

**2022**

**SESSION LAWS**

OF THE

**STATE OF WASHINGTON**

2022 REGULAR SESSION  
SIXTY-SEVENTH LEGISLATURE  
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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 2022 regular session is June 9, 2022.
- (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 2022 laws may be found at the back of the final volume.

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## CHAPTER 269

[Substitute House Bill 1902]

## WORKERS' COMPENSATION CLAIM REOPENING—PROVIDER FAILURE TO SUBMIT APPLICATION

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

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

**Sec. 1.** RCW 51.28.040 and 1977 ex.s. c 199 s 1 are each amended to read as follows:

(1)(a) If change of circumstances warrants an increase or rearrangement of compensation, like application shall be made therefor. Where the application has been granted, compensation and other benefits if in order shall be allowed for periods of time up to ((sixty)) 60 days prior to the receipt of such application, except as provided in (b) of this subsection.

(b) Compensation and other benefits under (a) of this subsection shall be allowed for periods of time beyond 60 days, up to and including the time period covering the change of circumstances warranting an increase or rearrangement of compensation or other benefits, subject to a maximum of 120 days prior to the receipt of the application, where:

(i) The application was not received by the department or self-insurer within 60 days of the provision of medical services made necessary by the change in circumstances, due to a failure of the treating provider to timely complete or submit the provider information section of the application; and

(ii) The worker demonstrates that the worker information section of the application was completed and submitted via certified mail or electronic verification of receipt to the department, self-insurer, or the treating provider within 30 days of the provision of medical services made necessary by the change in circumstances.

(2) Any forms provided by the department or self-insurer as the application to reopen a claim under subsection (1)(a) of this section, must:

(a) Encourage the worker to submit the form to the treating provider within 30 days of the provision of any medical services made necessary by the change in circumstances; and

(b) Provide notice to both the worker and the medical provider that the application must be received by the department or self-insurer within 60 days of the provision of any medical services made necessary by the change in circumstances.

Passed by the House March 7, 2022.

Passed by the Senate March 4, 2022.

Approved by the Governor March 31, 2022.

Filed in Office of Secretary of State April 1, 2022.

## CHAPTER 270

[Engrossed Substitute House Bill 1914]

## MOTION PICTURE COMPETITIVENESS PROGRAM—MODIFICATION

AN ACT Relating to updating and expanding the motion picture competitiveness program; amending RCW 43.365.005, 43.365.010, 43.365.030, 43.365.020, 82.04.4489, 43.365.040, and 43.365.050; and repealing 2017 3rd sp.s. c 37 s 1101 (uncodified).

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

**Sec. 1.** RCW 43.365.005 and 2006 c 247 s 1 are each amended to read as follows:

The legislature recognizes the motion picture industry in Washington as a valuable commodity contributing greatly to the economic vitality of the state and the cultural integrity of our communities. The legislature further recognizes the production of in-state motion pictures, television programs, and television commercials creates a marked increase in tourism, family-wage jobs, and the sale of local goods and services generating revenue for the state. Furthermore, with captive national and international audiences, the world is introduced to the state's pristine scenic venues and reminded that the Pacific Northwest is a great place to live and raise a family. The legislature also recognizes the inherent educational value of promoting arts and culture as well as the benefits of training young motion picture professionals who will build a fruitful industry for years to come.

The legislature finds in recent years that the state has realized a drastic decline in motion picture production that precludes economic expansion and threatens the state's reputation as a production destination. With the emergence of tax incentives in ~~((thirty))~~ other states nationwide, in-state producers are taking their projects to more competitive economic climates, such as Oregon and Vancouver, British Columbia, where compelling tax incentive packages and subsidies are already in effect.

The legislature also finds that in recent years increasingly workers in Washington state are without health insurance coverage and retirement income protections, causing hardships on workers and their families and higher costs to the state.

The legislature also recognizes that there are significant barriers to entry for those from marginalized communities to enter the motion picture workforce. This results in lost opportunity for people to tell stories in film that reflect a breadth of diversity in experience across race, gender, ability, sexual orientation, and place of origin.

The legislature also finds that more investment in the film industry will increase revenue with Washington state businesses and create family-wage jobs that pay health and retirement benefits for Washington workers. Moreover, targeted investments in rural and marginalized communities will create opportunities to build an equitable workforce and film industry.

Therefore, it is the intent of the legislature to recognize both national and international competition in the motion picture production marketplace. The legislature is committed to leveling the competitive playing field and promoting an equitable film industry and is interested in a partnership with the private sector to regain Washington's place as a premier destination to make motion pictures, television, and television commercials. While at the same time the legislature is committed to ensuring that workers in the motion picture and

television industry are covered under health insurance and retirement income plans and that motion picture production sets and stories reflect the diversity of Washington residents.

**Sec. 2.** RCW 43.365.010 and 2017 3rd sp.s. c 37 s 1103 are each amended to read as follows:

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

(1) "Approved motion picture competitiveness program" and "program" mean~~((s))~~ a nonprofit organization under the internal revenue code, section 501(c)(6), with the sole purpose of revitalizing the state's economic, cultural, and educational standing in the national and international market of motion picture production and associated creative industries and assisting and providing services for attracting the film industry and associated creative industries, by recommending and awarding financial assistance for costs associated with motion pictures in the state of Washington.

(2) "Board of directors" and "board" mean the board of directors established in RCW 43.365.030.

~~((3))~~ (3) "Contribution" means cash contributions.

~~((3))~~ (4) "Costs" means actual expenses of production and postproduction expended in Washington state for the production of motion pictures, including but not limited to payments made for salaries, wages, and health insurance and retirement benefits, the rental costs of machinery and equipment and the purchase of services, food, property, lodging, and permits for work conducted in Washington state.

~~((4))~~ (5) "Department" means the department of commerce.

~~((5))~~ (6) "Funding assistance" means cash expenditures from an approved motion picture competitiveness program.

~~((6))~~ (7) "Motion picture" means a recorded audiovisual production intended for distribution to the public for exhibition in public and/or private settings by means of any and all delivery systems and/or delivery platforms now or hereafter known, including without limitation, screenings in motion picture theaters, broadcasts and cablecast transmissions for viewing on televisions, computer screens, and other audiovisual receivers, viewings on screens by means of digital video disc (DVD) players, video on demand (VOD) services, and digital video recording (DVR) services, direct internet transmission, and viewing on digital computer-based systems which respond to the users' actions (interactive media).

~~((7))~~ (8) "Person" has the same meaning as provided in RCW 82.04.030.

(9) "Rural community" has the same meaning as "rural county" in RCW 82.14.370.

**Sec. 3.** RCW 43.365.030 and 2012 c 189 s 3 are each amended to read as follows:

(1) A Washington motion picture competitiveness program under this chapter must be administered by a board of directors appointed by the governor, and the appointments must be made within sixty days following enactment. The department, after consulting with the board, must adopt rules for the standards that shall be used to evaluate the applications for funding assistance prior to June 30, 2006.

(2) The board must evaluate and award financial assistance to motion picture projects under rules set forth under RCW 43.365.020.

(3) The board must consist of the following members:

(a) ~~((One member))~~ Two members representing the Washington motion picture production industry, one of whom must demonstrate expertise in the financing of motion picture projects;

(b) ~~((One member representing the Washington motion picture postproduction industry;~~

~~(c))~~ One member representing technologies impacting the Washington ~~((interactive media or))~~ emerging motion picture industry;

~~((d))~~ (c) Two members representing labor unions affiliated with Washington motion picture production;

~~((e) One member representing the Washington visitors and convention bureaus;~~

~~(f) One member representing the Washington tourism industry;~~

~~(g) One member representing the Washington restaurant, hotel, and airline industry))~~ (d) Three members representing industries and businesses impacted by motion picture production, one of whom must represent industries or businesses located east of the crest of the Cascade mountain range and one of whom must represent industries or businesses located west of the crest of the Cascade mountain range;

(e) Two cochaIRS of the board's equity committee, not already serving on the board, recommended by the board to the governor;

(f) Two cochaIRS of the board's advisory committee, also known as the film leadership council, not already serving on the board, recommended by the board to the governor; and

~~((h))~~ (g) A chairperson, chosen at large, must serve at the pleasure of the governor.

(4) The term of the board members, other than the chair, is four years, except as provided in subsection (5) of this section.

(5) The governor must appoint board members ~~((in 2010))~~ to ((two-year or)) four-year staggered terms ~~((Once the initial two-year or four-year terms expire, all subsequent terms are for four years. The terms of the initial board members are as follows:~~

~~(a) The board positions in subsection (3)(b), (c), and (g) of this section, and one position from subsection (3)(d) of this section must be appointed to two-year terms; and~~

~~(b) The remaining board positions in subsection (3) of this section shall be appointed to four-year terms)),~~ except the board member initially appointed to the position in subsection (3)(b) of this section and the board member initially appointed to the position in subsection (3)(f) of this section must each be appointed to a two-year term. Once those initial two-year terms expire, all subsequent terms are for four years.

(6) A board member appointed by the governor may be removed by the governor for cause under RCW 43.06.070 and 43.06.080.

(7) ~~((Five))~~ Seven members of the board constitute a quorum.

(8) The board must elect a treasurer and secretary annually, and other officers as the board members determine necessary, and may adopt bylaws or rules for its own government.



(9) The board must make any information available at the request of the department to administer this chapter.

(10) Contributions received by a board must be deposited into the account described in RCW 43.365.020(2).

(11) Board members must comply with all requirements of a 501(c)(6) organization, including the prohibition on using information obtained as a board member for personal gain. Board members must act in the best interest of the approved motion picture competitiveness program. Each board member is required to complete an annual conflicts of interest form to disclose all conflicts and potential conflicts of interest with board actions. If a board member has a conflict of interest with respect to an application for funding assistance, the board member must disclose the board member's conflict and not be present for a discussion or vote on the application.

**Sec. 4.** RCW 43.365.020 and 2012 c 189 s 2 are each amended to read as follows:

(1) The department must adopt criteria for the approved motion picture competitiveness program with the sole purpose of revitalizing the state's economic, cultural, and educational standing in the national and international market of motion picture production. Rules adopted by the department shall allow the program, within the established criteria, to provide funding assistance only when it captures economic opportunities for Washington's communities and businesses and shall only be provided under a contractual arrangement with a private entity. In establishing the criteria, the department shall consider:

(a) The additional income and tax revenue to be retained in the state for general purposes;

(b) The creation and retention of family-wage jobs which provide health insurance and payments into a retirement plan;

(c) The impact of motion picture projects to maximize in-state labor and the use of in-state film production and film postproduction companies;

(d) The impact upon the local economies and the state economy as a whole, including multiplier effects;

(e) The intangible impact on the state and local communities that comes with motion picture projects;

(f) The regional, national, and international competitiveness of the motion picture filming industry;

(g) The revitalization of the state as a premier venue for motion picture production and national television commercial campaigns;

(h) Partnerships with the private sector to bolster film production in the state and serve as an educational and cultural purpose for its citizens;

(i) The vitality of the state's motion picture industry as a necessary and critical factor in promoting the state as a premier tourist and cultural destination;

(j) Giving preference to additional seasons of television series that have previously qualified and to motion picture productions that tell stories of marginalized communities; and

(k) Other factors the department may deem appropriate for the implementation of this chapter.

(2) The board of directors (~~(created under RCW 43.365.030)~~) shall create and administer an account for carrying out the purposes of subsection ~~((3))~~ (4) of this section.

(3) The board's goal must be to commit at least 20 percent of funding assistance to motion picture productions located or filmed in rural communities and 20 percent of funding assistance to motion picture productions that tell stories of marginalized communities.

(4) Money received by the approved motion picture competitiveness program shall be used only for:

(a) Health insurance and payments into a retirement plan, and other costs associated with film production; ~~((and))~~

(b) Staff and related expenses to maintain the program's proper administration and operation;

(c) Supporting the growth and development of the Washington state film industry through career connected learning, workforce development, and business development with a focus on better supporting people from marginalized or rural communities; and

(d) Developing resources to facilitate filming in rural communities including, but not limited to, economic development grants for filming, training for film liaisons, information about film permitting processes, and grants to support the expansion of location database collateral.

~~((4))~~ (5) Except as provided otherwise in subsections ~~((7))~~ (8) and (9) of this section, maximum funding assistance from the approved motion picture competitiveness program is limited to an amount up to thirty percent of the total actual investment in the state of at least:

(a) Five hundred thousand dollars for a single motion picture produced in Washington state; or

(b) One hundred fifty thousand dollars for a television commercial associated with a national or regional advertisement campaign produced in Washington state.

~~((5))~~ (6) Except as provided otherwise in subsections ~~((7))~~ (8) and (9) of this section, maximum funding assistance from the approved motion picture competitiveness program is limited to an amount up to thirty-five percent of the total actual investment of at least three hundred thousand dollars per episode produced in Washington state. A minimum of six episodes of a series must be produced to qualify under this subsection. A maximum of up to thirty percent of the total actual investment from the approved motion picture competitiveness program may be awarded to an episodic series of less than six episodes.

~~((6))~~ (7) With respect to costs associated with nonstate labor for motion pictures and episodic services, funding assistance from the approved motion picture competitiveness program is limited to an amount up to fifteen percent of the total actual investment used for costs associated with nonstate labor. To qualify under this subsection, the production must have a labor force of at least eighty-five percent of Washington residents. The board may establish additional criteria to maximize the use of in-state labor.

~~((7))~~ (8)(a) The approved motion picture competitiveness program may allocate an annual aggregate of no more than ten percent of the qualifying contributions by the program under RCW 82.04.4489 to provide funding support for filmmakers who are Washington residents, new forms of production, and emerging technologies.

(i) Up to thirty percent of the actual investment for a motion picture with an actual investment lower than that of motion pictures under subsection ~~((4))~~ (5)(a) of this section; or

(ii) Up to thirty percent of the actual investment of an interactive motion picture intended for multiplatform exhibition and distribution.

(b) Subsections ~~((4) and)~~ (5) and (6) of this section do not apply to this subsection.

~~((8))~~ (9)(a) In addition to the maximum funding assistance established in subsections (5) and (6) of this section, up to a 10 percent enhancement award on a motion picture production's state investment must be given for motion pictures: (i) Located or filmed in a rural community; or (ii) that tell stories of marginalized communities.

(b) Total actual investment requirements established in subsections (5) and (6) of this section apply to this subsection (9).

(10)(a) Funding assistance must include up to \$3,000,000 for small motion picture productions produced in Washington state, subject to subsection (11) of this section, that are creatively driven by Washington residents. To qualify, the small motion picture production must have at least two Washington residents in any combination of the following positions: Writer, director, producer, or lead actor. An entity seeking funding assistance for a small motion picture production must demonstrate that the amount of the total actual investment for the production is less than \$1,000,000.

(b) Maximum funding assistance and total actual investment requirements, established in subsections (5), (6), (7), (8), and (9) of this section apply to small motion picture productions. The department shall adopt rules as necessary to implement this subsection (10).

(11) Funding assistance approval must be determined by the approved motion picture competitiveness program within a maximum of thirty calendar days from when the application is received, if the application is submitted after August 15, 2006. For small motion picture productions, the approved motion picture competitiveness program, after determining a conditional approval of the production, shall hold the production's funding assistance in reserve while the entity seeking funding assistance for the production secures financing for the remainder of the budget. Once the entity seeking funding assistance for the production demonstrates to the program that it has secured the necessary financing, the program shall certify the small motion picture production as approved. If the entity seeking funding assistance cannot demonstrate within six months from the date of conditional approval that it has secured the total budget, the program must make the funding assistance available to other eligible applicants with funding assistance approval.

(12) By December 31, 2022, and annually thereafter, the department, on behalf of the board, must report to the legislature on the approved motion picture competitiveness program. This report may include information required in the survey established in RCW 43.365.040. At a minimum, the report must include an annual list of recipients awarded financial assistance from the prior year with total estimated production costs, locations of each production, and the board's progress towards the goal of at least 20 percent of its funding assistance provided to motion picture productions located or filmed in rural communities and 20 percent of its funding assistance provided to motion picture productions

that tell stories of marginalized communities. The report must also include information on workforce development, career connected learning, and business development activities, including whether they have been scaled up in size from the previous year and how they are meeting the goal of supporting people from marginalized communities.

(13) The approved motion picture competitiveness program must allocate funds for training and job placement for marginalized communities as follows:

(a) For fiscal years 2023 and 2024, a minimum of \$500,000 for each fiscal year; and

(b) For each fiscal year on or after July 1, 2024, a minimum of \$750,000.

**Sec. 5.** RCW 82.04.4489 and 2017 3rd sp.s. c 37 s 1102 are each amended to read as follows:

(1) Subject to the limitations in this section, a credit is allowed against the tax imposed under this chapter for contributions made by a person to a Washington motion picture competitiveness program.

(2) The person must make the contribution before claiming a credit authorized under this section. Credits earned under this section may be claimed against taxes due for the calendar year in which the contribution is made. The amount of credit claimed for a reporting period may not exceed the tax otherwise due under this chapter for that reporting period. No person may claim more than ~~((seven hundred fifty thousand dollars))~~ \$1,000,000 of credit in any calendar year, including credit carried over from a previous calendar year. No refunds may be granted for any unused credits.

(3) The maximum credit that may be earned for each calendar year under this section for a person is limited to the lesser of ~~((seven hundred fifty thousand dollars))~~ \$1,000,000 or an amount equal to one hundred percent of the contributions made by the person to a program during the calendar year.

(4) Except as provided under subsection (5) of this section, a tax credit claimed under this section may not be carried over to another year.

(5) Any amount of tax credit otherwise allowable under this section not claimed by the person in any calendar year may be carried over and claimed against the person's tax liability for the next succeeding calendar year. Any credit remaining unused in the next succeeding calendar year may be carried forward and claimed against the person's tax liability for the second succeeding calendar year; and any credit not used in that second succeeding calendar year may be carried over and claimed against the person's tax liability for the third succeeding calendar year, but may not be carried over for any calendar year thereafter.

