION. Sec. 6460. FOR THE DEPARTMENT OF NATURAL RESOURCES

Omak Consolidation, Expansion and Relocation (40000033)

Reappropriation:

State Building Construction Account—State	\$93,000
Prior Biennia (Expenditures)	\$15,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$108,000

NEW SECTION. Sec. 6461. FOR THE DEPARTMENT OF NATURAL RESOURCES

Teanaway (40000038)

Reappropriation:

State Building Construction Account—State	\$592,000
Prior Biennia (Expenditures)	\$1,264,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,856,000

NEW SECTION. Sec. 6462. FOR THE DEPARTMENT OF NATURAL RESOURCES

Land Acquisition Grants (40000039)

Reappropriation:

General Fund—Federal	\$12,537,000
Prior Biennia (Expenditures)	\$5,463,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$18,000,000

NEW SECTION. Sec. 6463. FOR THE DEPARTMENT OF NATURAL RESOURCES

Forest Hazard Reduction (40000049)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3292, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—State	\$2,190,000
Prior Biennia (Expenditures)	\$12,010,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$14,200,000

NEW SECTION. Sec. 6464. FOR THE DEPARTMENT OF NATURAL RESOURCES

Grouse Ridge Fish Barriers & RMAP Compliance (40000056)

Reappropriation:

State Building Construction Account—State	\$227,000
Prior Biennia (Expenditures)	\$4,748,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,975,000

NEW SECTION. Sec. 6465. FOR THE DEPARTMENT OF NATURAL RESOURCES

Emergent Environmental Mitigation Projects (40000058)

Reappropriation:

Forest Development Account—State	\$67,000
Model Toxics Control Capital Account—State	\$421,000
Resource Management Cost Account—State	\$68,000
Subtotal Reappropriation	\$556,000
Prior Biennia (Expenditures)	\$554,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,110,000

NEW SECTION. Sec. 6466. FOR THE DEPARTMENT OF NATURAL RESOURCES

2021-23 Minor Works Preservation (40000070)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3072, chapter 296, Laws of 2022.

Reappropriation:

State Building Construction Account—State	\$1,804,000
Prior Biennia (Expenditures)	\$1,318,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,122,000

NEW SECTION. Sec. 6467. FOR THE DEPARTMENT OF NATURAL RESOURCES

Webster Nursery Seed Plant Replacement (40000073)

Reappropriation:

State Building Construction Account—State	\$113,000
Prior Biennia (Expenditures)	\$107,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$220,000

NEW SECTION. Sec. 6468. FOR THE DEPARTMENT OF NATURAL RESOURCES

2021-23 Community Forests (40000074)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3323, chapter 332, Laws of 2021.

Reappropriation:

State Building Construction Account—State	\$200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$200,000

NEW SECTION. Sec. 6469. FOR THE DEPARTMENT OF NATURAL RESOURCES

2021-23 Forestry Riparian Easement Program (40000077)

Reappropriation:

State Building Construction Account—State	\$5,146,000
Prior Biennia (Expenditures)	\$854,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,000,000

NEW SECTION. Sec. 6470. FOR THE DEPARTMENT OF NATURAL RESOURCES

2021-23 Puget Sound Corps (40000079)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3326, chapter 332, Laws of 2021.

Reappropriation:

State Building Construction Account—State	\$1,607,000
Prior Biennia (Expenditures)	\$2,393,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,000,000

NEW SECTION. Sec. 6471. FOR THE DEPARTMENT OF NATURAL RESOURCES

2021-23 Rivers and Habitat Open Space Program (40000081)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3327, chapter 332, Laws of 2021.

Reappropriation:

State Building Construction Account—State	\$1,409,000
Prior Biennia (Expenditures)	\$10,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,419,000

NEW SECTION. Sec. 6472. FOR THE DEPARTMENT OF NATURAL RESOURCES

Rural Broadband Investment (40000082)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3073, chapter 296, Laws of 2022.

Reappropriation:

State Building Construction Account—State	\$1,854,000
Prior Biennia (Expenditures)	\$146,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000

NEW SECTION. Sec. 6473. FOR THE DEPARTMENT OF NATURAL RESOURCES

2021-23 Structurally Deficient Bridges (40000086)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3066, chapter 296, Laws of 2022.

Reappropriation:

State Building Construction Account—State	\$693,000
Prior Biennia (Expenditures)	\$357,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,050,000

NEW SECTION. Sec. 6474. FOR THE DEPARTMENT OF NATURAL RESOURCES

2021-23 Sustainable Recreation (40000088)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3299, chapter 332, Laws of 2021.

Reappropriation:

State Building Construction Account—State	\$2,072,000
Prior Biennia (Expenditures)	\$1,176,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,248,000

NEW SECTION. Sec. 6475. FOR THE DEPARTMENT OF NATURAL RESOURCES

2021-23 Forest Legacy (40000090)

Reappropriation:

General Fund—Federal	\$17,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$17,000,000

NEW SECTION. Sec. 6476. FOR THE DEPARTMENT OF NATURAL RESOURCES

2021-23 Land Acquisition Grants (40000091)

Reappropriation:

General Fund—Federal	\$10,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,000,000

NEW SECTION. Sec. 6477. FOR THE DEPARTMENT OF NATURAL RESOURCES

2021-23 Road Maintenance and Abandonment Planning (40000092)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3303, chapter 332, Laws of 2021.

Reappropriation:

State Building Construction Account—State	\$1,067,000
Prior Biennia (Expenditures)	\$811,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,878,000

NEW SECTION. Sec. 6478. FOR THE DEPARTMENT OF NATURAL RESOURCES

2021-23 Natural Areas Facilities Preservation and Access (40000093)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3304, chapter 332, Laws of 2021.

Reappropriation:

State Building Construction Account—State	\$3,136,000
Prior Biennia (Expenditures)	\$869,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,005,000

NEW SECTION. Sec. 6479. FOR THE DEPARTMENT OF NATURAL RESOURCES

Forestry Riparian Easement Program from Operating (40000376)

Reappropriation:

Salmon Recovery Account—State	\$4,999,000
Prior Biennia (Expenditures)	\$1,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000

NEW SECTION. Sec. 6480. FOR THE DEPARTMENT OF NATURAL RESOURCES

Port of Willapa Harbor Energy Innovation District Grant (91000099)

Reappropriation:

State Building Construction Account—State	\$1,400,000
Prior Biennia (Expenditures)	\$100,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,500,000

NEW SECTION. Sec. 6481. FOR THE DEPARTMENT OF NATURAL RESOURCES

DNR and Camp Colman Collaboration (92000037)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3074, chapter 296, Laws of 2022.

Reappropriation:

State Building Construction Account—State	\$459,000
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Prior Biennia (Expenditures)	\$511,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$970,000

NEW SECTION. Sec. 6482. FOR THE DEPARTMENT OF NATURAL RESOURCES

Camp Colman Cabin Preservation and Upgrades (92000039)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3075, chapter 296, Laws of 2022.

Reappropriation:

State Building Construction Account—State	\$1,400,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,400,000

NEW SECTION. Sec. 6483. FOR THE DEPARTMENT OF AGRICULTURE

2021-23 WA State Fairs Health and Safety Grants (92000005)

Reappropriation:

State Building Construction Account—State	\$4,695,000
Prior Biennia (Expenditures)	\$3,310,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$8,005,000

NEW SECTION. Sec. 6484. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Grays Harbor College: Student Services and Instructional Building (30000127)

Reappropriation:

State Building Construction Account—State	\$31,008,000
Prior Biennia (Expenditures)	\$17,169,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$48,177,000

NEW SECTION. Sec. 6485. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Clark College: North County Satellite (30000135)

Reappropriation:

State Building Construction Account—State	\$56,514,000
Prior Biennia (Expenditures)	\$2,404,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$58,918,000

NEW SECTION. Sec. 6486. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Olympic Innovation and Technology Learning Center (40000103)

Reappropriation:

State Building Construction Account—State	\$2,329,000
Prior Biennia (Expenditures)	\$223,000
Future Biennia (Projected Costs)	\$0

TOTAL \$2,552,000

NEW SECTION. Sec. 6487. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Lower Columbia: Center for Vocational and Transitional Studies (40000106)

Reappropriation:

State Building Construction Account—State	\$2,556,000
Prior Biennia (Expenditures)	\$650,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,206,000

NEW SECTION. Sec. 6488. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Everett Community College: Learning Resource Center (30000136)

Reappropriation:

State Building Construction Account—State	\$12,939,000
Prior Biennia (Expenditures)	\$39,160,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$52,099,000

NEW SECTION. Sec. 6489. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Whatcom Community College: Learning Commons (30000138)

Reappropriation:

State Building Construction Account—State	\$5,396,000
Prior Biennia (Expenditures)	\$31,378,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$36,774,000

NEW SECTION. Sec. 6490. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Spokane: Main Building South Wing Renovation (30000982)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5025, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$126,000
Prior Biennia (Expenditures)	\$28,380,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$28,506,000

NEW SECTION. Sec. 6491. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Highline: Health and Life Sciences (30000983)

Reappropriation:

State Building Construction Account—State	\$565,000
Prior Biennia (Expenditures)	\$26,588,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$27,153,000

NEW SECTION. Sec. 6492. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Wenatchee Valley: Wells Hall Replacement (30000985)

Reappropriation:

State Building Construction Account—State	\$2,974,000
Prior Biennia (Expenditures)	\$29,397,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$32,371,000

NEW SECTION. Sec. 6493. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Olympic: Shop Building Renovation (30000986)

Reappropriation:

State Building Construction Account—State	\$7,716,000
Prior Biennia (Expenditures)	\$889,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$8,605,000

NEW SECTION. Sec. 6494. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Pierce Fort Steilacoom: Cascade Building Renovation - Phase 3 (30000987)

Reappropriation:

State Building Construction Account—State	\$7,923,000
Prior Biennia (Expenditures)	\$27,177,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$35,100,000

NEW SECTION. Sec. 6495. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

South Seattle: Automotive Technology Renovation and Expansion (30000988)

Reappropriation:

State Building Construction Account—State	\$1,444,000
Prior Biennia (Expenditures)	\$24,433,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$25,877,000

NEW SECTION. Sec. 6496. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Bates: Medical Mile Health Science Center (30000989)

Reappropriation:

State Building Construction Account—State	\$7,000
Prior Biennia (Expenditures)	\$44,059,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$44,066,000

NEW SECTION. Sec. 6497. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Shoreline: Allied Health, Science & Manufacturing Replacement (30000990)

Reappropriation:

State Building Construction Account—State	\$22,590,000
Prior Biennia (Expenditures)	\$24,850,000

Future Biennia (Projected Costs).....	\$0
TOTAL	\$47,440,000

NEW SECTION. Sec. 6498. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

North Seattle Library Building Renovation (30001451)

Reappropriation:

State Building Construction Account—State	\$12,626,000
Prior Biennia (Expenditures).....	\$21,341,000
Future Biennia (Projected Costs).....	\$0
TOTAL	\$33,967,000

NEW SECTION. Sec. 6499. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Walla Walla Science and Technology Building Replacement (30001452)

Reappropriation:

State Building Construction Account—State	\$638,000
Prior Biennia (Expenditures).....	\$10,001,000
Future Biennia (Projected Costs).....	\$0
TOTAL	\$10,639,000

NEW SECTION. Sec. 6500. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Spokane Falls: Fine and Applied Arts Replacement (30001458)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5140, chapter 332, Laws of 2021.

Reappropriation:

State Building Construction Account—State	\$22,806,000
Prior Biennia (Expenditures).....	\$19,363,000
Future Biennia (Projected Costs).....	\$0
TOTAL	\$42,169,000

NEW SECTION. Sec. 6501. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Spokane: Apprenticeship Center (40000107)

Reappropriation:

State Building Construction Account—State	\$3,064,000
Prior Biennia (Expenditures).....	\$304,000
Future Biennia (Projected Costs).....	\$0
TOTAL	\$3,368,000

NEW SECTION. Sec. 6502. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Centralia: Teacher Education and Family Development Center (40000109)

Reappropriation:

State Building Construction Account—State	\$1,447,000
Prior Biennia (Expenditures).....	\$821,000
Future Biennia (Projected Costs).....	\$0
TOTAL	\$2,268,000

NEW SECTION. Sec. 6503. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Skagit: Library/Culinary Arts Building (40000110)

Reappropriation:

State Building Construction Account—State	\$2,052,000
Prior Biennia (Expenditures)	\$205,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,257,000

NEW SECTION. Sec. 6504. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Edmonds: Triton Learning Commons (40000114)

Reappropriation:

State Building Construction Account—State	\$2,647,000
Prior Biennia (Expenditures)	\$1,009,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,656,000

NEW SECTION. Sec. 6505. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Bellevue: Center for Transdisciplinary Learning and Innovation (40000168)

Reappropriation:

State Building Construction Account—State	\$41,749,000
Prior Biennia (Expenditures)	\$1,032,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$42,781,000

NEW SECTION. Sec. 6506. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Renton: Health Sciences Center (40000204)

Reappropriation:

State Building Construction Account—State	\$3,721,000
Prior Biennia (Expenditures)	\$276,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,997,000

NEW SECTION. Sec. 6507. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Cascadia: CC5 Gateway building (40000222)

Reappropriation:

State Building Construction Account—State	\$2,803,000
Prior Biennia (Expenditures)	\$293,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,096,000

NEW SECTION. Sec. 6508. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Pierce Puyallup: STEM building (40000293)

Reappropriation:

State Building Construction Account—State	\$37,731,000
Prior Biennia (Expenditures)	\$4,238,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$41,969,000

NEW SECTION. Sec. 6509. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Minor Works - Infrastructure (40000431)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5037, chapter 296, Laws of 2022.

Reappropriation:

State Building Construction Account—State	\$6,885,000
Prior Biennia (Expenditures)	\$1,632,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$8,517,000

NEW SECTION. Sec. 6510. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Pierce College Olympic South Asbestos Abatement and Restoration (40000516)

Reappropriation:

State Building Construction Account—State	\$9,176,000
Prior Biennia (Expenditures)	\$3,983,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$13,159,000

NEW SECTION. Sec. 6511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2013-15 School Construction Assistance Program - Maintenance (30000145)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5001, chapter 35, Laws of 2016 sp. sess.

Reappropriation:

State Building Construction Account—State	\$1,473,000
Prior Biennia (Expenditures)	\$385,853,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$387,326,000

NEW SECTION. Sec. 6512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2015-17 School Construction Assistance Program (30000169)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5013, chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:

Common School Construction Fund—State	\$94,555,000
Prior Biennia (Expenditures)	\$551,301,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$645,856,000

NEW SECTION. Sec. 6513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Tri-Tech Skill Center - Core Growth (30000197)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5004, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$46,000
Prior Biennia (Expenditures)	\$10,761,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,807,000

NEW SECTION. Sec. 6514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2017-19 School Construction Assistance Program (40000003)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 5003, chapter 298, Laws of 2018.

Reappropriation:

Common School Construction Fund—State	\$48,232,000
State Building Construction Account—State	\$1,581,000
Subtotal Reappropriation	\$49,813,000
Prior Biennia (Expenditures)	\$898,937,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$948,750,000

NEW SECTION. Sec. 6515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2019-21 School Construction Assistance Program - Maintenance Lvl (40000013)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 6040, chapter 332, Laws of 2021.

Reappropriation:

Common School Construction Fund—State	\$95,148,000
State Building Construction Account—State	\$2,377,000
Subtotal Reappropriation	\$97,525,000
Prior Biennia (Expenditures)	\$924,317,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,021,842,000

NEW SECTION. Sec. 6516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

School District Health and Safety 2019-21 (40000019)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5016, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—State	\$110,000
Prior Biennia (Expenditures)	\$5,836,000

Future Biennia (Projected Costs).....	\$0
TOTAL	\$5,946,000

NEW SECTION. Sec. 6517. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Skills Centers Minor Works (40000023)

Reappropriation:

State Building Construction Account—State	\$368,000
Prior Biennia (Expenditures).....	\$2,632,000
Future Biennia (Projected Costs).....	\$0
TOTAL	\$3,000,000

NEW SECTION. Sec. 6518. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2021-23 School Construction Assistance Program (40000034)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 7061 of this act.

Reappropriation:

Common School Construction Fund—State	\$28,690,000
Common School Construction Fund—Federal	\$2,927,000
State Building Construction Account—State	\$270,684,000
Subtotal Reappropriation	\$302,301,000
Prior Biennia (Expenditures).....	\$133,127,000
Future Biennia (Projected Costs).....	\$0
TOTAL	\$435,428,000

NEW SECTION. Sec. 6519. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2021-23 Small District and Tribal Compact Schools Modernization (40000039)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5005, chapter 296, Laws of 2022.

Reappropriation:

State Building Construction Account—State	\$25,727,000
Prior Biennia (Expenditures).....	\$16,386,000
Future Biennia (Projected Costs).....	\$0
TOTAL	\$42,113,000

NEW SECTION. Sec. 6520. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2021-23 Skills Centers Minor Works (40000040)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5006, chapter 296, Laws of 2022.

Reappropriation:

State Building Construction Account—State	\$3,350,000
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Prior Biennia (Expenditures)	\$38,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,388,000

NEW SECTION. Sec. 6521. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Pierce County Skills Center - Evergreen Building Modernization (40000048)

Reappropriation:

State Building Construction Account—State	\$9,597,000
Prior Biennia (Expenditures)	\$233,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$9,830,000

NEW SECTION. Sec. 6522. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Seattle Public Schools Skills Center - Rainier Beach High School (40000050)

Reappropriation:

State Building Construction Account—State	\$300,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$300,000

NEW SECTION. Sec. 6523. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Puget Sound Skills Center Preservation (40000051)

Reappropriation:

State Building Construction Account—State	\$1,024,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,024,000

NEW SECTION. Sec. 6524. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2021-23 School District Health and Safety (40000052)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 5007, chapter 296, Laws of 2022.

Reappropriation:

Common School Construction Fund—State	\$1,553,000
State Building Construction Account—State	\$3,393,000
Subtotal Reappropriation	\$4,946,000
Prior Biennia (Expenditures)	\$3,947,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$8,893,000

NEW SECTION. Sec. 6525. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2021-23 Career Preparation and Launch Grants (40000056)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5025, chapter 332, Laws of 2021.

Reappropriation:

Common School Construction Fund—State	\$694,000
Prior Biennia (Expenditures)	\$1,306,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000

NEW SECTION. Sec. 6526. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2021-23 Healthy Kids-Healthy Schools: Physical Health & Nutrition (91000464)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5016, chapter 332, Laws of 2021.

Reappropriation:

Common School Construction Account—State	\$1,421,000
Prior Biennia (Expenditures)	\$1,579,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,000,000

NEW SECTION. Sec. 6527. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2021-23 Healthy Kids-Healthy Schools: Remediation of Lead (91000465)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5027, chapter 332, Laws of 2021.

Reappropriation:

Common School Construction Account—State	\$270,000
State Building Construction Account—State	\$3,112,000
Subtotal Reappropriation	\$3,382,000
Prior Biennia (Expenditures)	\$216,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,598,000

NEW SECTION. Sec. 6528. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Healthy Kids/Healthy Schools - T-12 Lighting (91000483)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5009, chapter 296, Laws of 2022.

Reappropriation:

State Building Construction Account—State	\$1,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,500,000

NEW SECTION. Sec. 6529. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Pierce College at New Bethel High School (92000036)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5012, chapter 296, Laws of 2022.

Reappropriation:

State Building Construction Account—State	\$1,600,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,600,000

NEW SECTION. Sec. 6530. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

K-3 Class-size Reduction Grants (92000039)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5023, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—State	\$3,842,000
Prior Biennia (Expenditures)	\$230,658,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$234,500,000

NEW SECTION. Sec. 6531. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Distressed Schools (92000041)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5004, chapter 356, Laws of 2020.

Reappropriation:

State Building Construction Account—State	\$674,000
Prior Biennia (Expenditures)	\$44,812,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$45,486,000

NEW SECTION. Sec. 6532. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2019-21 Small District Modernization Grants (92000139)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5003, chapter 356, Laws of 2020.

Reappropriation:

State Building Construction Account—State	\$1,128,000
Prior Biennia (Expenditures)	\$22,255,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$23,383,000

NEW SECTION. Sec. 6533. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2019-21 STEM Grants (92000140)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5029, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—State	\$32,000
Prior Biennia (Expenditures)	\$7,668,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,700,000

NEW SECTION. Sec. 6534. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2019-21 Distressed Schools (92000142)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5005, chapter 356, Laws of 2020.

Reappropriation:

State Building Construction Account—State	\$3,429,000
Prior Biennia (Expenditures)	\$22,508,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$25,937,000

NEW SECTION. Sec. 6535. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2019-21 School Seismic Safety Retrofit Program (92000148)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5006, chapter 356, Laws of 2020.

Reappropriation:

State Building Construction Account—State	\$6,511,000
Prior Biennia (Expenditures)	\$6,729,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$13,240,000

NEW SECTION. Sec. 6536. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2021-23 Distressed Schools (92000917)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5010, chapter 296, Laws of 2022.

Reappropriation:

State Building Construction Account—State	\$20,276,000
Prior Biennia (Expenditures)	\$10,144,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$30,420,000

NEW SECTION. Sec. 6537. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2021-23 School Seismic Safety Grant Program (5933) (92000923)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5008, chapter 296, Laws of 2022.

Reappropriation:

State Building Construction Account—State	\$100,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$100,000,000

NEW SECTION. Sec. 6538. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2022 Small District and Tribal Compact Schools Modernization (92000925)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5011, chapter 296, Laws of 2022.

Reappropriation:

State Building Construction Account—State	\$7,496,000
Prior Biennia (Expenditures)	\$116,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,612,000

**PART 7
SUPPLEMENTAL**

Sec. 7001. 2021 c 332 s 1039 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Rural Rehabilitation Loan Program (40000052)

Reappropriation:

State Taxable Building Construction Account—	
State	(\$4,986,000)
	<u>\$1,144,000</u>
Prior Biennia (Expenditures)	\$14,000
Future Biennia (Projected Costs)	\$0
TOTAL	(\$5,000,000)
	<u>\$1,158,000</u>

Sec. 7002. 2021 c 332 s 1041 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2020 Local and Community Projects (40000116)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section ~~((4011, chapter 356, Laws of 2020))~~ 6007, chapter 332, Laws of 2021, except funding may not be directed to the Arivva Community Center.

Reappropriation:

State Building Construction Account—State	(\$94,196,000)
	<u>\$93,296,000</u>

Prior Biennia (Expenditures)	\$73,011,000
Future Biennia (Projected Costs)	\$0
TOTAL	<u>(\$167,207,000)</u>
	<u>\$166,307,000</u>

Sec. 7003. 2022 c 296 s 1021 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2021-23 Rapid Capital Housing Acquisition (40000222)

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

(1) Except as provided in subsections (7) through (8) of this section, the appropriations in this section are provided solely for the department to issue competitive financial assistance to eligible organizations under RCW 43.185A.040 to acquire or rent real property for a rapid conversion into enhanced emergency shelters, permanent supportive housing, transitional housing, permanent housing, youth housing, drop-in center, or shelter for extremely low-income people, as well as individuals, families, unaccompanied youth, and young people experiencing sheltered and unsheltered homelessness. Amounts provided in this section may be also used for renovation and building update costs associated with establishment of the acquired or rented facilities. For youth housing, drop-in centers, and shelter projects, renovation of existing properties is an allowable activity. The department may only approve funding for projects resulting in increased shelter or housing capacity. Amounts provided in this section may not be used for operating or maintenance costs associated with providing housing, supportive services, or debt service.

(2) Funds may also be used for permanent financing for real estate acquired using other short term acquisition sources. To expand availability of permanent housing, financing of acquisition of unoccupied multifamily housing is a priority. Funds must also be provided specifically for the city of Seattle to move people experiencing unsheltered homelessness into safe spaces, including, but not limited to, tiny homes, hotels, enhanced emergency shelters, or other rapid housing alternatives.

(3) While emphasizing the rapid deployment of the amounts appropriated under this section to alleviate the immediate crisis of homelessness throughout the state, the department shall establish criteria for the issuance of the grants, during which time the property must be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued on the date most close in time to the date of authorization of the grant. The criteria must include:

(a) The date upon which structural modifications or construction would begin and the anticipated date of completion of the project;

(b) A detailed estimate of the costs associated with the acquisition and any updates or improvements necessary to make the property habitable for its intended use;

(c) A detailed estimate of the costs associated with opening the beds or units; and

(d) A financial plan demonstrating the ability to maintain and operate the property and support its intended tenants throughout the end of the grant contract.

(4) The department must provide a progress report on its website by December 1, 2022. The report must include:

(a) The total number of applications and amount of funding requested; and

(b) A list and description of the projects approved for funding including state funding, total project cost, services anticipated to be provided, housing units, and anticipated completion date.

(5) The funding provided under this section is not subject to the 90-day application periods in RCW 43.185.070 or 43.185A.050. The department of commerce shall dispense funds to the city of Seattle and other qualifying applicants within 45 days of receipt of documentation from the applicant for qualifying uses and execution of any necessary contracts with the department in order to effect the purpose of rapid deployment of funds under this section.

(6) If the department receives simultaneous applications for funding under this program, proposals that reach the greatest public benefit, as defined by the department, must be prioritized. For purposes of this subsection (6), "greatest public benefit" must include, but is not limited to:

(a) The greatest number of accommodations or increased shelter capacity that will benefit extremely low-income people, as well as individuals, families, and youth experiencing homelessness.

(b) Whether the project has federally funded rental assistance tied to it;

(c) The scarcity of the affordable housing or shelter capacity applied for compared to the number of available affordable housing units or shelter capacity in the same geographic location; and

(d) The program's established funding priorities under RCW 43.185.070(5).

(7) ~~(((\$17,500,000))~~ \$18,400,000 of the state building construction account—state appropriation is provided solely for the following list of projects: \$5,000,000 for the Tacoma Housing Authority affordable housing acquisition;

\$4,000,000 for the Keiro nursing home acquisition in Seattle;

~~(((\$1,500,000))~~ \$2,400,000 for the Parkland(~~Spanaway homeless~~) Next Chapter shelter;

\$2,000,000 for the Illahee Affordable Housing project in Bellevue; and

\$5,000,000 for the City of Seattle for the acquisition of the Clay Apartments in partnership with a low-income housing provider.

(8)(a) ~~(((\$6,565,000 of the coronavirus state fiscal recovery account—federal appropriation and \$1,338,000))~~ \$7,903,000 of the state building construction account—state appropriation ~~((are))~~ is provided solely for the following list of youth housing projects identified by the office of homeless youth protection and prevention programs:

FYRE's Village: Housing Stability for Young Adults

(Omak) \$3,350,000

NWYS Young Adult Shelter Services (Bellingham). \$438,000

OlyCap Pfeiffer House (Port Townsend). \$127,000

Ryan's House for Youth Campus (Coupeville) \$1,015,000

Shelton Young Adult Transitional Housing (Shelton). \$773,000

Volunteers of America Crosswalk 2.0 (Spokane) \$2,200,000

(b) If funding provided in (a) of this subsection needs to be reallocated, the department shall consult with the office of homeless youth prevention and protection programs to identify other eligible youth housing projects.

(9) The department must ensure compliance with conditions of the federal coronavirus state fiscal recovery fund. All expenditures from the coronavirus state fiscal recovery account—federal appropriation in this section must be obligated by December 31, 2024.