(6) Credits are available on a first-in-time basis. The department must disallow any credits, or portion thereof, that would cause the total amount of credits claimed under this section during any calendar year to exceed ~~((three million five hundred thousand dollars))~~ \$15,000,000. If this limitation is reached, the department must notify all Washington motion picture competitiveness programs that the annual statewide limit has been met. In addition, the department must provide written notice to any person who has claimed tax credits in excess of the limitation in this subsection. The notice must indicate the amount of tax due and provide that the tax be paid within thirty days from the date of the notice. The department may not assess penalties and interest as provided in chapter 82.32 RCW on the amount due in the initial notice if the

amount due is paid by the due date specified in the notice, or any extension thereof.

(7) To claim a credit under this section, a person must electronically file with the department all returns, forms, and any other information required by the department, in an electronic format as provided or approved by the department. Any return, form, or information required to be filed in an electronic format under this section is not filed until received by the department in an electronic format. As used in this subsection, "returns" has the same meaning as "return" in RCW 82.32.050.

(8) No application is necessary for the tax credit. The person must keep records necessary for the department to verify eligibility under this section.

(9) A Washington motion picture competitiveness program must provide to the department, upon request, such information needed to verify eligibility for credit under this section, including information regarding contributions received by the program.

(10) The department may not allow any credit under this section before July 1, 2006.

(11) For the purposes of this section, "Washington motion picture competitiveness program" or "program" means an organization established pursuant to chapter 43.365 RCW.

(12) Persons claiming a credit against the tax imposed under this chapter for contributions made to a Washington motion picture competitiveness program and not otherwise receiving funding assistance under RCW 43.365.020 are exempt from the annual reporting requirements in RCW 82.32.534 and 43.365.040.

(13) No credit may be earned for contributions made on or after July 1, ~~((2027))~~ 2030.

**Sec. 6.** RCW 43.365.040 and 2012 c 189 s 5 are each amended to read as follows:

(1) The legislature finds that accountability and effectiveness are important aspects of setting tax policy. In order to make policy choices regarding the best use of limited state resources the legislature needs information on how incentives are used.

(2) Each motion picture production receiving funding assistance under RCW 43.365.020 must report information to the department by filing a complete annual survey. The survey is due by March 31st of the year following any calendar year in which funding assistance under RCW 43.365.020 is taken. The department may extend the due date for timely filing of annual surveys under this section if failure to file was the result of circumstances beyond the control of the motion picture production receiving the funding assistance.

(3) The Washington motion picture competitiveness program established in RCW 43.365.030, in collaboration with the department and the department of revenue, and in consultation with the joint legislative audit and review committee, must develop a survey form and instructions that accompany the survey form by November 1, 2012. The instructions must provide sufficient detail to ensure consistent reporting. The survey must be designed to acquire data to allow the state to better measure the effectiveness of the program and to provide transparency of the motion picture competitiveness program. The survey must include:

- (a) The total amount of taxes paid;
- (b) The amount of taxes paid classified by type, which may include, but is not limited to, sales taxes, use taxes, business and occupation taxes, unemployment insurance taxes, and workers' compensation premiums;
- (c) The amount of funding assistance received; and
- (d) The following information for employment positions in Washington by the motion picture production receiving funding assistance, including indirect employment by contractors or other affiliates:
  - (i) The number of total employment positions;
  - (ii) The average number of hours worked by employed individuals;
  - (iii) The average base pay of individuals employed by motion picture companies, including contributions to health care benefits and retirement plans;
  - (iv) The number of employment positions that have employer-provided medical, dental, and retirement benefits; and
  - (v) The number of employment positions filled by Washington state residents, and residency information for employment positions filled by people from other locations.

(4) The department may request additional information necessary to measure the results of the funding assistance (~~(program)~~), to be submitted at the same time as the survey.

(5) If a person fails to submit an annual survey under subsection (2) of this section by the due date of the report or any extension the department must declare the amount of funding assistance for the previous calendar year to be immediately due and payable. The department must assess interest, but not penalties, on the amounts due under this section. The interest is assessed at the rate provided for delinquent taxes under chapter 82.32 RCW, retroactively to the date the funding assistance was received, and accrues until the funding assistance is repaid.

(6) The department must use the information from this section to prepare summary descriptive statistics. The department must report these statistics to the legislature each even-numbered year by September 1st. The department must provide the complete annual surveys to the joint legislative audit and review committee, which shall perform a review as required under RCW 43.365.050.

(7) The motion picture competitiveness program must periodically audit and generally monitor the survey information submitted by production companies for completeness and accuracy.

**Sec. 7.** RCW 43.365.050 and 2006 c 247 s 7 are each amended to read as follows:

~~((The provisions of RCW 82.04.4489 are subject to review by the joint legislative audit and review committee.))~~ (1) It is the legislature's specific public policy objective to increase the viability of the motion picture and film industry and associated creative industries in Washington state. It is the legislature's intent to increase the credit available under RCW 82.04.4489 in order to attract additional motion picture and film projects, thereby increasing family-wage jobs.

(2) The joint legislative audit and review committee ((with)) must review and make a recommendation to the ((house finance committee and the senate ways and means committee)) fiscal committees of the legislature by December 1, ((2010)) 2026, regarding the effectiveness of the motion picture

competitiveness program including, but not limited to, the amount of state revenue generated, the amount and number of family (~~((wages—wage))~~) -wage jobs with benefits created, adherence to the criteria in RCW 43.365.020, changes in Washington's share of the film employment market, and any other factors deemed appropriate by the joint legislative audit and review committee.

(3) In order to obtain the data necessary to perform the review in subsection (2) of this section, the joint legislative audit and review committee may refer to tax data provided to the department of revenue and the annual survey required under RCW 43.365.040.

NEW SECTION. Sec. 8. 2017 3rd sp.s. c 37 s 1101 (uncodified) is repealed.

Passed by the House March 10, 2022.

Passed by the Senate March 10, 2022.

Approved by the Governor March 31, 2022.

Filed in Office of Secretary of State April 1, 2022.

## CHAPTER 271

[House Bill 1927]

### LEGISLATIVE SERVICE LEAVE—PUBLIC EMPLOYMENT

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

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

NEW SECTION. Sec. 1. (1) The Washington state legislature is purposefully designed to be a part-time legislature to provide people from all areas of life the opportunity to participate. All businesses and industries, in the private and public sector, benefit when the legislature is made up of the broadest possible representation.

(2) It is a significant public policy to encourage citizens to serve in the legislature.

(3) Other states have enacted legislation addressing the duties and responsibilities of legislators and prospective legislators in relation to their regular employment. It is the intent of this act to address potential uncertainties that can occur between employers and employees who are part-time legislators because of the time requirements of the legislature.

NEW SECTION. Sec. 2. For the purposes of this chapter, "employer" means: (1) The state, state institutions, and state agencies; and (2) any unit of local government including, but not limited to, a county, city, town, municipal corporation, quasi-municipal corporation, or political subdivision.

NEW SECTION. Sec. 3. (1) An employer must grant a temporary leave of absence without loss of job status or seniority to an employee who is a member of the state legislature in order for that employee to perform any official duty as a member of the legislature during regular and special legislative sessions.

(2) The leave of absence under this chapter may be unpaid leave. However, an employee may elect to substitute any accrued paid leave to which the employee is entitled for any part of the leave provided under this chapter.

(3) An employer may not discharge or threaten to discharge an employee for taking a leave of absence under this chapter.

NEW SECTION. Sec. 4. (1) An employee who seeks leave under this chapter must provide the employer with notice of the employee's intention to take leave at least 30 days before a regular legislative session.

(2) When a special legislative session is called, the employee must provide notice to the employer as soon as the governor or legislature proclaims the special legislative session.

NEW SECTION. Sec. 5. If an employer violates the provisions of this chapter, the employee may only bring a civil action, at his or her own expense, in superior court for an order requiring the reinstatement of the employee. Public resources may not be used, directly or indirectly, to bring or maintain a civil action under this section.

NEW SECTION. Sec. 6. Sections 1 through 5 of this act constitute a new chapter in Title 49 RCW.

Passed by the House February 8, 2022.

Passed by the Senate March 4, 2022.

Approved by the Governor March 31, 2022.

Filed in Office of Secretary of State April 1, 2022.

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**CHAPTER 272**

[Engrossed Substitute House Bill 1956]

DEPARTMENT OF CORRECTIONS—PUBLIC RECORDS ACT EXEMPTIONS

AN ACT Relating to exempting from public disclosure sensitive records pertaining to current and formerly incarcerated individuals' dignity and safety; adding a new section to chapter 42.56 RCW; creating a new section; and declaring an emergency.

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

NEW SECTION. Sec. 1. A new section is added to chapter 42.56 RCW to read as follows:

(1) The following information or records created or maintained by the department of corrections is exempt from public inspection and copying under this chapter:

(a) Body scanner images from any system designed to detect and visualize contraband hidden in body cavities or beneath clothing, including backscatter X-ray, millimeter wave, and transmission X-ray systems;

(b) The following information and records created or maintained pursuant to the federal prison rape elimination act, 34 U.S.C. Sec. 30301 et seq., and its regulations:

(i) Risk assessments, risk indicators, and monitoring plans;

(ii) Reports of sexual abuse or sexual harassment, as defined under 28 C.F.R. 115.6;

(iii) Records of open prison rape elimination act investigations; and

(iv) The identities of individuals other than department of corrections staff, contractors, and volunteers, in closed prison rape elimination act investigation reports and related investigative materials; however, the identity of an accused



individual is not exempt if the allegation is determined to have been substantiated; and

(c) Health information in records other than an incarcerated individual's medical, mental health, or dental files.

(2) The exemption of information or records described under subsection (1)(b) and (c) of this section does not apply to requests by the incarcerated individual who is the subject of the information, a requestor with the written permission of the incarcerated individual who is the subject of the information, or a personal representative of an incarcerated individual who is the subject of the information. In response to such requests, the department of corrections may withhold information revealing the identity of other incarcerated individuals.

(3) An agency refusing, in whole or in part, inspection of a public record containing information listed in subsection (1)(c) of this section may cite to subsection (1)(c) of this section, without further explanation, when providing the brief explanation required by RCW 42.56.210(3), and shall also identify the number of pages withheld, if any pages are withheld in their entirety.

(4) For purposes of this section:

(a) "Health information" means any information that identifies or can readily be associated with the identity of an incarcerated individual and directly relates to the following: Medical, mental health, or dental diagnoses or conditions; medical, mental health, or dental services, treatments, or procedures, including requests for or complaints about such services, treatments, or procedures; transgender, intersex, nonbinary, or gender nonconforming status; sexual orientation; genital anatomy; or gender-affirming care or accommodations other than an incarcerated individual's preferred name, pronouns, and gender marker.

(b) The following information is not "health information" under this section: (i) Health care information subject to RCW 42.56.360(2) and chapter 70.02 RCW; and (ii) information related to injuries, other than injuries related to medical procedures or genital anatomy, contained in incident reports, infraction records, or use of force reports, prepared by department of corrections staff other than health care providers.

(c) "Incarcerated individual" has the same meaning as "inmate" under RCW 72.09.015 and includes currently or formerly incarcerated individuals.

**NEW SECTION. Sec. 2.** This act is remedial, curative, and retroactive, and the exemptions in section 1 of this act apply retroactively to any public records request made prior to the effective date of this section for which disclosure of records has not already occurred.

**NEW SECTION. Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Passed by the House March 8, 2022.

Passed by the Senate March 2, 2022.

Approved by the Governor March 31, 2022.

Filed in Office of Secretary of State April 1, 2022.

## CHAPTER 273

[House Bill 1975]

## PUBLIC HOUSING AUTHORITIES—PROPERTY MANAGEMENT SERVICES

AN ACT Relating to property management services provided to housing authority properties; amending RCW 35.82.070; and creating a new section.

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

**NEW SECTION. Sec. 1.** The legislature recognizes the important role housing authorities play in providing much needed affordable housing to more than 35,000 households through their inventory of rental housing, including through workforce housing programs where housing authorities keep rents as low as possible and operate on very thin margins.

The legislature finds that for nearly 30 years without issue, objection, or complaint, housing authorities have been contracting with property management services companies for site operations at unsubsidized workforce housing properties. The legislature further finds that it is critical to continue efforts to preserve and expand naturally occurring workforce housing units statewide. Therefore, the legislature recognizes that, at unsubsidized housing authority properties, tenant rents and deposits paid to property management companies and used to pay for regular maintenance and operations are private funds and such maintenance work is not a public work.

**Sec. 2.** RCW 35.82.070 and 2002 c 218 s 22 are each amended to read as follows:

An authority shall constitute a public body corporate and politic, exercising public and essential governmental functions, and having all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the following powers in addition to others herein granted:

(1) To sue and be sued; to have a seal and to alter the same at pleasure; to have perpetual succession; to make and execute contracts and other instruments, including but not limited to partnership agreements and joint venture agreements, necessary or convenient to the exercise of the powers of the authority; to participate in the organization or the operation of a nonprofit corporation which has as one of its purposes to provide or assist in the provision of housing for persons of low income; and to make and from time to time amend and repeal bylaws, rules and regulations, not inconsistent with this chapter, to carry into effect the powers and purposes of the authority.

(2) Within its area of operation: To prepare, carry out, acquire, lease and operate housing projects; to provide for the construction, reconstruction, improvement, alteration or repair of any housing project or any part thereof; to agree to rent or sell dwellings forming part of the projects to or for persons of low income. Where an agreement or option is made to sell a dwelling to a person of low income, the authority may convey the dwelling to the person upon fulfillment of the agreement irrespective of whether the person is at the time of the conveyance a person of low income. Leases, options, agreements, or conveyances may include such covenants as the authority deems appropriate to assure the achievement of the objectives of this chapter.

(3) To acquire, lease, rent, sell, or otherwise dispose of any commercial space located in buildings or structures containing a housing project or projects.

(4) To arrange or contract for the furnishing by any person or agency, public or private, of services, privileges, works, or facilities for, or in connection with, a housing project or the occupants thereof; and (notwithstanding anything to the contrary contained in this chapter or in any other provision of law) to include in any contract let in connection with a project, stipulations requiring that the contractor and any subcontractors comply with requirements as to minimum wages and maximum hours of labor, and comply with any conditions which the federal government may have attached to its financial aid of the project.

(5) To lease or rent any dwellings, houses, accommodations, lands, buildings, structures or facilities embraced in any housing project and (subject to the limitations contained in this chapter) to establish and revise the rents or charges therefor; to own or manage buildings containing a housing project or projects as well as commercial space or other dwelling units that do not constitute a housing project as that term is defined in this chapter. However, notwithstanding the provisions under subsection (1) of this section, dwelling units made available or sold to persons of low income, together with functionally related and subordinate facilities, shall occupy at least (~~fifty~~) 50 percent of the interior space in the total development owned by the authority or at least (~~fifty~~) 50 percent of the total number of units in the development owned by the authority, whichever produces the greater number of units for persons of low income, and for mobile home parks, the mobile home lots made available to persons of low income shall be at least (~~fifty~~) 50 percent of the total number of mobile home lots in the park owned by the authority; to own, hold, and improve real or personal property; to purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise, or otherwise including financial assistance and other aid from the state or any public body, person or corporation, any real or personal property or any interest therein; to acquire by the exercise of the power of eminent domain any real property; to sell, lease, exchange, transfer, assign, pledge, or dispose of any real or personal property or any interest therein; to sell, lease, exchange, transfer, or dispose of any real or personal property or interest therein at less than fair market value to a governmental entity for any purpose when such action assists the housing authority in carrying out its powers and purposes under this chapter, to a low-income person or family for the purpose of providing housing for that person or family, or to a nonprofit corporation provided the nonprofit corporation agrees to sell the property to a low-income person or family or to use the property for the provision of housing for persons of low income for at least (~~twenty~~) 20 years; to insure or provide for the insurance of any real or personal property or operations of the authority against any risks or hazards; to procure or agree to the procurement of insurance or guarantees from the federal government of the payment of any bonds or parts thereof issued by an authority, including the power to pay premiums on any such insurance.

(6) To contract with a property management services company for purposes of operating a housing project. Rental and other project revenues collected by a property management services company from the housing project's tenants and used to pay administrative operating and ordinary maintenance costs incurred by the company under the terms of the contract with the authority shall be treated as private funds, and any resulting services as executed at the cost of the property management services company and the housing project's tenants, until the net

operating revenues are distributed to the authority for its exclusive use and control. For the purposes of this subsection, "ordinary maintenance" only includes: Routine repairs related to unit turnover work; grounds and parking lot upkeep; and repairs and cleaning work needed to keep a property in a clean, safe, sanitary, and rentable condition that are customarily undertaken or administered by residential property management services companies. "Ordinary maintenance" does not include repairs that would be considered replacement capital repairs or scheduled regular maintenance work on plumbing, electrical, or HVAC/R systems or their components.

(7) To invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control; to purchase its bonds at a price not more than the principal amount thereof and accrued interest, all bonds so purchased to be canceled.

~~((7))~~ (8) Within its area of operation: To investigate into living, dwelling and housing conditions and into the means and methods of improving such conditions; to determine where slum areas exist or where there is a shortage of decent, safe and sanitary dwelling accommodations for persons of low income; to make studies and recommendations relating to the problem of clearing, replanning and reconstructing of slum areas, and the problem of providing dwelling accommodations for persons of low income, and to cooperate with the city, the county, the state or any political subdivision thereof in action taken in connection with such problems; and to engage in research, studies and experimentation on the subject of housing.

~~((8))~~ (9) Acting through one or more commissioners or other person or persons designated by the authority: To conduct examinations and investigations and to hear testimony and take proof under oath at public or private hearings on any matter material for its information; to administer oaths, issue subpoenas requiring the attendance of witnesses or the production of books and papers and to issue commissions for the examination of witnesses who are outside of the state or unable to attend before the authority, or excused from attendance; to make available to appropriate agencies (including those charged with the duty of abating or requiring the correction of nuisances or like conditions, or of demolishing unsafe or insanitary structures within its area of operation) its findings and recommendations with regard to any building or property where conditions exist which are dangerous to the public health, morals, safety or welfare.

~~((9))~~ (10) To initiate eviction proceedings against any tenant as provided by law. Activity occurring in any housing authority unit that constitutes a violation of chapter 69.41, 69.50, or 69.52 RCW shall constitute a nuisance for the purpose of RCW 59.12.030(5).

~~((10))~~ (11) To exercise all or any part or combination of powers herein granted.

No provisions of law with respect to the acquisition, operation or disposition of property by other public bodies shall be applicable to an authority unless the legislature shall specifically so state.

~~((11))~~ (12) To agree (notwithstanding the limitation contained in RCW 35.82.210) to make such payments in lieu of taxes as the authority finds consistent with the achievement of the purposes of this chapter.

~~((12))~~ (13) Upon the request of a county or city, to exercise any powers of a community renewal agency under chapter 35.81 RCW or a public corporation, commission, or authority under chapter 35.21 RCW.

~~((13))~~ (14) To exercise the powers granted in this chapter within the boundaries of any city, town, or county not included in the area in which such housing authority is originally authorized to function: PROVIDED, HOWEVER, The governing or legislative body of such city, town, or county, as the case may be, adopts a resolution declaring that there is a need for the authority to function in such territory.

~~((14))~~ (15) To administer contracts for assistance payments to persons of low income in accordance with section 8 of the United States Housing Act of 1937, as amended by Title II, section 201 of the Housing and Community Development Act of 1974, P.L. 93-383.

~~((15))~~ (16) To sell at public or private sale, with or without public bidding, for fair market value, any mortgage or other obligation held by the authority.

~~((16))~~ (17) To the extent permitted under its contract with the holders of bonds, notes, and other obligations of the authority, to consent to any modification with respect to rate of interest, time, and payment of any installment of principal or interest security, or any other term of any contract, mortgage, mortgage loan, mortgage loan commitment, contract, or agreement of any kind to which the authority is a party.

~~((17))~~ (18) To make, purchase, participate in, invest in, take assignments of, or otherwise acquire loans to persons of low income to enable them to acquire, construct, reconstruct, rehabilitate, improve, lease, or refinance their dwellings, and to take such security therefor as is deemed necessary and prudent by the authority.

~~((18))~~ (19) To make, purchase, participate in, invest in, take assignments of, or otherwise acquire loans for the acquisition, construction, reconstruction, rehabilitation, improvement, leasing, or refinancing of land, buildings, or developments for housing for persons of low income. For purposes of this subsection, development shall include either land or buildings or both.

(a) Any development financed under this subsection shall be subject to an agreement that for at least ~~((twenty))~~ 20 years the dwelling units made available to persons of low income together with functionally related and subordinate facilities shall occupy at least ~~((fifty))~~ 50 percent of the interior space in the total development or at least ~~((fifty))~~ 50 percent of the total number of units in the development, whichever produces the greater number of units for persons of low income. For mobile home parks, the mobile home lots made available to persons of low income shall be at least ~~((fifty))~~ 50 percent of the total number of mobile home lots in the park. During the term of the agreement, the owner shall use its best efforts in good faith to maintain the dwelling units or mobile home lots required to be made available to persons of low income at rents affordable to persons of low income. The ~~((twenty-year))~~ 20-year requirement under this subsection ~~((18))~~ (19)(a) shall not apply when an authority finances the development by nonprofit corporations or governmental units of dwellings or mobile home lots intended for sale to persons of low and moderate income, and shall not apply to construction or other short-term financing provided to nonprofit corporations or governmental units when the financing has a repayment term of one year or less.

(b) In addition, if the development is owned by a for-profit entity, the dwelling units or mobile home lots required to be made available to persons of low income shall be rented to persons whose incomes do not exceed ~~((fifty))~~ 50 percent of the area median income, adjusted for household size, and shall have unit or lot rents that do not exceed ~~((fifteen))~~ 15 percent of area median income, adjusted for household size, unless rent subsidies are provided to make them affordable to persons of low income.

For purposes of this subsection ~~((18))~~ (19)(b), if the development is owned directly or through a partnership by a governmental entity or a nonprofit organization, which nonprofit organization is itself not controlled by a for-profit entity or affiliated with any for-profit entity that a nonprofit organization itself does not control, it shall not be treated as being owned by a for-profit entity when the governmental entity or nonprofit organization exercises legal control of the ownership entity and in addition, (i) the dwelling units or mobile home lots required to be made available to persons of low income are rented to persons whose incomes do not exceed ~~((sixty))~~ 60 percent of the area median income, adjusted for household size, and (ii) the development is subject to an agreement that transfers ownership to the governmental entity or nonprofit organization or extends an irrevocable right of first refusal to purchase the development under a formula for setting the acquisition price that is specified in the agreement.

(c) Commercial space in any building financed under this subsection that exceeds four stories in height shall not constitute more than ~~((twenty))~~ 20 percent of the interior area of the building. Before financing any development under this subsection the authority shall make a written finding that financing is important for project feasibility or necessary to enable the authority to carry out its powers and purposes under this chapter.

~~((19))~~ (20) To contract with a public authority or corporation, created by a county, city, or town under RCW 35.21.730 through 35.21.755, to act as the developer for new housing projects or improvement of existing housing projects.

Passed by the House March 7, 2022.

Passed by the Senate March 2, 2022.

Approved by the Governor March 31, 2022.

Filed in Office of Secretary of State April 1, 2022.

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## CHAPTER 274

[Engrossed House Bill 1990]

### STATE ROUTE NUMBER 167 AND INTERSTATE 405 CORRIDOR—SALES AND USE TAX DEFERRAL

AN ACT Relating to a sales and use tax deferral for projects to improve the state route number 167 and Interstate 405 corridor; adding a new section to chapter 47.56 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. A new section is added to chapter 47.56 RCW to read as follows:

(1)(a) A person involved in the construction of any state route number 167 and Interstate 405 corridor project may apply to the department of revenue for deferral of state and local sales and use taxes owed by that person with respect to

the site preparation for, the construction of, the acquisition of any related machinery and equipment that will become a part of, and the rental of equipment for use in, the projects. The deferral is for purchases made and labor or services rendered on or after the effective date of this section.

(b) Deferral applicants must submit their applications for deferral in a form and manner prescribed by the department of revenue. The application must contain information regarding estimated or actual costs, time schedules for completion and operation, and other information required by the department of revenue. The department of revenue shall approve the application within 60 days if it meets the requirements of this section.

(2) The department of revenue shall issue a sales and use tax deferral certificate to qualifying applicants for state and local sales and use taxes imposed or authorized under chapters 82.08, 82.12, and 82.14 RCW and RCW 81.104.170 on the project.

(3) A person granted a tax deferral under this section shall begin paying the deferred taxes in the tenth year after the date the department notifies the department of revenue in writing that all projects qualifying for a deferral under this section are operationally complete. The first payment is due on December 31st of the tenth calendar year after the notification date, with subsequent annual payments due on December 31st of the following nine years. Each payment must equal 10 percent of the deferred tax.

(4) The department of revenue may authorize an accelerated repayment schedule upon request of a person granted a deferral under this section.

(5) Interest and penalties must not be charged on any taxes deferred under this section for the period of deferral, although all other penalties and interest applicable to delinquent excise taxes may be assessed and imposed for delinquent payments under this section. The debt for deferred taxes is not extinguished by insolvency or other failure of any private entity granted a deferral under this section.

(6) Applications and any other information received by the department of revenue under this section are not confidential and are subject to disclosure. Chapter 82.32 RCW applies to the administration of this section.

(7) For purposes of this section, the following definitions apply:

(a) "Person" has the same meaning as in RCW 82.04.030 and also includes the department.

(b) "Qualifying applicant" means a person whose deferral application under this section was approved by the department of revenue.

(c) "State route number 167 and Interstate 405 corridor project" means any of the following projects:

(i) Interstate 405 and state route number 522 vicinity to state route number 527 express toll lanes improvement project (design completion and construction);

(ii) Interstate 405 Renton to Bellevue widening and express toll lanes project (construction of phase 3);

(iii) Northbound and southbound state route number 167 stage 6 extension project (design and construction);

(iv) Interstate 405 and North 8th Street direct access ramp project (design and construction); and

(v) Northeast 85th Street toll equipment through the Interstate 405 and Northeast 85th Street interchange and inline bus rapid transit station project (toll infrastructure construction).

NEW SECTION. Sec. 2. The provisions of RCW 82.32.805 and 82.32.808 do not apply to this act.

NEW SECTION. Sec. 3. This act takes effect July 1, 2022.

Passed by the House March 4, 2022.

Passed by the Senate March 10, 2022.

Approved by the Governor March 31, 2022.

Filed in Office of Secretary of State April 1, 2022.

**CHAPTER 275**

[Substitute House Bill 2001]

TINY HOUSE COMMUNITIES—GROWTH MANAGEMENT ACT AFFORDABLE HOUSING INCENTIVE PROGRAMS

AN ACT Relating to expanding the ability to build tiny houses; amending RCW 36.70A.540; and creating new sections.

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

NEW SECTION. Sec. 1. In 2019 the legislature enacted a statutory framework encouraging the construction of tiny houses and tiny house communities. These homes provide a unique opportunity in the affordable housing market. It is the objective of the legislature to facilitate more development of housing that people with lower incomes can own and remove barriers that would prevent the development of tiny houses and tiny house communities.

**Sec. 2.** RCW 36.70A.540 and 2009 c 80 s 1 are each amended to read as follows:

(1)(a) Any city or county planning under RCW 36.70A.040 may enact or expand affordable housing incentive programs providing for the development of low-income housing units through development regulations or conditions on rezoning or permit decisions, or both, on one or more of the following types of development: Residential; commercial; industrial; or mixed-use. An affordable housing incentive program may include, but is not limited to, one or more of the following:

- (i) Density bonuses within the urban growth area;
- (ii) Height and bulk bonuses;
- (iii) Fee waivers or exemptions;
- (iv) Parking reductions; or
- (v) Expedited permitting.

(b) The city or county may enact or expand such programs whether or not the programs may impose a tax, fee, or charge on the development or construction of property.

(c) If a developer chooses not to participate in an optional affordable housing incentive program adopted and authorized under this section, a city, county, or town may not condition, deny, or delay the issuance of a permit or



development approval that is consistent with zoning and development standards on the subject property absent incentive provisions of this program.

(2) Affordable housing incentive programs enacted or expanded under this section shall comply with the following:

(a) The incentives or bonuses shall provide for the development of low-income housing units;

(b) Jurisdictions shall establish standards for low-income renter or owner occupancy housing, including income guidelines consistent with local housing needs, to assist low-income households that cannot afford market-rate housing. Low-income households are defined for renter and owner occupancy program purposes as follows:

(i) Rental housing units to be developed shall be affordable to and occupied by households with an income of fifty percent or less of the county median family income, adjusted for family size;

(ii) Owner occupancy housing units shall be affordable to and occupied by households with an income of eighty percent or less of the county median family income, adjusted for family size. The legislative authority of a jurisdiction, after holding a public hearing, may establish lower income levels; and

(iii) The legislative authority of a jurisdiction, after holding a public hearing, may also establish higher income levels for rental housing or for owner occupancy housing upon finding that higher income levels are needed to address local housing market conditions. The higher income level for rental housing may not exceed eighty percent of the county area median family income. The higher income level for owner occupancy housing may not exceed one hundred percent of the county area median family income. These established higher income levels are considered "low-income" for the purposes of this section;

(c) The jurisdiction shall establish a maximum rent level or sales price for each low-income housing unit developed under the terms of a program and may adjust these levels or prices based on the average size of the household expected to occupy the unit. For renter-occupied housing units, the total housing costs, including basic utilities as determined by the jurisdiction, may not exceed thirty percent of the income limit for the low-income housing unit;

(d) Where a developer is utilizing a housing incentive program authorized under this section to develop market rate housing, and is developing low-income housing to satisfy the requirements of the housing incentive program, the low-income housing units shall be provided in a range of sizes comparable to those units that are available to other residents. To the extent practicable, the number of bedrooms in low-income units must be in the same proportion as the number of bedrooms in units within the entire development. The low-income units shall generally be distributed throughout the development and have substantially the same functionality as the other units in the development;

(e) Low-income housing units developed under an affordable housing incentive program shall be committed to continuing affordability for at least fifty years. A local government, however, may accept payments in lieu of continuing affordability. The program shall include measures to enforce continuing affordability and income standards applicable to low-income units constructed under this section that may include, but are not limited to, covenants, options, or other agreements to be executed and recorded by owners and developers;

(f) Programs authorized under subsection (1) of this section may apply to part or all of a jurisdiction and different standards may be applied to different areas within a jurisdiction or to different types of development. Programs authorized under this section may be modified to meet local needs and may include provisions not expressly provided in this section or RCW 82.02.020;

(g) Low-income housing units developed under an affordable housing incentive program are encouraged to be provided within developments for which a bonus or incentive is provided. However, programs may allow units to be provided in a building located in the general area of the development for which a bonus or incentive is provided; and

(h) Affordable housing incentive programs may allow a payment of money or property in lieu of low-income housing units if the jurisdiction determines that the payment achieves a result equal to or better than providing the affordable housing on-site, as long as the payment does not exceed the approximate cost of developing the same number and quality of housing units that would otherwise be developed. Any city or county shall use these funds or property to support the development of low-income housing, including support provided through loans or grants to public or private owners or developers of housing.

(3) Affordable housing incentive programs enacted or expanded under this section may be applied within the jurisdiction to address the need for increased residential development, consistent with local growth management and housing policies, as follows:

(a) The jurisdiction shall identify certain land use designations within a geographic area where increased residential development will assist in achieving local growth management and housing policies;

(b) The jurisdiction shall provide increased residential development capacity through zoning changes, bonus densities, height and bulk increases, parking reductions, or other regulatory changes or other incentives;

(c) The jurisdiction shall determine that increased residential development capacity or other incentives can be achieved within the identified area, subject to consideration of other regulatory controls on development; and

(d) The jurisdiction may establish a minimum amount of affordable housing that must be provided by all residential developments being built under the revised regulations, consistent with the requirements of this section.

(4) To provide more affordable housing options, tiny house communities may be part of an incentive program permitted under this section.

NEW SECTION. Sec. 3. This act shall be liberally construed to carry out its purposes and objectives.

Passed by the House February 11, 2022.

Passed by the Senate March 3, 2022.

Approved by the Governor March 31, 2022.

Filed in Office of Secretary of State April 1, 2022.

## CHAPTER 276

[House Bill 2007]

## NURSE EDUCATOR LOAN REPAYMENT PROGRAM

AN ACT Relating to establishing a nurse educator loan repayment program under the Washington health corps; and amending RCW 28B.115.020, 28B.115.030, 28B.115.050, 28B.115.070, 28B.115.080, 28B.115.090, 28B.115.110, and 28B.115.130.

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

**Sec. 1.** RCW 28B.115.020 and 2019 c 302 s 2 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) "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.

~~((2))~~ (3) "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.

~~((3))~~ (4) "Department" means the state department of health.

~~((4))~~ (5) "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.

~~((5))~~ (6) "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.

~~((6))~~ (7) "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.

~~((7))~~ (8) "Forgiven" or "to forgive" or "forgiveness" means to render health care services in a health professional shortage area ~~((or))~~, an underserved behavioral health area, or as a nurse educator in the state of Washington in lieu of monetary repayment.

~~((8))~~ (9) "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."

~~((9))~~ (10) "Loan repayment" means a loan that is paid in full or in part if the participant ~~((renders))~~:

(a) Renders health care services in a health professional shortage area or an underserved behavioral health area as defined by the department; or

(b) Teaches as a nurse educator for an approved nursing program.

~~((10))~~ (11) "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.

~~((11))~~ (12) "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.

(13) "Office" means the office of student financial assistance.

~~((12))~~ (14) "Participant" means ~~((a))~~:

(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; ~~((a))~~

(c) An eligible student who has received a scholarship under this program.

~~((13))~~ (15) "Required service obligation" means an obligation by the participant to ~~((provide))~~:

(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; or

(b) Teach as a nurse educator for a period to be established as provided for in this chapter.

~~((14))~~ (16) "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.

~~((15))~~ (17) "Satisfied" means paid-in-full.

~~((16))~~ (18) "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.

~~((17))~~ (19) "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.

~~((18))~~ (20) "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. 2.** RCW 28B.115.030 and 2019 c 302 s 3 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 ~~((and))~~, the behavioral health loan repayment program, and the nurse educator 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 ((health professional loan repayment and scholarship and the behavioral health loan repayment programs shall be administered by the office))~~ 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; ~~((and))~~

(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;

(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 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. 3.** RCW 28B.115.050 and 2019 c 302 s 5 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 ~~((both the health professional loan repayment and scholarship program and the behavioral health loan repayment program))~~ 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, and other appropriate public and private agencies and organizations. The criteria

may require that some of the participants meet the definition of (~~"needy student"~~) financial need under RCW 28B.92.030.

**Sec. 4.** RCW 28B.115.070 and 2021 c 334 s 962 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) (~~For the 2017-2019, 2019-2021, and 2021-2023 fiscal biennia, consideration for eligibility shall also be given to registered nursing students who have been accepted into an eligible nursing education program and have declared an intention to teach nursing upon completion of the nursing education program.~~

(3) (~~For the 2019-2021 and 2021-2023 fiscal biennia, eligibility for loan repayment shall also be given to chiropractors.~~

(4) (~~During the 2019-2021 and 2021-2023 fiscal biennia, the department must consider pediatric and juvenile rheumatologists for eligibility for loan repayment.~~) The office, in consultation with the department, shall determine selection criteria for nurse educators and approved nursing programs.

**Sec. 5.** RCW 28B.115.080 and 2019 c 302 s 7 are each amended to read as follows:

After June 1, 1992, the office, in consultation with the department and the department of social and health services, shall:

(1) 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) 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) 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) 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) Determine eligible education and training programs for purposes of the scholarship portion of the health professional loan repayment and scholarship program;

~~((5))~~ (6) 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 ~~((28B.115))~~ or chapter 70.180 RCW.