Appropriation:

State Building Construction Account—State	(\$90,138,000)
	<u>\$97,603,000</u>
Coronavirus State Fiscal Recovery Fund—Federal	(\$29,097,000)
	<u>\$22,532,000</u>
Subtotal Appropriation	(\$119,235,000)
	<u>\$120,135,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(\$119,235,000)
	<u>\$120,135,000</u>

Sec. 7004. 2021 c 332 s 1073 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2021-23 Rural Rehabilitation Loan Program (40000223)

Appropriation:

State Taxable Building Construction Account—	
State	(\$5,000,000)
	<u>\$2,842,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(\$5,000,000)
	<u>\$2,842,000</u>

Sec. 7005. 2022 c 296 s 1018 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2021-23 Clean Energy V - Investing in Washington's Clean Energy (40000148)

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

(1) The appropriations in this section are provided solely for projects that provide a benefit to the public through development, demonstration, and deployment of clean energy technologies that save energy and reduce energy costs, reduce harmful air emissions, or increase energy independence for the state. Priority must be given to projects that benefit vulnerable populations and overburdened communities, including tribes and communities with high environmental or energy burdens.

(2) The 2021 state energy strategy must guide the department in the design of programs under this section, using an equity and environmental justice lens for program structure and participation. To the extent practicable, the department must prioritize projects that build upon Washington's existing strengths in communities, aerospace, maritime, information and communications technology (particularly data center infrastructure, artificial intelligence and machine

learning), grid modernization, advanced materials, and decarbonizing the built environment.

(3) Subject to the availability of funds, the department must reconvene an advisory committee to support involvement of a broad range of stakeholders in the design and implementation of programs implemented under this section to encourage collaboration, leverage partners, and engage communities and organizations in improving the equitable distribution of benefits from the program.

(4) In soliciting and evaluating proposals, awarding contracts, and monitoring projects under this section, the department must:

(a) Ensure that competitive processes, rather than sole source contracting processes, are used to select all projects, except as otherwise noted in this section; and

(b) Conduct due diligence activities associated with the use of public funds including, but not limited to, oversight of the project selection process, project monitoring, and ensuring that all applications and contracts fully comply with all applicable laws including disclosure and conflict of interest statutes.

(5) During project solicitation periods for grants funded with this appropriation, the department must maintain a list of applicants by grant program that scored competitively but did not receive a grant award due to lack of available funding. These applicants must be considered for funding during future grant award cycles. If the department submits a 2022 supplemental budget request for this program, the request must include a list of prioritized projects by grant type.

(6)(a) Pursuant to chapter 42.52 RCW, the ethics in public service act, the department must require a project applicant to identify in application materials any state of Washington employees or former state employees employed by the firm or on the firm's governing board during the past 24 months. Application materials must identify the individual by name, the agency previously or currently employing the individual, job title or position held, and separation date. If it is determined by the department that a conflict of interest exists, the applicant may be disqualified from further consideration for award of funding.

(b) If the department finds, after due notice and examination, that there is a violation of chapter 42.52 RCW, or any similar statute involving a grantee who received funding under this section, either in procuring or performing under the grant, the department in its sole discretion may terminate the funding grant by written notice. If the grant is terminated, the department must reserve its right to pursue all available remedies under law to address the violation.

(7) The requirements in subsections (4) and (6) of this section must be specified in funding agreements issued by the department.

(8) \$17,594,000 of the state building construction account—state appropriation is provided solely for grid modernization grants.

(a)(i) \$11,000,000 is provided solely for projects that: Advance community resilience, clean and renewable energy technologies and transmission and distribution control systems; support integration of renewable energy sources, deployment of distributed energy resources and sustainable microgrids; and support state decarbonization goals pursuant to the clean energy transformation act, including requirements placed upon retail electric utilities.

(ii) Projects must be implemented by community organizations, local governments, federally recognized tribal governments, or by public and private electrical utilities that serve retail customers in the state (retail electric utilities). Projects submitted by applicants other than retail electric utilities must demonstrate partnership with their load serving entity to apply. Priority must be given to:

(A) Projects that benefit vulnerable populations, including tribes and communities with high environmental or energy burden; and

(B) Projects that demonstrate partnerships between eligible applicants in applying for funding, including utilities, public and private sector research organizations, businesses, tribes, and nonprofit organizations.

(iii) The department shall develop a grant application process to competitively select projects for grant awards, to include scoring conducted by a group of qualified experts with application of criteria specified by the department. In development of the application criteria, the department shall, to the extent possible, develop program guidelines that encourage smaller utilities or consortia of small utilities to apply for funding. Where suitable, this may include funding for projects consisting solely of planning, predesign and/or predevelopment activities.

(iv) Applications for grants must disclose all sources of public funds invested in a project.

(b) \$3,550,000 of the appropriation in this section is provided solely for a grant to the Public Utility District No. 1 of Lewis county for land acquisition and construction of the Winlock Industrial Park and South County Substation and Transmission facility, located on North Military Road in Winlock.

(c) \$3,044,000 of the appropriation in this section is provided solely for a grant to the Klickitat County Public Hospital District #1 for the Electrical Upgrade and Smart Grid project at the Klickitat Valley Health Hospital in Goldendale.

(9) \$10,830,000 of the state building construction account—state appropriation is provided solely for grants for strategic research and development for new and emerging clean energy technologies. These grants must be used to match federal or other nonstate funds to research, develop, and demonstrate clean energy technologies, focusing on areas that help develop technologies to meet the state's climate goals, offer opportunities for economic and job growth, and strengthen technology supply chains. The program may include, but is not limited to: Solar technologies, advanced bioenergy and biofuels, development of new earth abundant materials or lightweight materials, advanced energy storage, recycling energy system components, and new renewable energy and energy efficiency technologies.

(a) \$5,000,000 of the appropriation in this section is provided solely for competitive grants.

(b) \$4,800,000 of the appropriation in this section is provided solely for a grant to the Pacific Northwest National Laboratory for a renewable energy platform to support ocean energy research and development testbeds for the Marine and Coastal Research Laboratory in Sequim.

(c) \$1,030,000 of the appropriation in this section is provided solely for a grant to the Chelan County Public Utility District for the hydroelectric turbine hub project at Rocky Reach dam near Wenatchee.

(10)(a) \$2,500,000 of the state taxable building construction account—state appropriation is provided solely as grants to nonprofit lenders to create a revolving loan fund to support the widespread use of proven energy efficiency and renewable energy technologies by households, or for the benefit of households, with high energy burden or environmental health risk now inhibited by lack of access to capital.

(b) The department shall provide grant funds to one or more competitively selected nonprofit lenders that must provide matching private capital and administer the loan fund. The department shall select the loan fund administrator or administrators through a competitive process, with scoring conducted by a group of qualified experts, applying criteria specified by the department.

(c) The department must establish guidelines that specify applicant eligibility, the screening process, and evaluation and selection criteria. The guidelines must be used by the nonprofit lenders.

(11) \$5,550,000 of the state building construction account—state appropriation is provided solely for grants to demonstrate innovative approaches to electrification of transportation systems.

(a)(i) \$3,000,000 of the appropriation is provided solely for competitive grants, prioritizing projects that:

(A) Demonstrate meaningful and enduring benefits to communities and populations disproportionately burdened by air pollution, climate change, or lack of transportation investments;

(B) Beneficially integrate load using behavioral, software, hardware, or other demand-side management technologies, such as demand response, time-of-use rates, or behavioral programming;

(C) Accelerate the transportation electrification market in Washington using market transformation principles; or

(D) Develop electric vehicle charging and hydrogen fueling infrastructure along highways, freeways, and other heavily trafficked corridors across the state to support long-distance travel.

(ii) Projects must be implemented by local governments, federally recognized tribal governments, by public and private electrical utilities that serve retail customers in the state, or state agencies. Eligible parties may partner with other public and private sector research organizations and businesses in applying for funding. The department shall consult and coordinate with the Washington state department of transportation on project selection and implementation. The department shall also coordinate with other state agencies that have other electrification programs, in order to determine to optimally accomplish each agency's respective policy and program goals.

(iii) Projects must be related to on-road end-uses and nonmaritime off-road uses.

(iv) Eligible technologies for these projects include, but are not limited to:

(A) Battery electric vehicle supply equipment;

(B) On-site generation or storage, where the technology directly supplies electricity to the electric vehicle supply equipment;

(C) Electric grid distribution system infrastructure upgrades, where the upgrade is needed as a result of the installed electric vehicle supply equipment;

(D) Hydrogen refueling station infrastructure that:

(I) Dispenses renewable hydrogen or hydrogen produced in Washington with electrolysis; and

(II) Aligns with the 2021 state energy strategy's recommended uses of hydrogen in the transportation sector.

(v) \$2,000,000 of the state building construction account—state appropriation is provided solely for federally recognized tribal governments and for local governments in rural communities, for projects aligning with the above objectives and addressing electric vehicle supply infrastructure gaps in rural communities.

(b) \$2,550,000 of the appropriation in this section is provided solely for a grant to the Lewis Public Transportation Benefit Area to construct a hydrogen fueling station that dispenses renewable hydrogen or hydrogen produced in Washington with electrolysis for electric vehicles at Exit 74 on Interstate 5, near Chehalis.

(12)(a) \$10,000,000 of the state building construction account—state appropriation is provided solely for the purpose of building electrification projects that advance the goals of the 2021 state energy strategy to demonstrate grid-enabled, high-efficiency, all electric buildings.

(b) The program may include, but is not limited to: Shifting from fossil fuels to high-efficiency electric heat pumps and other electric equipment, control systems that enable grid integration or demand control, and on-site renewable generation and efficiency measures that significantly reduce building energy loads.

(c) Preference must be given to projects based on total greenhouse gas emissions reductions, accelerating the path to zero-energy, or that demonstrate early adoption of grid integration technology.

(d) Program funding may be administered to entities also receiving incentives provided according to RCW 19.27A.220 for buildings covered by the state energy performance standard, RCW 19.27A.210.

(e) \$5,000,000 of the appropriation in this section is provided solely for the purpose of supporting the transition of residential and commercial buildings away from fossil fuels through the installation of high-efficiency electric heat pumps and other electric equipment.

(13) \$4,924,000 of the state building construction account—state appropriation is provided solely for maritime electrification grants.

(a) \$4,450,000 of the appropriation in this section is provided solely for a grant to the Northwest Seaport Alliance to upgrade the reefer plug capacity at the Port of Seattle's Terminal 5, located in west Seattle.

(b) \$474,000 of the appropriation in this section is provided solely for a grant to the Skagit County Public Works Department for electric ferry charging infrastructure in Anacortes.

(14) \$4,900,000 of the state building construction account—state appropriation is provided solely for the department to develop targeted rural clean energy innovation projects as provided in this subsection (14).

(a) \$150,000 of the appropriation is provided solely for the department to develop targeted rural clean energy strategies informed by rural community and business engagement, outreach, and research. The department must convene a rural energy work group to identify investments, programs, and policy changes that align with the 2021 state energy strategy and increase access to clean energy

opportunities in rural communities and agricultural and forestry management practices. The group must identify existing federal funding opportunities and strategies to leverage these funds with state capital investment. By June 30, 2022, the department shall report recommendations and findings from the rural energy work group to the office of financial management, the governor, and the appropriate legislative committees and present a strategic plan for state rural clean energy investment.

(b) \$4,750,000 of the appropriation is provided solely for rural clean energy innovation grants.

(i) The department must award at least 40 percent of the funding to projects that enhance the viability of dairy digester bioenergy projects through advanced resource recovery systems that produce renewable natural gas and value-added biofertilizers, reduce greenhouse gas emissions, and improve soil health and air and water quality.

(ii) Grants may also be awarded to other clean energy innovation projects in rural communities, including, but not limited to, projects that enhance energy efficiency, demand response, energy storage, renewable energy, beneficial electrification, resilience, organic waste management, and biological carbon sequestration.

(iii) Grants may fund project predevelopment, research, and development, pilot projects, strategic implementation, field trials, and data dashboards and tools to inform rural project development.

(c) The department is encouraged to make 20 percent of the funds under (b) of this subsection (14) to tribal governments, designated subdivisions, and agencies.

(d) If a grant is awarded to purchase heating devices or systems, the agency must, whenever possible and most cost effective, select devices and systems that do not use fossil fuels.

~~((15) \$10,072,000 of the state building construction account state appropriation is provided solely for the first phase of an aluminum smelter restart project which, when fully deployed, will reduce emissions of greenhouse gases by a minimum of 750,000 tons per year, increase energy efficiency, and protect or create aluminum manufacturing jobs located in Whatcom county. It is the intent of the legislature that if the appropriation in this subsection is not spent by June 30, 2025, the funding provided in this subsection shall not be reappropriated.~~

~~(16) \$10,000,000 of the state building construction account state appropriation is provided solely for the Grant county public utility district for expenses related to public infrastructure development benefiting a large scale solar manufacturing facility in central Washington. If the department has not received a signed agreement between the Grant county public utility district and the large scale solar manufacturer indicating the manufacturer's intent to develop the site in central Washington by December 31, 2025, the funding provided in this subsection shall not be reappropriated.)~~

Appropriation:

State Building Construction Account—State	((\$73,870,000))
	<u>\$53,798,000</u>
State Taxable Building Construction Account—	
State	\$2,500,000

Subtotal Appropriation . . . . .	..((\$76,370,000))
	<u>\$56,298,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$100,000,000
TOTAL . . . . .	..((\$176,370,000))
	<u>\$156,298,000</u>

Sec. 7006. 2022 c 296 s 1020 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF COMMERCE

2021-23 Housing Trust Fund Investment in Affordable Housing (40000153)

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

(1) \$58,347,000 of the state taxable building construction account—state appropriation, \$73,606,000 of the coronavirus state fiscal recovery fund—federal appropriation, \$20,000,000 of the state building construction account—state appropriation, and \$96,028,000 of the capital community assistance account—state appropriation are provided solely for production and preservation of affordable housing projects that serve and benefit low-income and special needs populations including, but not limited to, people with chronic mental illness, people with developmental disabilities, farmworkers, people who are homeless, and people in need of permanent supportive housing. The department shall strive to allocate at least 30 percent of these funds to projects located in rural areas of the state, as defined by the department.

(a) In addition to the definition of "first-time home buyer" in RCW 43.185A.010, for the purposes of awarding homeownership projects during the 2021-2023 fiscal biennium "first-time home buyer" also includes:

(i) A single parent who has only owned a home with a former spouse while married;

(ii) An individual who is a displaced homemaker as defined in 24 C.F.R. Sec. 93.2 as it existed on the effective date of this section, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section, and who has only owned a home with a spouse;

(iii) An individual who has only owned a principal residence not permanently affixed to a permanent foundation in accordance with applicable regulations; or

(iv) An individual who has only owned a property that is discerned by a licensed building inspector as being uninhabitable.

(b) \$5,000,000 of the appropriation provided in this subsection (1) is provided solely for housing that serves people with developmental disabilities;

(c)(i) \$20,000,000 of the appropriation in this subsection (1) is provided solely for housing preservation grants or loans to be awarded competitively.

(ii) The funds may be provided for major building improvements, preservation, and system replacements, necessary for the existing housing trust fund portfolio to maintain long-term viability. The department must require a capital needs assessment be provided prior to contract execution. Funds may not be used to add or expand the capacity of the property.

(iii) To allocate preservation funds, the department must review applications and evaluate projects based on the following criteria:

(A) The age of the property, with priority given to buildings that are more than 15 years old;

(B) The population served, with priority given to projects with at least 50 percent of the housing units being occupied by families and individuals at or below 50 percent area median income;

(C) The degree to which the applicant demonstrates that the improvements will result in a reduction of operating or utilities costs, or both;

(D) The potential for additional years added to the affordability period of the property; and

(E) Other criteria that the department considers necessary to achieve the purpose of this program.

(d) \$25,000,000 of the capital community assistance account—state appropriation in subsection (1) of this section is provided to nonprofit agencies for the development of homeownership projects affordable to low-income households throughout the state.

(2) \$10,000,000 of the state building construction account—state appropriation is provided solely for grant awards for the development of community housing and cottage communities to shelter individuals or households experiencing homelessness.

(a) \$8,775,000 of the state building construction account—state appropriation is provided solely for competitive grant awards. This funding must be awarded to projects that develop a minimum of four individual structures in the same location. Individual structures must contain insulation, electricity, overhead lights, and heating. Kitchens and bathrooms may be contained within the individual structures or offered as a separate facility that is shared with the community. When evaluating applications for this grant program, the department must prioritize projects that demonstrate:

- (i) The availability of land to locate the community;
- (ii) A strong readiness to proceed to construction;
- (iii) A longer term of commitment to maintain the community;
- (iv) A commitment by the applicant to provide, directly or through a formal partnership, case management and employment support services to the tenants;
- (v) Access to employment centers, health care providers, and other services; and
- (vi) A community engagement strategy.

(b) \$1,225,000 of the state building construction account—state appropriation is provided solely for Eagle Haven Cottage Village located in Bellingham.

(3)(a) \$11,500,000 of the state taxable building construction account—state appropriation is provided solely for the following list of projects:

Bellwether Affordable Housing (Seattle)	\$4,000,000
Didgwalic Transitional Housing (Anacortes)	\$4,500,000
Redondo Heights TOD (Federal Way)	\$3,000,000

(b) \$3,497,000 of the state building construction account—state appropriation is provided solely for the following list of projects:

Habitat for Humanity (North Bend)	\$250,000
Manette Affordable Housing Project (Bremerton)	\$515,000
OlyCAP Port Townsend Affordable Housing and Child (Port Townsend)	\$412,000

Shelton Young Adult Transitional Housing (Shelton) \$515,000
 Willapa Center (Raymond) \$1,805,000
 (4) (~~(\$14,922,000)~~) \$14,613,000 of the capital community assistance
 account—state appropriation in subsection (1) of this section is provided for the
 following list of projects:

Boat Street (Lakewood)	\$464,000
Heron Park (Langley)	\$875,000
Highland Village (Airway Heights)	\$3,000,000
Mary's Place Burien Project Shelter Replacement (Burien)	\$3,000,000
Oxford Housing Program (Lacey)	\$515,000
Skyway Affordable Housing and Early Learning (Skyway)	\$500,000
((Sno Valley Senior Housing (Carnation)	\$309,000))
South Park Riverside Affordable Housing Preservation (Seattle)	\$309,000
Squire Park Plaza Affordable Housing Preservation (Seattle)	\$3,000,000
Veteran Housing & Resource Ctr (Raymond)	\$2,300,000
Yakima Valley Partners Habitat for Humanity (Yakima)	\$650,000

(5) In evaluating projects in this section, the department must give preference for applications based on some or all of the criteria in RCW 43.185.070(5). (6) The appropriations in this section are subject to the following reporting requirements:

(a) By June 30, 2023, the department must report on its website the following for every previous funding cycle: The number of homeownership and multifamily rental projects funded by housing trust fund moneys; the percentage of housing trust fund investments made to homeownership and multifamily rental projects; and the total number of households being served at up to 80 percent of the area median income, up to 50 percent of the area median income, and up to 30 percent of the area median income, for both homeownership and multifamily rental projects.

(b) Beginning December 1, 2021, and continuing annually, the department must provide the legislature with a report of its final cost data for each project under this section. Such cost data must, at a minimum, include total development cost per unit for each project completed within the past year, descriptive statistics such as average and median per unit costs, regional cost variation, and other costs that the department deems necessary to improve cost controls and enhance understanding of development costs. The department must coordinate with the housing finance commission to identify relevant development costs data and ensure that the measures are consistent across relevant agencies. (7) \$100,000 of the state building construction account—state appropriation is provided solely for the department of social and health services to complete a study of the community-based housing needs of adults with intellectual and developmental disabilities. The department of social and health services shall collaborate with appropriate stakeholders and the department in completing this study and the study shall:

(a) Estimate the number of adults with intellectual and developmental disabilities who are facing housing insecurity;

(b) Make recommendations for how to improve housing stability for adults with intellectual and developmental disabilities who are facing housing insecurity;

(c) Make recommendations for how to increase the capacity of developers to support increasing the supply of housing that meets the needs of the intellectual and developmental disabilities population; and

(d) Be submitted to the appropriate committees of the legislature no later than December 1, 2022. (8) The legislature finds that there are insufficient data sources to identify adults with intellectual and developmental disabilities facing housing insecurity in Washington state and that the absence of reliable data limits the ability for the legislature to make informed decisions that will improve the outcomes of these individuals. The legislature further finds that reliable, current information about the unmet housing needs of this population will position Washington state to leverage community-based partnerships and funding to establish greater housing choice and increased community integration of individuals with intellectual and developmental disabilities.

Appropriation:

State Building Construction Account—State	\$33,597,000
State Taxable Building Construction Account—	
State	\$69,847,000
Coronavirus State Fiscal Recovery Fund—Federal.	\$73,606,000
Capital Community Assistance Account—State	(\$110,950,000)
	<u>\$110,641,000</u>
Subtotal Appropriation	(\$288,000,000)
	<u>\$287,691,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$620,000,000
TOTAL	(\$908,000,000)
	<u>\$907,691,000</u>

Sec. 7007. 2022 c 296 s 1026 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2023 Local and Community Projects (40000266)

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

(1) The department may not expend the appropriations provided in this section unless and until the nonstate share of project costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of 10 years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations in which the sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high-performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only and may not be advanced under any circumstances.

(5) In contracts for grants authorized under this section, the department must include provisions that require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) The department must comply with the requirements set forth in executive order 21-02 and must consult with the department of archaeology and historic preservation and affected tribes on the potential effects of these projects on cultural resources and historic properties. Consultation with the department of archaeology and historic preservation and affected tribes must be initiated before project funds are made available.

(8) The appropriations ~~((is))~~ are provided solely for the following list of projects:

57th Avenue Sewer Project (University Place)	\$100,000
988 Expansion (Everett)	\$300,000
Accessibility and Upgrades for WHO (Vancouver)	\$283,000
Allyn Community Center (Allyn)	\$300,000
Anacortes Family Center (Anacortes)	\$50,000
Ballard Boys & Girls Club Teen Ctr Remodel & Expansion (Seattle)	\$241,000
Black Diamond Community Skatepark (Black Diamond)	\$85,000
Boys & Girls Club Fire Safety Upgrade (Federal Way)	\$361,000
Bremerton Library Building - HVAC (Bremerton)	\$412,000
Burton Water Company Cooperative Conversion (Vashon)	\$26,000
Camp Korey Internet & Telemedicine (Mount Vernon)	\$330,000
Children's Therapy Center (Tacoma)	\$250,000
CHOB Electrical Upgrade to Emergency Shelter (Longview)	\$258,000
City Hall Preservation Phase II (Enumclaw)	\$289,000
City of Tenino Playground (Tenino)	\$515,000
City of Yelm Dog Park (Yelm)	\$52,000
Civil Air Patrol Hangar (Ephrata)	\$1,200,000
Columbia Basin Dive Rescue's New Boat (Richland)	\$270,000
Communication Devices for Football Officials (Olympia)	\$36,000
((Community Boating Center for All - Magnuson Park)) Sail Sand Point (Seattle)	 \$100,000
Confluence Health Treatment Center (Moses Lake)	\$1,236,000
Craft Beverage (Tumwater)	\$200,000
Darrington Wood Innovation Center (Darrington)	\$1,700,000

Edmonds Boys & Girls Club Feasibility Study (Edmonds)	\$206,000
Electrical & Safety Upgrades at N Seattle Boys & Girls (Seattle)	\$304,000
Eli's Park Project (Seattle)	\$200,000
Elks 1450 Roof Replacement (Puyallup)	\$381,000
Felts Field Gateway Project (Spokane)	\$200,000
Ferndale Civic and Community Campus (Ferndale)	\$1,500,000
Field Arts and Events Hall.	\$250,000
Firecrest Campus Master Plan (Shoreline)	\$300,000
First Street Downtown Revitalization (Cle Elum)	\$465,000
Flooring Replacement Kirkland Boys & Girls Club (Kirkland)	\$53,000
Foss Waterway Seaport Public Restrooms (Tacoma)	\$258,000
Frontier Park Goat Barns (Graham)	\$70,000
GenPride LGBTQ+ Senior Community Center (Seattle)	\$530,000
GH Senior Center Office/Education Container (Gig Harbor)	\$61,000
Goldsborough Switching Station (Shelton)	\$103,000
Granger Historical Society New Museum Project (Granger)	\$100,000
Harlequin Productions Theater Renovation (Olympia)	\$250,000
Harper Estuary Restoration and Bridge Construction (Port Orchard)	\$100,000
Historic Neptune Theatre HVAC Upgrade (Seattle)	\$100,000
Historic Newcastle Cemetery (Newcastle)	\$75,000
Historic Paramount Theatre HVAC Upgrade (Seattle)	\$198,000
Howard Bowen Memorial Events Complex (Sumas)	\$319,000
HVAC Upgrade with New System and Heat Pumps (Shelton)	\$250,000
Illahee Preserve 'Homestead, Ph 1' Acquisition (Bremerton)	\$196,000
Imagine Children's Museum (Everett)	\$250,000
Interfaith Family Shelter (Everett)	\$800,000
Island County Jail Intake Body Sensor (Coupeville)	\$200,000
Jim Kaemingk Sr. Trail Missing Link (Lynden)	\$300,000
Kitsap Humane Society (Silverdale)	\$258,000
Kiwanis Park Playground Accessibility Upgrades (Bremerton)	\$165,000
Klickitat County Animal Shelter (Goldendale)	\$670,000
La Conner Regional Library (La Conner)	\$640,000
Lake Boren Park Fishing Dock and Viewing Platform (Newcastle)	\$62,000
Lake Wilderness Lodge Emergency Generator (Maple Valley)	\$412,000
Lewis County Regional Tennis and Wrestling Facility (Chehalis)	\$875,000
Library Commons Project (Mount Vernon)	\$4,000,000
Logistics Facility (Vancouver)	\$160,000
Longview Senior Center Roof and Energy Upgrades (Longview)	\$273,000
Luther Burbank Pk Waterfront Activity Center (Mercer Island)	\$85,000
Marina View Building Renovation (Olympia)	\$103,000

Marymount/Spana-Park Senior Center Roof (Spanaway)	\$103,000
Mason Co Housing Authority Roof & Electrical (Shelton)	\$201,000
McKinney Center Minor Works (Seattle)	\$560,000
Mill Creek Library Project (Mill Creek)	\$200,000
Mill Creek Parks Master Plan (Mill Creek).	\$206,000
Mount Spokane Lodge Renovations (Mead).	\$397,000
Mukai's Fruit Barreling Plant (Vashon, WA).	\$50,000
Naches Rearing Pond (Naches)	\$50,000
New Beginnings Homes (Puyallup)	\$201,000
Newman Lake Milfoil Wash Station (Newman Lake)	\$100,000
Non Destructive Weld Testing (Sunnyside).	\$30,000
Nooksack River Integrated Floodplain Mitigation (Whatcom County)	\$2,000,000
North Creek Trail (Bothell)	\$500,000
North Trailhead Restroom & Covered Structure (Castle Rock)	\$155,000
Northwest Kidney Centers - Port Angeles Clinic (Port Angeles)	\$235,000
ODMF Multicultural Village (Kent)	\$450,000
Old Fort Lake Subarea (DuPont).	\$400,000
Pacific Co. Fair Three M Project (Raymond)	\$412,000
Pattison Property Redevelopment (Federal Way)	\$1,250,000
Pedestrian Boardwalk May Creek Trail (Renton)	\$258,000
Peshastin Cross Over Siphon Pipe (Peshastin)	\$309,000
Pilchuck Glass School Ventilation (Stanwood)	\$103,000
Pipe Lake Water Quality Improvement Project (Covington)	\$319,000
Planning Land Acquisition for Veteran Rites (Tacoma)	\$46,000
Port Gamble Forest Restoration (Port Gamble)	\$300,000
Port Marine Transportation Infrastructure (Friday Harbor)	\$258,000
Port of Mattawa Event Center (Mattawa)	\$125,000
Public Electric Vehicle Infrastructure (Lacey)	\$103,000
Pump Station Modernization: Design and Permitting (Mount Vernon)	\$100,000
Rejuvenation Community Day Center & Shower/Laundry (Bremerton)	\$250,000
Ridgefield Splashpad (Ridgefield)	\$258,000
Rimrock Grange Renovation (Washtucna)	\$105,000
Rister Stadium Elevator Lift (Kelso).	\$33,000
Roslyn Downtown Association Gazebo (Roslyn)	\$171,000
Rotary Morrow Community Park (Poulsbo).	\$50,000
Salmon Reintroduction in the Upper Columbia (Spokane).	\$375,000
Seattle Aquarium Ocean Pavilion (Seattle)	\$500,000
Secure Parking for Shelton Police (Shelton).	\$206,000
Seismic Upgrade and Roof Replacement (Vancouver)	\$309,000
Senior Resources Svc HUB Feasibility Study (Freeland)	\$273,000
Serving the Community Through Capital Improvements (Walla Walla)	\$336,000
Skokomish Water Line Extension (Skokomish)	\$50,000
Smokey Point Park (Arlington).	\$278,000

Sno Valley Senior Housing (Carnation)	\$309,000
Snohomish Teen Center Addition (Snohomish)	\$515,000
South Area Commercial Sewer Infrastructure Ext. (Airway Heights)	\$300,000
South Sound Innovation and Education Center (Federal Way)	\$300,000
South Whidbey Aquatic Wellness Center (Langley)	\$400,000
Starbuck Rodeo Arena Remodel (Dayton)	\$98,000
Steilacoom Electrical Charging Station Project (Steilacoom)	\$50,000
Sultan-Monroe Commercial Kitchen (Monroe)	\$134,000
The Tacoma Recovery Cafe Site Acquisition (Tacoma)	\$500,000
Titlow Park Bridge Replacement (Tacoma)	\$350,000
Toppenish Hospital (Toppenish)	\$2,000,000
Town Center to Burke-Gilman Trail Connector (Lake Forest Park)	\$103,000
Town of Naches Mobile Stage (Naches)	\$250,000
Transitions (Spokane)	\$103,000
Tubman Health Clinic (Seattle)	\$4,500,000
Tukwila ((Teen Center and Senior Intergenerational) <u>Community Center</u> (Tukwila))	\$258,000
Urban League of Metropolitan Seattle Building (Seattle)	\$500,000
Vandercook Park Restroom (Longview)	\$309,000
Veteran Housing at Stratford Apartments (Longview)	\$206,000
VOA Veteran Transitional Housing Energy Efficiency (Spokane)	\$195,000
Wa Na Wari Capital Improvements (Seattle)	\$258,000
WA Soldiers Home Cemetery Road Pavement Project (Orting)	\$180,000
Weld Collaborative Reintegration Resource (Seattle)	\$775,000
Wenatchee City Pool Repairs (Wenatchee)	\$550,000
Wenatchee Valley YMCA (Wenatchee)	\$515,000
West Plains Childcare Center (Airway Heights)	\$191,000
Westport Marina Gear Yard (Westport)	\$412,000
WGC - Accessibility and Education Support (Waitsburg)	\$42,000
Whelan Community Building (Pullman)	\$153,000
White Center Food Bank Grow2Give Relocation (Seattle)	\$200,000
Wilkeson Water Treatment System (Wilkeson)	\$300,000
Willows Road Pedestrian Safety Connection (Kirkland)	\$206,000
Woodland Community Library Building Project (Woodland)	\$515,000
Yakima Canyon Interpretive Center (Ellensburg)	\$150,000
Yakima Greenway Master Plan (Yakima)	\$67,000
Yakima YMCA Park Development (Yakima)	\$232,000
Youth Achievement Center (Seattle)	\$500,000
YVT Bucket Truck (Yakima)	\$70,000
Total	\$53,318,000

Appropriation:

<u>Capital Community Assistance Account—State</u>	\$309,000
State Building Construction Account—State	\$53,318,000

<u>Subtotal Appropriation</u>	<u>\$53,627,000</u>
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	<u>(\$53,318,000)</u>
	<u>\$53,627,000</u>

Sec. 7008. 2022 c 296 s 1036 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF COMMERCE

Enhanced Shelter Capacity Grants (92000939)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1022, chapter 356, Laws of 2020, except that no funding may be directed to the Auburn Resource Center or the St. Vincent de Paul Cold Weather Shelter.

Reappropriation:

State Building Construction Account—State	<u>(\$4,818,000)</u>
	<u>\$4,612,000</u>
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	<u>(\$4,818,000)</u>
	<u>\$4,612,000</u>

Sec. 7009. 2022 c 296 s 1024 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF COMMERCE

2022 Rapid Capital Housing Acquisition (40000260)

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

(1)(a) (~~(\$207,628,000)~~) \$169,628,000 of the capital community assistance account—state appropriation, \$22,935,000 of the state building construction account—state appropriation, and \$15,065,000 of the coronavirus state fiscal recovery fund—federal appropriation in this section (~~(is)~~) are provided solely for the department to issue competitive financial assistance to eligible organizations under RCW 43.185A.040 to acquire real property for a rapid conversion into enhanced emergency shelters, permanent supportive housing, transitional housing, permanent housing, youth housing, or shelter for extremely low-income people, as well as individuals, families, unaccompanied youth, and young people experiencing sheltered and unsheltered homelessness. The department shall prioritize housing projects that will rapidly move people experiencing unsheltered homelessness into housing, including, but not limited to, individuals living in unsanctioned encampments, the public rights-of-way, or other public spaces. Amounts provided in this section may also be used for renovation and building update costs associated with establishment of the acquired facilities. The department may only approve funding for projects resulting in increased shelter or housing capacity. Amounts provided in this section may not be used for operating or maintenance costs associated with providing housing, supportive services, or debt service.

(b) \$20,000,000 of the capital community assistance account—state appropriation in this section is provided solely for housing projects in rural areas as defined by the department under RCW 43.185.050 and underserved

communities with the goal of maximizing the investment and increasing the number of supportive housing units in rural, underserved communities.

(c) \$2,000,000 of the capital community assistance account—state appropriation in this section is provided solely for the Woodley Place by Bayside Housing and Services project in Port Hadlock.

(d) \$172,000 of the capital community assistance account—state appropriation in this section is provided solely for Building Transitional Tiny Homes for the Homeless project in Seattle.

(e) \$200,000 of the capital community assistance account—state appropriation in this section is provided solely for the department to contract and work with a professional real estate broker to identify opportunities for rapid acquisition or conversion of properties.

(f) \$10,000,000 of the capital community assistance account—state appropriation in this section is provided solely for unexpected cost increases experienced by projects funded by prior rapid capital appropriations. The department must create a process by which providers that received prior rapid capital awards may request additional funding for unexpected costs of affordable housing projects that are under or ready for construction

(g) When selecting projects, the department shall balance the state's interest in quickly approving and financing projects, the degree to which the project will leverage other funds, the extent to which the project promotes racial equity, and the extent to which the project will promote priorities on a statewide basis, including in rural areas and in geographically diverse parts of the state.

(h) Amounts appropriated under this section may also be used for permanent financing for real estate acquired using other short-term acquisition sources. To expand availability of permanent housing, financing of acquisition of multifamily housing is a priority.

(i) While emphasizing the rapid deployment of the amounts appropriated under this section to alleviate the immediate crisis of homelessness throughout the state, the department shall use criteria for the issuance of funds that were developed to administer prior rapid capital appropriations, and which must include:

(i) The date upon which the units can be placed in service and occupied by the intended population, or the date any necessary structural modifications would begin and the anticipated date of completion of the project;

(ii) A detailed estimate of the costs associated with the acquisition and any updates or improvements necessary to make the property habitable for its intended use;

(iii) A detailed estimate of the costs associated with placing the beds or units in service; and

(iv) A financial plan demonstrating the ability to maintain and operate the property and support its intended tenants.

(j) If the recipient is found to be out of compliance with provisions of the contract, the recipient shall repay to the state general fund the principal amount of the award plus interest calculated at the rate of interest on state of Washington general obligation bonds issued on the date most close in time to the date of authorization of the award.

(k) The department must provide a progress report on its website by December 30, 2023. The report must include:

- (i) The total number of applications and amount of funding requested; and
- (ii) A list and description of the projects approved for funding including state funding, total project cost, services anticipated to be provided, housing units, and anticipated completion date.

(l) The funding provided under this section is not subject to the 90-day application periods in RCW 43.185.070 or 43.185A.050.

(m) The department shall prioritize proposals that reach the greatest public benefit, as defined by the department. For purposes of this subsection (1)(m), "greatest public benefit" must include, but is not limited to:

- (i) The rapid transition of people living unsheltered or chronically homeless, into housing;

- (ii) The greatest number of accommodations or increased shelter capacity that will benefit extremely low-income people, as well as individuals, families, and youth experiencing homelessness;

- (iii) Whether the project has local funding commitments and rental assistance;

- (iv) The scarcity of the affordable housing or shelter capacity applied for compared to the number of available affordable housing units or shelter capacity in the same geographic location; and

- (v) The program's established funding priorities under RCW 43.185.070(5).

(n) The department must strive to allocate all of the amounts appropriated in this section within the 2021-2023 fiscal biennium in the manner prescribed in this section. However, if upon review of applications the department determines there are not adequate suitable projects in (a) of this subsection, the department may allocate funds to (f) of this subsection or to projects serving other low-income and special needs populations, provided those projects are located in an area with an identified need for the type of housing proposed.

(2) \$60,000,000 of the apple health and homes account—state appropriation in this section is provided solely for the rapid permanent supportive housing program created under chapter . . . , Laws of 2022 (Engrossed Substitute House Bill No. 1866) and the creation of a housing dashboard providing permanent supportive housing need and current capacity data. Of the amounts in this subsection, \$1,500,000 is provided solely for the St. Agnes Haven project in Spokane. If Engrossed Substitute House Bill No. 1866 is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

Appropriation:

Capital Community Assistance Account—State	((\$240,000,000))
	<u>\$202,000,000</u>
Apple Health and Homes Account—State	\$60,000,000
<u>Coronavirus State Fiscal Recovery Fund—Federal</u>	<u>\$15,065,000</u>
<u>State Building Construction Account—State</u>	<u>\$22,935,000</u>
Subtotal Appropriation	\$300,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$300,000,000

Sec. 7010. 2022 c 296 s 1039 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF COMMERCE
 2021-23 Behavioral Health Community Capacity Grants (40000219)

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

(1) The appropriations in this section are provided solely for the department to issue grants to community hospitals or other community providers to expand and establish new capacity for behavioral health services in communities. The department must consult an advisory group consisting of representatives from the department of social and health services, the health care authority, one representative from a managed care organization, one representative from an accountable care organization, and one representative from the association of county human services. Amounts provided in this section may be used for construction and equipment costs associated with establishment of the facilities. The department may approve funding for the acquisition of a facility if the project will result in increased behavioral health capacity. Amounts provided in this section may not be used for operating costs associated with the treatment of patients using these services.

(2) The department must establish criteria for the issuance of the grants, which must include:

(a) Evidence that the application was developed in collaboration with one or more regional behavioral health entities that administer the purchasing of services;

(b) Evidence that the applicant has assessed and would meet gaps in geographical behavioral health services needs in their region;

(c) Evidence that the applicant is able to meet applicable licensing and certification requirements in the facility that will be used to provide services;

(d) A commitment by applicants to serve persons who are publicly funded and persons detained under the involuntary treatment act under chapter 71.05 RCW;

(e) A commitment by the applicant to maintain and operate the beds or facility for a time period commensurate to the state investment, but for at least a 15-year period;

(f) The date upon which structural modifications or construction would begin and the anticipated date of completion of the project;

(g) A detailed estimate of the costs associated with opening the beds;

(h) A financial plan demonstrating the ability to maintain and operate the facility; and

(i) The applicant's commitment to work with local courts and prosecutors to ensure that prosecutors and courts in the area served by the hospital or facility will be available to conduct involuntary commitment hearings and proceedings under chapter 71.05 RCW.

(3) In awarding funding for projects in subsection (5) of this section, the department, in consultation with the advisory group established in subsection (1) of this section, must strive for geographic distribution and allocate funding based on population and service needs of an area. The department must consider current services available, anticipated services available based on projects underway, and the service delivery needs of an area.

(4) The department must prioritize projects that increase capacity in unserved and underserved areas of the state.

(5) \$71,400,000 of the state building construction account—state appropriation in this section is provided solely for a competitive process for each

category listed and is subject to the criteria in subsections (1), (2), (3), and (4) of this section:

(a) \$11,600,000 of the state building construction account—state appropriation in this section is provided solely for at least six enhanced service facilities for long-term placement of patients discharged or diverted from the state psychiatric hospitals and that are not subject to federal funding restrictions that apply to institutions of mental diseases;

(b) \$10,000,000 of the state building construction account—state appropriation in this section is provided solely for enhanced adult residential care facilities for long-term placements of dementia discharged or diverted from the state psychiatric hospitals and are not subject to federal funding restrictions that apply to institutions of mental diseases;

(c) \$2,000,000 of the state building construction account—state appropriation in this section is provided solely for at least one facility with secure withdrawal management and stabilization treatment beds that are not subject to federal funding restrictions that apply to institutions of mental diseases;

(d) \$2,000,000 of the state building construction account—state appropriation in this section is provided solely for at least one crisis triage and stabilization facility that is not subject to federal funding restrictions that apply to institutions of mental diseases;

(e) \$12,000,000 of the state building construction account—state appropriation in this section is provided solely for two 16-bed crisis triage and stabilization facilities in the King county region consistent with the settlement agreement in *A.B., by and through Trueblood, et al., v. DSHS, et al.*, No. 15-35462, and that are not subject to federal funding restrictions that apply to institutions of mental disease;

(f) \$2,000,000 of the state building construction account—state appropriation in this section is provided solely for at least two mental health peer respite centers that are not subject to federal funding restrictions that apply to institutions of mental diseases. No more than one mental health peer respite center should be funded in each of the nine regions;

(g) \$18,000,000 of the state building construction account—state appropriation in this section is provided solely for the department to provide grants to community hospitals, freestanding evaluation and treatment providers, or freestanding psychiatric hospitals to develop capacity for beds to serve individuals on 90-day or 180-day civil commitments as an alternative to treatment in the state hospitals. In awarding this funding, the department must coordinate with the department of social and health services, the health care authority, and the department of health and must only select facilities that meet the following conditions:

(i) The funding must be used to increase capacity related to serving individuals who will be transitioned from or diverted from the state hospitals;

(ii) The facility is not subject to federal funding restrictions that apply to institutions of mental diseases;

(iii) The provider has submitted a proposal for operating the facility to the health care authority;

(iv) The provider has demonstrated to the department of health and the health care authority that it is able to meet the applicable licensing and

certification requirements for the facility that will be used to provide services; and

(v) The health care authority has confirmed that it intends to contract with the facility for operating costs within funds provided in the operating budget for these purposes;

(h) \$2,400,000 of the state building construction account—state appropriation in this section is provided solely for competitive community behavioral health grants to address regional needs;

(i) \$9,400,000 of the state building construction account—state appropriation in this section is provided solely for at least three intensive behavioral health treatment facilities for long-term placement of behavioral health patients with complex needs and that are not subject to federal funding restrictions that apply to institutions of mental diseases; and

(j) \$2,000,000 of the state building construction account—state appropriation in this section is provided solely for grants to community providers to increase behavioral health services and capacity for children and minor youth including, but not limited to, services for substance use disorder treatment, sexual assault and traumatic stress, anxiety, or depression, and interventions for children exhibiting aggressive or depressive behaviors in facilities that are not subject to federal funding restrictions. Consideration must be given to programs that incorporate outreach and treatment for youth dealing with mental health or social isolation issues.

(6)(a) \$15,648,000 of the state building construction account—state appropriation and \$8,748,000 of the capital community assistance account—state appropriation in this section are provided solely for the following list of projects and is subject to the criteria in subsection (1) of this section:

Astria Toppenish Hospital (Toppenish)	\$1,648,000
Compass Health Broadway (Everett)	\$14,000,000
Evergreen Recovery Residential Treatment (Everett)	\$1,000,000
EvergreenHealth Monroe (Monroe)	\$4,275,000
NE Spokane Community Behavioral Health Center (Spokane)	\$700,000
Red Road Clean and Sober Housing (Renton)	\$773,000
Seattle Clinic at Evergreen Treatment (Seattle)	\$2,000,000

(b) \$8,116,000 of the state building construction account—state appropriation and \$17,575,000 of the capital community assistance account—state appropriation in this section are provided solely for the following list of projects and is subject to the criteria in subsection (1) of this section, except that the following projects are not required to establish new capacity:

Cascade Hall (Seattle)	\$6,000,000
Comprehensive Health Care - (Goldendale Facility (Goldendale)) Camp Hope (Yakima)	\$1,030,000
Jamestown S'Klallam (Sequim)	\$3,250,000
Lummi Nation Healing Wellness Center (Bellingham)	\$1,250,000
Maplewood Enhanced Services Facility (Bellingham)	\$1,500,000
SIHB Thunderbird Treatment Center (Seattle)	\$3,000,000
Family Solutions (Vancouver)	\$2,050,000
Renovation Youth Evaluation & Treatment Facility (Bremerton)	\$316,000

Sound Enhanced Services Facility (Auburn)	\$3,000,000
Three Rivers Behavioral Health Recovery Center (Kennewick)	\$4,295,000

(7) The department must notify all applicants that they may be required to have a construction review performed by the department of health.

(8) To accommodate the emergent need for behavioral health services, the department and the department of health, in collaboration with the health care authority and the department of social and health services, must establish a concurrent and expedited process to assist grant applicants in meeting any applicable regulatory requirements necessary to operate inpatient psychiatric beds, freestanding evaluation and treatment facilities, enhanced services facilities, triage facilities, crisis stabilization facilities, or secure detoxification/secure withdrawal management and stabilization facilities.

(9) The department must strive to allocate all of the amounts appropriated within subsection (5) of this section in the manner prescribed. However, if upon review of applications, the department determines, in consultation with the advisory group established in subsection (1) of this section, that there are not adequate suitable projects in a category of projects under subsection (5) of this section, the department may allocate funds to other behavioral health capacity project categories within subsection (5) of this section, prioritizing projects under subsections (5)(a), (g), and (i) of this section. Underserved areas of the state may also be considered.

(10) The department must provide a progress report by November 1, 2022. The report must include:

- (a) The total number of applications and amount of funding requested;
- (b) A list and description of the projects approved for funding including state funding, total project cost, services anticipated to be provided, bed capacity, and anticipated completion date; and
- (c) A status report of projects that received funding in prior funding rounds, including details about the project completion and the date the facility began providing services.

Appropriation:

State Building Construction Account—State	\$95,164,000
Capital Community Assistance Account—State	\$26,323,000
Subtotal Appropriation	\$121,487,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$120,000,000
TOTAL	\$241,487,000

Sec. 7011. 2021 c 332 s 1065 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF COMMERCE

2021-23 Energy Retrofits for Public Buildings Grant Program (40000149)

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

(1) \$4,000,000 of the appropriation in this section is provided solely for grants to local governments, public higher education institutions, school districts, federally recognized tribal governments, and state agencies for operational cost savings improvements to facilities and related projects that result in energy and operational cost savings.

(a)(i) \$3,000,000 of the appropriation in this section is provided solely for grants awarded in competitive rounds.

(ii) At least 20 percent of each competitive grant round is designated for award to eligible projects in small cities or towns with a population of 5,000 or fewer residents.

(iii) In each competitive round, a higher energy savings to investment ratio must result in a higher project ranking. Priority consideration must be given to applicants that have not received grant awards for this purpose in prior biennia.

(iv) The department must determine a minimum match ratio to maximize the leverage of nonstate funds.

(b) \$450,000 of the appropriation in this section is provided solely for a grant to Western Washington University for the heating system conversion feasibility study.

(c) \$550,000 of the appropriation in this section is provided solely for a grant to Whidbey Island Public Hospital District for energy upgrades at WhidbeyHealth Medical Center in Coupeville.

(2)(a) \$1,000,000 of the appropriation in this section is provided solely for grants to be awarded in competitive rounds to local governments, public higher education institutions, school districts, federally recognized tribal governments, and state agencies for projects that involve the purchase and installation of solar energy systems, including solar modules and inverters, with a preference for products manufactured in Washington.

(b) At least 20 percent of each competitive grant round is designated for award to eligible projects in small cities or towns with a population of 5,000 or fewer residents.

(c) In each competitive round, a higher energy savings to investment ratio must result in a higher project ranking. Priority consideration must be given to applicants that have not received grant awards for this purpose in prior biennia.

(d) The department must determine a minimum match ratio to maximize the leverage of nonstate funds.

(3) \$4,500,000 of the appropriation in this section is provided solely for the energy efficiency and environmental performance improvements to minor works, stand-alone, and emergency projects at facilities owned by agencies named by the state efficiency and environmental performance office executive order 20-01 that repair or replace existing building systems and reduce greenhouse gas emissions from state operations, including, but not limited to, HVAC, lighting, insulation, windows, and other mechanical systems. Eligibility for this funding is dependent on an analysis using the office of financial management's life-cycle cost tool that compares project design alternatives for initial and long-term cost-effectiveness. Assuming a reasonable return on investment, the department shall provide grants in the amount required to improve the project's energy efficiency compared to the original project request. Prior to awarding funds, the department shall submit to the office of financial management a list of all proposed awards for review and approval.

(4) The department shall develop metrics that indicate the performance of energy efficiency efforts.

(5) \$457,000 of the appropriation provided in this section is provided solely for photovoltaic panels for the capitol campus child care center.

(6) If a grant is provided in subsection (1) or (3) of this section to purchase heating devices or systems, the agency must, whenever possible and most cost effective, select devices and systems that do not use fossil fuels.

(7) Grants to state agencies provided under subsections (1), (2), and (3) of this section are exempt from the match requirements of this section.

Appropriation:

State Building Construction Account—State	\$9,957,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$9,957,000

Sec. 7012. 2022 c 296 s 1022 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2022 Local & Community Projects (40000230)

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

(1) The department may not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the appropriation is for design costs only or to the Chelan municipal airport extension project in subsection (8)(a) of this section.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of 10 years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations in which the sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high-performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and may not be advanced under any circumstances.

(5) In contracts for grants authorized under this section, the department must include provisions that require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) The department must comply with the requirements set forth in executive order 21-02 and must consult with the department of archaeology and historic preservation and affected tribes on the potential effects of these projects on cultural resources and historic properties. Consultation with the department

of archaeology and historic preservation and affected tribes must be initiated before project funds are made available.

(8)(a) The appropriation is provided solely for the following list of projects:

<u>300 Rainier Ave Building</u>	<u>\$206,000</u>
Adams County Property/Evidence Processing Facility (Othello)	\$900,000
Amara 29 Acre Opportunity in Pierce County (Tacoma)	\$246,000
American Lake Park ADA Improvement Project (Lakewood)	\$258,000
American Legion Building Renovation (Goldendale)	\$262,000
American Legion Veterans Housing & Resource Ctr (Raymond)	\$88,000
Arlington Innovation Center (Arlington)	\$372,000
Ashley House (Spokane)	\$552,000
Auburn Resource Center (Auburn)	\$1,500,000
Aurora Commons Acquisition (Seattle)	\$2,500,000
Ballinger Park - Hall Creek Restoration (Mountlake Terrace)	\$824,000
Battle Ground HealthCare Free Clinic Relocation (Battle Ground)	\$1,000,000
Bellevue High School Automotive Dynamometer Install (Bellevue)	\$277,000
Bigelow House Museum Preservation (Olympia)	\$52,000
BIPOC Artist Installation at Kraken Training Center (Seattle)	\$155,000
Brewery Park Visitor Center (Tumwater)	\$1,200,000
Bridges To Home (Shoreline)	\$2,000,000
Camp Kilworth - YMCA Day Camp/Environmental Educ (Federal Way)	\$1,030,000
Campus Towers Roofing Project (Longview)	\$301,000
Capitol Theatre Curtains/Soft Goods Replacement (Yakima)	\$250,000
Central Klickitat County Parks Improvements (Goldendale)	\$25,000
Chehalis Centralia Steam Locomotive Repair/Restore (Chehalis)	\$123,000
Chelan Municipal Airport Extension (Chelan)	\$5,700,000
Children's Village Neurodevelopmental Center Expansion (Yakima)	\$750,000
City of Wenatchee Community Center (Wenatchee)	\$2,500,000
Civic Park Mika's Playground (Edmonds)	\$258,000
Clallam Joint Emergency Services (Port Angeles)	\$1,700,000
Class A Biosolids Dryer (Yelm)	\$850,000
Clemans View Park (Naches)	\$442,000
Coastal Community Action Program Service Ctr (Aberdeen)	\$500,000
Communications Tower (Ocean Shores)	\$77,000
Community Action Resource and Training Center (Omak)	\$400,000
Community Multi-Use Center (Carnation)	\$1,030,000
Cornforth Campbell Demolition & Infrastructure (Puyallup)	\$330,000
Coulee City Medical ((Elmie) <u>Center & Library</u> (Coulee City)	(\$846,000) <u>\$1,606,000</u>

Coulon North Water Walk Repair and Enhancement (Renton)	\$1,339,000
Coupeville Boys & Girls Club (Coupeville)	\$1,236,000
Cow Skull Creek and Rushingwater Creek Acclimation Ponds (Orting)	\$690,000
Craft Beverage Lab & Instrumentation (Tumwater)	\$773,000
Cross Park Trail and Picnic Shelter (Tacoma)	\$206,000
CSML Food Bank Facility (Moses Lake)	\$1,900,000
Cultural Anchor Village (Tukwila)	\$1,500,000
Curran House Museum (University Place)	\$85,000
Dawson Place Facilities (Everett)	\$258,000
Day/Night House Exhibit Rebuild - Design Phase (Seattle)	\$300,000
Daybreak Star Indian Cultural Center (Seattle)	\$2,600,000
Delridge Wetland Park (Seattle)	\$244,000
Des Moines North Marina Bulkhead Replacement Ph II (Des Moines)	\$2,000,000
Doris Morrison Learning Center (Greenacres)	\$1,030,000
Downtown Puyallup Redevelopment Infrastructure (Puyallup)	\$257,000
Downtown Revitalization (Blaine)	\$500,000
Duffy's Pond Pathway Completion (Kennewick)	\$38,000
Early Learning Facility Project for Licensed Childcare (Hoquiam)	\$721,000
East County Family Resource Center Renovation (Washougal)	\$721,000
Edmonds Marsh (Restoration) <u>Water Quality Improvement</u> (Edmonds)	(\$258,000) <u>\$458,000</u>
Edmonds Waterfront Center (Edmonds)	\$250,000
Ejido Farm Project (Everson)	\$200,000
Ellensburg Masonic Temple (Ellensburg)	\$258,000
Ellensburg Rodeo Grandstands (Ellensburg)	\$1,500,000
Ephrata Rec Center Upgrade (Ephrata)	\$621,000
Esther's Home (Pasco)	\$1,000,000
Ethiopian Community Affordable Housing (Seattle)	\$3,000,000
Extruded Curb Improvements (Kirkland)	\$515,000
Family Engagement Center (Seattle)	\$1,030,000
Felts Field Gateway Project (Spokane)	\$400,000
Ferry County Airport Runway Lighting System (Republic)	\$450,000
Flag Plaza Redevelopment (Kennewick)	\$46,000
FOE Meeting and Dance Hall (Puyallup)	\$77,000
Fourth Plain Community Commons (Vancouver)	\$1,236,000
Franklin Pierce Farm Agricultural Resource Center (Tacoma)	\$3,900,000
Frontier Park - Goat Barn Roof (Graham)	\$89,000
Frontier Park-Horse Arena Cover (Graham)	\$1,811,000
Garfield Pool Upgrade (Garfield)	\$500,000