**Sec. 6.** RCW 28B.115.090 and 2019 c 302 s 8 are each amended to read as follows:

(1) The office may grant loan repayment and scholarship awards to eligible participants from the funds appropriated to the ~~((health professional loan repayment and scholarship program, or from any private or public funds given to the office for this purpose. The office may grant loan repayment to eligible participants from the funds appropriated to the behavioral health loan repayment program or from any private or public funds given to the office for this purpose))~~ Washington health corps program. Participants are ineligible to receive loan repayment under the ~~((health professional loan repayment and scholarship program or the behavioral health loan repayment program))~~ Washington health corps program if they have received a scholarship from programs authorized under this chapter or chapter 70.180 RCW or are ineligible to receive a scholarship if they have received loan repayment authorized under this chapter ~~((or chapter 28B.115 RCW))~~.

(2) Funds appropriated for the health professional loan repayment and scholarship program, including reasonable administrative costs, may be used by the office for the purposes of loan repayments or scholarships. The office shall annually establish the total amount of funding to be awarded for loan repayments and scholarships and such allocations shall be established based upon the best utilization of funding for that year.

(3) One portion of the funding appropriated for the health professional loan repayment and scholarship program shall be used by the office as a recruitment incentive for communities participating in the community-based recruitment and retention program as authorized by chapter 70.185 RCW; one portion of the funding shall be used by the office as a recruitment incentive for recruitment activities in state-operated institutions, county public health departments and districts, county human service agencies, federal and state contracted community health clinics, and other health care facilities, such as rural hospitals that have been identified by the department, as providing substantial amounts of charity care or publicly subsidized health care; one portion of the funding shall be used by the office for all other awards. The office shall determine the amount of total funding to be distributed between the three portions.

**Sec. 7.** RCW 28B.115.110 and 2019 c 302 s 10 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 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 ((~~or~~)), an underserved behavioral health area, or as a nurse educator at an approved nursing program after the required service obligation when eligibility discontinues, whichever comes first.

(5) Should the participant discontinue service in a health professional shortage area ((~~or~~)), an underserved behavioral health area, or as a nurse educator at an approved nursing program, 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 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. 8.** RCW 28B.115.130 and 2011 1st sp.s. c 11 s 212 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 or any other public or private funds intended for loan repayments or scholarships under (~~this program~~) 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.

Passed by the House February 13, 2022.

Passed by the Senate March 4, 2022.

Approved by the Governor March 31, 2022.

Filed in Office of Secretary of State April 1, 2022.

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## CHAPTER 277

[Second Substitute House Bill 2008]

### DEVELOPMENTAL DISABILITIES ADMINISTRATION—USE OF INTELLIGENCE QUOTIENT SCORES

AN ACT Relating to eliminating the use of intelligence quotient scores in determining eligibility for programs and services for individuals with developmental disabilities; amending RCW 71A.16.020; reenacting and amending RCW 71A.10.020; and creating a new section.

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

**NEW SECTION. Sec. 1.** The legislature finds that requiring intelligence quotient testing to determine if a person has an intellectual or developmental disability is expensive, inaccessible to marginalized communities, complicated to receive, and time consuming for families already struggling to care for their

child with an intellectual or developmental disability. Further, the legislature finds that intelligence quotient testing does not accurately indicate whether a person needs support to be personally and socially productive, which is the goal of the developmental disabilities administration outlined in RCW 71A.10.015. Therefore, the legislature finds that requiring intelligence quotient testing in assessing whether a person has an intellectual or developmental disability is not an appropriate diagnostic tool and eliminating the use of intelligence quotient scores has been a goal of the legislature for more than 40 years.

**Sec. 2.** RCW 71A.10.020 and 2014 c 139 s 2 are each reenacted and amended to read as follows:

As used in this title, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Administration" means the department of social and health services developmental disabilities administration.

(2) "Assessment" means an evaluation is provided by the department to determine:

(a) If the individual meets functional and financial criteria for medicaid services; and

(b) The individual's support needs for service determination.

~~((2))~~ (3) "Community residential support services," or "community support services," and "in-home services" means one or more of the services listed in RCW 71A.12.040.

~~((3))~~ (4) "Crisis stabilization services" means services provided to persons with developmental disabilities who are experiencing behaviors that jeopardize the safety and stability of their current living situation. Crisis stabilization services include:

(a) Temporary intensive services and supports, typically not to exceed sixty days, to prevent psychiatric hospitalization, institutional placement, or other out-of-home placement; and

(b) Services designed to stabilize the person and strengthen their current living situation so the person may continue to safely reside in the community during and beyond the crisis period.

~~((4))~~ (5) "Department" means the department of social and health services.

~~((5))~~ (6) "Developmental disability" means a disability attributable to intellectual disability, cerebral palsy, epilepsy, autism, or another neurological or other condition of an individual found by the secretary to be closely related to an intellectual disability or to require treatment similar to that required for individuals with intellectual disabilities, which disability originates before the individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial limitation to the individual. By ~~((January 1, 1989))~~ June 30, 2025, the ~~((department))~~ administration shall promulgate rules ~~((which))~~ to further define ~~((neurological or other conditions in a way that is not limited to))~~ developmental disability without the use of intelligence quotient scores ~~((as the sole determinant of these conditions, and notify the legislature of this action)).~~

~~((6))~~ (7) "Eligible person" means a person who has been found by the secretary under RCW 71A.16.040 to be eligible for services.

~~((7))~~ (8) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and to raise

their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy.

~~((8))~~ (9) "Legal representative" means a parent of a person who is under eighteen years of age, a person's legal guardian, a person's limited guardian when the subject matter is within the scope of the limited guardianship, a person's attorney-at-law, a person's attorney-in-fact, or any other person who is authorized by law to act for another person.

~~((9))~~ (10) "Notice" or "notification" of an action of the secretary means notice in compliance with RCW 71A.10.060.

~~((10))~~ (11) "Residential habilitation center" means a state-operated facility for persons with developmental disabilities governed by chapter 71A.20 RCW.

~~((11))~~ (12) "Respite services" means relief for families and other caregivers of people with disabilities, typically not to exceed ninety days, to include both in-home and out-of-home respite care on an hourly and daily basis, including twenty-four hour care for several consecutive days. Respite care workers provide supervision, companionship, and personal care services temporarily replacing those provided by the primary caregiver of the person with disabilities. Respite care may include other services needed by the client, including medical care which must be provided by a licensed health care practitioner.

~~((12))~~ (13) "Secretary" means the secretary of social and health services or the secretary's designee.

~~((13))~~ (14) "Service" or "services" means services provided by state or local government to carry out this title.

~~((14))~~ (15) "Service request list" means a list of eligible persons who have received an assessment for service determination and their assessment shows that they meet the eligibility requirements for the requested service but were denied access due to funding limits.

~~((15))~~ (16) "State-operated living alternative" means programs for community residential services which may include assistance with activities of daily living, behavioral, habilitative, interpersonal, protective, medical, nursing, and mobility supports to individuals who have been assessed by the department as meeting state and federal requirements for eligibility in home and community-based waiver programs for individuals with developmental disabilities. State-operated living alternatives are operated and staffed with state employees.

~~((16))~~ (17) "Supported living" means community residential services and housing which may include assistance with activities of daily living, behavioral, habilitative, interpersonal, protective, medical, nursing, and mobility supports provided to individuals with disabilities who have been assessed by the department as meeting state and federal requirements for eligibility in home and community-based waiver programs for individuals with developmental disabilities. Supported living services are provided under contracts with private agencies or with individuals who are not state employees.

~~((17))~~ (18) "Vacancy" means an opening at a residential habilitation center, which when filled, would not require the center to exceed its biennially budgeted capacity.

**Sec. 3.** RCW 71A.16.020 and 1988 c 176 s 402 are each amended to read as follows:

(1) A person is eligible for services under this title if the secretary finds that the person has a developmental disability as defined in RCW 71A.10.020(~~((2))~~).

(2) The secretary may adopt rules further defining and implementing the criteria in the definition of "developmental disability" under RCW 71A.10.020(~~((2))~~). Beginning July 1, 2025, the administration may not use intelligence quotient scores as a determinant of developmental disability. The administration shall maintain eligibility for the administration's services for any persons determined eligible after the age of 18 who were determined eligible using an intelligence quotient score under criteria in place prior to July 1, 2025. The administration shall not disenroll any client upon review at 18 years old who is determined to be eligible based on standards in place prior to or after July 1, 2025.

Passed by the House March 7, 2022.

Passed by the Senate March 4, 2022.

Approved by the Governor March 31, 2022.

Filed in Office of Secretary of State April 1, 2022.

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## CHAPTER 278

[Substitute House Bill 2019]

### CAREERS IN RETAIL—EDUCATION AND TRAINING REPORT

AN ACT Relating to increasing educational and training opportunities for careers in retail; creating new sections; 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 the retail industry is vital to the state's economy, providing 42 percent of the state's total tax collections in 2019, employing approximately 385,000 people across the state, and paying nearly \$24 billion in annual wages. Nationally, one in four jobs are in retail, 34 percent of the retail workforce consists of people of color, and the retail industry is the fourth largest employer of immigrants.

(2) Workers with retail experience acquire transferrable and stackable job skills needed in all industries and careers. Retail work offers foundational training for strong customer service skills, which is the single most essential skill employers are looking for in new hires, according to research from the Washington employment security department. Sixty-two percent of retail store managers earned promotions through training programs that enabled them to move up the ranks of the retail industry. The legislature finds that the majority of retail employers in Washington are small businesses who would benefit greatly from a pipeline of entry-level employees with job readiness skills. A few other states have successfully adopted entry-level retail customer service, retail operations, and warehouse logistics courses, such as the national retail foundation's retail industry skills and education certification program.

(3) The legislature further finds that Washington has developed strong career and technical education programs and has invested in career connected learning. The career connected learning cross-agency work group is charged with creating work-based and academic programs for young people to explore, learn, and earn money and college-level credit. However, the current career and technical education clusters and career connected learning programs do not

adequately identify and promote working in retail as a career. Although some career clusters and pathways may include courses that are relevant to a career in retail, there are not pathways specific to retail nor are students encouraged to participate for the purpose of a career in retail. Additionally, the legislature recognizes that there is a positive correlation between educational opportunities available to incarcerated individuals and reduced recidivism, especially when incarcerated individuals participate in education and training programs focused on job opportunities that are available upon release.

(4) It is the legislature's intent to help employees be successful in retail and to provide a skilled workforce for retail employers by increasing and clearly identifying education and training opportunities for careers in the retail industry.

**NEW SECTION. Sec. 2.** (1) The workforce training and education coordinating board, in consultation with the state board for community and technical colleges and statewide retail employer organizations, shall:

- (a) Identify core skills needed for employment in the retail industry;
- (b) Identify existing courses, educational pathways, and apprenticeships for students and entry-level job seekers to gain the core skills identified;
- (c) Map educational pathways, including apprenticeship programs, that retail workers may use to pursue promotions and job advancement opportunities;
- (d) Identify where there are gaps in educational courses, trainings, and apprenticeships for retail workers; and
- (e) Identify in demand, higher wage, nonindustry specific professions within the retail industry that experience and education in retail may lead to, such as professions in accounting, human resources, or information technology.

(2) The workforce training and education coordinating board shall use the information gathered from subsection (1) of this section to engage stakeholders, including the state board for community and technical colleges, the office of the superintendent of public instruction, the department of corrections, the employment security department, the career connected learning cross-agency work group under chapter 28C.30 RCW, and statewide retail employer organizations to make recommendations to the legislature on the following:

- (a) Strategies to develop additional courses, pathways, and apprenticeships to make retail certifications and credentials available for job seekers and current retail employees;
- (b) Strategies to build a network for students and job seekers who complete retail certification courses to connect with potential employers;
- (c) Options for engaging and partnering with retail employers to provide courses to incumbent frontline workers for the purpose of upskilling and promotions, including for in demand, higher paid, nonindustry specific positions within the retail industry; and
- (d) Options for increasing training and job opportunities in the retail industry for underserved communities and previously incarcerated individuals.

(3) The workforce training and education coordinating board shall report on the progress of this section to the appropriate committees of the legislature in accordance with RCW 43.01.036 by December 1, 2022, and submit a final report with recommendations by December 1, 2023.

(4) This section expires July 1, 2024.

Passed by the House February 2, 2022.

Passed by the Senate March 3, 2022.

Approved by the Governor March 31, 2022.

Filed in Office of Secretary of State April 1, 2022.

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## CHAPTER 279

[House Bill 2033]

### EMERGENCY AND WORK ZONES—VARIOUS PROVISIONS

AN ACT Relating to safety measures for fire department vehicles and other vehicles using lights or other signals in emergency or work zones; amending RCW 46.37.184 and 46.61.212; and prescribing penalties.

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

**Sec. 1.** RCW 46.37.184 and 1961 c 12 s 46.37.184 are each amended to read as follows:

All fire department vehicles in service shall be identified by red lights of an intermittent flashing type, visible from both front and rear for a distance of (~~five hundred~~) 500 feet under normal atmospheric conditions. Such red flashing lights shall be well separated from the headlights so that they will not black out when headlights are on. Such red flashing lights shall be in operation at all times when such vehicle is on emergency status. Fire department vehicles may also operate rear-facing blue lights. The combination of red and blue lights shall only be used at the scene of the emergency.

**Sec. 2.** RCW 46.61.212 and 2019 c 106 s 1 are each amended to read as follows:

(1) An emergency or work zone is defined as the adjacent lanes of the roadway (~~two hundred~~) 200 feet before and after:

(a) A stationary authorized emergency vehicle that is making use of audible and/or visual signals meeting the requirements of RCW 46.37.190;

(b) A tow truck that is making use of visual red lights meeting the requirements of RCW 46.37.196;

(c) Other vehicles providing roadside assistance that are making use of warning lights with (~~three hundred sixty~~) 360 degree visibility;

(d) A police vehicle properly and lawfully displaying a flashing, blinking, or alternating emergency light or lights; or

(e) A stationary or slow moving highway construction vehicle, highway maintenance vehicle, solid waste vehicle, or utility service vehicle making use of flashing lights that meet the requirements of RCW 46.37.300 or warning lights with (~~three hundred sixty~~) 360 degree visibility.

(2) The driver of any motor vehicle, upon approaching an emergency or work zone, shall:

(a) On a highway having four or more lanes, at least two of which are intended for traffic proceeding in the same direction as the approaching vehicle, proceed with caution and, if the opportunity exists, with due regard for safety and traffic conditions, yield the right-of-way by making a lane change or moving away from the lane or shoulder occupied by an emergency or work zone vehicle identified in subsection (1) of this section;

(b) On a highway having less than four lanes, proceed with caution, reduce the speed of the vehicle, and, if the opportunity exists, with due regard for safety

and traffic conditions, and under the rules of this chapter, yield the right-of-way by passing to the left at a safe distance and simultaneously yield the right-of-way to all vehicles traveling in the proper direction upon the highway; or

(c) If changing lanes or moving away would be unsafe, proceed with due caution and reduce the speed of the vehicle to at least ~~((ten))~~ 10 miles per hour below the posted speed limit, except for when the posted speed limit is 60 miles per hour or more, then reduce the speed of the vehicle to no more than 50 miles per hour.

(3) A person may not drive a vehicle in an emergency or work zone at a speed greater than the posted speed limit or greater than what is permitted under subsection (2)(c) of this section.

(4) A person found to be in violation of this section, or any infraction relating to speed restrictions in an emergency or work zone, must be assessed a monetary penalty equal to twice the penalty assessed under RCW 46.63.110. This penalty may not be waived, reduced, or suspended.

(5) A person who drives a vehicle in an emergency or work zone in such a manner as to endanger or be likely to endanger any emergency or work zone worker or property is guilty of reckless endangerment of emergency or work zone workers. A violation of this subsection is a gross misdemeanor punishable under chapter 9A.20 RCW.

(6) The department shall suspend for ~~((sixty))~~ 60 days the driver's license, permit to drive, or nonresident driving privilege of a person convicted of reckless endangerment of emergency or work zone workers.

Passed by the House February 9, 2022.

Passed by the Senate March 2, 2022.

Approved by the Governor March 31, 2022.

Filed in Office of Secretary of State April 1, 2022.

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## CHAPTER 280

[Substitute House Bill 2051]

### AGRICULTURAL PRODUCERS—SHORT-TERM DISASTER RECOVERY FINANCIAL ASSISTANCE

AN ACT Relating to providing short-term disaster recovery financial assistance to agricultural producers; adding a new section to chapter 89.08 RCW; creating a new section; and declaring an emergency.

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

**NEW SECTION. Sec. 1.** (1) The legislature finds that severe flooding hit Whatcom county in November of 2021, causing significant damage and immediate disruption to agricultural production including crop loss, livestock loss, and damage to facilities. The legislature finds that financial relief and recovery resources are often necessary for the survival of farms and ranches impacted by such destructive natural disasters.

(2) The legislature further finds that disaster aid is critical to farmers and ranchers who may need financing but struggle to access capital due to a lack of financial documentation, lack of collateral, credit issues, or a perception of not being bankable. Following a disaster, farmers and ranchers may deplete their

savings, borrow from family or friends, take out second mortgages, or grow credit card debt to stay afloat.

(3) The legislature further finds that some disaster assistance is available through programs provided by the United States department of agriculture, but that some farmers and ranchers may not be aware of the resources available and that it can take time to secure grant funds.

(4) The legislature further finds that short-term aid, or gap funding, would help retain businesses and jobs in the agricultural industry, and will help community and food system resilience while farmers and ranchers wait for longer term financing.

(5) Therefore, the legislature intends to establish a grant program to initially provide short-term financial assistance to farmers and ranchers in the aftermath of the Whatcom county flooding that can be replicated in future natural disasters, and to ensure that farmers and ranchers are made aware of federal disaster assistance programs and how to access them.

**NEW SECTION. Sec. 2.** A new section is added to chapter 89.08 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the commission, in cooperation with local conservation districts, must develop and implement a short-term disaster recovery financial assistance program for farmers and ranchers. The program must initially address providing short-term funding to farmers and ranchers that sustained physical damage or economic loss due to the major flooding event that occurred in Whatcom county during November 2021.

(2) Under the program, the commission may provide grants to eligible farmers and ranchers. Grant funds may be used for payroll, utilities and rent, marketing and advertising, building improvements or repairs, replacing damaged or lost crops, livestock, and equipment, and other operations and business expenses.