Gas Station Park Improvements (Tacoma)	\$515,000
Gold Mountain Communications Zone - Upgraded Telecomm (Bremerton)	\$835,000
Granger Historical Society Museum (Granger).....	\$300,000
Green Lake Community Boathouse (Seattle)	\$100,000
Grounds Improvement Proposal (Ritzville).....	\$150,000
Health Care Kiosk Deployment (Federal Way).....	\$75,000
Historic Downtown Chelan Infrastructure Predesign (Chelan)	\$150,000
Immigrant and Refugee Community Hub (Tukwila).....	\$960,000
Island County Criminal Justice Renovation (Coupeville).....	\$600,000
IT3 Discovery Center (Ridgefield)	\$1,350,000
Japanese Gulch Daylighting (Mukilteo)	\$206,000
Jim Kaemingk Sr. Trail (Lynden)	\$200,000
Joya Child & Family Development Center (Spokane)	\$1,200,000
JV Memorial Pool Roof (Oak Harbor)	\$250,000
Kitsap Lake Park Renovation & Accessibility (Bremerton)	\$258,000
Kittitas Valley Healthcare Laboratory Services Reno (Ellensburg)	\$397,000
La Center City Hall Improvements (La Center)	\$1,236,000
Lake Lawrence Fire Station (Yelm).....	\$515,000
Lake Sacajawea Renovation Project (Longview)	\$900,000
Lake Stevens Civic Center Phase 3 (Lake Stevens)	\$2,100,000
Lakefront Property Acquisition (Lake Forest Park)	\$432,000
LASA Client Services Center (Lakewood).....	\$515,000
Leavenworth Ski Hill ADA Restroom (Leavenworth)	\$52,000
Lewis County Public Safety Radio Infrastructure (Chehalis)	\$129,000
Lewis County Youth Services Renovation and Addition (Chehalis)	\$824,000
LGBTQ-Affirming Senior Center (Seattle).....	\$1,030,000
Links to Opportunity (Tacoma)	\$2,000,000
Little League Field Improvement (Federal Way)	\$200,000
((Longview Hospice Care Center Renovation (Longview).....	\$765,000))
Lopez Island Swim Center (Lopez Island)	\$245,000
Lynnwood Neighborhood Center (Lynnwood)	\$500,000
Maddie's Place (Spokane)	\$644,000
Madrona Day Treatment School (Bremerton)	\$321,000
Magnuson Park Hangar 2 (Seattle)	\$1,130,000
Main Street Phase 2 (Mountlake Terrace).....	\$1,200,000
Mariner Community Campus (Everett).....	\$1,670,000
Martin Luther King Center Improvements (Pasco).....	\$1,000,000
Mary's Place Shelter Renovation (Burien)	\$352,000
Marysville Trail Connector (Marysville).....	\$515,000
Mason County Veterans Memorial Hall Refurbishment (Shelton)	\$62,000
McKinney Center Renovations (Seattle).....	\$1,000,000
Meadowglen Community Park (Spokane).....	\$77,000
Medical Examiner's Facility Upgrades (Spokane)	\$600,000

Miller Park (Yakima)	\$642,000
MLK Community Center Roof Replacement (Spokane)	\$1,380,000
Moses Lake Business Incubator (Moses Lake)	\$1,313,000
Mountain Rescue Center (North Bend)	\$222,000
Nelson Dam Removal Project (Naches)	\$1,325,000
New Ground Kirkland (Kirkland)	\$258,000
Next Chapter Morgan Shelter (Tacoma)	\$16,000
NJROTC/NNDC Program Peninsula School District (Gig Harbor)	\$170,000
North Bend Depot Rehab (North Bend)	\$151,000
North Clear Zone Land Acquisition (Lakewood)	\$1,400,000
North Creek Trail (Bothell)	\$618,000
North Seattle Boys & Girls Club Safety Upgrades (Seattle)	\$361,000
Northwest Kidney Centers Clinic (Port Angeles)	\$900,000
Ocean Beach Medical Group - Ilwaco Clinic (Ilwaco)	\$309,000
Panther Lake Community Park (Kent)	\$2,000,000
Patterson Park Preservation & Upgrade (Republic)	\$300,000
Pedestrian Overcrossing Replacement (Kalama)	\$2,250,000
Perfect Passage (Tonasket)	\$1,698,000
Perry Technical Institute Auditorium Renovation (Yakima)	\$1,550,000
Peter Kirk Community Center Roof and Retrofitted Emerg (Kirkland)	\$773,000
Phase 1 Master Plan - COVID Mitigation (Lake Stevens)	\$103,000
Phase 1 of Trails Plan Improvements (Issaquah)	\$251,000
Planning & Upgrades Edmonds Boys & Girls Club (Edmonds)	\$200,000
Point Hudson Breakwater (Port Townsend)	\$1,000,000
Police Station Renovations - City of Duvall (Duvall)	\$107,000
Port of Olympia Marine Center (Olympia)	\$250,000
Port of Vancouver Waterfront T1 Building Demo/Deconst (Vancouver)	\$1,000,000
Port Susan Trail (Stanwood)	\$742,000
Port Townsend Affordable Housing Development (Port Townsend)	\$1,400,000
Proclaim Liberty Affordable Housing (Spokane)	\$2,000,000
Project Chairlift: Lifting Up Washington State (Mead)	\$750,000
Pts of Ilwaco/Chinook Nav Infrastructure (Ilwaco & Chinook)	\$634,000
Public Pavilion for Shoreline Park (Shoreline)	\$361,000
Puyallup Recreation Center (Puyallup)	\$1,030,000
Puyallup Valley Cultural Heritage Center (Puyallup)	\$335,000
Rainier View Covered Court (Sumner)	\$245,000
Ramstead Regional Park (Everson)	\$1,500,000
Redmond Senior and Community Center (Redmond)	\$1,250,000
Redondo Fishing Pier (Des Moines)	\$900,000
Replacement Hospice House (Richland)	\$900,000
Resource Center Planning (Pasco)	\$250,000
Ridgefield I-5 Pedestrian Screen (Ridgefield)	\$335,000

Ridgefield YMCA (Ridgefield)	\$258,000
Ridgetop DNR Trust Land Purchase (Silverdale)	\$2,050,000
Ritzville Downtown Improvements (Ritzville)	\$105,000
Sargent Oyster House Restoration (Allyn)	\$344,000
School Based Health Care Clinic (Tacoma)	\$750,000
SE 168th St. Bike Lanes/Safe Crossings (Renton)	\$500,000
Seattle Aquarium Expansion (Seattle)	\$2,000,000
Seattle Kraken Multisport Courts (Seattle)	\$103,000
Selah-Moxee Irrigation District (Moxee)	\$300,000
Seminary Hill Natural and Heritage Trail Project (Centralia)	\$52,000
Sheffield Trail (Fife)	\$1,030,000
Shipleigh Senior Center (Sequim)	\$463,000
Shoreline Parks Restrooms (Shoreline)	\$412,000
SIHB Thunderbird Treatment Center (Seattle)	\$309,000
Silver Crest Park (Mill Creek)	\$90,000
Skabob House Cultural Center Art Studio (Skokomish)	\$500,000
Skagit County Morgue (Mount Vernon)	\$139,000
Sky Valley Teen Center (Sultan)	\$773,000
Sno-Isle Regional Inter-County Libraries (Lake Stevens)	\$1,100,000
Snohomish County Food and Farming Center (Everett)	\$2,550,000
Snoqualmie Valley Youth Activity Center (North Bend)	\$361,000
Soap Lake City Hall Reactivation (Soap Lake)	\$157,000
SoCo Park (Covington)	\$1,300,000
South Bend School Multi-Use Field Upgrades (South Bend)	\$361,000
South Kitsap Community Events Center (Port Orchard)	\$1,236,000
South Kitsap HS Phys Ed Support (Port Orchard)	\$15,000
Southwest Washington Grain Project (Chehalis)	\$1,750,000
Spokane Public Radio (Spokane)	\$1,000,000
Spokane Valley Boys & Girls Club (Spokane Valley)	\$1,030,000
((Spokane Valley Fairgrounds Exhibition Center (Spokane Valley)	\$750,000))
Sprinkler Recreation Center Outdoor Improvements (Tacoma)	\$400,000
Squire's Landing Park Waterfront & Open Space Access Pr (Kenmore)	\$927,000
Steilacoom Tribal Cultural Center (Steilacoom)	\$814,000
Stonehenge Memorial Public Restroom Project (Maryhill)	\$129,000
Sultan Basin Park Design (Sultan)	\$26,000
Sumas Sidewalks and Trails (Sumas)	\$75,000
Teaching & Commercial Kitchen (Kent)	\$515,000
The Campaign for Wesley Des Moines (Des Moines)	\$500,000
The Eli's Park Project (Seattle)	\$900,000
The Ethiopian Village (Seattle)	\$515,000
The Hilltop (Tacoma)	\$1,545,000
The Landing (Redmond)	\$258,000
The Millworks (Bellingham)	\$1,000,000
The Podium (Spokane)	\$774,000

The Way Station (Bellingham)	\$4,050,000
Therapeutic Play Spaces (Spokane)	\$108,000
Tiny House Villages and Cottages (Seattle)	\$2,000,000
Together Center (Redmond)	\$1,030,000
Toppenish Junior Livestock Facility Planning (Toppenish)	\$21,000
Trails End Community Meeting Space (Tumwater)	\$155,000
Treatment Plant Remodel (Duvall)	\$742,000
Turf Field Lighting (Yakima)	\$500,000
Turning Pointe Youth Advocacy Addition (Shelton)	\$82,000
Twisp Civic Center (Twisp)	\$1,500,000
United Way of King County Building Restoration (Seattle)	\$566,000
University Heights Center Renovation (Seattle)	\$595,000
Upper Kittitas County Medic One - Station 99 (Cle Elum)	\$784,000
Vaughn Library Hall Restoration (Vaughn)	\$103,000
Wards Lake Park Improvement Project (Lakewood)	\$258,000
Water Efficiency Improvements (Royal City)	\$193,000
Wenas Creek Screening, Passage Engineering Design (Selah)	\$150,000
West Biddle Lake Dam Restoration (Vancouver)	\$1,881,000
Whatcom County Integrated Public Safety Radio System (Bellingham)	\$400,000
Woodland Scott Hill Park & Sports Complex (Woodland)	\$600,000
Yakima County Fire Communications Radio Repeaters (Yakima)	\$103,000
Yakima Valley Fair (Grandview)	\$235,000
Yelm Senior Center Repairs (Yelm)	\$36,000
Youth Resource Center (Federal Way)	\$82,000

(b) The funding for the Magnuson Park Historic Hanger 2 (Seattle) project is contingent on the contribution of at least \$6,000,000 for the Magnuson Park Center For Excellence. If the Magnuson Park Center For Excellence has not certified to the department of commerce that the project has secured at least \$6,000,000 in total funding for the capital phase of the project by July 31, 2022, the funds in this subsection (8)(b) shall lapse. The lapse date of July 31, 2022, must be extended to the same extent that the city of Seattle grants an extension, if any, beyond that date for the same project, provided that no further extension may be granted past July 31, 2023. The Magnuson Park Center For Excellence must ensure that the long-term lease with Seattle Parks and Recreation stipulates meaningful public benefits that prioritize low-income, black, indigenous, and people of color youth and families of the Magnuson park and neighborhood and Northeast Seattle. The lease must include provisions to proactively recruit and provide no-cost access to the residents as well as the creation of a scholarship fund dedicated to the residents for the center's events and programming. Additional public benefits to improve accessibility for Magnuson Park residents must be considered in the lease negotiations.

Appropriation:

State Building Construction Account—State	(\$169,916,000)
	<u>\$169,567,000</u>
Prior Biennia (Expenditures)	\$0

Future Biennia (Projected Costs).....	\$0
TOTAL .....	..((\$169,916,000))
	<u>\$169,567,000</u>

Sec. 7013. 2022 c 296 s 1046 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF COMMERCE

Work, Education, Health Monitoring Projects (91001686)

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

(1) The department may not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of 10 years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations in which the sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high-performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and may not be advanced under any circumstances.

(5) In contracts for grants authorized under this section, the department must include provisions that require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) The department must comply with the requirements set forth in executive order 21-02 and must consult with the department of archaeology and historic preservation and affected tribes on the potential effects of these projects on cultural resources and historic properties. Consultation with the department of archaeology and historic preservation and affected tribes must be initiated before project funds are made available.

(8) ~~(\$926,000 of the state building construction account state))~~ The appropriation in this section is provided solely for the following list of projects:
 ((~~Camp Waskowitz Restrooms (North Bend)~~)) Sylvester Middle School Restrooms (Burien).....\$250,000
 Mary's Place Burien Shelter ~~((COVID Updates))~~
 (Seattle).....\$550,000

Nordic Heritage Museum HVAC Renovation (Seattle)	\$26,000
((Sherwood COVID Mitigation (Lake Stevens)	\$100,000))

Appropriation:

State Building Construction Account—State	(\$926,000)
	<u>\$826,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(\$926,000)
	<u>\$826,000</u>

Sec. 7014. 2021 c 332 s 1094 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Early Learning (~~((COVID-19))~~) Renovation Grants (91001681)

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

(1) ~~\$8,500,000 of the ((coronavirus capital projects account—federal)) state building construction account—state~~ appropriation is provided solely for the Washington early learning loan fund to provide grants to early learning facilities for ~~((emergency)) renovation ((and)), remodeling ((changes in response to the public health emergency with respect to the coronavirus disease)), and expansion.~~

(2) The grants may not be used for operating expenditures, but must be used for capital needs to:

- (a) Support increased social distancing requirements;
 - (b) Support increased health and safety measures;
 - (c) Provide increased outdoor space; or
 - (d) Increase or preserve early learning slots within a facility or community.
- (3) Grant recipients must meet the requirements in RCW 43.31.575.

(4) Up to four percent of the funding in this appropriation may be used by the contractor to provide technical assistance to early learning providers interested in applying for the early learning facility grant or loan program.

Appropriation:

((Coronavirus Capital Projects Account —	
Federal	\$8,500,000))
<u>State Building Construction Account—State</u>	<u>\$8,500,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$8,500,000

Sec. 7015. 2022 c 296 s 1019 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2021-23 Weatherization Plus Health (40000150)

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

(1) \$5,000,000 of the state building construction account—state appropriation in this section is provided solely for grants for the Washington State University energy extension community energy efficiency program (CEEP) to support homeowners, tenants, and small business owners in making sound energy efficiency investments by providing consumer education and

marketing, workforce support through training and lead generation, and direct consumer incentives for upgrades to existing homes and small commercial buildings. This is the maximum amount the department may expend for this purpose.

(2) The department, in collaboration with the Washington State University, shall make recommendations to the appropriate committees of the legislature on strategies to expand and align the weatherization program and the rural rehabilitation loan program. The department shall report the recommendations to the appropriate committees of the legislature and the governor by November 1, 2022. The recommendations must include strategies to:

(a) Recruit community energy efficiency program sponsors that are community-based organizations located in geographic areas of the state that have not received funding for low-income weatherization programs, targeting hard to reach market segments;

(b) Leverage funding from community energy efficiency program sponsors in an amount greater than or equal to the amount provided by the state through the weatherization program;

(c) Ensure that community energy efficiency program utility sponsors work with non-profit community-based organizations to deliver community energy efficiency program services; and

(d) Identify community energy efficiency program sponsors that support the conversion of space and water heating from fossil fuels to electricity, as part of a set of energy efficiency investments.

(3) If funding from this appropriation is used to purchase heating devices or systems, the agency shall, whenever possible and most cost effective, select devices and systems that do not use fossil fuels.

(4) ~~(\$69,766,000)~~ \$47,115,000 of the general fund—federal appropriation in this section is provided solely as expenditure authority for grant funding received by the department for the weatherization assistance program in section 40551 of P.L. 117-58 (infrastructure investment and jobs act), not to exceed the actual amount of grant funding awarded. Expenditure of the amount in this subsection is contingent on the receipt of this grant funding. ~~((If the department does not receive the grant funding by June 30, 2023, the expenditure authority in this section shall lapse.))~~

Appropriation:

State Building Construction Account—State	\$10,000,000
General Fund—Federal	(\$69,766,000)
	<u>\$47,115,000</u>
Capital Community Assistance Account—State	\$10,000,000
Subtotal Appropriation	(\$89,766,000)
	<u>\$67,115,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$50,000,000
TOTAL	(\$139,766,000)
	<u>\$117,115,000</u>

Sec. 7016. 2022 c 296 s 1041 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF COMMERCE
2021-23 Broadband Office (92000953)

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

(1)(a) The appropriations in this section are provided solely to the statewide broadband office for qualifying broadband infrastructure projects.

(b) Unless otherwise stated, eligible applicants for grants awarded under subsections (2) and (3) of this section are:

- (i) Local governments, including ports and public utility districts;
- (ii) Federally recognized tribes;
- (iii) Nonprofit organizations;
- (iv) Nonprofit cooperative organizations; and

(v) Multiparty entities comprised of a combination of public entity members or private entity members. A multiparty entity cannot be solely comprised of private entities.

(c) The department must prioritize eligible applications where the lead applicant is a public entity.

(d) Projects receiving grants under this section must:

(i) Demonstrate that the project site is under the applicant's control for a minimum of 25 years, either through ownership or a long-term lease; and

(ii) Commit to using the infrastructure funded by the grant for the purposes of providing broadband connectivity for a minimum of 25 years. (e) Unless otherwise stated, priority must be given to projects:

(i) Located in unserved areas of the state, which for the purposes of this section means areas of Washington in which households and businesses lack access to broadband service of speeds at a minimum of 100 megabits per second download and at a minimum 20 megabits per second upload;

(ii) Located in geographic areas of greatest priority for the deployment of broadband infrastructure to achieve the state's broadband goals, as provided in RCW 43.330.536, identified with department and board mapping tools; or

(iii) That construct last mile infrastructure, as defined in RCW 43.330.530.

(f) Unless otherwise stated, appropriations may not be used for projects where a broadband provider currently provides, or has begun construction to provide, broadband service, as defined in RCW 43.330.530, to end users in the proposed project area.

(g) The appropriations must be used for projects that use a technology-neutral approach in order to expand access at the lowest cost to the most unserved or underserved residents.

(h)(i) The statewide broadband office must act as fiscal agent for the grants authorized in subsections (2) and (3) of this section.

(ii) No more than 1.5 percent of the funds appropriated for the program may be expended by the statewide broadband office for administration purposes.

(i) The statewide broadband office must impose grant or contract conditions to help ensure that any project funded under this section will result in an enduring public benefit, where feasible, for at least 25 years.

(2)(a) (~~(\$50,000,000)~~) \$27,591,000 of the state building construction account—state appropriation is provided solely to the statewide broadband office to award as grants to eligible applicants as match funds to leverage federal broadband infrastructure program funding.

(b)(i) For the purposes of this subsection (2), "state broadband infrastructure funders" are the state broadband office, the public works board, and the community economic revitalization board.

(ii) The statewide broadband office must develop a project evaluation process to assist in coordination among state broadband infrastructure funders to maximize opportunities to leverage federal funding and ensure efficient state investment. The project evaluation process must help determine whether a project is a strong candidate for a known federal funding opportunity and if a project can be packaged as part of a regional or other coordinated federal grant proposal. The state broadband infrastructure funders are encouraged to enter into a memorandum of understanding outlining how coordination will take place so that the process can help with a coordinated funding strategy across these entities.

(3)(a) \$150,996,000 of the coronavirus state fiscal recovery fund—federal appropriation, \$124,749,000 of the coronavirus capital projects account—federal appropriation, and \$258,000 of the state building construction account—state appropriation are provided solely for grants to eligible applicants for qualifying broadband infrastructure projects.

(b)(i) Projects that receive grant funding under this subsection (3) must be eligible for funds under section 9901 of the American rescue plan act.

(ii) To ensure compliance with conditions of the federal coronavirus state fiscal recovery fund and coronavirus capital projects account, all expenditures of amounts appropriated in this subsection (3) must be obligated by December 31, 2024.

(c)(i) \$5,000,000 of the appropriation in this subsection is provided for broadband equity and affordability grants.

(ii) Grants must be provided to eligible applicants located in areas:

(A) With existing broadband service with speeds at a minimum of 100 megabits per second download and at a minimum 20 megabits per second upload; and

(B) Where the state broadband office, in consultation with the department of equity, determine that access to existing broadband service is not affordable or equitable.

(iii) Eligible applicants for grants awarded under this subsection (3)(c) are:

(A) Local governments, including ports and public utility districts;

(B) Federally recognized tribes;

(C) Public school districts;

(D) Nonprofit organizations; and

(E) Multiparty entities comprised of public entity members to fund broadband deployment.

(d) \$258,000 of the state building construction account—state appropriation in this subsection is provided solely for the Precision Agriculture and Broadband pilot project.

(e) \$225,000 of the coronavirus capital projects account—federal appropriation in this subsection is provided solely for the Point Roberts rural broadband project.

(4) By January 30, 2022, and January 30, 2023, the statewide broadband office must develop and submit a report regarding the grants established in

subsections (2) and (3) of this section to the office of financial management and appropriate fiscal committees of the legislature. The report must include:

- (a) The total number of applications and amount of funding requested;
 - (b) A list and description of projects approved for grant funding in the preceding fiscal year;
 - (c) The total amount of grant funding that was disbursed during the preceding fiscal year;
 - (d) The total amount of funds obligated and timing of when the funds were obligated in the preceding fiscal year; and
 - (e) For projects funded in the prior biennium, the outcomes achieved by the approved projects.
- (5) For eligible applicants providing service outside of their jurisdictional boundary, no more than three percent of the award amount may be expended for administration purposes.

Appropriation:

State Building Construction Account—State	((\$50,258,000))
	<u>\$27,849,000</u>
Coronavirus State Fiscal Recovery	
((Account)) Fund—Federal	\$150,996,000
Coronavirus Capital Projects Account—Federal.	\$124,749,000
Subtotal Appropriation	((\$326,003,000))
	<u>\$303,594,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	((\$326,003,000))
	<u>\$303,594,000</u>

Sec. 7017. 2022 c 296 s 1042 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2022 Broadband Office (92001178)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely as expenditure authority for grant funding received by the department for the broadband equity, access, and deployment state grants program in section 60102 of P.L. 117-58 (infrastructure investment and jobs act), not to exceed the actual amount of grant funding awarded. Expenditure of the amount in this subsection is contingent on the receipt of this grant funding. ((If the department does not receive the grant funding by June 30, 2023, the expenditure authority in this subsection shall lapse.))

Appropriation:

General Fund—Federal	\$50,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$50,000,000

Sec. 7018. 2022 c 296 s 1017 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2021-23 Library Capital Improvement Program (LCIP) Grants (40000147)

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

(1) The appropriation in this section is provided solely for a local library capital improvement grant program for the following list of projects:

City of Colville	\$264,000
Sno-Isle Regional Inter-County Libraries (Langley)	\$700,000
Stevens County Rural Library District (Loon Lake)	\$649,000
Stevens County Rural Library District (Chewelah)	\$90,000
North Olympic Library System (Sequim)	\$2,000,000
Spokane County Library District (Spokane Valley)	\$2,000,000
Jefferson County Rural Library District (Port Hadlock)	\$285,000
Stevens County Rural Library District (Northport)	\$50,000
North Central Regional Library (Wenatchee)	\$798,000
City of Seattle	\$1,889,000
Pend Oreille County Library District (Metaline Falls)	\$40,000
Upper Skagit Library District (Concrete)	\$209,000
City of Cashmere	\$14,000
((Town of Coulee City	\$760,000))
Sno-Isle Regional Inter-County Libraries (Darrington)	\$250,000
Fort Vancouver Regional Library Foundation (Woodland)	\$2,000,000
City of Mount Vernon	\$2,000,000
Camas Library Improvements (Camas)	\$515,000
Ephrata Public Library (Ephrata)	\$91,000
Lake Stevens Early Learning Library (Lake Stevens)	\$2,000,000

(2) The department must establish a competitive process to solicit proposals for and prioritize projects whose primary objective is to assist libraries operated by governmental units, as defined in RCW 27.12.010, in acquiring, constructing, repairing, or rehabilitating facilities.

(3) The department must establish a committee to develop the grant program criteria and review proposals. The committee must be composed of five members as provided in this subsection. The committee must include: (a) A representative from the department of commerce; (b) a representative from the department of archaeology and historic preservation; (c) the state librarian; (d) a representative from a library district; and (e) a representative from a municipal library.

(4) The department must conduct a statewide solicitation of project applications. The department must evaluate and rank applications in consultation with the committee established in subsection (3) of this section, using objective criteria. The ranking of projects must prioritize library district facilities listed on a local, state, or federal register of historic places and those located in distressed or rural counties. The evaluation and ranking process must also include an examination of existing assets that applicants propose to apply to projects. Grant assistance under this section may not exceed 50 percent of the total cost of the project. The nonstate portion of the total project cost may include cash, the value of real property when acquired solely for the purpose of the project, and in-kind contributions.

(5) The department must submit a prioritized list of recommended projects to the governor and the legislature by October 1, 2022, for inclusion in the department of commerce's 2023-2025 biennial capital budget request. The list

must include a description of each project, the amount of recommended state funding, and documentation of nonstate funds to be used for the project. Individual grants may not exceed \$2,000,000. The total amount of recommended state funding for the projects on a biennial project list may not exceed \$10,000,000.

(6) In contracts for grants authorized under this section, the department must include provisions that require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee must repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued on the date most close in time to the date of authorization of the grant.

(7) The department must assist grant recipients under this section to apply for applicable competitive federal grant funding and, upon receipt of any such funding, an equal amount of the state building construction account—state appropriation must be placed in unallotted status.

Appropriation:

State Building Construction Account—State	(\$16,604,000)
	<u>\$15,844,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$30,000,000
TOTAL	(\$46,604,000)
	<u>\$45,844,000</u>

Sec. 7019. 2021 c 332 s 1098 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Emergency Repairs (30000041)

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

(1) Emergency repair funding is provided solely to address unexpected building or grounds failures that will impact public health and safety and the day-to-day operations of the facility. To be eligible for funds from the emergency repair pool, a request letter for emergency funding signed by the affected agency director must be submitted to the office of financial management and the appropriate legislative fiscal committees. The request must include a statement describing the health and safety hazard and impacts to facility operations, the possible cause, the proposed scope of emergency repair work and related cost estimate, and identification of other funding that may be applied to the project.

(2) For emergencies occurring during a legislative session, an agency must notify the legislative fiscal committees before requesting emergency funds from the office of financial management.

(3) The office of financial management must notify the legislative evaluation and accountability program committee and the legislative fiscal committees as emergency projects are approved for funding and include what funded level was approved.

(4) The office of financial management must report quarterly, beginning October 1, 2021, on the funding approved by agency and by emergency to the fiscal committees of the legislature.

Appropriation:

State Building Construction Account—State . . . . .	..(((\$4,000,000))
	<u>\$2,660,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$16,000,000
TOTAL . . . . .	..(((\$20,000,000))
	<u>\$18,660,000</u>

Sec. 7020. 2022 c 296 s 1056 (uncodified) is amended to read as follows:
FOR THE OFFICE OF FINANCIAL MANAGEMENT
 Inflation and Contingency Fund (92001124)

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

(1) The appropriation in this section is provided solely for inflationary cost increases of materials for state agency projects funded in an omnibus capital appropriations act that are currently active in the construction phase. Projects in the design phase are not eligible and must submit a budget decision package for the 2023 legislative session. ~~((The))~~ Except as provided under subsection (6) of this section, the office of financial management shall allocate funds based on project necessity.

(2) To be eligible for funds from this inflation and contingency fund, a request letter signed by the affected agency director must be submitted to the office of financial management and the appropriate legislative fiscal committees. The request must include:

- (a) A statement describing the unexpected costs;
- (b) The ways the agency has already mitigated project costs; and
- (c) The identification of other funding that may be applied to the project.

(3) For requests during a legislative session, an agency must notify the legislative fiscal committees before requesting these funds from the office of financial management.

(4) The office of financial management must notify the legislative evaluation and accountability program committee and the fiscal committees of the legislature as inflation and contingency funds are approved, including the approved funding level by fund type, and a copy of all the materials submitted in subsection (2) of this section.

(5) The office of financial management must report quarterly, beginning October 1, 2022, on the funding approved by agency, by project number, and type of funds authorized, to the fiscal committees of the legislature.

(6) \$2,000,000 of the appropriation in this section is provided solely for Bellevue College to pay for cost increases to the Center for Transdisciplinary Learning and Innovation capital project. The requirements of subsection (2) do not apply to the project listed under this subsection.

Appropriation:

Capital Community Assistance Account—State . . . . .	..(((\$8,000,000))
	<u>\$4,842,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL . . . . .	..(((\$8,000,000))
	<u>\$4,842,000</u>

NEW SECTION. **Sec. 7021.** A new section is added to 2022 c 296 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Executive Guard Post One (40000448)

Appropriation:

State Building Construction Account—State	\$740,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$740,000

Sec. 7022. 2022 c 296 s 1059 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Legislative Campus Modernization (92000020)

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

(1) The reappropriations are subject to the provisions of section 6024 of this act.

(2) The department must consult with the senate facilities and operations committee or its designee(s) and the house of representatives executive rules committee or its designee(s) at least every other month.

(3) \$11,585,000 of the Thurston county capital facilities account—state appropriation is provided solely for the global legislative campus modernization subproject, which includes, but is not limited to, modular building leases or purchases and associated costs, site development work on campus to include Columbia street, stakeholder outreach, and historic mitigation for the project.

(4) \$69,037,000 of the amount provided in this section is provided solely for Irv Newhouse building replacement design and construction subproject on opportunity site six.

(a) The department must:

- (i) Have a design contractor selected by September 1, 2021;
- (ii) Start design validation by October 1, 2021; and
- (iii) Start design by December 1, 2021.

(b) The design and construction must result in:

(i) A high performance building that meets net-zero-ready energy standards, with an energy use intensity of no greater than 35;

(ii) Sufficient program space required to support senate offices and support functions;

(iii) A building façade similar to the American neoclassical style with a base, shaft, and capital expression focus with some relief expressed in modern construction methods to include adding more detailing and depth to the exterior so that it will fit with existing legislative buildings on west capitol campus, like the John Cherberg building;

(iv) Member offices of similar size as member offices in the John A. Cherberg building;

(v) Demolition of the buildings located on opportunity site six;

(vi) Consultation with the leadership of the senate, or their designee(s), at least every month, effective July 1, 2021; and

(vii) Ensure the subproject meets legislative intent to complete design by April 30, 2023, and start construction by September 1, 2023.

(5) \$8,538,000 of the amount provided in this section is provided solely for the Pritchard building and the John L. O'Brien renovation design subproject. The design contractor must be selected by September 1, 2022, and the design must result in:

(a) A high performance building that meets net-zero-ready energy standards, with an energy use intensity of no greater than 35;

(b) Sufficient program space required to support house of representatives offices and support functions; and

(c) Additional office space in the Pritchard building necessary to offset house of representatives members and staff office space that will be eliminated in the renovation of the third and fourth floors of the John L. O'Brien building.

(6) All appropriations must be coded and tracked as separate discrete subprojects in the agency financial reporting system.

(7) The state capitol committee, in consultation with capitol campus design advisory committee, may review architectural design proposals for continuity with the 2006 master plan for the capitol of the state of Washington and 2009 west capitol campus historic landscape preservation and vegetation management plan. As part of planning efforts, the state capitol committee may conduct a review of current design criteria and standards.

(8) The Irv Newhouse building replacement and Pritchard building designs should include an analysis of comprehensive impacts to the campus and the surrounding neighborhood, an evaluation of future workforce projections and an analysis of traffic impacts, parking needs, visual buffers, and campus aesthetics. The designs should include a public engagement process including the capitol campus design advisory committee and state capitol committee.

(9) \$180,000 of the appropriation in this section is provided solely for the department to conduct a preservation study of the Pritchard building as a continuation of the predesign in section 6024 of this act. The study must include an analysis of seismic, geotechnical, building codes, constructability, and costs associated with renovation and expansion of the Pritchard building to accommodate tenant space needs. The department shall contract with a third-party historic preservation specialist to ensure the study is in compliance with the secretary of the interior's standards and any other applicable standards for historic rehabilitation. The study must include a public engagement process including the capitol campus design advisory committee and state capitol committee. The study is subject to review and approval by the state capitol committee by March 31, 2022, to inform the design of a renovation, expansion, or replacement of the Pritchard building.

(10) The department may sell by auction the Ayers and Carlyon houses, known as the press houses, separate and apart from the underlying land, subject to the following conditions:

(a) The purchaser, at its sole cost and expense, must remove the houses by December 31, 2021;

(b) The state is not responsible for any costs or expenses associated with the sale, removal, or relocation of the buildings from opportunity site six; and

(c) Any sale proceeds must be deposited into the Thurston county capital facilities account.

(11) Implementation of subsections (7) through (10) of this section is not intended to delay the design and construction of any of the subprojects included in the legislative campus modernization project.

(12) If the department receives information that projected costs for any of the subprojects in subsections (3), (4), or (5) of this section will exceed the amount provided in the respective subsections and the future biennia projected costs, the department must timely notify and provide that information in writing to the project executive team committee. ~~((The))~~ Prior to proceeding with design or construction, the department must ~~((provide))~~:

(a) Provide at least ~~((two))~~ three options to reduce subproject costs to stay within the amount provided for that subproject and ~~((to stay))~~ on the project schedule~~((Before))~~;

(b) Consult with the project executive team on the options offered, prior to proceeding with a reduced cost option~~((the department must consult with the project executive team committee. The project executive team must reach majority consensus to either move forward with a lower cost option or to request additional capital budget funding))~~; and

(c) Receive majority consensus from the project executive team to either adopt and move forward with reduced cost options that bring the subproject costs within amounts appropriated or adopt a tentative modified budget for the subproject. If a tentative modified budget is adopted, the department must seek additional funding in the next agency budget submittal.

Reappropriation:

State Building Construction Account—State \$9,900,000

Appropriation:

State Building Construction Account—State \$67,855,000

Thurston County Capital Facilities Account—State \$11,585,000

Subtotal Appropriation \$79,440,000

Prior Biennia (Expenditures) \$596,000

Future Biennia (Projected Costs) \$130,034,000

TOTAL \$219,970,000

Sec. 7023. 2022 c 296 s 2004 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Fircrest School-Nursing Facilities: Replacement (30002755)

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

(1) It is the intent of the legislature to further the recommendations of the December 2019 report from the William D. Ruckleshaus center to redesign the intermediate care facility of the Fircrest Residential Habilitation Center to function as short-term crisis stabilization and intervention. It is also the intent of the legislature to concentrate the footprint of the Fircrest Residential Habilitation Center on the northern portion of the property. ~~((As a result, \$7,750,000 of the appropriation in this section is provided solely for design of a 120-bed nursing facility.~~

~~((2) \$2,243,000 of the appropriation is provided solely to relocate the adult training program to a different location on the Fircrest Rehabilitation Center campus. The department must consider the proposal to redesign the facility as a~~

~~short term crisis stabilization and intervention when devising options for relocation of the adult training program and submit a report of these options to the legislature no later than December 1, 2022.~~

(3)) (2) The department must seek input from individuals with intellectual and developmental disabilities, including the residents at Fircrest and their families or guardians, in design of a nursing facility.

Reappropriation:

State Building Construction Account—State \$58,000

Appropriation:

State Building Construction Account—State \$9,993,000

Prior Biennia (Expenditures) \$184,000

Future Biennia (Projected Costs) \$0

TOTAL \$10,235,000

Sec. 7024. 2021 c 332 s 2032 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital: Wards Renovations for Forensic Services (4000026)

Reappropriation:

State Building Construction Account—State ~~(\$1,770,000)~~

\$1,602,000

Prior Biennia (Expenditures) \$8,790,000

Future Biennia (Projected Costs) \$0

TOTAL ~~(\$10,560,000)~~

\$10,392,000

Sec. 7025. 2021 c 332 s 2039 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Special Commitment Center: Strategic Master Plan (40000394)

Appropriation:

Charitable, Educational, Penal, and Reformatory

Institutions Account—State ~~(\$250,000)~~

\$239,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL ~~(\$250,000)~~

\$239,000

NEW SECTION. Sec. 7026. A new section is added to 2022 c 296 (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

ESH FSU Chiller Replacement (40001136)

Appropriation:

State Building Construction Account—State \$600,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$600,000

NEW SECTION. Sec. 7027. A new section is added to 2022 c 296 (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Child Study & Treatment Center - Youth Housing (91000084)

Appropriation:

State Building Construction Account—State	\$350,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$350,000

Sec. 7028. 2021 c 332 s 2059 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Community Nursing Care Homes (92000042)

(1) It is the intent of the legislature to further the recommendations of the December 2019 report from the William D. Ruckleshaus center to redesign intermediate care facilities of the residential habilitation centers to function as short-term crisis stabilization and intervention by constructing smaller, nursing care homes in community settings to care for individuals with intellectual and developmental disabilities.

(2) ~~(\$300,000 of the)~~ The appropriation in this section is provided solely to complete a predesign of community nursing care homes to provide nursing facility level of care to individuals with intellectual and developmental disabilities. The predesign must include options for four or five individual facilities with a minimum of four beds in each and for an individual facility with a minimum of 30 beds.

(3) The department shall provide recommendations for where these community nursing care homes should be located geographically in the state and an analysis of the costs associated with operating these homes. The department shall submit a report of this information to the governor and the appropriate committees of the legislature no later than December 1, 2021.

Appropriation:

State Building Construction Account—State	(\$300,000)
	<u>\$206,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(\$300,000)
	<u>\$206,000</u>

NEW SECTION. **Sec. 7029.** A new section is added to 2022 c 296 (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Maple Lane - Rapid BH Bed Capacity (92000046)

Appropriation:

State Building Construction Account—State	\$800,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$800,000

Sec. 7030. 2021 c 332 s 2067 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

Othello Water Supply and Storage (40000008)

Reappropriation:

State Building Construction Account—State	(\$965,000)
	<u>\$781,000</u>
Prior Biennia (Expenditures)	\$585,000

Future Biennia (Projected Costs).....	\$0
TOTAL	(\$1,550,000)
	<u>\$1,366,000</u>

Sec. 7031. 2022 c 296 s 2037 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

WCC: Interim Mental Health Building (40000260)

Appropriation:

State Building Construction Account—State	\$1,275,000
<u>Capital Community Assistance Account—State</u>	<u>\$672,000</u>
<u>Subtotal Appropriation</u>	<u>\$1,947,000</u>
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL	(\$1,275,000)
	<u>\$1,947,000</u>

Sec. 7032. 2021 c 332 s 3002 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Low-Level Nuclear Waste Disposal Trench Closure (19972012)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3002, chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:

Site Closure Account—State	(\$8,472,000)
	<u>\$1,972,000</u>
Prior Biennia (Expenditures).....	\$4,930,000
Future Biennia (Projected Costs).....	\$0
TOTAL	(\$13,402,000)
	<u>\$6,902,000</u>

Sec. 7033. 2021 c 332 s 3010 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Remedial Action Grant Program (30000216)

Reappropriation:

Model Toxics Control Capital Account—State	(\$17,040,000)
	<u>\$16,835,000</u>
Prior Biennia (Expenditures).....	\$45,824,000
Future Biennia (Projected Costs).....	\$0
TOTAL	(\$62,864,000)
	<u>\$62,659,000</u>

Sec. 7034. 2021 c 332 s 3019 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Remedial Action Grants (30000374)

Reappropriation:

Model Toxics Control Capital Account—State	(\$9,357,000)
	<u>\$9,052,000</u>
Prior Biennia (Expenditures).....	\$53,180,000
Future Biennia (Projected Costs).....	\$0
TOTAL	(\$62,537,000)
	<u>\$62,232,000</u>

Sec. 7035. 2021 c 332 s 3021 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF ECOLOGY

Eastern Washington Clean Sites Initiative (30000432)

Reappropriation:

Model Toxics Control Capital Account—State	(\$7,444,000)
	<u>\$5,352,000</u>
Prior Biennia (Expenditures)	\$2,456,000
Future Biennia (Projected Costs)	\$0
TOTAL	(\$9,900,000)
	<u>\$7,808,000</u>

Sec. 7036. 2021 c 332 s 3022 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF ECOLOGY

Remedial Action Grants (30000458)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3011, chapter 35, Laws of 2016 sp. sess.

Reappropriation:

Model Toxics Control Capital Account—State	(\$8,711,000)
	<u>\$1,171,000</u>
State Building Construction Account—State	(\$14,081,000)
	<u>\$12,879,000</u>
Subtotal Reappropriation	(\$22,792,000)
	<u>\$14,050,000</u>
Prior Biennia (Expenditures)	\$29,955,000
Future Biennia (Projected Costs)	\$0
TOTAL	(\$52,747,000)
	<u>\$44,005,000</u>

Sec. 7037. 2021 c 332 s 3024 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF ECOLOGY

Stormwater Financial Assistance Program (30000535)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3012, chapter 35, Laws of 2016 sp. sess.

Reappropriation:

Model Toxics Control Stormwater Account—State	(\$22,444,000)
	<u>\$3,944,000</u>
Prior Biennia (Expenditures)	\$8,757,000
Future Biennia (Projected Costs)	\$0
TOTAL	(\$31,201,000)
	<u>\$12,701,000</u>

Sec. 7038. 2021 c 332 s 3026 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF ECOLOGY

Floodplains by Design (30000537)

Reappropriation:

State Building Construction Account—State	(\$10,094,000)
	<u>\$10,061,000</u>

Prior Biennia (Expenditures)	\$25,466,000
Future Biennia (Projected Costs)	\$0
TOTAL	<u>(\$35,560,000)</u>
	<u>\$35,527,000</u>

Sec. 7039. 2021 c 332 s 3027 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

ASARCO Cleanup (30000538)

Reappropriation:

Cleanup Settlement Account—State	<u>(\$1,982,000)</u>
	<u>\$1,797,000</u>
Prior Biennia (Expenditures)	\$10,164,000
Future Biennia (Projected Costs)	\$0
TOTAL	<u>(\$12,146,000)</u>
	<u>\$11,961,000</u>

Sec. 7040. 2021 c 332 s 3028 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Cleanup Toxics Sites - Puget Sound (30000542)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3013, chapter 35, Laws of 2016 sp. sess.

Reappropriation:

Model Toxics Control Capital Account—State	<u>(\$6,379,000)</u>
	<u>\$5,470,000</u>
Prior Biennia (Expenditures)	\$8,002,000
Future Biennia (Projected Costs)	\$0
TOTAL	<u>(\$14,381,000)</u>
	<u>\$13,472,000</u>

Sec. 7041. 2021 c 332 s 3031 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Yakima River Basin Water Supply (30000590)

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

~~((+))~~ The reappropriations are subject to the provisions of section 3070, chapter 3, Laws of 2015 3rd sp. sess.~~((-except as provided in subsection (2) of this section.~~

~~(2)(a) \$3,250,000 of the appropriation in this section is provided solely for the acquisition of real property in lower Kittitas county known as the Eaton Ranch property by the state through the department of enterprise services on behalf of the department. This appropriation is provided to fund the closing, project, and transaction costs related to the acquisition of the property. The departments must expedite the review and execution of the transaction by June 30, 2022. It is the intent of the legislature that the state hold the property until a transfer to the United States bureau of reclamation for the purposes of construction of a water supply reservoir in accordance with the Yakima Basin integrated plan, or until such purpose is declared by the bureau no longer feasible.~~

~~(b) The legislature recognizes and declares that the acquisition of a portion of the Eaton Ranch for the construction of a water supply reservoir in accordance with the goals and objectives of the Yakima Basin integrated plan is a unique circumstance and the Eaton Ranch property offers special and essential features that are expected to yield broad public benefit to the state. It is the intent of the legislature that the department provide the necessary funding through subsequent funding requests to maintain and principally operate the land for grazing of livestock with the local conservation district, or an equivalent organization, until a transfer of the property to the United States bureau of reclamation).~~

Reappropriation:

State Taxable Building Construction Account—	
State	(\$3,564,000)
	<u>\$314,000</u>
Prior Biennia (Expenditures)	\$26,436,000
Future Biennia (Projected Costs)	\$0
TOTAL	(\$30,000,000)
	<u>\$26,750,000</u>

Sec. 7042. 2021 c 332 s 3037 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

2017-19 Centennial Clean Water Program (30000705)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3009, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State	(\$17,403,000)
	<u>\$16,003,000</u>
Prior Biennia (Expenditures)	\$17,597,000
Future Biennia (Projected Costs)	\$0
TOTAL	(\$35,000,000)
	<u>\$33,600,000</u>

Sec. 7043. 2021 c 332 s 3038 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Floodplains by Design 2017-19 (30000706)

Reappropriation:

State Building Construction Account—State	(\$24,036,000)
	<u>\$24,013,000</u>
Prior Biennia (Expenditures)	\$11,428,000
Future Biennia (Projected Costs)	\$0
TOTAL	(\$35,464,000)
	<u>\$35,441,000</u>

Sec. 7044. 2021 c 332 s 3039 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

2017-19 Remedial Action Grants (30000707)

Reappropriation:

Model Toxics Control Capital Account—State	(\$3,261,000)
	<u>\$2,927,000</u>

Prior Biennia (Expenditures)	\$2,616,000
Future Biennia (Projected Costs)	\$0
TOTAL	<u>(\$5,877,000)</u>
	<u>\$5,543,000</u>

Sec. 7045. 2021 c 332 s 3048 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

2015-17 Restored Clean Up Toxic Sites - Puget Sound (30000763)

Reappropriation:

State Building Construction Account—State	<u>(\$2,155,000)</u>
	<u>\$1,611,000</u>
Prior Biennia (Expenditures)	\$3,085,000
Future Biennia (Projected Costs)	\$0
TOTAL	<u>(\$5,240,000)</u>
	<u>\$4,696,000</u>

Sec. 7046. 2021 c 332 s 3069 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Healthy Housing Remediation Program (40000149)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3085, chapter 413, Laws of 2019.

Reappropriation:

Model Toxics Control Capital Account—State	<u>(\$5,000,000)</u>
	<u>\$4,830,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>(\$5,000,000)</u>
	<u>\$4,830,000</u>

Sec. 7047. 2021 c 332 s 3072 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

2019-21 Yakima River Basin Water Supply (40000179)

~~((The reappropriation in this section is subject to the following conditions and limitations:~~

~~(1) \$3,250,000 of the appropriation in this section is provided solely for the acquisition of real property in lower Kittitas county known as the Eaton Ranch property by the state through the department of enterprise services on behalf of the department. This appropriation is provided to fund the closing, project, and transaction costs related to the acquisition of the property. The departments must expedite the review and execution of the transaction by June 30, 2022. It is the intent of the legislature that the state hold the property until a transfer to the United States bureau of reclamation for the purposes of construction of a water supply reservoir in accordance with the Yakima Basin integrated plan, or until such purpose is declared by the bureau no longer feasible.~~

~~(2) The legislature recognizes and declares that the acquisition of a portion of the Eaton Ranch for the construction of a water supply reservoir in accordance with the goals and objectives of the Yakima Basin integrated plan is a unique circumstance and the Eaton Ranch property offers special and essential~~

features that are expected to yield broad public benefit to the state. It is the intent of the legislature that the department provide the necessary funding through subsequent funding requests to maintain and principally operate the land for grazing of livestock with the local conservation district, or an equivalent organization, until a transfer of the property to the United States bureau of reclamation-))

Reappropriation:

State Building Construction Account—State	(\$26,212,000)
	<u>\$23,126,000</u>
Prior Biennia (Expenditures)	\$13,788,000
Future Biennia (Projected Costs)	\$0
TOTAL	(\$40,000,000)
	<u>\$36,914,000</u>

Sec. 7048. 2021 c 332 s 3078 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

2019-21 Remedial Action Grants (40000211)

Reappropriation:

Model Toxics Control Capital Account—State	(\$46,763,000)
	<u>\$45,681,000</u>
Prior Biennia (Expenditures)	\$3,201,000
Future Biennia (Projected Costs)	\$0
TOTAL	(\$49,964,000)
	<u>\$48,882,000</u>

Sec. 7049. 2022 c 296 s 3003 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

2021-23 Water Pollution Control Revolving Program (40000337)

The appropriations in this section are subject to the following conditions and limitations: \$33,000,000 of the water pollution control revolving—federal appropriation in this section is provided solely as expenditure authority for grant funding received by the department for the clean water state revolving fund program in section 50210 of P.L. 117-58 (infrastructure investment and jobs act), not to exceed the actual amount of grant funding awarded. Expenditure of the amount in this section is contingent on the receipt of this grant funding. ((If the department does not receive the grant funding by June 30, 2023, the expenditure authority in this section shall lapse-))

Appropriation:

Water Pollution Control Revolving Fund—State	\$225,000,000
Water Pollution Control Revolving Fund—Federal	(\$108,000,000)
	<u>\$33,000,000</u>
Subtotal Appropriation	(\$333,000,000)
	<u>\$258,000,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$1,200,000,000
TOTAL	(\$1,533,000,000)
	<u>\$1,458,000,000</u>

Sec. 7050. 2021 c 332 s 3094 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

2021-23 Healthy Housing Remediation Program (40000378)

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

(1)(a) (~~(\$10,161,000)~~) \$9,822,000 of the appropriation in this section is provided solely for the department to establish and administer a program to:

(i) Provide grants or other public funding to persons intending to remediate contaminated real property for development of affordable housing, as defined in RCW 43.185A.010. The grants or public funding may only be used for:

(A) Integrated planning to fund studies and other activities necessary to facilitate the acquisition, remediation, and adaptive reuse of known or suspected contaminated real property for affordable housing development, including:

(I) The activities specified under RCW 70A.305.190(5)(d); and

(II) Entry into development agreements pursuant to RCW 36.70B.170, 36.70B.180, and 36.70B.190 to accelerate the development of the contaminated real property into affordable housing; and

(B) Remediation of contaminated real property for affordable housing development; or

(ii) Remediate contaminated real property where a person intends to develop affordable housing, as defined in RCW 43.185A.010.

(b) When evaluating projects under this section, the department must consult with the department of commerce and consider at a minimum:

(i) The ability of the project to expedite the cleanup and reuse of the contaminated real property for affordable housing development;

(ii) The extent to which the project leverages other public or private funding for the cleanup and reuse of the contaminated real property for affordable housing development;

(iii) The suitability of the real property for affordable housing based on the threat posed by the contamination to human health;

(iv) Whether the work to be funded is ready to proceed and be completed; and

(v) The distribution of funding throughout the state and among public and private entities.

(c) Any remediation of contaminated real property funded under this section must be performed:

(i) Under an agreed order or consent decree issued under chapter 70A.305 RCW or by the department; and

(ii) In accordance with the rules established under chapter 70A.305 RCW.

(d) Real property remediated under this section must be restricted to affordable housing use for a period of no less than 30 years.

(i) To ensure that real property remediated under this section is used for affordable housing, the department may file a lien against the real property pursuant to RCW 70A.305.060, require the person to record an interest in the real property in accordance with RCW 64.04.130, or use other means deemed by the department to be no less protective of the affordable housing use and interests of the department.

(ii) Any person who refuses, without sufficient cause, to comply with this subsection is subject to enforcement pursuant to any agreement or chapter

70A.305 RCW for the repayment, with interest, of funds provided or expended by the department under this section.

(2) \$750,000 of the appropriation in this section is provided solely to mitigate soil contamination of toxic substances to enable the development of affordable housing, at the former University of Washington Mount Baker site, located at 2901 27th Ave South in Seattle and consisting of approximately four acres of land.

Appropriation:

Model Toxics Control Capital Account—State	(\$10,911,000)
	<u>\$10,572,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$40,000,000
TOTAL	(\$50,911,000)
	<u>\$50,572,000</u>

Sec. 7051. 2021 c 332 s 3097 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

2021-23 Coastal Wetlands Federal Funds (40000388)

Appropriation:

General Fund—Federal	(\$8,000,000)
	<u>\$14,000,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$32,000,000
TOTAL	(\$40,000,000)
	<u>\$46,000,000</u>

Sec. 7052. 2022 c 296 s 3010 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

2021-23 Water Banking (91000373)

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

(1)(a) The appropriations in this section are provided solely for the department to administer a pilot grant program for water banking strategies to meet local water needs.

(b) \$2,000,000 is provided solely for qualified applicants located within the Methow River Basin.

(2)(a) Grant awards may only be used for:

(i) Development of water banks in rural counties as defined in RCW 82.14.370(5);

(ii) Acquisition of water rights appropriate for use in a water bank including all costs necessary to evaluate the water right for eligibility for its intended use; and

(iii) Activities necessary to facilitate the creation of a water bank.

(b) For applicants located outside of the Methow River Basin, grant awards may only be used for the development of water banks in rural counties that have the headwaters of a major watershed within their borders and only for water banking strategies within the county of origin. For purposes of this section, "major watershed" has the same meaning as shoreline of statewide significance in RCW 90.58.030(2)(f)(v) (A) and (B).

(3) Grant awards may not exceed \$2,000,000 per applicant.

(4) For the purposes of a grant pursuant to this section, a water bank must meet water needs, which include, but are not limited to, agricultural use and instream flow for fish and wildlife. The water bank must preserve water rights for use in the county of origin and for permanent instream flows for fish and wildlife through the primary and secondary reaches of the water right.

(5) To be eligible to receive a grant under this section, an applicant must:

(a) Be a public entity or a participant in a public-private partnership with a public entity;

(b) Exhibit sufficient expertise and capacity to develop and maintain a water bank consistent with the purposes of this appropriation;

(c) Secure a valid interest to purchase a water right;

(d) Show that the water rights appear to be adequate for the intended use; and

(e) Agree to have one-third of any water right purchased with the funds appropriated under this section to have its purpose of use changed permanently to instream flow benefiting fish and wildlife.

(6) ~~((If the amounts provided in subsection (1)(b) of this section are not obligated by June 30, 2023, the water banking pilot program established in this section is null and void, and funding is not reappropriated.))~~ In determining whether a grant request is eligible for funding under this section, the department may not disqualify proposals that purchase water rights from an existing water bank.