(3) In order to be eligible to apply for a grant under this section, a farmer or rancher must provide documentation of a reduction in agricultural income or activity as a result of a natural disaster such as a flood, earthquake, or wildfire.

(4) The commission must coordinate with the department of agriculture and local conservation districts in conducting outreach to farmers and ranchers in order to increase awareness and understanding of the disaster recovery financial assistance program, and to ensure that farmers and ranchers are aware of other disaster relief assistance available through the state and federal government.

(5) The commission may adopt rules to implement this section.

**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 February 9, 2022.

Passed by the Senate March 4, 2022.

Approved by the Governor March 31, 2022.

Filed in Office of Secretary of State April 1, 2022.



## CHAPTER 281

[Engrossed Substitute House Bill 2076]

## TRANSPORTATION NETWORK COMPANIES

AN ACT Relating to rights and obligations of transportation network company drivers and transportation network companies; amending RCW 49.46.210, 51.12.020, 51.08.070, 51.08.180, 51.16.060, and 48.177.010; adding new sections to chapter 49.46 RCW; adding a new section to chapter 51.16 RCW; adding a new section to chapter 51.04 RCW; adding a new chapter to Title 46 RCW; creating a new section; recodifying RCW 48.177.010; and providing effective dates.

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

## PART I

## COMPENSATION, DEACTIVATION, AND DRIVER RESOURCE CENTER

NEW SECTION. Sec. 1. A new section is added to chapter 49.46 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section and sections 2 through 5 and 7 of this act unless the context clearly requires otherwise.

(a) "Account deactivation" means one or more of the following actions with respect to an individual driver or group of drivers that is implemented by a transportation network company and lasts for more than three consecutive days:

(i) Blocking access to the transportation network company driver platform;

(ii) Changing a driver's status from eligible to provide transportation network company services to ineligible; or

(iii) Any other material restriction in access to the transportation network company's driver platform.

(b) "Compensation" means payment owed to a driver by reason of providing network services including, but not limited to, the minimum payment for passenger platform time and mileage, incentives, and tips.

(c) "Department" means the department of labor and industries.

(d) "Digital network" means any online-enabled application, website, or system offered or used by a transportation network company that enables the prearrangement of rides between drivers and passengers.

(e) "Director" means the director of the department of labor and industries.

(f) "Dispatch location" means the location of the driver at the time the driver accepts a trip request through the driver platform.

(g) "Dispatch platform time" means the time a driver spends traveling from a dispatch location to a passenger pick-up location. Dispatch platform time ends when a passenger cancels a trip or the driver begins the trip through the driver platform. A driver cannot simultaneously be engaged in dispatch platform time and passenger platform time for the same transportation network company. For shared rides, dispatch platform time means the time a driver spends traveling from the first dispatch location to the first passenger pick-up location.

(h) "Dispatched trip" means the provision of transportation by a driver for a passenger through the use of a transportation network company's application dispatch system.

(i) "Driver" has the same meaning as "commercial transportation services provider driver" in RCW 48.177.005. Except as otherwise specified in this act, for purposes of this title and Titles 48, 50A, 50B, and 51 RCW, and any orders, regulations, administrative policies, or opinions of any state or local agency,

board, division, or commission, pursuant to those titles, a driver is not an employee or agent of a transportation network company if the following factors are met:

(i) The transportation network company does not unilaterally prescribe specific dates, times of day, or a minimum number of hours during which the driver must be logged into the transportation network company's online-enabled application or platform;

(ii) The transportation network company may not terminate the contract of the driver for not accepting a specific transportation service request;

(iii) The transportation network company does not contractually prohibit the driver from performing services through other transportation network companies except while performing services through the transportation network company's online-enabled application or platform during dispatch platform time and passenger platform time; and

(iv) The transportation network company does not contractually prohibit the driver from working in any other lawful occupation or business.

Notwithstanding any state or local law to the contrary, any party seeking to establish that the factors in this subsection (1)(i) are not met bears the burden of proof. A driver for purposes of this section shall not include any person ultimately and finally determined to be an "employee" within the meaning of section 2(3) of the national labor relations act, 29 U.S.C. Sec. 152(3).

(j) "Driver platform" means the driver-facing application dispatch system software or any online-enabled application service, website, or system, used by a driver, or which enables services to be delivered to a driver that enables the prearrangement of passenger trips for compensation.

(k) "Driver resource center" or "center" means a nonprofit organization that provides services to drivers. The nonprofit organization must be registered with the Washington secretary of state, have organizational bylaws giving drivers right to membership in the organization, and have demonstrated experience: (i) Providing services to gig economy drivers in Washington state, including representing drivers in deactivation appeals proceedings; and (ii) providing culturally competent driver representation services, outreach, and education. The administration and formation of the driver resource center may not be funded, excessively influenced, or controlled by a transportation network company.

(l) "Driver resource center fund" or "fund" means the dedicated fund created in section 2 of this act, the sole purpose of which is to administer funds collected from transportation network companies to provide services, support, and benefits to drivers.

(m) "Network services" means services related to the transportation of passengers through the driver platform that are provided by a driver while logged in to the driver platform, including services provided during available platform time, dispatch platform time, and passenger platform time.

(n) "Passenger" has the same meaning as "commercial transportation services provider passenger" in RCW 48.177.005.

(o) "Passenger drop-off location" means the location of a driver's vehicle when the passenger leaves the vehicle.

(p) "Passenger pick-up location" means the location of the driver's vehicle at the time the driver starts the trip in the driver platform.

(q) "Passenger platform miles" means all miles driven during passenger platform time as recorded in a transportation network company's driver platform.

(r) "Passenger platform time" means the period of time when the driver is transporting one or more passengers on a trip. For shared rides, passenger platform time means the period of time commencing when the first passenger enters the driver's vehicle until the time when the last passenger exits the driver's vehicle.

(s) "Personal vehicle" has the same meaning as "personal vehicle" in RCW 48.177.005.

(t) "Shared ride" means a dispatched trip which, prior to its commencement, a passenger requests through the transportation network company's digital network to share the dispatched trip with one or more passengers and each passenger is charged a fare that is calculated, in whole or in part, based on the passenger's request to share all or a part of the dispatched trip with one or more passengers, regardless of whether the passenger actually shares all or a part of the dispatched trip.

(u) "Tips" means a verifiable sum to be presented by a passenger as a gift or gratuity in recognition of service performed for the passenger by the driver receiving the tip.

(v) "Transportation network company" has the same meaning as defined in RCW 46.04.652. A transportation network company does not provide for hire transportation service.

(2) A driver is only covered by this section to the extent that the driver provides network services within the state of Washington.

(3)(a) A transportation network company is covered by this section if it provides a driver platform within the state of Washington.

(b) Separate entities that form an integrated enterprise are considered a single transportation network company under this section. Separate entities will be considered an integrated enterprise and a single transportation network company where a separate entity controls the operation of another entity. Factors to consider include, but are not limited to, the degree of interrelation between the operations of multiple entities; the degree to which the entities share common management; the centralized control of labor relations; the degree of common ownership or financial control over the entities; and the use of a common brand, trade, business, or operating name.

(4)(a) Beginning December 31, 2022, a transportation network company shall ensure that a driver's total compensation is not less than the standard set forth in (a)(i), (ii), or (iii) of this subsection (4).

(i) For all dispatched trips originating in cities with a population of more than 600,000, on a per trip basis the greater of:

(A) \$0.59 per passenger platform minute for all passenger platform time for that trip, and \$1.38 per passenger platform mile for all passenger platform miles driven on that trip; or

(B) A minimum of \$5.17 per dispatched trip.

(ii) For all other dispatched trips, the greater of:

(A) \$0.34 per passenger platform minute and \$1.17 per passenger platform mile; or

(B) A minimum of \$3.00 per dispatched trip.

(iii) For all trips originating elsewhere and terminating in cities with a population of more than 600,000:

(A) For all passenger platform time spent within the city on that trip and for all passenger platform miles driven in the city on that trip the compensation standard under (a)(i) of this subsection applies.

(B) For all passenger platform time spent outside the city on that trip and for all passenger platform miles driven outside the city on that trip the compensation standard under (a)(ii) of this subsection applies.

(b) Beginning September 30, 2022, and on each following September 30th, the department shall calculate adjusted per mile and per minute amounts and per trip minimums by increasing the current year's per mile and per minute amounts and per trip minimums by the rate of increase of the state minimum wage, calculated to the nearest cent. The adjusted amount calculated under this section takes effect on the following January 1st.

(c) For shared rides, the per trip minimums in (a)(i) and (ii) of this subsection shall apply only to the entirety of the shared ride, and not on the basis of the individual passenger's trip within the shared ride.

(5)(a) For the purposes of this section, a dispatched trip includes:

(i) A dispatched trip in which the driver transports the passenger to the passenger drop-off location;

(ii) A dispatched trip canceled after two minutes by a passenger or the transportation network company unless cancellation is due to driver conduct, or no cancellation fee is charged to the passenger;

(iii) A dispatched trip that is canceled by the driver for good cause consistent with company policy; and

(iv) A dispatched trip where the passenger does not appear at the passenger pick-up location within five minutes.

(b) A transportation network company may exclude time and miles if doing so is reasonably necessary to remedy or prevent fraudulent use of the transportation network company's online-enabled application or platform.

(6)(a) A transportation network company shall remit to drivers all tips. Tips paid to a driver are in addition to, and may not count towards, the driver's minimum compensation under this section.

(b) Amounts charged to a passenger and remitted to the driver for tolls, fees, or surcharges incurred by a driver during a trip must not be included in calculating compensation for purposes of subsection (4) of this section.

(c)(i) Beginning January 1, 2023, except as required by law, a transportation network company may only deduct compensation when the driver expressly authorizes the deduction in writing and does so in advance for a lawful purpose. Any authorization by a driver must be voluntary and knowing.

(ii) Nothing in this section shall prohibit a transportation network company from deducting compensation as required by state or federal law or as directed by a court order.

(iii) Neither the transportation network company nor any person acting in the interest of the transportation network company may derive any financial profit or benefit from any of the deductions under this section. For the purposes of this section:

(A) Reasonable interest charged by the transportation network company or any person acting in the interest of a transportation network company, for a loan

or credit extended to the driver, is not considered to be of financial benefit to the transportation network company or person acting in the interest of a transportation network company; and

(B) A deduction will be considered for financial profit or benefit only if it results in a gain over and above the fair market value of the goods or services for which the deduction was made.

(7)(a) Beginning January 1, 2023, a transportation network company shall provide each driver with a written notice of rights established by this section in a form and manner sufficient to inform drivers of their rights under this section. The notice of rights shall provide information on:

(i) The right to the applicable per minute rate and per mile rate or per trip rate guaranteed by this section;

(ii) The right to be protected from retaliation for exercising in good faith the rights protected by this section; and

(iii) The right to seek legal action or file a complaint with the department for violation of the requirements of this section, including a transportation network company's failure to pay the minimum per minute rate or per mile rate or per trip rate, or a transportation network company's retaliation against a driver or other person for engaging in an activity protected by this section.

(b) A transportation network company shall provide the notice of rights required by this section in an electronic format that is readily accessible to the driver. The notice of rights shall be made available to the driver via smartphone application or online web portal, in English and the five most common foreign languages spoken in this state.

(8) Beginning December 31, 2022, within 24 hours of completion of each dispatched trip, a transportation network company must transmit an electronic receipt to the driver that contains the following information for each unique trip, or portion of a unique trip, covered by this section:

(a) The total amount of passenger platform time;

(b) The total mileage driven during passenger platform time;

(c) Rate or rates of pay, including but not limited to the rate per minute, rate per mile, percentage of passenger fare, and any applicable price multiplier or variable pricing policy in effect for the trip;

(d) Tip compensation;

(e) Gross payment;

(f) Net payment after deductions, fees, tolls, surcharges, lease fees, or other charges; and

(g) Itemized deductions or fees, including any toll, surcharge, commission, lease fees, and other charges.

(9) Beginning January 1, 2023, a transportation network company shall make driver per trip receipts available in a downloadable format, such as a comma-separated values file or PDF file, via smartphone application or online web portal for a period of two years from the date the transportation network company provided the receipt to the driver.

(10) Beginning January 1, 2023, on a weekly basis, the transportation network company shall provide written notice to the driver that contains the following information for trips, or a portion of a trip, that is covered by this section and which occurred in the prior week:

(a) The driver's total passenger platform time;

- (b) Total mileage driven by the driver during passenger platform time;
- (c) The driver's total tip compensation;
- (d) The driver's gross payment, itemized by: (i) Rate per minute; (ii) rate per mile; and (iii) any other method used to calculate pay including, but not limited to, base pay, percentage of passenger fare, or any applicable price multiplier or variable pricing policy in effect for the trip;
- (e) The driver's net payment after deductions, fees, tolls, surcharges, lease fees, or other charges; and
- (f) Itemized deductions or fees, including all tolls, surcharges, commissions, lease fees, and other charges, from the driver's payment.

(11) Beginning January 1, 2023, within 24 hours of a trip's completion, a transportation network company must transmit an electronic receipt to the passenger, for on trip time, on behalf of the driver that lists:

- (a) The date and time of the trip;
- (b) The passenger pick-up and passenger drop-off locations for the trip. In describing the passenger pick-up location and passenger drop-off location, the transportation network company shall describe the location by indicating the specific block (e.g. "the 300 block of Pine Street") in which the passenger pick-up and passenger drop-off occurred. A transportation network company is authorized to indicate the location with greater specificity, such as with a street address or intersection, at its discretion;
- (c) The total duration and distance of the trip;
- (d) The driver's first name;
- (e) The total fare paid, itemizing all charges and fees; and
- (f) The total passenger-paid tips.

(12)(a) Beginning July 1, 2024, transportation network companies shall collect and remit a \$0.15 per trip fee to the driver resource center fund, created in section 2 of this act, for the driver resource center to support the driver community. The remittance under this subsection is a pass-through of passenger fares and shall not be considered a transportation network company's funding of the driver resource center. Passenger fares paid include each individual trip portion on shared trips. The remittances to the fund must be made on a quarterly basis.

(b) Beginning September 30, 2024, and on each following September 30th, the department shall calculate an adjusted per trip fee by adjusting the current amount by the rate of inflation. The adjusted amounts must be calculated to the nearest cent using the consumer price index for urban wage earners and clerical workers, CPI-W, or a successor index, for the 12 months prior to each September 1st as calculated by the United States department of labor. Each adjusted amount calculated under this subsection takes effect on the following January 1st.

(13) No later than one year after the effective date of this section, transportation network companies shall provide an opportunity for drivers to make voluntary per trip earnings deduction contributions to the driver resource center, provided that 100 or more drivers working for transportation network companies covered under this section have authorized such a deduction to the driver resource center, and subject to the following:

- (a) A driver must expressly authorize the deduction in writing. Written authorization must include, at a minimum, sufficient information to identify the

driver and the driver's desired per trip deduction amount. These deductions may reduce the driver's per trip earnings below the minimums set forth in this section.

(b) The transportation network company may require written authorization to be submitted in electronic format from the driver resource center.

(c) The transportation network company shall make the first deductions within 30 days of receiving a written authorization of the driver, and shall remit deductions to the driver resource center each month, with remittance due not later than 28 days following the end of the month.

(d) A driver's authorization remains in effect until the driver resource center provides an express revocation to the transportation network company.

(e) A transportation network company shall rely on information provided by the driver resource center regarding the authorization and revocation of deductions.

(f) Upon request by a transportation network company, the driver resource center shall reimburse the transportation network company for the costs associated with deduction and remittance. The department shall adopt rules to calculate the reimbursable costs.

(14) Each transportation network company shall submit to the fund, with its remittance under subsection (12) of this section, a report detailing the number of trips in the previous quarter and the total amount of the surcharge charged to customers. The first payment and accounting is due on the 30th day of the quarter following the imposition of the surcharge. Failure to remit payments by the deadlines is deemed a delinquency and the transportation network company is subject to penalties and interest provided in section 4 of this act.

(15)(a) The state expressly intends to displace competition with regulation allowing a transportation network company, at its own volition, to enter into an agreement with the driver resource center regarding a driver account deactivation appeals process for eligible account deactivations. It is the policy of the state to promote a fair appeals process related to eligible account deactivations that supports the rights of drivers and transportation network companies and provides fair processes related to eligible account deactivations. The state intends that any agreement under this section is immune from all federal and state antitrust laws.

(i) "Eligible account deactivation" means one or more of the following actions with respect to an individual driver that is implemented by a transportation network company:

(A) Blocking or restricting access to the transportation network company driver platform for three or more consecutive days; or

(B) Changing a driver's account status from eligible to provide transportation network company services to ineligible for three or more consecutive days.

(ii) An eligible account deactivation does not include any change in a driver's access or account status that is:

(A) Related to an allegation of discrimination, harassment, including sexual harassment or harassment due to someone's membership in a protected class, or physical or sexual assault, or willful or knowing commitment of fraud;

(B) Related to an allegation that the driver was under the influence of drugs or alcohol while a related active investigation that takes no longer than 10 business days is under way; or

(C) Any other categories the transportation network company and the driver resource center may agree to as part of the agreement under this subsection.

(iii) A transportation network company shall enter into an agreement with the driver resource center regarding the driver account deactivation appeals process for eligible account deactivations. Any agreement must be approved by the department. The department may approve an agreement only if the agreement contains the provisions in (a)(iv) of this subsection.

(iv) The agreement must provide an appeals process for drivers whose account has been subject to an eligible account deactivation. The appeals process must include the following protections:

(A) Opportunity for a driver representative to support a driver, upon the driver's request, throughout the account deactivation appeals process for eligible account deactivations;

(B) Notification, as required by (d) of this subsection, to drivers of their right to representation by the driver resource center at the time of the eligible account deactivation;

(C) Within 30 calendar days of a request, furnishing to the driver resource center an explanation and information the transportation network company may have relied upon in making the deactivation decision, excluding confidential, proprietary, or otherwise privileged communications, provided that personal identifying information and confidential information is redacted to address reasonable privacy and confidentiality concerns;

(D) A good faith, informal resolution process that is committed to efficient resolution of conflicts regarding eligible account deactivations within 30 days of the transportation network company being notified that the driver contests the explanation offered by the company;

(E) A formal process that includes a just cause standard, with deadlines for adjudication of an appeal of an eligible account deactivation by a panel that includes a mutually agreed-upon neutral third party with experience in dispute resolution. The panel has the authority to make binding decisions within the confines of the law and make-whole monetary awards, including back pay, based on an agreed-upon formula for cases not resolved during the informal process;

(F) Agreement by the transportation network company to use the process set forth in this subsection to resolve disputes over eligible account deactivation appeals as an alternative to private arbitration with regard to such a dispute, should the driver and transportation network company so choose; and

(G) Agreement by the transportation network company that, for eligible account deactivations in which the driver or transportation network company elect private arbitration in lieu of the formal process outlined in (a)(iv)(E) of this subsection (15), the transportation network company shall offer the driver the opportunity to have the eligible deactivation adjudicated under the just cause standard outlined in (a)(iv)(E) of this subsection.

(b) A transportation network company that enters into an agreement with the driver resource center shall reach agreement through the following steps:

(i)(A) For a transportation network company operating a digital network in the state of Washington as of the effective date of this section, the driver resource center and transportation network company must make good faith efforts to reach an agreement within 120 days of an organization being selected as the driver resource center under section 2 of this act.



(B) For a transportation network company who begins operating a digital network in the state of Washington after an organization has been selected as the driver resource center under section 2 of this act, the driver resource center and transportation network company must make good faith efforts to reach an agreement within 120 days of the transportation network company beginning operation of a digital network in the state of Washington.

(ii) If the driver resource center and transportation network company cannot reach an agreement, then they are required to submit issues of dispute before a jointly agreed-upon mediator.

(iii) After mediation lasting no more than two months has been exhausted and no resolution has been reached, then the parties will proceed to binding arbitration before a panel of arbitrators consisting of one arbitrator selected by the driver resource center, one arbitrator selected by the transportation network company, and a third arbitrator selected by the other two. If the two selected arbitrators cannot agree to the third arbitrator within 10 days, then the third arbitrator shall be determined from a list of seven arbitrators with experience in labor disputes or interest arbitration designated by the American arbitration association. A coin toss shall determine which side strikes the first name. Thereafter the other side shall strike a name. The process will continue until only one name remains, who shall be the third arbitrator. Alternatively, the driver resource center and the transportation network company may agree to a single arbitrator.

(iv) The arbitrators must submit their decision, based on majority rule, within 60 days of the panel or arbitrator being chosen.

(v) The decision of the majority of arbitrators is final and binding and will then be submitted to the director of the department for final approval.

(c) In reviewing any agreement between a transportation network company and the driver resource center, under (a) of this subsection, the department shall review the agreement to ensure that its content is consistent with this subsection and the public policy goals set forth in this subsection. The department shall consider in its review both qualitative and quantitative effects of the agreement and how the agreement comports with the state policies set forth in this section. In conducting a review, the record shall not be limited to the submissions of the parties nor to the terms of the proposed agreement and the department shall have the right to conduct public hearings and request additional information from the parties, provided that such information: (i) Is relevant for determining whether the agreement complies with this subsection; and (ii) does not contain either parties' confidential, proprietary, or privileged information, or any individual's personal identifying information from the parties. The department may approve or reject a proposed agreement, and may require the parties to submit a revised proposal on all or particular parts of the proposed agreement. If the department rejects an agreement, it shall set forth its reasoning in writing and shall suggest ways the parties may remedy the failures. Absent good cause, the department shall issue a written determination regarding its approval or rejection within 60 days of submission of the agreement.

(d)(i) For any account deactivation, the transportation network company shall provide notification to the driver, at the time of deactivation, that the driver may have the right to representation by the driver resource center to appeal the account deactivation.

(ii) A transportation network company must provide any driver whose account is subject to an account deactivation between the effective date of this section and the effective date of the agreement the contact information of the driver resource center and notification that the driver may have the right to appeal the account deactivation with representation by the driver resource center.

(16) The department may adopt rules to implement this section.

**NEW SECTION. Sec. 2.** A new section is added to chapter 49.46 RCW to read as follows:

(1) The legislature recognizes that providing education and outreach to drivers regarding their rights and obligations furthers the state's interest in having a vibrant knowledgeable work force and safe and satisfied consumers. The legislature therefore intends to create a way of providing education, outreach, and support to workers who, because of the nature of their work, do not have access to such support through traditional avenues.

(2) The driver resource center fund is created in the custody of the state treasurer. All moneys received from the remittance in section 1(12) of this act must be deposited into the fund.

(3) Only the director of the department of labor and industries or the director's designee may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(4) The department may make expenditures from the fund for the following purposes:

(a) Services provided by the driver resource center, as defined in section 1 of this act, to drivers and administrative costs of providing such support. The department must distribute funding received by the account, exclusive of the department's administrative costs deducted under (b) of this subsection, to the center on a quarterly basis; and

(b) The department's costs of administering the fund and its duties under section 1 of this act, not to exceed 10 percent of revenues to the fund.

(5) Within four months of the effective date of this section, the director of the department or the director's designee shall, through a competitive process, select and contract with a qualified nonprofit organization to be the driver resource center.

**NEW SECTION. Sec. 3.** A new section is added to chapter 49.46 RCW to read as follows:

(1)(a) If a driver files a complaint with the department alleging that a transportation network company failed to provide any compensation amounts due to the driver under section 1 of this act, the department shall investigate the complaint under this section. Unless otherwise resolved, the department shall issue either a citation and notice of assessment or a determination of compliance no later than 60 days after the date on which the department received the compensation-related complaint. The department may extend the time period by providing advance written notice to the driver and the transportation network company setting forth good cause for an extension of the time period and specifying the duration of the extension.

(b) The department may not investigate any alleged compensation-related violation that occurred more than three years before the date that the driver filed the compensation-related complaint.

(c) The department shall send the citation and notice of assessment or the determination of compliance to both the transportation network company and the driver by service of process or using a method by which the mailing can be tracked or the delivery can be confirmed to their last known addresses. A transportation network company may designate a mailing address of record for service, and additionally may provide an email address to which the department shall direct electronic courtesy copies of mailed correspondence, if such email address is provided.

(2) If the department determines that a transportation network company has violated a compensation requirement in section 1 of this act and issues to the transportation network company a citation and notice of assessment, the department may order the transportation network company to pay drivers all compensation owed, including interest of one percent per month on all compensation owed, to the driver. The compensation and interest owed must be calculated from the first date compensation was owed to the driver, except that the department may not order the transportation network company to pay any compensation and interest that were owed more than three years before the date the complaint was filed with the department.

(3) If the department determines that the compensation-related violation was a willful violation, and the transportation network company fails to take corrective action, the department also may order the transportation network company to pay the department a civil penalty as specified in (a) of this subsection.

(a) A civil penalty for a willful violation shall be not less than \$1,000 or an amount equal to 10 percent of the total amount of unpaid compensation per claimant, whichever is greater. The maximum civil penalty for a willful violation of requirements in section 1 of this act shall be \$20,000 per claimant.

(b) The department may not assess a civil penalty if the transportation network company reasonably relied on: (i) A rule related to any requirements in this section; (ii) a written order, ruling, approval, opinion, advice, determination, or interpretation of the director; or (iii) an interpretive or administrative policy issued by the department and filed with the office of the code reviser. In accordance with the department's retention schedule obligations under chapter 40.14 RCW, the department shall maintain a complete and accurate record of all written orders, rulings, approvals, opinions, advice, determinations, and interpretations for purposes of determining whether a transportation network company is immune from civil penalties under this subsection (3)(b).

(c) The department shall waive any civil penalty assessed against a transportation network company under this section if the transportation network company is not a repeat willful violator, and the director determines that the transportation network company has provided payment to the driver of all compensation that the department determined that the transportation network company owed to the driver, including interest, within 30 days of the transportation network company's receipt of the citation and notice of assessment from the department.

(d) The department may waive or reduce at any time a civil penalty assessed under this section if the director determines that the transportation network company paid all compensation and interest owed to a driver.

(e) The department shall deposit civil penalties paid under this section in the supplemental pension fund established under RCW 51.44.033.

(4) Upon payment by a transportation network company, and acceptance by a driver, of all compensation and interest assessed by the department in a citation and notice of assessment issued to the transportation network company, the fact of such payment by the transportation network company, and of such acceptance by the driver, shall: (a) Constitute a full and complete satisfaction by the transportation network company of all specific requirements of section 1 of this act addressed in the citation and notice of assessment; and (b) bar the driver from initiating or pursuing any court action or other judicial or administrative proceeding, including arbitration, based on the specific requirements addressed in the citation and notice of assessment. The citation and notice of assessment shall include a notification and summary of the specific requirements of section 1 of this act.

(5) The applicable statute of limitations for civil actions is tolled during the department's investigation of a driver's complaint against a transportation network company. For the purposes of this subsection, the department's investigation begins on the date the driver files the complaint with the department and ends when: (a) The complaint is finally determined through a final and binding citation and notice of assessment or determination of compliance; or (b) the department notifies the transportation network company and the driver in writing that the complaint has been otherwise resolved or that the driver has elected to terminate the department's administrative action under subsection (12) of this section.

(6) A person, firm, or corporation aggrieved by a citation and notice of assessment or a determination of compliance issued by the department under this section or the assessment of a civil penalty due to a determination of status as a repeat willful violator may appeal the citation and notice of assessment, the determination of compliance, or the assessment of a civil penalty to the director by filing a notice of appeal with the director within 30 days of the department's service, as provided in subsection (1) of this section, on the aggrieved party of the citation and notice of assessment, the determination of compliance, or the assessment of a civil penalty. A citation and notice of assessment, a determination of compliance, or an assessment of a civil penalty not appealed within 30 days is final and binding, and not subject to further appeal.

(7) A notice of appeal filed with the director under this section shall stay the effectiveness of the citation and notice of assessment, the determination of compliance, or the assessment of a civil penalty pending final review of the appeal by the director as provided for in chapter 34.05 RCW.

(8) Upon receipt of a notice of appeal, the director shall assign the hearing to an administrative law judge of the office of administrative hearings to conduct the hearing and issue an initial order. The hearing and review procedures shall be conducted in accordance with chapter 34.05 RCW, and the standard of review by the administrative law judge of an appealed citation and notice of assessment, an appealed determination of compliance, or an appealed assessment of a civil penalty shall be de novo. Any party who seeks to challenge an initial order shall

file a petition for administrative review with the director within 30 days after service of the initial order. The director shall conduct administrative review in accordance with chapter 34.05 RCW.

(9) The director shall issue all final orders after appeal of the initial order. The final order of the director is subject to judicial review in accordance with chapter 34.05 RCW.

(10) Orders that are not appealed within the time period specified in this section and chapter 34.05 RCW are final and binding, and not subject to further appeal.

(11) Absent good cause, a transportation network company that fails to allow adequate inspection of records in an investigation by the department under this chapter within a reasonable time period may not use such records in any appeal under this section to challenge the correctness of any determination by the department of wages owed or penalties assessed.

(12) A driver who has filed a complaint under this section with the department may elect to terminate the department's administrative action, thereby preserving any private right of action, if any exists, by providing written notice to the department within 10 business days after the driver's receipt of the department's citation and notice of assessment.

(13) If the driver elects to terminate the department's administrative action: (a) The department shall immediately discontinue its action against the transportation network company; (b) the department shall vacate a citation and notice of assessment already issued by the department to the transportation network company; and (c) the citation and notice of assessment, and any related findings of fact or conclusions of law by the department, and any payment or offer of payment by the transportation network company of the compensation, including interest, assessed by the department in the citation and notice of assessment, shall not be admissible in any court action or other judicial or administrative proceeding.

(14) Nothing in this section shall be construed to limit or affect: (a) The right of any driver to pursue any judicial, administrative, or other action available with respect to a transportation network company; (b) the right of the department to pursue any judicial, administrative, or other action available with respect to a driver that is identified as a result of a complaint for a violation of section 1 of this act; or (c) the right of the department to pursue any judicial, administrative, or other action available with respect to a transportation network company in the absence of a complaint for a violation of section 1 of this act. For purposes of this subsection, "driver" means a driver other than a driver who has filed a complaint with the department and who thereafter has elected to terminate the department's administrative action as provided in subsection (1) of this section.

(15) After a final order is issued under this section, and served as provided in subsection (1) of this section, if a transportation network company defaults in the payment of: (a) Any compensation determined by the department to be owed to a driver, including interest; or (b) any civil penalty ordered by the department under this section, the director may file with the clerk of any county within the state a warrant in the amount of the payment plus any filing fees. The clerk of the county in which the warrant is filed shall immediately designate a superior court cause number for the warrant, and the clerk shall cause to be entered in the

judgment docket under the superior court cause number assigned to the warrant, the name of the transportation network company mentioned in the warrant, the amount of payment due plus any filing fees, and the date when the warrant was filed. The aggregate amount of the warrant as docketed becomes a lien upon the title to, and interest in, all real and personal property of the transportation network company against whom the warrant is issued, the same as a judgment in a civil case docketed with the superior court clerk. The sheriff shall proceed upon the warrant in all respects and with like effect as prescribed by law with respect to execution or other process issued against rights or property upon judgment in a court of competent jurisdiction. The warrant so docketed is sufficient to support the issuance of writs of garnishment in favor of the state in a manner provided by law in case of judgment, wholly or partially unsatisfied. The clerk of the court is entitled to a filing fee which will be added to the amount of the warrant. A copy of the warrant shall be served on the transportation network company, as provided in subsection (1) of this section, within three days of filing with the clerk.

(16)(a) The director may issue to any person, firm, corporation, other entity, municipal corporation, political subdivision of the state, public corporation, or any agency of the state, a notice and order to withhold and deliver property of any kind when he or she has reason to believe that there is in the possession of the person, firm, corporation, other entity, municipal corporation, political subdivision of the state, public corporation, or agency of the state, property that is or will become due, owing, or belonging to a transportation network company upon whom a notice of assessment has been served by the department for payments or civil penalties due to the department. The effect of a notice and order is continuous from the date the notice and order is first made until the liability out of which the notice and order arose is satisfied or becomes unenforceable because of lapse of time. The department shall release the notice and order when the liability out of which the notice and order arose is satisfied or becomes unenforceable by reason of lapse of time and shall notify the person against whom the notice and order was made that the notice and order has been released.

(b) The notice and order to withhold and deliver must be served by the sheriff of the county or by the sheriff's deputy, by certified mail, return receipt requested, or by the director. A person, firm, corporation, other entity, municipal corporation, political subdivision of the state, public corporation, or agency of the state upon whom service has been made shall answer the notice within 20 days exclusive of the day of service, under oath and in writing, and shall make true answers to the matters inquired of in the notice and order. Upon service of the notice and order, if the party served possesses any property that may be subject to the claim of the department, the party shall promptly deliver the property to the director. The director shall hold the property in trust for application on the transportation network company's indebtedness to the department, or for return without interest, in accordance with a final determination of a petition for review. In the alternative, the party shall furnish a good and sufficient surety bond satisfactory to the director conditioned upon final determination of liability. If a party served and named in the notice fails to answer the notice within the time prescribed in this section, the court may render judgment by default against the party for the full amount claimed by the director

in the notice, together with costs. If a notice is served upon a transportation network company and the property subject to it is compensation, the transportation network company may assert in the answer all exemptions provided for by chapter 6.27 RCW to which the compensation earner is entitled.

(c) As an alternative to the methods of service described in this section, the department may electronically serve a financial institution with a notice and order to withhold and deliver by providing a list of its outstanding warrants, except those for which a payment agreement is in good standing, to the department of revenue. The department of revenue may include the warrants provided by the department in a notice and order to withhold and deliver served under RCW 82.32.235(3). A financial institution that is served with a notice and order to withhold and deliver under this subsection (16)(c) must answer the notice within the time period applicable to service under RCW 82.32.235(3). The department and the department of revenue may adopt rules to implement this subsection (16)(c).

(17)(a) In addition to the procedure for collection of compensation owed, including interest, and civil penalties as set forth in this section, the department may recover compensation owed, including interest, and civil penalties assessed under RCW 49.48.083 in a civil action brought in a court of competent jurisdiction of the county where the violation is alleged to have occurred.

(b) The department may use the procedures under this section to foreclose compensation liens established under chapter 60.90 RCW. When the department is foreclosing on a compensation lien, the date the compensation lien was originally filed shall be the date by which priority is determined, regardless of the date the warrant is filed under this section.

(18) Whenever any transportation network company quits business, sells out, exchanges, or otherwise disposes of the transportation network company's business or stock of goods, any person who becomes a successor to the business becomes liable for the full amount of any outstanding citation and notice of assessment or penalty against the transportation network company's business under this chapter if, at the time of the conveyance of the business, the successor has: (a) Actual knowledge of the fact and amount of the outstanding citation and notice of assessment; or (b) a prompt, reasonable, and effective means of accessing and verifying the fact and amount of the outstanding citation and notice of assessment from the department. If the citation and notice of assessment or penalty is not paid in full by the transportation network company within 10 days of the date of the sale, exchange, or disposal, the successor is liable for the payment of the full amount of the citation and notice of assessment or penalty, and payment thereof by the successor must, to the extent thereof, be deemed a payment upon the purchase price. If the payment is greater in amount than the purchase price, the amount of the difference becomes a debt due the successor from the transportation network company.

(19) This section does not affect other collection remedies that are otherwise provided by law.

**NEW SECTION. Sec. 4.** A new section is added to chapter 49.46 RCW to read as follows:

(1) If a driver files a complaint with the department alleging a violation of any noncompensation requirement of section 1 (7) through (10) and (12) through (14) of this act, the department shall investigate the complaint under this section.

(a) The department may not investigate any such alleged violation that occurred more than three years before the date that the driver filed the complaint or prior to this law going into effect.

(b) If a driver files a timely complaint with the department, the department will investigate the complaint and issue either a citation assessing a civil penalty or a closure letter within 60 days after the date on which the department received the complaint, unless the complaint is otherwise resolved. The department may extend the period by providing advance written notice to the driver and the transportation network company setting forth good cause for an extension of the period, and specifying the duration of the extension.