Appropriation:

State Building Construction Account—State	\$5,000,000
State Drought Preparedness (and Response)	
Account—State	\$9,000,000
Subtotal Appropriation	\$14,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$14,000,000

NEW SECTION. Sec. 7053. A new section is added to 2022 c 296 (uncodified) to read as follows:

FOR THE RECREATION AND CONSERVATION OFFICE

2021-23 Salmon Recovery Investment from Operating (40000069)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the salmon recovery board to provide grants for projects valued at greater than \$5,000,000 each that will benefit salmon recovery.

Appropriation:

Salmon Recovery Account—State	\$50,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$50,000,000

NEW SECTION. Sec. 7054. A new section is added to 2022 c 296 (uncodified) to read as follows:

FOR THE RECREATION AND CONSERVATION OFFICE

2021-23 Grants for Watershed Projects from Operating (40000070)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the salmon recovery board to provide grants for watershed projects typically valued at less than \$5,000,000 each that will benefit salmon recovery.

Appropriation:

Salmon Recovery Account—State	\$25,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$25,000,000

NEW SECTION. Sec. 7055. A new section is added to 2022 c 296 (uncodified) to read as follows:

FOR THE RECREATION AND CONSERVATION OFFICE

2021-23 Duckabush Estuary Restoration Project from Operating (40000071)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the office to provide a grant for the Duckabush estuary restoration project.

Appropriation:

Salmon Recovery Account—State	\$25,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$25,000,000

NEW SECTION. Sec. 7056. A new section is added to 2022 c 296 (uncodified) to read as follows:

FOR THE STATE CONSERVATION COMMISSION

Riparian Restoration with Landowners (91000020)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the commission to provide grants for riparian restoration projects with landowners.

Appropriation:

Salmon Recovery Account—State	\$10,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,000,000

NEW SECTION. Sec. 7057. A new section is added to 2022 c 296 (uncodified) to read as follows:

FOR THE STATE CONSERVATION COMMISSION

2021-23 Conservation Reserve Enhancement from Operating (40000038)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the purposes of the conservation reserve enhancement program, including additional project management and cost-share funding.

Appropriation:

Salmon Recovery Account—State	\$5,000,000
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Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000

NEW SECTION. Sec. 7058. A new section is added to 2022 c 296 (uncodified) to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Upper Columbia River Salmon Reintroduction from Operating (40000266)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the department to provide grants and coordinate with the tribes of the upper Columbia River to reintroduce Chinook salmon.

Appropriation:

Salmon Recovery Account—State	\$3,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,000,000

Sec. 7059. 2021 c 332 s 3295 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Port Angeles Storm Water Repair (40000015)

Appropriation:

Model Toxics Control Stormwater Account—State	(\$1,020,000)
	<u>\$1,220,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(\$1,020,000)
	<u>\$1,220,000</u>

NEW SECTION. Sec. 7060. A new section is added to 2022 c 296 (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Forestry Riparian Easement Program from Operating (40000376)

Appropriation:

Salmon Recovery Account—State	\$5,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000

Sec. 7061. 2022 c 296 s 5004 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2021-23 School Construction Assistance Program (40000034)

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

(1) ~~(\$537,824,000)~~ \$432,005,000 of the appropriation in this section is provided solely for school construction assistance grants for qualifying public school construction projects.

(2) ~~(\$2,836,000)~~ \$3,403,000 of the appropriation in this section is provided solely for study and survey grants and for completing inventory and building condition assessments for public school districts every six years.

(3) \$20,000 of the appropriations in this section is provided solely for the Sunnyside School District for the transfer of the Yakima Valley Technical Skills Center Sunnyside Satellite Campus and its related property and equipment.

Appropriation:

State Building Construction Account—State	(\$505,306,000)
	<u>\$400,054,000</u>
Common School Construction Account—State	\$29,374,000
Common School Construction Account—Federal	\$6,000,000
Subtotal Appropriation	(\$540,680,000)
	<u>\$435,428,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$3,899,490,000
TOTAL	(\$4,440,170,000)
	<u>\$4,334,918,000</u>

Sec. 7062. 2022 c 296 s 5028 (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

Electrical Engineering/Computer Science Building (30000872)

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

(1) The reappropriation is subject to the provisions of section 5089, chapter 413, Laws of 2019.

(2) The University may pursue the living building challenge petal certification for this project instead of the LEED silver certification required by RCW 39.35D.030.

Reappropriation:

State Building Construction Account—State	\$500,000
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Appropriation:

<u>Capital Community Assistance Account—State</u>	<u>\$1,863,000</u>
State Building Construction Account—State	\$51,000,000
Western Washington University Capital Projects Account—State	\$1,500,000
Subtotal Appropriation	(\$52,500,000)
	<u>\$54,363,000</u>
Prior Biennia (Expenditures)	\$1,500,000
Future Biennia (Projected Costs)	\$0
TOTAL	(\$54,500,000)
	<u>\$56,363,000</u>

Sec. 7063. 2022 c 296 s 7002 (uncodified) is amended to read as follows:

ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS.

(1) The following agencies may enter into financial contracts, paid from any funds of an agency, appropriated or nonappropriated, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. Expenditures made by an agency for one of the

indicated purposes before the issue date of the authorized financial contract and any certificates of participation therein are intended to be reimbursed from proceeds of the financial contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

(2) Those noninstructional facilities of higher education institutions authorized in this section to enter into financial contracts are not eligible for state funded maintenance and operations. Instructional space that is available for regularly scheduled classes for academic transfer, basic skills, and workforce training programs may be eligible for state funded maintenance and operations.

(3) Secretary of state: Enter into a financing contract for up to \$119,000,000 plus financing expenses (~~and~~), required reserves, and capitalized interest pursuant to chapter 39.94 RCW to construct a new library-archives building.

(4) Washington state patrol: Enter into a financing contract for up to \$7,706,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a burn building for live fire training.

(5) Department of social and health services: Enter into a financing contract for up to (~~(\$115,700,000)~~) \$175,888,000 plus costs and financing expenses (~~and~~), required reserves, and capitalized interest pursuant to chapter 39.94 RCW to construct a nursing facility on the fircrest residential habilitation center campus. The department may contract to lease develop or lease purchase the facility. Before entering into a contract, the department must consult with the office of financial management and the office of the state treasurer. Should the department of social and health services choose to use a financing contract that does not provide for the issuance of certificates of participation, the financing contract shall be subject to approval by the state finance committee as required by RCW 39.94.010. In approving a financing contract not providing for the use of certificates of participation, the state finance committee should be reasonably certain that the contract is excluded from the computation of indebtedness, particularly that the contract is not backed by the full faith and credit of the state and the legislature is expressly not obligated to appropriate funds to make payments. For purposes of this subsection, "financing contract" includes but is not limited to a certificate of participation and tax exempt financing similar to that authorized in RCW 47.79.140.

(6) Community and technical colleges:

(a) Enter into a financing contract on behalf of Grays Harbor College for up to \$3,200,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a student services and instructional building.

(b) Enter into a financing contract on behalf of Shoreline Community College for up to \$3,128,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an allied health, science, and manufacturing replacement building.

(c) Enter into a financing contract on behalf of South Puget Sound Community College for up to \$5,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to renovate a health education building.

(d) Enter into a financing contract on behalf of Bates Technical College for up to \$1,350,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase land and facilities.

(7) The department of ecology: Enter into a financing contract for up to \$3,797,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the Lacey headquarters parking garage preservation project.

Sec. 7064. 2022 c 296 s 2030 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

DVA ARPA Federal Funds & State Match (91000013)

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

(1) The department is granted federal expenditure authority in anticipation of the receipt of federal competitive grant funding for which it is eligible to apply under section 8004 of the American rescue plan act of 2021, P.L. 117-2.

(2) Funding appropriated in this section must be used for projects in the following priority order:

(a) The WVH HVAC Retrofit project (40000006); and

(b) Minor works projects that meet the requirements set forth in section 8004 of the American rescue plan act of 2021, P.L. 117-2.

(3) The state building construction account—state appropriation in this section is provided solely for state match funds to leverage the federal funding described in subsection (1) of this section. Any amount that exceeds the level of state match funds required to maximize the federal funding opportunity must be placed in unallotted status.

Appropriation:

General Fund—Federal	\$24,515,000
State Building Construction Account—State	\$10,884,000
Subtotal Appropriation	\$35,399,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$35,399,000

NEW SECTION. **Sec. 7065.** The following acts or parts of acts are each repealed:

- (1) 2022 c 296 s 1012 (uncodified);
- (2) 2022 c 296 s 1013 (uncodified); and
- (3) 2021 c 332 s 3111 (uncodified).

PART 8

MISCELLANEOUS PROVISIONS

NEW SECTION. **Sec. 8001.** RCW 43.88.031 requires the disclosure of the estimated debt service costs associated with new capital bond appropriations. The estimated debt service costs for the appropriations contained in this act are \$59,934,000 for the 2023-2025 biennium, \$371,683,000 for the 2025-2027 biennium, and \$519,454,000 for the 2027-2029 biennium.

NEW SECTION. **Sec. 8002.** ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS. (1) The following agencies may enter into financial contracts, paid from any funds of an agency, appropriated or nonappropriated, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available,

including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. Expenditures made by an agency for one of the indicated purposes before the issue date of the authorized financial contract and any certificates of participation therein are intended to be reimbursed from proceeds of the financial contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

(2) Those noninstructional facilities of higher education institutions authorized in this section to enter into financial contracts are not eligible for state funded maintenance and operations. Instructional space that is available for regularly scheduled classes for academic transfer, basic skills, and workforce training programs may be eligible for state funded maintenance and operations.

(3) Secretary of state: Enter into a financing contract for up to \$119,000,000 plus financing expenses, required reserves, and capitalized interest pursuant to chapter 39.94 RCW to construct a new library-archives building.

(4) Department of social and health services: Enter into a financing contract for up to \$175,888,000 plus costs and financing expenses, required reserves, and capitalized interest pursuant to chapter 39.94 RCW to construct a nursing facility on the Fircrest residential habilitation center campus. The department may contract to lease develop or lease purchase the facility. Before entering into a contract, the department must consult with the office of financial management and the office of the state treasurer. Should the department of social and health services choose to use a financing contract that does not provide for the issuance of certificates of participation, the financing contract shall be subject to approval by the state finance committee as required by RCW 39.94.010. In approving a financing contract not providing for the use of certificates of participation, the state finance committee should be reasonably certain that the contract is excluded from the computation of indebtedness, particularly that the contract is not backed by the full faith and credit of the state and the legislature is expressly not obligated to appropriate funds to make payments. For purposes of this subsection, "financing contract" includes but is not limited to a certificate of participation and tax exempt financing similar to that authorized in RCW 47.79.140.

NEW SECTION. Sec. 8003. (1) To ensure that major construction projects are carried out in accordance with legislative and executive intent, agencies must complete a predesign for state construction projects with a total anticipated cost in excess of \$10,000,000. For purposes of this section, "total anticipated cost" means the sum of the anticipated cost of the predesign, design, and construction phases of the project.

(2) Appropriations for design may not be expended or encumbered until the office of financial management has reviewed and approved the agency's predesign.

(3) The predesign must explore at least three project alternatives. These alternatives must be both distinctly different and viable solutions to the issue being addressed. The chosen alternative should be the most reasonable and cost-effective solution. The predesign document must include, but not be limited to, program, site, and cost analysis, and an analysis of the life-cycle costs of the alternatives explored, in accordance with the predesign manual adopted by the office of financial management.

(4) For projects exceeding the \$10,000,000 predesign threshold established in this section, the office of financial management may make an exception to some or all of the predesign requirements in this section. The office of financial management shall report any exception to the fiscal committees of the legislature:

(a) A description of the major capital project for which the predesign waiver is made;

(b) An explanation of the reason for the waiver; and

(c) A rough order of magnitude cost estimate for the project's design and construction.

(5) In deliberations related to submitting an exception under this section, the office of financial management shall consider the following factors:

(a) Whether there is any determination to be made regarding the site of the project;

(b) Whether there is any determination to be made regarding whether the project will involve renovation, new construction, or both;

(c) Whether, within six years of submitting the request for funding, the agency has completed, or initiated the construction of, a substantially similar project;

(d) Whether there is any anticipated change to the project's program or the services to be delivered at the facility;

(e) Whether the requesting agency indicates that the project may not require some or all of the predesign requirements in this section due to a lack of complexity; and

(f) Whether any other factors related to project complexity or risk, as determined by the office of financial management, could reduce the need for, or scope of, a predesign.

(6) If under this section, some or all predesign requirements are waived, the office of financial management may instead propose a professional project cost estimate instead of a request for predesign funding.

NEW SECTION. Sec. 8004. (1) The legislature finds that use of life-cycle cost analysis will aid public entities, architects, engineers, and contractors in making design and construction decisions that positively impact both the initial construction cost and the ongoing operating and maintenance cost of a project. To ensure that the total cost of a project is accounted for and the most reasonable and cost-efficient design is used, agencies shall develop life-cycle costs for any construction project over \$10,000,000. The life-cycle costs must represent the present value sum of capital costs, installation costs, operating costs, and maintenance costs over the life expectancy of the project. The legislature further finds the most effective approach to the life-cycle cost analysis is to integrate it into the early part of the design process.

(2) Agencies must develop a minimum of three project alternatives for use in the life-cycle cost analysis. These alternatives must be both distinctly different and viable solutions to the issue being addressed. Agencies must choose the most reasonable and cost-effective solution, as supported by the life-cycle cost analysis. A brief description of each project alternative and why it was chosen must be included in the life-cycle cost analysis section of the predesign.

(3) The office of financial management shall: (a) Make available a life-cycle cost model to be used for analysis; (b) in consultation with the department of

enterprise services, provide assistance in using the life-cycle cost model; and (c) update the life-cycle cost model annually including assumptions for inflation rates, discount rates, and energy rates.

(4) Agencies shall consider architectural and engineering firms' and general contractors' experience using life-cycle costs, operating costs, and energy efficiency measures when selecting an architectural and engineering firm, or when selecting contractors using alternative contracting methods.

NEW SECTION. Sec. 8005. Agencies administering construction projects with a total anticipated cost in excess of \$10,000,000 must submit progress reports to the office of financial management and to the fiscal committees of the house of representatives and senate. "Total anticipated cost" means the sum of the anticipated cost of the predesign, design, and construction phases of the project. Reports must be submitted on July 1st and December 31st of each year in a format determined by the office of financial management. After the project is completed, agencies must also submit a closeout report that identifies the total project cost and any unspent appropriations.

NEW SECTION. Sec. 8006. (1) Allotments for appropriations in this act shall be provided in accordance with the capital project review requirements adopted by the office of financial management and in compliance with RCW 43.88.110. Projects that will be employing alternative public works construction procedures under chapter 39.10 RCW are subject to the allotment procedures defined in this section and RCW 43.88.110.

(2) Each project is defined as proposed in the legislative budget notes or in the governor's budget document.

NEW SECTION. Sec. 8007. (1) The office of financial management may authorize a transfer of appropriation authority provided for a capital project that is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer may be used to expand the capacity of any facility beyond that intended in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects that are funded from the same fund or account. No transfers may occur between projects to local government agencies except where the grants are provided within a single omnibus appropriation and where such transfers are specifically authorized by the implementing statutes that govern the grants.

(2) The office of financial management may find that an amount is in excess of the amount required for the completion of a project only if: (a) The project as defined in the notes to the budget document is substantially complete and there are funds remaining; or (b) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated in this act.

(3) For the purposes of this section, the intent is that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

(4) A report of any transfer effected under this section, except emergency projects or any transfer under \$250,000, shall be filed with the fiscal committees of the legislature by the office of financial management at least 30 days before the date the transfer is effected. The office of financial management shall report all emergency or smaller transfers within 30 days from the date of transfer.

NEW SECTION. Sec. 8008. (1) It is expected that projects be ready to proceed in a timely manner depending on the type or phase of the project or program that is the subject of the appropriation in this act. Except for major projects that customarily may take more than two biennia to complete from predesign to the end of construction, or large infrastructure grant or loan programs supporting projects that often take more than two biennia to complete, the legislature generally does not intend to reappropriate funds more than once, particularly for smaller grant programs, local/community projects, and minor works.

(2) Agencies shall expedite the expenditure of reappropriations and appropriations in this act in order to: (a) Rehabilitate infrastructure resources; (b) accelerate environmental rehabilitation and restoration projects for the improvement of the state's natural environment; (c) reduce additional costs associated with acquisition and construction inflationary pressures; and (d) provide additional employment opportunities associated with capital expenditures.

(3) To the extent feasible, agencies are directed to accelerate expenditure rates at their current level of permanent employees and shall use contracted design and construction services wherever necessary to meet the goals of this section.

NEW SECTION. Sec. 8009. Any building project that receives over \$10,000,000 in funding from the capital budget must be built to sustainable standards. "Sustainable building" means a building that integrates and optimizes all major high-performance building attributes, including energy efficiency, durability, life-cycle performance, and occupant productivity, and minimizes greenhouse gas emissions. The following design and construction attributes must be integrated into the building project:

(1) **Employ integrated design principles:** Use a collaborative, integrated planning and design process that initiates and maintains an integrated project team in all stages of a project's planning and delivery. Establish performance goals for siting, energy, water, materials, and indoor environmental quality along with other comprehensive design goals and ensures incorporation of these goals throughout the design and life-cycle of the building. Consider all stages of the building's life-cycle, including deconstruction.

(2) **Commissioning:** Employ commissioning practices tailored to the size and complexity of the building and its system components in order to verify performance of building components and systems and help ensure that design requirements are met. This should include an experienced commissioning provider, inclusion of commissioning requirements in construction documents, a commissioning plan, verification of the installation and performance of systems to be commissioned, and a commissioning report.

(3) **Optimize energy performance:** Establish a whole building performance target that takes into account the intended use, occupancy, operations, plug

loads, other energy demands, and design to earn the ENERGY STAR targets for new construction and major renovation where applicable. For new construction target low energy use index. For major renovations, target reducing energy use by 50 percent below prerenovations baseline.

(4) On-site renewable energy: Implement renewable energy generation projects on agency property for agency use, when life-cycle cost effective.

(5) High-efficiency electric equipment: Use only high-efficiency electric equipment for water and space heating needs not met through on-site renewable energy, when life-cycle cost effective.

(6) Measurement and verification: For buildings over 50,000 square feet, install building level electricity meters in new major construction and renovation projects to track and continuously optimize performance. Include equivalent meters for natural gas and steam, where natural gas and steam are used. Where appropriate, install dashboards inside buildings to display and incentivize occupants on energy use.

(7) Benchmarking: Compare performance data from the first year of operation with the energy design target. Verify that the building performance meets or exceeds the design target. For other building and space types, use an equivalent benchmarking tool.

NEW SECTION. Sec. 8010. State agencies, including institutions of higher education, shall allot and report full-time equivalent staff for capital projects in a manner comparable to staff reporting for operating expenditures.

NEW SECTION. Sec. 8011. Executive Order No. 21-02, archaeological and cultural resources, was issued effective April 7, 2021. Agencies shall comply with the requirements set forth in this executive order and must consult with the department of archaeology and historic preservation and affected tribes on the potential effects of projects on cultural resources and historic properties proposed in state-funded construction or acquisition projects, including grant or pass-through funding that culminates in construction or land acquisitions. Consultation with the department of archaeology and historic preservation and affected tribes must be initiated early in the project planning process, prior to construction or taking title.

NEW SECTION. Sec. 8012. FOR THE ARTS COMMISSION—ART WORK ALLOWANCE. (1) One-half of one percent of moneys appropriated in this act for original construction of school plant facilities is provided solely for the purposes of RCW 28A.335.210.

(2) One-half of one percent of moneys appropriated in this act for original construction or any major renovation or remodel work exceeding \$200,000 by colleges or universities is provided solely for the purposes of RCW 28B.10.027.

(3) One-half of one percent of moneys appropriated in this act for original construction of any public building by a state agency identified in RCW 43.17.200 is provided solely for the purposes of RCW 43.17.200.

(4) At least 75 percent of the moneys spent by the Washington state arts commission during the 2023-2025 fiscal biennium for the purposes of RCW 28A.335.210, 28B.10.027, and 43.17.200 must be expended solely for direct acquisition of works of art; 20 percent may be expended for program administration; and 5 percent may be expended to conserve or maintain existing pieces in the state art collection.

(5) Except for art allocations made under K-3 class size reduction grants under section 6530 of this act, art allocations not expended within the ensuing two fiscal biennia shall lapse.

NEW SECTION. Sec. 8013. To carry out the provisions of this act, the governor may assign responsibility for predesign, design, construction, and other related activities to any appropriate agency.

NEW SECTION. Sec. 8014. If any federal moneys appropriated by this act for capital projects are not received by the state, the department or agency to which the moneys were appropriated may replace the federal moneys with funds available from private or local sources. No replacement may occur under this section without the prior approval of the director of financial management in consultation with the senate ways and means committee and the house of representatives capital budget committee.

NEW SECTION. Sec. 8015. (1) Unless otherwise stated, for all appropriations under this act that require a match of nonstate money or in-kind contributions, the following requirement, consistent with RCW 43.88.150, shall apply: Expenditures of state money shall be timed so that the state share of project expenditures never exceeds the intended state share of total project costs.

(2) Provision of the full amount of required matching funds is not required to permit the expenditure of capital budget appropriations for phased projects if a proportional amount of the required matching funds is provided for each distinct, identifiable phase of the project.

NEW SECTION. Sec. 8016. NONTAXABLE AND TAXABLE BOND PROCEEDS. Portions of the appropriation authority granted by this act from the state building construction account, or any other account receiving bond proceeds, may be transferred to the state taxable building construction account as deemed necessary by the state treasurer, on behalf of the state finance committee, to comply with the federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds. Portions of the general obligation bond proceeds authorized by Substitute House Bill No. 1148 (state general obligation bonds and related accounts) for deposit into the state taxable building construction account that are in excess of amounts required to comply with the federal internal revenue service rules and regulations shall be deposited into the state building construction account. The state treasurer shall submit written notification to the director of financial management and the legislative evaluation and accountability program committee if it is determined that a shift of appropriation authority between the state building construction account, or any other account receiving bond proceeds, and the state taxable building construction account is necessary, or that a shift of appropriation authority from the state taxable building construction account to the state building construction account may be made.

NEW SECTION. Sec. 8017. (1) Minor works project lists are single line appropriations that include multiple projects of a similar nature and that are valued between \$25,000 and \$1,500,000 each, with the exception of higher education minor works projects that may be valued up to \$2,000,000. Funds appropriated in this act for minor works may not be initially allotted until agencies submit project lists to the office of financial management for review and approval.

(2) Revisions to the project lists, including the addition of projects and the transfer of funds between projects, are allowed but must be submitted to the office of financial management, the house of representatives capital budget committee, and the senate ways and means committee for review and comment, and must include an explanation of variances from prior approved lists. Any project list revisions must be approved by the office of financial management before funds may be expended from the minor works appropriation.

(3)(a) All minor works projects should be completed within two years of the appropriation with the funding provided.

(b) Agencies are prohibited from including projects on their minor works lists that are a phase of a larger project, and that if combined over a continuous period of time, would exceed \$1,500,000, or \$2,000,000 for higher education minor works projects.

(c) Minor works appropriations may not be used for the following: Studies, except for technical or engineering reviews or designs that lead directly to and support a project on the same minor works list; planning; design outside the scope of work on a minor works list; movable, temporary, and traditionally funded operating equipment not in compliance with the equipment criteria established by the office of financial management; software not dedicated to control of a specialized system; moving expenses; land or facility acquisition; rolling stock; computers; or to supplement funding for projects with funding shortfalls unless expressly authorized. The office of financial management may make an exception to the limitations described in this subsection (3)(c) for exigent circumstances after notifying the legislative fiscal committees and waiting 10 days for comments by the legislature regarding the proposed exception.

(d) Minor works preservation projects may include program improvements of no more than 25 percent of the individual minor works preservation project cost.

(e) Improvements for accessibility in compliance with the Americans with disabilities act may be included in any of the minor works categories.

NEW SECTION. Sec. 8018. To the extent that any appropriation authorizes expenditures of state funds from the state building construction account, or from any other capital project account in the state treasury, for a capital project or program that is specified to be funded with proceeds from the sale of bonds, the legislature declares that any such expenditures for that project or program made prior to the issue date of the applicable bonds are intended to be reimbursed from proceeds of those bonds in a maximum amount equal to the amount of such appropriation.

**NEW SECTION. Sec. 8019. FOR THE STATE TREASURER—
TRANSFERS**

(1) Public Works Assistance Account: For transfer to the water pollution control revolving account—state, up to \$17,500,000 for fiscal year 2024 and up to \$17,500,000 for fiscal year 2025 \$35,000,000

(2) Public Works Assistance Account: For transfer to the drinking water assistance account—state, up to \$1,750,000 for fiscal year 2024 and up to \$1,750,000

for fiscal year 2025 \$3,500,000

NEW SECTION. Sec. 8020. In order to accelerate the reduction of embodied carbon and improve the environmental performance of construction materials, agencies shall, whenever possible, review and consider embodied carbon reported in environmental product declarations when evaluating proposed structural materials for construction projects.

NEW SECTION. Sec. 8021. The department of natural resources, in coordination with the department of social and health services, shall enter into long-term, revenue-generating opportunities for underutilized portions of the Fircrest residential habilitation center bounded by 15th Ave NE and NE 150th Street to benefit the charitable, educational, penal, and reformatory institutions account. Long-term, revenue generating opportunities may include, but are not limited to, land leases, land sales, and land swaps. The department of social and health services and the department of natural resources must amend their lease under chapter 7, Laws of 1986 if necessary to conform with this section.

Sec. 8022. RCW 28A.320.330 and 2021 c 332 s 7045 are each amended to read as follows:

School districts shall establish the following funds in addition to those provided elsewhere by law:

(1)(a) A general fund for the school district to account for all financial operations of the school district except those required to be accounted for in another fund.

(b) By the 2018-19 school year, a local revenue subfund of its general fund to account for the financial operations of a school district that are paid from local revenues. The local revenues that must be deposited in the local revenue subfund are enrichment levies and transportation vehicle levies collected under RCW 84.52.053, local effort assistance funding received under chapter 28A.500 RCW, and other school district local revenues including, but not limited to, grants, donations, and state and federal payments in lieu of taxes, but do not include other federal revenues, or local revenues that operate as an offset to the district's basic education allocation under RCW 28A.150.250. School districts must track expenditures from this subfund separately to account for the expenditure of each of these streams of revenue by source, and must provide the supplemental expenditure schedule under (c) of this subsection, and any other supplemental expenditure schedules required by the superintendent of public instruction or state auditor, for purposes of RCW 43.09.2856.

(c) Beginning in the 2019-20 school year, the superintendent of public instruction must require school districts to provide a supplemental expenditure schedule by revenue source that identifies the amount expended by object for each of the following supplementary enrichment activities beyond the state funded amount:

(i) Minimum instructional offerings under RCW 28A.150.220 or 28A.150.260 not otherwise included on other lines;

(ii) Staffing ratios or program components under RCW 28A.150.260, including providing additional staff for class size reduction beyond class sizes allocated in the prototypical school model and additional staff beyond the staffing ratios allocated in the prototypical school formula;

(iii) Program components under RCW 28A.150.200, 28A.150.220, or 28A.150.260, not otherwise included on other lines;

(iv) Program components to support students in the program of special education;

(v) Program components of professional learning, as defined by RCW 28A.415.430, beyond that allocated under RCW 28A.150.415;

(vi) Extracurricular activities;

(vii) Extended school days or an extended school year;

(viii) Additional course offerings beyond the minimum instructional program established in the state's statutory program of basic education;

(ix) Activities associated with early learning programs;

(x) Activities associated with providing the student transportation program;

(xi) Any additional salary costs attributable to the provision or administration of the enrichment activities allowed under RCW 28A.150.276;

(xii) Additional activities or enhancements that the office of the superintendent of public instruction determines to be a documented and demonstrated enrichment of the state's statutory program of basic education under RCW 28A.150.276; and

(xiii) All other costs not otherwise identified in other line items.