(c) The department shall send notice of either a citation and notice of assessment or a citation assessing a civil penalty or the closure letter to both the transportation network company and the driver by service of process or by United States mail using a method by which delivery of such written notice to the transportation network company can be tracked and confirmed. A transportation network company may designate a mailing address of record for service, and additionally may provide an email address to which the department shall direct electronic courtesy copies of mailed correspondence, if such email address is provided.

(2) If the department's investigation finds that the driver's allegation cannot be substantiated, the department shall issue a closure letter to the driver and the transportation network company detailing such finding.

(3) If the department determines that the violation was a willful violation, and the transportation network company fails to take corrective action, the department may order the transportation network company to pay the department a civil penalty as specified in (a) of this subsection.

(a) A citation assessing a civil penalty for a willful violation will be \$1,000 for each willful violation. For a repeat willful violator, the citation assessing a civil penalty will not be less than \$2,000 for each repeat willful violation per claimant, but no greater than \$20,000 for each repeat willful violation per claimant.

(b) The department may not issue a citation assessing a civil penalty if the transportation network company reasonably relied on: (i) A written order, ruling, approval, opinion, advice, determination, or interpretation of the director; or (ii) an interpretive or administrative policy issued by the department and filed with the office of the code reviser. In accordance with the department's retention schedule obligations under chapter 40.14 RCW, the department shall maintain a complete and accurate record of all written orders, rulings, approvals, opinions, advice, determinations, and interpretations for purposes of determining whether a transportation network company is immune from civil penalties under this subsection (3)(b).

(c) The department may, at any time, waive or reduce a civil penalty assessed under this section if the director determines that the transportation network company has taken corrective action to resolve the violation.

(d) The department shall deposit civil penalties paid under this section in the supplemental pension fund established under RCW 51.44.033.

(e) If the department determines that a transportation network company has violated section 1(12) of this act, and issues to the transportation network company a citation and notice of assessment, the department may order the



transportation network company to pay all owed remittance payments as required under section 1(12) of this act. The department shall deposit all owed remittance payments in the driver resource center fund.

(4) For purposes of this section, the following definitions apply:

(a) "Repeat willful violator" means any transportation network company that has been the subject of a final and binding citation for a willful violation of one or more rights under this chapter and all applicable rules, within three years of the date of issuance of the most recent citation for a willful violation of one or more such rights.

(b) "Willful" means a knowing and intentional action that is neither accidental nor the result of a bona fide dispute.

(5) A person, firm, or corporation aggrieved by a citation assessing a civil penalty issued by the department under this section may appeal the citation assessing a civil penalty to the director by filing a notice of appeal with the director within 30 days of the department's issuance of the citation assessing a civil penalty. A citation assessing a civil penalty not appealed within 30 days is final and binding, and not subject to further appeal.

(6) A notice of appeal filed with the director under this section stays the effectiveness of the citation assessing a civil penalty pending final review of the appeal by the director as provided for in chapter 34.05 RCW.

(7) Upon receipt of a notice of appeal, the director shall assign the hearing to an administrative law judge of the office of administrative hearings to conduct the hearing and issue an initial order. The hearing and review procedures must be conducted in accordance with chapter 34.05 RCW, and the standard of review by the administrative law judge of an appealed citation assessing a civil penalty must be de novo. Any party who seeks to challenge an initial order shall file a petition for administrative review with the director within 30 days after service of the initial order. The director shall conduct administrative review in accordance with chapter 34.05 RCW.

(8) The director shall issue all final orders after appeal of the initial order. The final order of the director is subject to judicial review in accordance with chapter 34.05 RCW.

(9) Orders that are not appealed within the period specified in this section and chapter 34.05 RCW are final and binding, and not subject to further appeal.

(10) Absent good cause, a transportation network company that fails to allow adequate inspection of records in an investigation by the department under this section within a reasonable time period may not use such records in any appeal under such rules to challenge the correctness of any determination by the department of penalties assessed.

(11) Collections of unpaid citations assessing civil penalties will be handled pursuant to the procedures outlined in RCW 49.48.086.

(12) If the department determines that a transportation network company has violated the requirements in section 1(12) of this act to collect and remit the established fee, and issues to the transportation network company a citation and notice of assessment, the department may order the transportation network company to pay all owed remittance payments as required under section 1(12) of this act. The department shall deposit all unpaid remittance amounts into the driver resource center fund established in section 2 of this act.

NEW SECTION. **Sec. 5.** A new section is added to chapter 49.46 RCW to read as follows:

(1) It is unlawful for a transportation network company to interfere with, restrain, or deny the exercise of any driver right provided under or in connection with section 1 of this act and RCW 49.46.210(5). This means a transportation network company may not use a driver's exercise of any of the rights provided under section 1 of this act and RCW 49.46.210(5) as a factor in any action that adversely affects the driver's use of the transportation network.

(2) It is unlawful for a transportation network company to adopt or enforce any policy that counts the use of earned paid sick time for a purpose authorized under RCW 49.46.210(1) (b) and (c) as time off the platform that may lead to or result in temporary or permanent deactivation by the transportation network company against the driver.

(3) It is unlawful for a transportation network company to take any adverse action against a driver because the driver has exercised their rights provided under section 1 of this act and RCW 49.46.210(5). Such rights include, but are not limited to: Filing an action, or instituting or causing to be instituted any proceeding under or related to section 1 of this act and RCW 49.46.210(5), or testifying or intending to testify in any such proceeding related to any rights provided under section 1 of this act and RCW 49.46.210(5).

(4) Adverse action means any action taken or threatened by a transportation network company against a driver for the driver's exercise of rights under section 1 of this act and RCW 49.46.210(5).

(5) A driver who believes that he or she was subject to retaliation by a transportation network company for the exercise of any driver right under section 1 of this act and RCW 49.46.210(5) may file a complaint with the department within 180 days of the alleged retaliatory action. The department may, at its discretion, extend the 180-day period on recognized equitable principles or because of extenuating circumstances beyond the control of the department. The department may extend the 180-day period when there is a preponderance of evidence that the transportation network company has concealed or misled the driver regarding the alleged retaliatory action.

(6) If a driver files a timely complaint with the department alleging retaliation, the department shall investigate the complaint and issue either a citation and notice of assessment or a determination of compliance within 90 days after the date on which the department received the complaint, unless the complaint is otherwise resolved. The department may extend the period by providing advance written notice to the driver and the transportation network company setting forth good cause for an extension of the period, and specifying the duration of the extension.

(7) The department may consider a complaint to be otherwise resolved when the driver and the transportation network company reach a mutual agreement to remedy any retaliatory action, or the driver voluntarily and on the driver's own initiative withdraws the complaint.

(8) If the department's investigation finds that the driver's allegation of retaliation cannot be substantiated, the department shall issue a determination of compliance to the driver and the transportation network company detailing such finding.

(9) If the department's investigation finds that the transportation network company retaliated against the driver, and the complaint is not otherwise resolved, the department may, at its discretion, notify the transportation network company that the department intends to issue a citation and notice of assessment, and may provide up to 30 days after the date of such notification for the transportation network company to take corrective action to remedy the retaliatory action. If the complaint is not otherwise resolved, then the department shall issue a citation and notice of assessment. The department's citation and notice of assessment may:

(a) Order the transportation network company to make payable to the driver earnings that the driver did not receive due to the transportation network company's retaliatory action, including interest of one percent per month on all earnings owed. The earnings and interest owed will be calculated from the first date earnings were owed to the driver;

(b) Order the transportation network company to restore the contract of the driver, unless otherwise prohibited by law;

(c) Order the transportation network company to cease using any policy that counts the use of earned paid sick time as time off the platform or an adverse action against the driver;

(d) For the first violation, order the transportation network company to pay the department a civil penalty established in subsection (15) of this section; and

(e) For a repeat violation, order the transportation network company to pay the department up to double the civil penalty established in subsection (15) of this section.

(10) The department shall send the citation and notice of assessment or determination of compliance to both the transportation network company and driver by service of process or using a method by which the mailing can be tracked or the delivery can be confirmed to their last known addresses. A transportation network company may designate a mailing address of record for service, and additionally may provide an email address to which the department shall direct electronic courtesy copies of mailed correspondence, if such email address is provided.

(11) During an investigation of the driver's retaliation complaint, if the department discovers information suggesting alleged violations by the transportation network company of the driver's other rights under this chapter, and all applicable rules, the department may investigate and take appropriate enforcement action without requiring the driver to file a new or separate complaint. In the event the department so expands an investigation, it shall provide reasonable notice to the transportation network company that it is doing so. If the department determines that the transportation network company violated additional rights of the driver under this chapter, and all applicable rules, the transportation network company may be subject to additional enforcement actions for the violation of such rights. If the department discovers information alleging the transportation network company retaliated against or otherwise violated rights of other drivers under this chapter, and all applicable rules, the department may launch further investigation under this chapter, and all applicable rules, without requiring additional complaints to be filed.

(12) The department may prioritize retaliation investigations as needed to allow for timely resolution of complaints.

(13) Nothing in this section impedes the department's ability to investigate under the authority prescribed in RCW 49.48.040.

(14) Nothing in this section precludes a driver's right to pursue private legal action, if any exists.

(15) If the department's investigation finds that a transportation network company retaliated against a driver, pursuant to the procedures outlined in this section, the department may order the transportation network company to pay the department a civil penalty. A civil penalty for a transportation network company's retaliatory action will not be less than \$1,000 or an amount equal to 10 percent of the total amount of unpaid earnings attributable to the retaliatory action per claimant, whichever is greater. The maximum civil penalty for a transportation network company's retaliatory action shall be \$20,000 per claimant for the first violation, and \$40,000 for each repeat violation.

(16) The department may, at any time, waive or reduce any civil penalty assessed against a transportation network company under this section if the department determines that the transportation network company has taken corrective action to remedy the retaliatory action.

(17) The department will deposit civil penalties paid under this section in the supplemental pension fund established under RCW 51.44.033.

(18) Collections of amounts owed for unpaid citations and notices of assessment, as detailed in this section, will be handled pursuant to the procedures outlined in RCW 49.48.086.

(19) A person, firm, or corporation aggrieved by a citation and notice of assessment or a determination of compliance may, within 30 days after the date of such determination, submit a request for reconsideration to the department setting forth the grounds for seeking such reconsideration, or submit an appeal to the director pursuant to the procedures outlined in subsection (22) of this section. If the department receives a timely request for reconsideration, the department shall either accept the request or treat the request as a notice of appeal.

(20) If a request for reconsideration is accepted, the department shall send notice of the request for reconsideration to the transportation network company and the driver. The department shall determine if there are any valid reasons to reverse or modify the department's original decision to issue a citation and notice of assessment or determination of compliance within 30 days of receipt of such request. The department may extend this period by providing advance written notice to the driver and transportation network company setting forth good cause for an extension of the period, and specifying the duration of the extension. After reviewing the reconsideration, the department shall either:

(a) Notify the driver and the transportation network company that the citation and notice of assessment or determination of compliance is affirmed; or

(b) Notify the driver and the transportation network company that the citation and notice of assessment or determination of compliance has been reversed or modified.

(21) A request for reconsideration submitted to the department shall stay the effectiveness of the citation and notice of assessment or the determination of compliance pending the reconsideration decision by the department.

(22)(a) Within 30 days after the date the department issues a citation and notice of assessment or a determination of compliance, or within 30 days after the date the department issues its decision on the request for reconsideration, a

person, firm, or corporation aggrieved by a citation and notice of assessment or a determination of compliance may file with the director a notice of appeal.

(b) A notice of appeal filed with the director under this section shall stay the effectiveness of the citation and notice of assessment or the determination of compliance pending final review of the appeal by the director as provided for in chapter 34.05 RCW.

(c) Upon receipt of a notice of appeal, the director shall assign the hearing to an administrative law judge of the office of administrative hearings to conduct the hearing and issue an initial order. The hearing and review procedures shall be conducted in accordance with chapter 34.05 RCW, and the standard of review by the administrative law judge of an appealed citation and notice of assessment or determination of compliance shall be de novo. Any party who seeks to challenge an initial order shall file a petition for administrative review with the director within 30 days after service of the initial order. The director shall conduct administrative review in accordance with chapter 34.05 RCW.

(23) If a request for reconsideration is not submitted to the department within 30 days after the date of the original citation and notice of assessment or determination of compliance, and a person, firm, or corporation aggrieved by a citation and notice of assessment or determination of compliance did not submit an appeal to the director, then the citation and notice of assessment or determination of compliance is final and binding, and not subject to further appeal.

(24) The director shall issue all final orders after appeal of the initial order. The final order of the director is subject to judicial review in accordance with chapter 34.05 RCW.

(25) The director's orders that are not appealed within the time period specified in this section and chapter 34.05 RCW are final and binding, and not subject to further appeal.

(26) Absent good cause, a transportation network company that fails to allow adequate inspection of records in an investigation by the department under this section within a reasonable time period may not use such records in any appeal under such rules to challenge the correctness of any determination by the department.

## PART II PAID SICK LEAVE

**Sec. 6.** RCW 49.46.210 and 2019 c 236 s 3 are each amended to read as follows:

(1) Beginning January 1, 2018, except as provided in RCW 49.46.180, every employer shall provide each of its employees paid sick leave as follows:

(a) An employee shall accrue at least one hour of paid sick leave for every forty hours worked as an employee. An employer may provide paid sick leave in advance of accrual provided that such front-loading meets or exceeds the requirements of this section for accrual, use, and carryover of paid sick leave.

(b) An employee is authorized to use paid sick leave for the following reasons:

(i) An absence resulting from an employee's mental or physical illness, injury, or health condition; to accommodate the employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or an employee's need for preventive medical care;

(ii) To allow the employee to provide care for a family member with a mental or physical illness, injury, or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or care for a family member who needs preventive medical care; and

(iii) When the employee's place of business has been closed by order of a public official for any health-related reason, or when an employee's child's school or place of care has been closed for such a reason.

(c) An employee is authorized to use paid sick leave for absences that qualify for leave under the domestic violence leave act, chapter 49.76 RCW.

(d) An employee is entitled to use accrued paid sick leave beginning on the ninetieth calendar day after the commencement of his or her employment.

(e) Employers are not prevented from providing more generous paid sick leave policies or permitting use of paid sick leave for additional purposes.

(f) An employer may require employees to give reasonable notice of an absence from work, so long as such notice does not interfere with an employee's lawful use of paid sick leave.

(g) For absences exceeding three days, an employer may require verification that an employee's use of paid sick leave is for an authorized purpose. If an employer requires verification, verification must be provided to the employer within a reasonable time period during or after the leave. An employer's requirements for verification may not result in an unreasonable burden or expense on the employee and may not exceed privacy or verification requirements otherwise established by law.

(h) An employer may not require, as a condition of an employee taking paid sick leave, that the employee search for or find a replacement worker to cover the hours during which the employee is on paid sick leave.

(i) For each hour of paid sick leave used, an employee shall be paid the greater of the minimum hourly wage rate established in this chapter or his or her normal hourly compensation. The employer is responsible for providing regular notification to employees about the amount of paid sick leave available to the employee.

(j) Unused paid sick leave carries over to the following year, except that an employer is not required to allow an employee to carry over paid sick leave in excess of forty hours.

(k) This section does not require an employer to provide financial or other reimbursement for accrued and unused paid sick leave to any employee upon the employee's termination, resignation, retirement, or other separation from employment. When there is a separation from employment and the employee is rehired within twelve months of separation by the same employer, whether at the same or a different business location of the employer, previously accrued unused paid sick leave shall be reinstated and the previous period of employment shall be counted for purposes of determining the employee's eligibility to use paid sick leave under subsection (1)(d) of this section.

(2) For purposes of this section, "family member" means any of the following:

(a) A child, including a biological, adopted, or foster child, stepchild, or a child to whom the employee stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status;

(b) A biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child;

- (c) A spouse;
- (d) A registered domestic partner;
- (e) A grandparent;
- (f) A grandchild; or
- (g) A sibling.

(3) An employer may not adopt or enforce any policy that counts the use of paid sick leave time as an absence that may lead to or result in discipline against the employee.

(4) An employer may not discriminate or retaliate against an employee for his or her exercise of any rights under this chapter including the use of paid sick leave.

(5)(a) The definitions in this subsection apply to this subsection:

(i) "Average hourly compensation" means a driver's compensation during passenger platform time from, or facilitated by, the transportation network company, during the 365 days immediately prior to the day that paid sick time is used, divided by the total hours of passenger platform time worked by the driver on that transportation network company's driver platform during that period. "Average hourly compensation" does not include tips.

(ii) "Driver," "driver platform," "passenger platform time," and "transportation network company" have the meanings provided in section 1 of this act.

(iii) "Earned paid sick time" is the time provided by a transportation network company to a driver as calculated under this subsection. For each hour of earned paid sick time used by a driver, the transportation network company shall compensate the driver at a rate equal to the driver's average hourly compensation.

(iv) For purposes of drivers, "family member" means any of the following:

(A) A child, including a biological, adopted, or foster child, stepchild, or a child to whom the driver stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status;

(B) A biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of a driver or the driver's spouse or registered domestic partner, or a person who stood in loco parentis when the driver was a minor child;

- (C) A spouse;
- (D) A registered domestic partner;
- (E) A grandparent;
- (F) A grandchild; or
- (G) A sibling.

(b) Beginning January 1, 2023, a transportation network company must provide to each driver operating on its driver platform compensation for earned paid sick time as required by this subsection and subject to the provisions of this subsection. A driver shall accrue one hour of earned paid sick time for every 40 hours of passenger platform time worked.

(c) A driver is entitled to use accrued earned paid sick time upon recording 90 hours of passenger platform time on the transportation network company's driver platform.

(d) For each hour of earned paid sick time used, a driver shall be paid the driver's average hourly compensation.

(e) A transportation network company shall establish an accessible system for drivers to request and use earned paid sick time. The system must be available to drivers via smartphone application and online web portal.

(f) A driver may carry over up to 40 hours of unused earned paid sick time to the next calendar year. If a driver carries over unused earned paid sick time to the following year, accrual of earned paid sick time in the subsequent year must be in addition to the hours accrued in the previous year and carried over.