(d) For any salary and related benefit costs identified in (c)(xi), (xii), and (xiii) of this subsection, the school district shall maintain a record describing how these expenditures are documented and demonstrated enrichment of the state's statutory program of basic education. School districts shall maintain these records until the state auditor has completed the audit under RCW 43.09.2856.

(2) A capital projects fund shall be established for major capital purposes. All statutory references to a "building fund" shall mean the capital projects fund so established. Money to be deposited into the capital projects fund shall include, but not be limited to, bond proceeds, proceeds from excess levies authorized by RCW 84.52.053, state apportionment proceeds as authorized by RCW 28A.150.270, earnings from capital projects fund investments as authorized by RCW 28A.320.310 and 28A.320.320, and state forest revenues transferred pursuant to subsection (3) of this section.

Money derived from the sale of bonds, including interest earnings thereof, may only be used for those purposes described in RCW 28A.530.010, except that accrued interest paid for bonds shall be deposited in the debt service fund.

Money to be deposited into the capital projects fund shall include but not be limited to rental and lease proceeds as authorized by RCW 28A.335.060, and proceeds from the sale of real property as authorized by RCW 28A.335.130.

Money legally deposited into the capital projects fund from other sources may be used for the purposes described in RCW 28A.530.010, and for the purposes of:

(a) Major renovation and replacement of facilities and systems where periodical repairs are no longer economical or extend the useful life of the facility or system beyond its original planned useful life. Such renovation and replacement shall include, but shall not be limited to, major repairs, exterior painting of facilities, replacement and refurbishment of roofing, exterior walls, windows, heating and ventilating systems, floor covering in classrooms and public or common areas, and electrical and plumbing systems.

(b) Renovation and rehabilitation of playfields, athletic fields, and other district real property.

(c) The conduct of preliminary energy audits and energy audits of school district buildings. For the purpose of this section:

(i) "Preliminary energy audits" means a determination of the energy consumption characteristics of a building, including the size, type, rate of energy consumption, and major energy using systems of the building.

(ii) "Energy audit" means a survey of a building or complex which identifies the type, size, energy use level, and major energy using systems; which determines appropriate energy conservation maintenance or operating procedures and assesses any need for the acquisition and installation of energy conservation measures, including solar energy and renewable resource measures.

(iii) "Energy capital improvement" means the installation, or modification of the installation, of energy conservation measures in a building which measures are primarily intended to reduce energy consumption or allow the use of an alternative energy source.

(d) Those energy capital improvements which are identified as being cost-effective in the audits authorized by this section.

(e) Purchase or installation of additional major items of equipment and furniture: PROVIDED, That vehicles shall not be purchased with capital projects fund money.

(f)(i) Costs associated with implementing technology systems, facilities, and projects, including acquiring hardware, licensing software, and online applications and training related to the installation of the foregoing. However, the software or applications must be an integral part of the district's technology systems, facilities, or projects.

(ii) Costs associated with the application and modernization of technology systems for operations and instruction including, but not limited to, the ongoing fees for online applications, subscriptions, or software licenses, including upgrades and incidental services, and ongoing training related to the installation and integration of these products and services. However, to the extent the funds are used for the purpose under this subsection (2)(f)(ii), the school district shall transfer to the district's general fund the portion of the capital projects fund used for this purpose. The office of the superintendent of public instruction shall develop accounting guidelines for these transfers in accordance with internal revenue service regulations.

(g) Major equipment repair, painting of facilities, and other major preventative maintenance purposes. However, to the extent the funds are used for the purpose under this subsection (2)(g), the school district shall transfer to the district's general fund the portion of the capital projects fund used for this purpose. The office of the superintendent of public instruction shall develop accounting guidelines for these transfers in accordance with internal revenue service regulations. Based on the district's most recent two-year history of general fund maintenance expenditures, funds used for this purpose may not replace routine annual preventive maintenance expenditures made from the district's general fund.

(h) During the 2021-2023 fiscal biennium, renovation and replacement of facilities and systems, purchase or installation of items of equipment and

furniture, including maintenance vehicles and machinery, and other preventative maintenance or infrastructure improvement purposes.

(i) During the 2023-2025 fiscal biennium, for moneys in the capital projects fund not attributable to capital levies, moving of equipment and furniture between buildings and warehouses for storage, moving of the content of teachers' classrooms between buildings, and furniture purchases, when these costs are due to the following activities: Construction, remodeling, replacement, temporary placement, consolidation, or directed transfer.

(3) A debt service fund to provide for tax proceeds, other revenues, and disbursements as authorized in chapter 39.44 RCW. State forestland revenues that are deposited in a school district's debt service fund pursuant to RCW 79.64.110 and to the extent not necessary for payment of debt service on school district bonds may be transferred by the school district into the district's capital projects fund.

(4) An associated student body fund as authorized by RCW 28A.325.030.

(5) Advance refunding bond funds and refunded bond funds to provide for the proceeds and disbursements as authorized in chapter 39.53 RCW.

Sec. 8023. RCW 28B.20.725 and 2021 c 332 s 7027 are each amended to read as follows:

The board is hereby empowered:

(1) To reserve the right to issue bonds later on a parity with any bonds being issued;

(2) To authorize the investing of moneys in the bond retirement fund and any reserve account therein;

(3) To authorize the transfer of money from the University of Washington building account to the bond retirement fund when necessary to prevent a default in the payments required to be made out of such fund;

(4) To create a reserve account or accounts in the bond retirement fund to secure the payment of the principal of and interest on any bonds;

(5) To authorize the transfer to the University of Washington building account of any money on deposit in the bond retirement fund in excess of debt service for a period of three years from the date of such transfer on all outstanding bonds payable out of such fund. (~~However, during the 2019-2021 fiscal biennium, the legislature may transfer to the University of Washington building account moneys that are in excess of the debt service due within the 2019-2021 fiscal biennium from the date of such transfer on all outstanding bonds payable out of the bond retirement fund.~~) However, during the 2021-2023 fiscal biennium, the legislature may transfer to the University of Washington building account moneys that are in excess of the debt service due within the 2021-2023 fiscal biennium from the date of such transfer on all outstanding bonds payable out of the bond retirement fund. However, during the 2023-2025 fiscal biennium, the legislature may transfer to the University of Washington building account moneys that are in excess of the debt service due within the 2023-2025 fiscal biennium from the date of such transfer on all outstanding bonds payable out of the bond retirement fund.

Sec. 8024. RCW 28B.15.210 and 2021 c 332 s 7025 are each amended to read as follows:

Within ~~((thirty-five))~~ 35 days from the date of collection thereof, all building fees at the University of Washington, including building fees to be charged students registering in the schools of medicine and dentistry, shall be paid into the state treasury and credited as follows:

One-half or such larger portion as may be necessary to prevent a default in the payments required to be made out of the bond retirement fund to the "University of Washington bond retirement fund" and the remainder thereof to the "University of Washington building account." The sum so credited to the University of Washington building account shall be used exclusively for the purpose of erecting, altering, maintaining, equipping, or furnishing buildings, and for certificates of participation under chapter 39.94 RCW, except for any sums transferred as authorized in RCW 28B.20.725(3). The sum so credited to the University of Washington bond retirement fund shall be used for the payment of principal of and interest on bonds outstanding as provided by chapter 28B.20 RCW except for any sums transferred as authorized in RCW 28B.20.725(5). ~~((During the 2019-2021 biennium, sums credited to the University of Washington building account may also be used for routine facility maintenance, utility costs, and facility condition assessments.))~~ During the 2021-2023 biennium, sums credited to the University of Washington building account may also be used for routine facility maintenance, utility costs, and facility condition assessments. During the 2023-2025 biennium, sums credited to the University of Washington building account may also be used for routine facility maintenance, utility costs, and facility condition assessments.

Sec. 8025. RCW 28B.15.310 and 2021 c 332 s 7026 are each amended to read as follows:

Within ~~((thirty-five))~~ 35 days from the date of collection thereof, all building fees shall be paid and credited as follows: To the Washington State University bond retirement fund, one-half or such larger portion as may be necessary to prevent a default in the payments required to be made out of such bond retirement fund; and the remainder thereof to the Washington State University building account.

The sum so credited to the Washington State University building account shall be expended by the board of regents for buildings, equipment, or maintenance on the campus of Washington State University as may be deemed most advisable and for the best interests of the university, and for certificates of participation under chapter 39.94 RCW, except for any sums transferred as authorized by law. ~~((During the 2019-2021 biennium, sums credited to the Washington State University building account may also be used for routine facility maintenance, utility costs, and facility condition assessments.))~~ During the 2021-2023 biennium, sums credited to the Washington State University building account may also be used for routine facility maintenance, utility costs, and facility condition assessments. During the 2023-2025 biennium, sums credited to the Washington State University building account may also be used for routine facility maintenance, utility costs, and facility condition assessments. Expenditures so made shall be accounted for in accordance with existing law and shall not be expended until appropriated by the legislature.

The sum so credited to the Washington State University bond retirement fund shall be used to pay and secure the payment of the principal of and interest

on building bonds issued by the university, except for any sums which may be transferred out of such fund as authorized by law.

Sec. 8026. RCW 28B.30.750 and 2021 c 332 s 7028 are each amended to read as follows:

The board is hereby empowered:

(1) To reserve the right to issue bonds later on a parity with any bonds being issued;

(2) To authorize the investing of moneys in the bond retirement fund and any reserve account therein;

(3) To authorize the transfer of money from the Washington State University building account to the bond retirement fund when necessary to prevent a default in the payments required to be made out of such fund;

(4) To create a reserve account or accounts in the bond retirement fund to secure the payment of the principal of and interest on any bonds;

(5) To authorize the transfer to the Washington State University building account of any money on deposit in the bond retirement fund in excess of debt service for a period of three years from the date of such transfer on all outstanding bonds payable out of such fund. ~~((However, during the 2019-2021 fiscal biennium, the legislature may transfer to the Washington State University building account moneys that are in excess of the debt service due within the 2019-2021 fiscal biennium from the date of such transfer on all outstanding bonds payable out of the bond retirement fund.))~~ However, during the 2021-2023 fiscal biennium, the legislature may transfer to the Washington State University building account moneys that are in excess of the debt service due within the 2021-2023 fiscal biennium from the date of such transfer on all outstanding bonds payable out of the bond retirement fund. However, during the 2023-2025 fiscal biennium, the legislature may transfer to the Washington State University building account moneys that are in excess of the debt service due within the 2023-2025 fiscal biennium from the date of such transfer on all outstanding bonds payable out of the bond retirement fund.

Sec. 8027. RCW 28B.35.370 and 2021 c 332 s 7029 are each amended to read as follows:

Within ~~((thirty five))~~ 35 days from the date of collection thereof all building fees of each regional university and The Evergreen State College shall be paid into the state treasury and these together with such normal school fund revenues as provided in RCW 28B.35.751 as are received by the state treasury shall be credited as follows:

(1) On or before June 30th of each year the board of trustees of each regional university and The Evergreen State College, if issuing bonds payable out of its building fees and above described normal school fund revenues, shall certify to the state treasurer the amounts required in the ensuing ~~((twelve))~~ 12 months to pay and secure the payment of the principal of and interest on such bonds. The amounts so certified by each regional university and The Evergreen State College shall be a prior lien and charge against all building fees and above described normal school fund revenues of such institution. The state treasurer shall thereupon deposit the amounts so certified in the Eastern Washington University capital projects account, the Central Washington University capital projects account, the Western Washington University capital projects account, or

The Evergreen State College capital projects account respectively, which accounts are hereby created in the state treasury. The amounts deposited in the respective capital projects accounts shall be used to pay and secure the payment of the principal of and interest on the building bonds issued by such regional universities and The Evergreen State College as authorized by law. If in any ~~((twelve))~~ 12-month period it shall appear that the amount certified by any such board of trustees is insufficient to pay and secure the payment of the principal of and interest on the outstanding building and above described normal school fund revenue bonds of its institution, the state treasurer shall notify the board of trustees and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal of and interest on all such bonds then outstanding shall be fully met at all times.

(2) All normal school fund revenue pursuant to RCW 28B.35.751 shall be deposited in the Eastern Washington University capital projects account, the Central Washington University capital projects account, the Western Washington University capital projects account, or The Evergreen State College capital projects account respectively, which accounts are hereby created in the state treasury. The sums deposited in the respective capital projects accounts shall be appropriated and expended to pay and secure the payment of the principal of and interest on bonds payable out of the building fees and normal school revenue and for the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto except for any sums transferred therefrom as authorized by law. ~~((During the 2019-2021 biennium, sums in the respective capital accounts may also be used for routine facility maintenance, utility costs, and facility condition assessments.))~~ During the 2021-2023 biennium, sums in the respective capital accounts may also be used for routine facility maintenance, utility costs, and facility condition assessments. During the 2023-2025 biennium, sums in the respective capital accounts may also be used for routine facility maintenance, utility costs, and facility condition assessments.

(3) Funds available in the respective capital projects accounts may also be used for certificates of participation under chapter 39.94 RCW.

Sec. 8028. RCW 28B.50.360 and 2021 c 332 s 7030 are each amended to read as follows:

Within ~~((thirty-five))~~ 35 days from the date of start of each quarter all collected building fees of each such community and technical college shall be paid into the state treasury, and shall be credited as follows:

(1) On or before June 30th of each year the college board, if issuing bonds payable out of building fees, shall certify to the state treasurer the amounts required in the ensuing ~~((twelve))~~ 12-month period to pay and secure the payment of the principal of and interest on such bonds. The state treasurer shall thereupon deposit the amounts so certified in the community and technical college capital projects account. Such amounts of the funds deposited in the community and technical college capital projects account as are necessary to pay and secure the payment of the principal of and interest on the building bonds issued by the college board as authorized by this chapter shall be devoted to that purpose. If in any ~~((twelve))~~ 12-month period it shall appear that the amount certified by the college board is insufficient to pay and secure the payment of the

principal of and interest on the outstanding building bonds, the state treasurer shall notify the college board and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal and interest on all such bonds then outstanding shall be fully met at all times.

(2) The community and technical college capital projects account is hereby created in the state treasury. The sums deposited in the capital projects account shall be appropriated and expended to pay and secure the payment of the principal of and interest on bonds payable out of the building fees and for the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets owned by the state board for community and technical colleges in the name of the state of Washington, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto, engineering and architectural services provided by the department of enterprise services, and for the payment of principal of and interest on any bonds issued for such purposes. ~~((During the 2019-2021 biennium, sums in the capital projects account may also be used for routine facility maintenance and utility costs.))~~ During the 2021-2023 biennium, sums in the capital projects account may also be used for routine facility maintenance and utility costs. During the 2023-2025 biennium, sums in the capital projects account may also be used for routine facility maintenance and utility costs.

(3) Funds available in the community and technical college capital projects account may also be used for certificates of participation under chapter 39.94 RCW.

Sec. 8029. RCW 39.35D.030 and 2021 c 332 s 7049 are each amended to read as follows:

(1) All major facility projects of public agencies receiving any funding in a state capital budget, or projects financed through a financing contract as defined in RCW 39.94.020, must be designed, constructed, and certified to at least the LEED silver standard. This subsection applies to major facility projects that have not entered the design phase prior to July 24, 2005, and to the extent appropriate LEED silver standards exist for that type of building or facility.

(2) All major facility projects of any entity other than a public agency or public school district receiving any funding in a state capital budget must be designed, constructed, and certified to at least the LEED silver standard. This subsection applies to major facility projects that have not entered the grant application process prior to July 24, 2005, and to the extent appropriate LEED silver standards exist for that type of building or facility.

(3)(a) Public agencies, under this section, shall monitor and document ongoing operating savings resulting from major facility projects designed, constructed, and certified as required under this section.

(b) Public agencies, under this section, shall report annually to the department on major facility projects and operating savings.

(4) The department shall consolidate the reports required in subsection (3) of this section into one report and report to the governor and legislature by September 1st of each even-numbered year beginning in 2006 and ending in 2016. In its report, the department shall also report on the implementation of this chapter, including reasons why the LEED standard was not used as required by RCW 39.35D.020(5)(b). The department shall make recommendations

regarding the ongoing implementation of this chapter, including a discussion of incentives and disincentives related to implementing this chapter.

(5) For the purposes of determining compliance with the requirement for a project to be designed, constructed, and certified to at least the LEED silver standard, the department must credit one additional point for a project that uses wood products with a credible third-party sustainable forest certification or from forests regulated under chapter 76.09 RCW, the Washington forest practices act. For projects that qualify for this additional point, and for which an additional point would have resulted in formal certification under the LEED silver standard, the project must be deemed to meet the standard under this section.

(6) During the 2021-2023 and 2023-2025 fiscal ((~~biennium~~)) biennia, an alternative high-performance building certification, as determined by the legislature, may be used instead of the LEED silver building design, construction, and certification standard required by this section.

Sec. 8030. RCW 43.07.410 and 2019 c 448 s 9 are each amended to read as follows:

The Washington state library-archives building account is created in the custody of the state treasurer. All moneys received under RCW 36.18.010(12), 36.22.175(3), and 43.07.370(3) must be deposited in the account. ((~~Expenditures~~)) Except for during the 2023-2025 fiscal biennium, expenditures from the account may be made only for the purposes of payment of the financing contract entered into by the secretary of state for the Washington state library-archives building. During the 2023-2025 fiscal biennium, the secretary of state may spend up to \$8,000,000 from the account for costs associated with the design and construction of the state library-archives building and for costs necessary to prepare the building for occupancy. Only the secretary of state or the secretary of state's designee may authorize expenditures from the account. An appropriation is not required for expenditures, but the account is subject to allotment procedures under chapter 43.88 RCW.

Sec. 8031. RCW 43.31.577 and 2021 c 130 s 1 are each amended to read as follows:

(1) Activities eligible for funding through the early learning facilities grant and loan program for eligible organizations include:

(a) Facility predesign grants or loans of no more than \$20,000 to allow eligible organizations to secure professional services or consult with organizations certified by the community development financial institutions fund to plan for and assess the feasibility of early learning facilities projects or receive other technical assistance to design and develop projects for construction funding;

(b) Grants or loans of no more than \$200,000 for minor renovations or repairs of existing early learning facilities or for predevelopment activities to advance a proposal from planning to major construction or renovation;

(c) Major construction and renovation grants or loans and grants or loans for facility purchases of no more than \$1,000,000 to create or expand early learning facilities, except that during the 2023-2025 fiscal biennium these grants or loans may not exceed \$2,500,000; and

(d) Administration costs associated with conducting application processes, managing contracts, and providing technical assistance.

(2) Activities eligible for funding through the early learning facilities grant and loan program for school districts include major construction, purchase, and renovation grants or loans of no more than \$1,000,000 to create or expand early learning facilities that received priority and ranking as described in RCW 43.31.581.

(3) Amounts in this section must be increased annually by the United States implicit price deflator for state and local government construction provided by the office of financial management.

Sec. 8032. RCW 43.82.010 and 2018 c 217 s 7 are each amended to read as follows:

(1) The director of enterprise services, on behalf of the agency involved and after consultation with the office of financial management, shall purchase, lease, lease purchase, rent, or otherwise acquire all real estate, improved or unimproved, as may be required by elected state officials, institutions, departments, commissions, boards, and other state agencies, or federal agencies where joint state and federal activities are undertaken and may grant easements and transfer, exchange, sell, lease, or sublease all or part of any surplus real estate for those state agencies which do not otherwise have the specific authority to dispose of real estate. Any such transfer, exchange, or sale must comply with RCW 43.17.400, and may be made in accordance with RCW 39.33.015. This section does not transfer financial liability for the acquired property to the department of enterprise services.

(2) Except for real estate occupied by federal agencies, the director shall determine the location, size, and design of any real estate or improvements thereon acquired or held pursuant to subsection (1) of this section. Facilities acquired or held pursuant to this chapter, and any improvements thereon, shall conform to standards adopted by the director and approved by the office of financial management governing facility efficiency unless a specific exemption from such standards is provided by the director of enterprise services. The director of enterprise services shall report to the office of financial management and the appropriate committees of the legislature annually on any exemptions granted pursuant to this subsection.

(3) Except for leases permitted under subsection (4) of this section, the director of enterprise services may fix the terms and conditions of each lease entered into under this chapter, except that no lease shall extend greater than twenty years in duration. The director of enterprise services may enter into a long-term lease greater than ten years in duration upon a determination by the director of the office of financial management that the long-term lease provides a more favorable rate than would otherwise be available, it appears to a substantial certainty that the facility is necessary for use by the state for the full length of the lease term, and the facility meets the standards adopted pursuant to subsection (2) of this section. The director of enterprise services may enter into a long-term lease greater than ten years in duration if an analysis shows that the life-cycle cost of leasing the facility is less than the life-cycle cost of purchasing or constructing a facility in lieu of leasing the facility.

(4)(a) The director of enterprise services may fix the terms of leases for property under the department of enterprise services' control at the former Northern State Hospital site for up to sixty years.

(b) During the 2023-2025 fiscal biennium, the state board for community and technical colleges on behalf of north Seattle community college may enter into a long-term lease, not to exceed 99 years, of a portion of the north Seattle community college for purposes of affordable housing under RCW 39.33.015.

(5) Except as permitted under chapter 39.94 RCW, no lease for or on behalf of any state agency may be used or referred to as collateral or security for the payment of securities offered for sale through a public offering. Except as permitted under chapter 39.94 RCW, no lease for or on behalf of any state agency may be used or referred to as collateral or security for the payment of securities offered for sale through a private placement without the prior written approval of the state treasurer. However, this limitation shall not prevent a lessor from assigning or encumbering its interest in a lease as security for the repayment of a promissory note provided that the transaction would otherwise be an exempt transaction under RCW 21.20.320. The state treasurer shall adopt rules that establish the criteria under which any such approval may be granted. In establishing such criteria the state treasurer shall give primary consideration to the protection of the state's credit rating and the integrity of the state's debt management program. If it appears to the state treasurer that any lease has been used or referred to in violation of this subsection or rules adopted under this subsection, then he or she may recommend that the governor cause such lease to be terminated. The department of enterprise services shall promptly notify the state treasurer whenever it may appear to the department that any lease has been used or referred to in violation of this subsection or rules adopted under this subsection.

(6) It is the policy of the state to encourage the colocation and consolidation of state services into single or adjacent facilities, whenever appropriate, to improve public service delivery, minimize duplication of facilities, increase efficiency of operations, and promote sound growth management planning.

(7) The director of enterprise services shall provide coordinated long-range planning services to identify and evaluate opportunities for collocating and consolidating state facilities. Upon the renewal of any lease, the inception of a new lease, or the purchase of a facility, the director of enterprise services shall determine whether an opportunity exists for collocating the agency or agencies in a single facility with other agencies located in the same geographic area. If a colocation opportunity exists, the director of enterprise services shall consult with the affected state agencies and the office of financial management to evaluate the impact colocation would have on the cost and delivery of agency programs, including whether program delivery would be enhanced due to the centralization of services. The director of enterprise services, in consultation with the office of financial management, shall develop procedures for implementing colocation and consolidation of state facilities.

(8) The director of enterprise services is authorized to purchase, lease, rent, or otherwise acquire improved or unimproved real estate as owner or lessee and to lease or sublet all or a part of such real estate to state or federal agencies. The director of enterprise services shall charge each using agency its proportionate rental which shall include an amount sufficient to pay all costs, including, but not limited to, those for utilities, janitorial and accounting services, and sufficient to provide for contingencies; which shall not exceed five percent of the

average annual rental, to meet unforeseen expenses incident to management of the real estate.

(9) If the director of enterprise services determines that it is necessary or advisable to undertake any work, construction, alteration, repair, or improvement on any real estate acquired pursuant to subsection (1) or (8) of this section, the director shall cause plans and specifications thereof and an estimate of the cost of such work to be made and filed in his or her office and the state agency benefiting thereby is hereby authorized to pay for such work out of any available funds: PROVIDED, That the cost of executing such work shall not exceed the sum of twenty-five thousand dollars. Work, construction, alteration, repair, or improvement in excess of twenty-five thousand dollars, other than that done by the owner of the property if other than the state, shall be performed in accordance with the public works law of this state.

(10) In order to obtain maximum utilization of space, the director of enterprise services shall make space utilization studies, and shall establish standards for use of space by state agencies. Such studies shall include the identification of opportunities for colocation and consolidation of state agency office and support facilities.

(11) The director of enterprise services may construct new buildings on, or improve existing facilities, and furnish and equip, all real estate under his or her management. Prior to the construction of new buildings or major improvements to existing facilities or acquisition of facilities using a lease purchase contract, the director of enterprise services shall conduct an evaluation of the facility design and budget using life-cycle cost analysis, value-engineering, and other techniques to maximize the long-term effectiveness and efficiency of the facility or improvement.

(12) All conveyances and contracts to purchase, lease, rent, transfer, exchange, or sell real estate and to grant and accept easements shall be approved as to form by the attorney general, signed by the director of enterprise services or the director's designee, and recorded with the county auditor of the county in which the property is located.

(13) The director of enterprise services may delegate any or all of the functions specified in this section to any agency upon such terms and conditions as the director deems advisable. By January 1st of each year, beginning January 1, 2008, the department shall submit an annual report to the office of financial management and the appropriate committees of the legislature on all delegated leases.

(14) This section does not apply to the acquisition of real estate by:

(a) The state college and universities for research or experimental purposes;
(b) The state liquor and cannabis board for liquor stores and warehouses;
(c) The department of natural resources, the department of fish and wildlife, the department of transportation, and the state parks and recreation commission for purposes other than the leasing of offices, warehouses, and real estate for similar purposes; and

(d) The department of commerce for community college health career training programs, offices for the department of commerce or other appropriate state agencies, and other nonprofit community uses, including community meeting and training facilities, where the real estate is acquired during the 2013-2015 fiscal biennium.

(15) Notwithstanding any provision in this chapter to the contrary, the department of enterprise services may negotiate ground leases for public lands on which property is to be acquired under a financing contract pursuant to chapter 39.94 RCW under terms approved by the state finance committee.

(16) The department of enterprise services shall report annually to the office of financial management and the appropriate fiscal committees of the legislature on facility leases executed for all state agencies for the preceding year, lease terms, and annual lease costs. The report must include leases executed under RCW 43.82.045 and subsection (13) of this section.

Sec. 8033. RCW 43.83B.430 and 2022 c 297 s 957 and 2022 c 296 s 7008 are each reenacted and amended to read as follows:

The state drought preparedness and response account is created in the state treasury. All receipts from appropriated funds designated for the account and all cost recovery revenues collected under RCW 43.83B.410(5) must be deposited into the account. Expenditures from the account may be used for drought preparedness and response activities under this chapter, including grants issued under RCW 43.83B.415. ~~((During the 2021-2023 fiscal biennium, moneys in the account may be used for water banking pilot projects.))~~ Moneys in the account may be spent only after appropriation. During the 2021-2023 and 2023-2025 fiscal ~~((biennium))~~ biennia, the legislature may appropriate moneys from the account for activities related to water banking.

Sec. 8034. RCW 43.88D.010 and 2021 c 332 s 7034 are each amended to read as follows:

(1) By October 1st of each even-numbered year, the office of financial management shall complete an objective analysis and scoring of all capital budget projects proposed by the public four-year institutions of higher education and submit the results of the scoring process to the legislative fiscal committees and the four-year institutions. Each project must be reviewed and scored within one of the following categories, according to the project's principal purpose. Each project may be scored in only one category. The categories are:

(a) Access-related projects to accommodate enrollment growth at all campuses, at existing or new university centers, or through distance learning. Growth projects should provide significant additional student capacity. Proposed projects must demonstrate that they are based on solid enrollment demand projections, more cost-effectively provide enrollment access than alternatives such as university centers and distance learning, and make cost-effective use of existing and proposed new space;

(b) Projects that replace failing permanent buildings. Facilities that cannot be economically renovated are considered replacement projects. New space may be programmed for the same or a different use than the space being replaced and may include additions to improve access and enhance the relationship of program or support space;

(c) Projects that renovate facilities to restore building life and upgrade space to meet current program requirements. Renovation projects should represent a complete renovation of a total facility or an isolated wing of a facility. A reasonable renovation project should cost between sixty to eighty percent of current replacement value and restore the renovated area to at least twenty-five years of useful life. New space may be programmed for the same or a different

use than the space being renovated and may include additions to improve access and enhance the relationship of program or support space;

(d) Major stand-alone campus infrastructure projects;

(e) Projects that promote economic growth and innovation through expanded research activity. The acquisition and installation of specialized equipment is authorized under this category; and

(f) Other project categories as determined by the office of financial management in consultation with the legislative fiscal committees.

(2) The office of financial management, in consultation with the legislative fiscal committees, shall establish a scoring system and process for each four-year project category that is based on the framework used in the community and technical college system of prioritization. Staff from the state board for community and technical colleges and the four-year institutions shall provide technical assistance on the development of a scoring system and process.

(3) The office of financial management shall consult with the legislative fiscal committees in the scoring of four-year institution project proposals, and may also solicit participation by independent experts.

(a) For each four-year project category, the scoring system must, at a minimum, include an evaluation of enrollment trends, reasonableness of cost, the ability of the project to enhance specific strategic master plan goals, age and condition of the facility if applicable, and impact on space utilization.

(b) Each four-year project category may include projects at the predesign, design, or construction funding phase.

(c) To the extent possible, the objective analysis and scoring system of all capital budget projects shall occur within the context of any and all performance agreements between the office of financial management and the governing board of a public, four-year institution of higher education that aligns goals, priorities, desired outcomes, flexibility, institutional mission, accountability, and levels of resources.

(4) In evaluating and scoring four-year institution projects, the office of financial management shall take into consideration project schedules that result in realistic, balanced, and predictable expenditure patterns over the ensuing three biennia.

(5) The office of financial management shall distribute common definitions, the scoring system, and other information required for the project proposal and scoring process as part of its biennial budget instructions. The office of financial management, in consultation with the legislative fiscal committees, shall develop common definitions that four-year institutions must use in developing their project proposals and lists under this section.

(6) In developing any scoring system for capital projects proposed by the four-year institutions, the office of financial management:

(a) Shall be provided with all required information by the four-year institutions as deemed necessary by the office of financial management;

(b) May utilize independent services to verify, sample, or evaluate information provided to the office of financial management by the four-year institutions; and

(c) Shall have full access to all data maintained by the joint legislative audit and review committee concerning the condition of higher education facilities.

(7) By August 1st of each even-numbered year each public four-year higher education institution shall prepare and submit prioritized lists of the individual projects proposed by the institution for the ensuing six-year period in each category. The lists must be submitted to the office of financial management and the legislative fiscal committees. The four-year institutions may aggregate minor works project proposals by primary purpose for ranking purposes. Proposed minor works projects must be prioritized within the aggregated proposal, and supporting documentation, including project descriptions and cost estimates, must be provided to the office of financial management and the legislative fiscal committees.

(8) For ~~((the 2019-2021 fiscal biennium and))~~ the 2021-2023 fiscal biennium, pursuant to subsection (1) of this section, by November 1, 2022, the office of financial management must score higher education capital project criteria with a rating scale that assesses how well a particular project satisfies those criteria. The office of financial management may not use a rating scale that weighs the importance of those criteria.

(9) For ~~((the 2019-2021 fiscal biennium and))~~ the 2021-2023 fiscal biennium, pursuant to subsection (6)(a) of this section and in lieu of the requirements of subsection (7) of this section, by August 15, 2022, the institutions of higher education shall prepare and submit or resubmit to the office of financial management and the legislative fiscal committees:

(a) Individual project proposals developed pursuant to subsection (1) of this section;

(b) Individual project proposals scored in prior biennia pursuant to subsection (1) of this section; and

(c) A prioritized list of up to five project proposals submitted pursuant to (a) and (b) of this subsection.

(10) The requirements of this section are suspended during the 2023-2025 fiscal biennium. However, instead of these requirements, the public four-year institutions of higher education must submit additional supporting information for major project funding requests for the 2025-2027 fiscal biennium that is equivalent to the information produced for the 2022 higher education scoring process under subsection (9) of this section. Examples of the information required under this subsection include, but are not limited to, measures of: (a) Space efficiency, (b) reasonableness of project cost, (c) facility condition, and (d) anticipated impacts of the requested major projects on projected degree totals. The public four-year institutions of higher education shall consult with the office of financial management and legislative fiscal staff regarding the implementation of this requirement and the content of the additional information.

Sec. 8035. RCW 43.88.030 and 2020 c 218 s 1 are each amended to read as follows:

(1) The director of financial management shall provide all agencies with a complete set of instructions for submitting biennial budget requests to the director at least three months before agency budget documents are due into the office of financial management. The budget document or documents shall consist of the governor's budget message which shall be explanatory of the budget and shall contain an outline of the proposed financial policies of the state for the ensuing fiscal period, as well as an outline of the proposed six-year

financial policies where applicable, and shall describe in connection therewith the important features of the budget. The biennial budget document or documents shall also describe performance indicators that demonstrate measurable progress towards priority results. The message shall set forth the reasons for salient changes from the previous fiscal period in expenditure and revenue items and shall explain any major changes in financial policy. Attached to the budget message shall be such supporting schedules, exhibits and other explanatory material in respect to both current operations and capital improvements as the governor shall deem to be useful to the legislature. The budget document or documents shall set forth a proposal for expenditures in the ensuing fiscal period, or six-year period where applicable, based upon the estimated revenues and caseloads as approved by the economic and revenue forecast council and caseload forecast council or upon the estimated revenues and caseloads of the office of financial management for those funds, accounts, sources, and programs for which the forecast councils do not prepare an official forecast. Revenues shall be estimated for such fiscal period from the source and at the rates existing by law at the time of submission of the budget document, including the supplemental budgets submitted in the even-numbered years of a biennium. However, the estimated revenues and caseloads for use in the governor's budget document may be adjusted to reflect budgetary revenue transfers and revenue and caseload estimates dependent upon budgetary assumptions of enrollments, workloads, and caseloads. All adjustments to the approved estimated revenues and caseloads must be set forth in the budget document. The governor may additionally submit, as an appendix to each supplemental, biennial, or six-year agency budget or to the budget document or documents, a proposal for expenditures in the ensuing fiscal period from revenue sources derived from proposed changes in existing statutes.

The budget document or documents shall also contain:

(a) Revenues classified by fund and source for the immediately past fiscal period, those received or anticipated for the current fiscal period, and those anticipated for the ensuing biennium;

(b) The undesignated fund balance or deficit, by fund;

(c) Such additional information dealing with expenditures, revenues, workload, performance, and personnel as the legislature may direct by law or concurrent resolution;

(d) Such additional information dealing with revenues and expenditures as the governor shall deem pertinent and useful to the legislature;

(e) Tabulations showing expenditures classified by fund, function, and agency;

(f) The expenditures that include nonbudgeted, nonappropriated accounts outside the state treasury;

(g) Identification of all proposed direct expenditures to implement the Puget Sound water quality plan under chapter 90.71 RCW, shown by agency and in total; and

(h) Tabulations showing each postretirement adjustment by retirement system established after fiscal year 1991, to include, but not be limited to, estimated total payments made to the end of the previous biennial period, estimated payments for the present biennium, and estimated payments for the ensuing biennium.

(2) The budget document or documents shall include detailed estimates of all anticipated revenues applicable to proposed operating or capital expenditures and shall also include all proposed operating or capital expenditures. The total of beginning undesignated fund balance and estimated revenues less working capital and other reserves shall equal or exceed the total of proposed applicable expenditures. The budget document or documents shall further include:

- (a) Interest, amortization and redemption charges on the state debt;
- (b) Payments of all reliefs, judgments, and claims;
- (c) Other statutory expenditures;
- (d) Expenditures incident to the operation for each agency;
- (e) Revenues derived from agency operations;

(f) Expenditures and revenues shall be given in comparative form showing those incurred or received for the immediately past fiscal period and those anticipated for the current biennium and next ensuing biennium;

(g) A showing and explanation of amounts of general fund and other funds obligations for debt service and any transfers of moneys that otherwise would have been available for appropriation;

(h) Common school expenditures on a fiscal-year basis;

(i) A showing, by agency, of the value and purpose of financing contracts for the lease/purchase or acquisition of personal or real property for the current and ensuing fiscal periods; and

(j) A showing and explanation of anticipated amounts of general fund and other funds required to amortize the unfunded actuarial accrued liability of the retirement system specified under chapter 41.45 RCW, and the contributions to meet such amortization, stated in total dollars and as a level percentage of total compensation.

(3) The governor's operating budget document or documents shall reflect the statewide priorities as required by RCW 43.88.090.

(4) The governor's operating budget document or documents shall identify activities that are not addressing the statewide priorities.

(5)(a) Beginning in the 2021-2023 fiscal biennium, the governor's operating budget document or documents submitted to the legislature must leave, in total, a positive ending fund balance in the general fund and related funds.

(b) Beginning in the 2021-2023 fiscal biennium, the projected maintenance level of the governor's operating budget document or documents submitted to the legislature must not exceed the available fiscal resources for the next ensuing fiscal biennium.

(c) For purposes of this subsection:

(i) "Available fiscal resources" means the beginning general fund and related funds balances and any fiscal resources estimated for the general fund and related funds, adjusted for proposed revenue legislation, and with forecasted revenues adjusted to the greater of (A) the official general fund and related funds revenue forecast for the ensuing biennium, or (B) the official general fund and related funds forecast for the second fiscal year of the current fiscal biennium, increased by 4.5 percent for each fiscal year of the ensuing biennium.

(ii) "Projected maintenance level" means estimated appropriations necessary to maintain the continuing costs of program and service levels either funded in the governor's budget document or documents submitted to the legislature or mandated by other state or federal law, adjusted by the estimated

cost of proposed executive branch legislation, and the amount of any general fund moneys projected to be transferred to the budget stabilization account pursuant to Article VII, section 12 of the state Constitution. Proposed executive branch legislation does not include proposals by institutions of higher education, other separately elected officials, or other boards, commissions, and offices not under the authority of the governor that are not funded or assumed in the governor's budget document or documents submitted to the legislature.

(iii) "Related funds" has the meaning defined in RCW 43.88.055.

(d) (b) of this subsection (5) does not apply:

(i) To any governor-proposed legislation submitted to the legislature that makes net reductions in general fund and related funds appropriations to prevent the governor from making across-the-board reductions in allotments for these particular funds as provided in RCW 43.88.110(~~(7)~~) (10); or

(ii) In a fiscal biennium for which the governor proposes appropriations from the budget stabilization account pursuant to Article VII, section 12(d)(ii) of the state Constitution.

(6) A separate capital budget document or schedule shall be submitted that will contain the following:

(a) A statement setting forth a long-range facilities plan for the state that identifies and includes the highest priority needs within affordable spending levels;

(b) A capital program consisting of proposed capital projects for the next biennium and the two biennia succeeding the next biennium consistent with the long-range facilities plan. Inasmuch as is practical, and recognizing emergent needs, the capital program shall reflect the priorities, projects, and spending levels proposed in previously submitted capital budget documents in order to provide a reliable long-range planning tool for the legislature and state agencies;

(c) A capital plan consisting of proposed capital spending for at least four biennia succeeding the next biennium;

(d) A strategic plan for reducing backlogs of maintenance and repair projects. The plan shall include a prioritized list of specific facility deficiencies and capital projects to address the deficiencies for each agency, cost estimates for each project, a schedule for completing projects over a reasonable period of time, and identification of normal maintenance activities to reduce future backlogs;

(e) A statement of the reason or purpose for a project;

(f) Verification that a project is consistent with the provisions set forth in chapter 36.70A RCW;

(g) A statement about the proposed site, size, and estimated life of the project, if applicable;

(h) Estimated total project cost;

(i) For major projects valued over five million dollars, estimated costs for the following project components: Acquisition, consultant services, construction, equipment, project management, and other costs included as part of the project. Project component costs shall be displayed in a standard format defined by the office of financial management to allow comparisons between projects;

(j) Estimated total project cost for each phase of the project as defined by the office of financial management;

- (k) Estimated ensuing biennium costs;
- (l) Estimated costs beyond the ensuing biennium;
- (m) Estimated construction start and completion dates;
- (n) Source and type of funds proposed;
- (o) Estimated ongoing operating budget costs or savings resulting from the project, including staffing and maintenance costs;

(p) For any capital appropriation requested for a state agency for the acquisition of land or the capital improvement of land in which the primary purpose of the acquisition or improvement is recreation or wildlife habitat conservation, the capital budget document, or an omnibus list of recreation and habitat acquisitions provided with the governor's budget document, shall identify the projected costs of operation and maintenance for at least the two biennia succeeding the next biennium. Omnibus lists of habitat and recreation land acquisitions shall include individual project cost estimates for operation and maintenance as well as a total for all state projects included in the list. The document shall identify the source of funds from which the operation and maintenance costs are proposed to be funded;

(q) For any capital budget request for funding in the 2023-2025 or 2025-2027 fiscal biennia by an institution of higher education to address a cost increase for any major project, a statement describing the unexpected project costs, ways the agency has mitigated or will mitigate the estimated project costs, and identification of other funding that may be applied to the project. For purposes of this subsection (6)(q):

(i) "Cost increases" means total project costs estimated above those listed in the prior agency budget request and for which the legislature relied in making a funding decision for design or construction, adjusted for C-100 inflation factors; and

(ii) "Institution of higher education" has the meaning provided in RCW 28B.10.016;

(r) Such other information bearing upon capital projects as the governor deems to be useful;

~~((#))~~ (s) Standard terms, including a standard and uniform definition of normal maintenance, for all capital projects; and

~~((#))~~ (t) Such other information as the legislature may direct by law or concurrent resolution.

For purposes of this subsection (6), the term "capital project" shall be defined subsequent to the analysis, findings, and recommendations of a joint committee comprised of representatives from the house capital appropriations committee, senate ways and means committee, legislative evaluation and accountability program committee, and office of financial management.

(7) No change affecting the comparability of agency or program information relating to expenditures, revenues, workload, performance and personnel shall be made in the format of any budget document or report presented to the legislature under this section or RCW 43.88.160(1) relative to the format of the budget document or report which was presented to the previous regular session of the legislature during an odd-numbered year without prior legislative concurrence. Prior legislative concurrence shall consist of (a) a favorable majority vote on the proposal by the standing committees on ways and means of both houses if the legislature is in session or (b) a favorable majority vote on the

proposal by members of the legislative evaluation and accountability program committee if the legislature is not in session.

Sec. 8036. RCW 43.99N.060 and 2021 c 334 s 976 are each amended to read as follows:

(1) The stadium and exhibition center account is created in the custody of the state treasurer. All receipts from the taxes imposed under RCW 82.14.0494 and distributions under RCW 67.70.240(1)(d) shall be deposited into the account. Only the director of the office of financial management or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW. An appropriation is not required for expenditures from this account.

(2) Until bonds are issued under RCW 43.99N.020, up to (~~five million dollars~~) \$5,000,000 per year beginning January 1, 1999, shall be used for the purposes of subsection (3)(b) of this section, all remaining moneys in the account shall be transferred to the public stadium authority, created under RCW 36.102.020, to be used for public stadium authority operations and development of the stadium and exhibition center.

(3) After bonds are issued under RCW 43.99N.020, all moneys in the stadium and exhibition center account shall be used exclusively for the following purposes in the following priority:

(a) On or before June 30th of each year, the office of financial management shall accumulate in the stadium and exhibition center account an amount at least equal to the amount required in the next succeeding twelve months for the payment of principal of and interest on the bonds issued under RCW 43.99N.020;

(b) An additional reserve amount not in excess of the expected average annual principal and interest requirements of bonds issued under RCW 43.99N.020 shall be accumulated and maintained in the account, subject to withdrawal by the state treasurer at any time if necessary to meet the requirements of (a) of this subsection, and, following any withdrawal, reaccumulated from the first tax revenues and other amounts deposited in the account after meeting the requirements of (a) of this subsection; and

(c) The balance, if any, shall be transferred to the youth athletic facility account under subsection (4) of this section.

Any revenues derived from the taxes authorized by RCW 36.38.010(5) and 36.38.040 or other amounts that if used as provided under (a) and (b) of this subsection would cause the loss of any tax exemption under federal law for interest on bonds issued under RCW 43.99N.020 shall be deposited in and used exclusively for the purposes of the youth athletic facility account and shall not be used, directly or indirectly, as a source of payment of principal of or interest on bonds issued under RCW 43.99N.020, or to replace or reimburse other funds used for that purpose.

(4) Any moneys in the stadium and exhibition center account not required or permitted to be used for the purposes described in subsection (3)(a) and (b) of this section shall be deposited in the youth athletic facility account hereby created in the state treasury. Expenditures from the account may be used only for purposes of grants or loans to cities, counties, and qualified nonprofit organizations for community outdoor athletic facilities. Only the director of the recreation and conservation office or the director's designee may authorize

expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. The athletic facility grants or loans may be used for acquiring, developing, equipping, maintaining, and improving community outdoor athletic facilities. Funds shall be divided equally between the development of new community outdoor athletic facilities, the improvement of existing community outdoor athletic facilities, and the maintenance of existing community outdoor athletic facilities. Cities, counties, and qualified nonprofit organizations must submit proposals for grants or loans from the account. To the extent that funds are available, cities, counties, and qualified nonprofit organizations must meet eligibility criteria as established by the director of the recreation and conservation office. The grants and loans shall be awarded on a competitive application process and the amount of the grant or loan shall be in proportion to the population of the city or county for where the community outdoor athletic facility is located. Grants or loans awarded in any one year need not be distributed in that year. ~~(In the 2009-2011 biennium, if there are not enough project applications submitted in a category within the account to meet the requirement of equal distribution of funds to each category, the director of the recreation and conservation office may distribute any remaining funds to other categories within the account.)~~ The director of the recreation and conservation office may expend up to one and one-half percent of the moneys deposited in the account created in this subsection for administrative purposes. During the 2021-2023 fiscal biennium, the legislature may appropriate moneys from the youth athletic facility account to support a task force to consider ways to improve equitable access to K-12 schools' fields and athletic facilities and local parks agency facilities with the goal of increasing physical activity for youth and families. A portion of the appropriation must be used to inventory K-12 school fields and athletic facilities and park agency facilities.

(5) During the 2023-2025 fiscal biennium, subsection (4) of this section applies to expenditures from the youth athletic facility account except as provided in this subsection.

(a) During the 2023-2025 fiscal biennium, the recreation and conservation office may spend appropriations made from the youth athletic facility account for grants and loans to political subdivisions of the state other than cities and counties as well as federally recognized Indian tribes for community outdoor athletic facilities. The office is not required to divide the expenditures equally between development, improvement, and maintenance of facilities. The office's authority to retain 1.5 percent of amounts deposited in the account for administration is suspended, and the office's administrative overhead is instead specified in the appropriations for this purpose.

(b) During the 2023-2025 fiscal biennium, the legislature may also appropriate moneys in the youth athletic facility account for the following:

(i) To the department of commerce for the public facility improvement fund as provided in section 1038 of this act; and

(ii) To the recreation and conservation office for the purpose of the youth athletic facilities program as provided in section 3060 of this act.

Sec. 8037. RCW 43.155.050 and 2022 c 296 s 7009, 2022 c 182 s 302, and 2022 c 157 s 15 are each reenacted and amended to read as follows:

(1) The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and grants and to give financial guarantees to local governments for public works projects. Moneys in the account may also be appropriated or transferred to the water pollution control revolving fund and the drinking water assistance account to provide for state match requirements under federal law. Moneys in the account may be transferred to the move ahead WA account to provide support of public works projects funded in the move ahead WA program. Not more than 20 percent of the biennial capital budget appropriation to the public works board from this account may be expended or obligated for preconstruction loans and grants, emergency loans and grants, or loans and grants for capital facility planning under this chapter. Not more than 10 percent of the biennial capital budget appropriation to the public works board from this account may be expended or obligated as grants for preconstruction, emergency, capital facility planning, and construction projects. During the 2017-2019 and 2019-2021 fiscal biennia, the legislature may appropriate moneys from the account for activities related to rural economic development, the growth management act, the aviation revitalization loan program, the community economic revitalization board broadband program, and the voluntary stewardship program. During the 2021-2023 (~~biennium~~) and 2023-2025 fiscal biennia, the legislature may appropriate moneys from the account for activities related to the community aviation revitalization board. During the 2019-2021 fiscal biennia, the legislature may direct the state treasurer to make transfers of moneys in the public works assistance account to the education legacy trust account. During the 2019-2021 and 2021-2023 fiscal biennia, the legislature may direct the state treasurer to make transfers of moneys in the public works assistance account to the statewide broadband account. The legislature may appropriate moneys from the public works assistance account for activities related to the voluntary stewardship program, rural economic development, and the growth management act. During the 2021-2023 biennium, the legislature may appropriate moneys from the account for projects identified in section 1033, chapter 296, Laws of 2022. During the 2023-2025 fiscal biennium, the legislature may appropriate moneys from the public works assistance account for an evaluation of the costs of relocating public utilities related to fish barrier removal projects.

(2) For fiscal year 2024 through fiscal year 2038, the state treasurer must transfer from the public works assistance account to the move ahead WA account created in RCW 46.68.510 \$57,000,000 each fiscal year in four equal quarterly transfers.

****Sec. 8038. RCW 43.19.125 and 2011 1st sp.s. c 43 s 204 are each amended to read as follows:***

(1) The director of enterprise services shall have custody and control of the capitol buildings and grounds, supervise and direct proper care, heating, lighting and repairing thereof, and designate rooms in the capitol buildings to be occupied by various state officials.

(2) (~~During the 2007-2009 biennium, responsibility for development of the "Wheeler block" on the capitol campus as authorized in section 6013, chapter 520, Laws of 2007 shall be transferred from the department of general~~

~~administration to the department of information services.)~~ During the 2023-2025 fiscal biennium, the director may access and tour the top of the legislative dome and, upon request, shall provide access to any legislative member and the member's guest.

**Sec. 8038 was vetoed. See message at end of chapter.*

Sec. 8039. RCW 87.03.136 and 2011 c 50 s 1 are each amended to read as follows:

An irrigation district has the power to sell or lease real property owned by the district whenever its board of directors, by resolution: Determines that the property is not necessary or needed for the use of the district; and authorizes the sale or lease. Notice of the district's intention to sell or lease the property shall be made by publication at least (~~(twenty)~~) 20 days before the transaction is executed regarding the property in a newspaper of general circulation in the county where the property or part of the property is located or, if there is no such newspaper in the county, in a newspaper of general circulation published in an adjoining county. The publication shall be made at least once a week during three consecutive weeks. The notice shall state whether the sale or lease will be negotiated by the district or will be awarded by bid.

The district may lease the property for a duration determined by the board, afford the lessee the option to purchase the property, sell the property on contract for deferred payments, sell the property pursuant to a promissory note secured by a mortgage or deed of trust, or sell the property for cash and conveyance by deed. The appropriate documents shall be executed by the president of the board and acknowledged by the secretary.

The resolution authorizing the sale or lease shall be entered in the minutes of the board and shall fix the price at which the lease, option, or sale may be made. The price shall be not less than the reasonable market value of the property; however, the board may, without consideration, dedicate, grant, or convey district land or easements in district land for highway or public utility purposes that convenience the inhabitants of the district if the board deems that the action will enhance the value of the remaining district land to an extent equal to or greater than the value of the land or easement dedicated, granted, or conveyed.

During the 2023-2025 fiscal biennium, the limitations under this section on the power of an irrigation district to sell or lease real property owned by the district do not apply to property transferred to the bureau of reclamation or to a public owner under section 3073, chapter . . ., Laws of 2023 (section 3073 of this act).

NEW SECTION. Sec. 8040. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 8041. 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. 8042. 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.

Passed by the Senate April 22, 2023.

Passed by the House April 21, 2023.

Approved by the Governor May 16, 2023, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State May 17, 2023.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Sections 5012, 5067 and 8038, Engrossed Substitute Senate Bill No. 5200 entitled:

"AN ACT Relating to the capital budget."

Section 5012, page 164, Office of Superintendent of Public Instruction, Lapse of Funding

Funding was provided to the agency to implement Substitute House Bill 1044 relating to capital financial assistance for small school districts. Because this bill did not pass the Legislature, the funding has lapsed. For this reason, I have vetoed Section 5012.

Section 5067, page 179, The Evergreen State College, State Building Code Council Study

This section directs the Washington State Institute for Public Policy to study and report on the costs and benefits of moving from a three-year building code cycle to a six-year cycle. Increasing the time between code updates will impact the ability to apply the newest and best technologies for safety, health and efficiency to new construction in Washington. In addition, changing our state's code cycle to every six years will jeopardize the Legislature's mandate to reduce energy use 70% by 2031. Limiting the code cycles between now and 2031 would require a greater amount of change at each code cycle, increasing challenges for designers, builders and building owners. For these reasons, I have vetoed Section 5067.

Section 8038, pages 466-467, Department of Enterprise Services, Capitol Dome Access

This section directs the Department of Enterprise Services to give legislators and their guests access to the top of the Capitol dome. The Olympia Fire Department has assessed this space in the past, and, among other issues, reported that it could not use a firefighter's rescue technique in this space or use a gurney to assist an injured person. The Department of Labor and Industries classifies the area as a "confined space," which means that it has a restricted entry and exit and is not primarily designed for human occupancy. Access should be authorized only for individuals who need to do work on the dome. For this reason, I have vetoed Section 8038.

For these reasons I have vetoed Sections 5012, 5067 and 8038 of Engrossed Substitute Senate Bill No. 5200.

With the exception of Sections 5012, 5067 and 8038, Engrossed Substitute Senate Bill No. 5200 is approved."

AUTHENTICATION

I, Kathleen Buchli, Code Reviser of the State of Washington, certify that, with the exception of such corrections as I have made in accordance with the powers vested in me by RCW 44.20.060, the laws published in this volume are a true and correct reproduction of the copies of the enrolled laws of the 2023 session (68th Legislature), chapters 426 through 474, as certified and transmitted to the Statute Law Committee by the Secretary of State under RCW 44.20.020.

IN TESTIMONY WHEREOF, I have hereunto set my hand at Olympia, Washington, this 5th day of June, 2023.

A handwritten signature in black ink, appearing to read "Kathleen Buchli". The signature is written in a cursive style with a large initial "K".

Kathleen Buchli
Code Reviser