(g) A driver is entitled to use accrued earned paid sick time if the driver has used the transportation network company's platform as a driver within 90 calendar days preceding the driver's request to use earned paid sick time.

(h) A driver is entitled to use earned paid sick time for the following reasons:

(i) An absence resulting from the driver's mental or physical illness, injury, or health condition; to accommodate the driver's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or an employee's need for preventive medical care;

(ii) To allow the driver to provide care for a family member with a mental or physical illness, injury, or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or care for a family member who needs preventive medical care;

(iii) When the driver's child's school or place of care has been closed by order of a public official for any health-related reason;

(iv) For absences for which an employee would be entitled for leave under RCW 49.76.030; and

(v) During a deactivation or other status that prevents the driver from performing network services on the transportation network company's platform, unless the deactivation or status is due to a verified allegation of sexual assault or physical assault perpetrated by the driver.

(i) If a driver does not record any passenger platform time in a transportation network company's driver platform for 365 or more consecutive days, any unused earned paid sick time accrued up to that point with that transportation network company is no longer valid or recognized.

(j) Drivers may use accrued days of earned paid sick time in increments of a minimum of four or more hours. Drivers are entitled to request four or more hours of earned paid sick time for immediate use, including consecutive days of use. Drivers are not entitled to use more than eight hours of earned paid sick time within a single calendar day.

(k) A transportation network company shall compensate a driver for requested hours or days of earned paid sick time no later than 14 calendar days or the next regularly scheduled date of compensation following the requested hours or days of earned paid sick time.

(l) A transportation network company shall not request or require reasonable verification of a driver's qualifying illness except as would be



permitted to be requested of an employee under subsection (1)(g) of this section. If a transportation network company requires verification pursuant to this subsection, the transportation network company must compensate the driver for the requested hours or days of earned paid sick time no later than the driver's next regularly scheduled date of compensation after satisfactory verification is provided.

(m) If a driver accepts an offer of prearranged services for compensation from a transportation network company during the four-hour period or periods for which the driver requested earned paid sick time, a transportation network company may determine that the driver did not use earned paid sick time for an authorized purpose.

(n) A transportation network company shall provide each driver with:

(i) Written notification of the current rate of average hourly compensation while a passenger is in the vehicle during the most recent calendar month for use of earned paid sick time;

(ii) An updated amount of accrued earned paid sick time since the last notification;

(iii) Reduced earned paid sick time since the last notification;

(iv) Any unused earned paid sick time available for use; and

(v) Any amount that the transportation network company may subtract from the driver's compensation for earned paid sick time. The transportation network company shall provide this information to the driver no less than monthly. The transportation network company may choose a reasonable system for providing this notification, including but not limited to: A pay stub; a weekly summary of compensation information; or an online system where drivers can access their own earned paid sick time information. A transportation network company is not required to provide this information to a driver if the driver has not worked any days since the last notification.

(o) A transportation network company may not adopt or enforce any policy that counts the use of earned paid sick time as an absence that may lead to or result in any action that adversely affects the driver's use of the transportation network.

(p) A transportation network company may not take any action against a driver that adversely affects the driver's use of the transportation network due to his or her exercise of any rights under this subsection including the use of earned paid sick time.

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

NEW SECTION, Sec. 7. A new section is added to chapter 49.46 RCW to read as follows:

(1) If a driver files a complaint with the department alleging that the transportation network company failed to provide the driver with earned paid sick time as provided in RCW 49.46.210, the department shall investigate the complaint as an alleged violation of a compensation-related requirement of section 1 of this act.

(2) When the department's investigation results in a finding that the transportation network company failed to provide the driver with earned paid sick time accrual, use, or carryover during an ongoing contractual relationship, the driver may elect to:

(a) Receive full access to the balance of accrued earned paid sick time hours unlawfully withheld by the transportation network company, based on a calculation of one hour of earned paid sick time for every 40 hours of passenger platform time worked; or

(b) Receive payment from the transportation network company at their average hourly compensation for each hour of earned paid sick time that the driver would have used or been reasonably expected to use, whichever is greater, during the period of noncompliance, not to exceed an amount the driver would have otherwise accrued. The driver will receive full access to the balance of accrued earned paid sick time unlawfully withheld by the transportation network company, less the number of earned paid sick time paid out to the driver pursuant to this subsection.

(3) For a driver whose contract with the transportation network company is terminated or who has not recorded passenger platform time on the transportation network company's driver platform for 365 days or more, when the department's investigation results in a finding that the transportation network company failed to provide the driver with earned paid sick time accrual, use, or carryover, the driver may elect to receive payment at their average hourly compensation for earned paid sick time that the driver would have earned or been reasonably expected to use, whichever is greater, during the period of noncompliance, receive reinstatement of the balance of earned paid sick time, or receive a combination of payment and reinstatement from the transportation network company for all earned paid sick time that would have accrued during the period of noncompliance, unless such reinstatement is prohibited by law.

(4) The department's notice of assessment, pursuant to RCW 49.48.083, may order the transportation network company to provide the driver any combination of reinstatement and payment of accrued, unused earned paid sick time assessed pursuant to subsection (2) or (3) of this section, unless such reinstatement is prohibited by law.

(5) For purposes of this section, a transportation network company found to be in noncompliance cannot cap the driver's carryover of earned paid sick time at 40 hours to the following year for each year of noncompliance.

(6) The department may promulgate rules and regulations in accordance with this section.

### **PART III INDUSTRIAL INSURANCE**

**Sec. 8.** RCW 51.12.020 and 2015 c 236 s 4 are each amended to read as follows:

The following are the only employments which shall not be included within the mandatory coverage of this title:

(1) Any person employed as a domestic servant in a private home by an employer who has less than two employees regularly employed forty or more hours a week in such employment.

(2) Any person employed to do gardening, maintenance, or repair, in or about the private home of the employer. For the purposes of this subsection, "maintenance" means the work of keeping in proper condition, "repair" means to restore to sound condition after damage, and "private home" means a person's place of residence.

(3) A person whose employment is not in the course of the trade, business, or profession of his or her employer and is not in or about the private home of the employer.

(4) Any person performing services in return for aid or sustenance only, received from any religious or charitable organization.

(5) Sole proprietors or partners.

(6) Any child under eighteen years of age employed by his or her parent or parents in agricultural activities on the family farm.

(7) Jockeys while participating in or preparing horses for race meets licensed by the Washington horse racing commission pursuant to chapter 67.16 RCW.

(8)(a) Except as otherwise provided in (b) of this subsection, any bona fide officer of a corporation voluntarily elected or voluntarily appointed in accordance with the articles of incorporation or bylaws of the corporation, who at all times during the period involved is also a bona fide director, and who is also a shareholder of the corporation. Only such officers who exercise substantial control in the daily management of the corporation and whose primary responsibilities do not include the performance of manual labor are included within this subsection.

(b) Alternatively, a corporation that is not a "public company" as defined in RCW 23B.01.400 may exempt eight or fewer bona fide officers, who are voluntarily elected or voluntarily appointed in accordance with the articles of incorporation or bylaws of the corporation and who exercise substantial control in the daily management of the corporation, from coverage under this title without regard to the officers' performance of manual labor if the exempted officer is a shareholder of the corporation, or may exempt any number of officers if all the exempted officers are related by blood within the third degree or marriage. If a corporation that is not a "public company" elects to be covered under ~~((subsection (8))~~(a) of this subsection, the corporation's election must be made on a form prescribed by the department and under such reasonable rules as the department may adopt.

(c) Determinations respecting the status of persons performing services for a corporation shall be made, in part, by reference to Title 23B RCW and to compliance by the corporation with its own articles of incorporation and bylaws. For the purpose of determining coverage under this title, substance shall control over form, and mandatory coverage under this title shall extend to all workers of this state, regardless of honorary titles conferred upon those actually serving as workers.

(d) A corporation may elect to cover officers who are exempted by this subsection in the manner provided by RCW 51.12.110.

(9) Services rendered by a musician or entertainer under a contract with a purchaser of the services, for a specific engagement or engagements when such musician or entertainer performs no other duties for the purchaser and is not regularly and continuously employed by the purchaser. A purchaser does not include the leader of a group or recognized entity who employs other than on a casual basis musicians or entertainers.

(10) Services performed by a newspaper vendor, carrier, or delivery person selling or distributing newspapers on the street, to offices, to businesses, or from house to house and any freelance news correspondent or "stringer" who, using

his or her own equipment, chooses to submit material for publication for free or a fee when such material is published.

(11) Services performed by an insurance producer, as defined in RCW 48.17.010, or a surplus line broker licensed under chapter 48.15 RCW.

(12) Services performed by a booth renter. However, a person exempted under this subsection may elect coverage under RCW 51.32.030.

(13) Members of a limited liability company, if either:

(a) Management of the company is vested in its members, and the members for whom exemption is sought would qualify for exemption under subsection (5) of this section were the company a sole proprietorship or partnership; or

(b) Management of the company is vested in one or more managers, and the members for whom the exemption is sought are managers who would qualify for exemption under subsection (8) of this section were the company a corporation.

~~(14) ((A driver providing commercial transportation services as defined in RCW 48.177.005. The driver may elect coverage in the manner provided by RCW 51.32.030.~~

~~(15))~~ For hire vehicle operators under chapter 46.72 RCW who own or lease the for hire vehicle, chauffeurs under chapter 46.72A RCW who own or lease the limousine, and operators of taxicabs under chapter 81.72 RCW who own or lease the taxicab. An owner or lessee may elect coverage in the manner provided by RCW 51.32.030.

**Sec. 9.** RCW 51.08.070 and 2008 c 102 s 2 are each amended to read as follows:

(1) "Employer" means any person, body of persons, corporate or otherwise, and the legal representatives of a deceased employer, all while engaged in this state in any work covered by the provisions of this title, by way of trade or business, or who contracts with one or more workers, the essence of which is the personal labor of such worker or workers. Or as an exception to the definition of employer, persons or entities are not employers when they contract or agree to remunerate the services performed by an individual who meets the tests set forth in ((subsections (1) through (6) of)) RCW 51.08.195 (1) through (6) or the separate tests set forth in RCW 51.08.181 for work performed that requires registration under chapter 18.27 RCW or licensing under chapter 19.28 RCW.

(2) Notwithstanding subsection (1) of this section, and for purposes of this title only, a transportation network company, as defined in section 1 of this act, shall have the same rights and obligations of an "employer" under this title with respect to a driver, as defined in section 1 of this act, only while the driver is engaged in passenger platform time and dispatch platform time.

**Sec. 10.** RCW 51.08.180 and 2008 c 102 s 3 are each amended to read as follows:

(1) "Worker" means every person in this state who is engaged in the employment of an employer under this title, whether by way of manual labor or otherwise in the course of his or her employment; also every person in this state who is engaged in the employment of or who is working under an independent contract, the essence of which is his or her personal labor for an employer under this title, whether by way of manual labor or otherwise, in the course of his or her employment, or as an exception to the definition of worker, a person is not a worker if he or she meets the tests set forth in subsections (1) through (6) of

RCW 51.08.195 or the separate tests set forth in RCW 51.08.181 for work performed that requires registration under chapter 18.27 RCW or licensing under chapter 19.28 RCW: PROVIDED, That a person is not a worker for the purpose of this title, with respect to his or her activities attendant to operating a truck which he or she owns, and which is leased to a common or contract carrier.

(2) Notwithstanding subsection (1) of this section, and for purposes of this title only, a driver, as defined in section 1 of this act, shall have the same rights and obligations of a "worker" under this title with respect to a transportation network company, as defined in section 1 of this act, only while the driver is engaged in passenger platform time and dispatch platform time.

**NEW SECTION, Sec. 11.** A new section is added to chapter 51.16 RCW to read as follows:

(1) Beginning January 1, 2023, the department shall assess premiums for transportation network companies, as defined in section 1 of this act, in accordance with RCW 51.16.035 and this section, for workers' compensation coverage applicable to drivers, as defined in section 1 of this act, while the driver is engaged in passenger platform time and dispatch platform time, as those terms are defined in section 1 of this act.

(2) For the purposes of calculating the premium for drivers under subsection (1) of this section, the department shall multiply the total number of hours spent by drivers in passenger platform time and dispatch platform time on the transportation network company's driver platform by the rates established for taxicab companies. The department may subsequently adjust premiums in accordance with department rules.

(3) Transportation network companies, not qualifying as a self-insurer, shall insure with the state and shall, on or before the last day of January, April, July, and October of each year thereafter, furnish the department with a true and accurate statement of the hours for which drivers, as defined in section 1 of this act, were engaged in passenger platform time and dispatch platform time on the transportation network company's driver platform during the preceding calendar quarter and the total amount paid to such drivers engaged in passenger platform time on the transportation network company's driver platform during the preceding calendar quarter, and shall pay its premium based on the total passenger platform time and dispatch platform time to the appropriate fund. Premiums for a calendar quarter, whether reported or not, shall become due and delinquent on the day immediately following the last day of the month following the calendar quarter. The sufficiency of such statement shall be subject to the approval of the director: PROVIDED, That the director may in his or her discretion and for the effective administration of this title require a transportation network company in individual instances to furnish a supplementary report containing the name of each individual driver, his or her hours engaged in passenger platform time and dispatch platform time on the transportation network company's driver platform, and his or her compensation: PROVIDED FURTHER, That the department may promulgate rules and regulations in accordance with chapter 34.05 RCW to establish other reporting periods and payment due dates in lieu of reports and payments following each calendar quarter, and may also establish terms and conditions for payment of premiums and assessments based on estimated passenger platform time and dispatch platform time on the transportation network company's driver platform, with

such payments being subject to approval as to sufficiency of the estimated passenger platform time and dispatch platform time on the transportation network company's driver platform by the department, and also subject to appropriate periodic adjustments made by the department based on actual passenger platform time and dispatch platform time on the transportation network company's driver platform.

(4) The department may adopt rules to carry out the purposes of this section, including rules providing for alternative reporting requirements.

(5) This section does not apply to any worker who is not a driver, and who is employed by the transportation network company. For those workers the processes for determining coverage, calculating premiums, reporting requirements, reporting periods, and payment due dates are subject to the provisions of this title that apply generally to employers and workers.

**Sec. 12.** RCW 51.16.060 and 1985 c 315 s 1 are each amended to read as follows:

~~(Every)~~ Except as provided in section 11 of this act, every employer not qualifying as a self-insurer, shall insure with the state and shall, on or before the last day of January, April, July and October of each year thereafter, furnish the department with a true and accurate payroll for the period in which workers were employed by it during the preceding calendar quarter, the total amount paid to such workers during such preceding calendar quarter, and a segregation of employment in the different classes established pursuant to this title, and shall pay its premium thereon to the appropriate fund. Premiums for a calendar quarter, whether reported or not, shall become due and delinquent on the day immediately following the last day of the month following the calendar quarter. The sufficiency of such statement shall be subject to the approval of the director: PROVIDED, That the director may in his or her discretion and for the effective administration of this title require an employer in individual instances to furnish a supplementary report containing the name of each individual worker, his or her hours worked, his or her rate of pay and the class or classes in which such work was performed: PROVIDED FURTHER, That in the event an employer shall furnish the department with four consecutive quarterly reports wherein each such quarterly report indicates that no premium is due the department may close the account: PROVIDED FURTHER, That the department may promulgate rules and regulations in accordance with chapter 34.05 RCW to establish other reporting periods and payment due dates in lieu of reports and payments following each calendar quarter, and may also establish terms and conditions for payment of premiums and assessments based on estimated payrolls, with such payments being subject to approval as to sufficiency of the estimated payroll by the department, and also subject to appropriate periodic adjustments made by the department based on actual payroll: AND PROVIDED FURTHER, That a temporary help company which provides workers on a temporary basis to its customers shall be considered the employer for purposes of reporting and paying premiums and assessments under this title according to the appropriate rate classifications as determined by the department: PROVIDED, That the employer shall be liable for paying premiums and assessments, should the temporary help company fail to pay the premiums and assessments under this title.

**NEW SECTION. Sec. 13.** A new section is added to chapter 51.04 RCW to read as follows:

(1) The application of this chapter to a transportation network company, as defined in section 1 of this act, shall not be indicative of, or considered a factor in determining, the existence of an employer-employee relationship between the transportation network company and driver for purposes of any other rights, benefits, or obligations under other state and local employment laws.

(2) A transportation network company's compliance with this chapter satisfies any obligation under any county, city, town, or other municipal corporation ordinance requiring compensation or benefits for workplace injuries or occupational disease.

#### PART IV STATEWIDE REGULATORY REQUIREMENTS

**NEW SECTION. Sec. 14.** The purpose of this chapter is to: Provide statewide uniform regulation for transportation network companies within the state of Washington, encourage technological innovation, and preserve and enhance access to important transportation options for residents and visitors to Washington state.

**NEW SECTION. Sec. 15.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of licensing.

(2) "Digital network" means any online-enabled application, website, or system offered or used by a transportation network company that enables the prearrangement of rides between drivers and passengers.

(3) "Director" means the director of the department of licensing.

(4) "Driver" has the meaning provided in section 1 of this act.

(5) "Network services" has the meaning provided in section 1 of this act.

(6) "Passenger" means an individual who uses a digital network to connect with a driver in order to obtain a prearranged ride in the driver's transportation network company vehicle. A person may use a digital network to request a prearranged ride on behalf of a passenger.

(7) "Prearranged ride" has the same meaning provided in RCW 48.177.005.

(8) "Transportation network company" has the meaning provided in section 1 of this act.

(9) "Transportation network company vehicle" has the same meaning as "personal vehicle" in RCW 48.177.005.

**\*NEW SECTION. Sec. 16.** *(1) A transportation network company or driver is not a common carrier, motor carrier, or any other carrier as defined in RCW 81.80.010, and does not provide for hire transportation service, commuter ride sharing, taxicab, auto transportation company services, or metropolitan public transportation services pursuant to chapter 35.58, 46.72, 46.73, 81.68, or 81.72 RCW.*

*(2) A driver is not required to register a transportation network company vehicle as a commercial vehicle or for hire vehicle.*

*\*Sec. 16 was vetoed. See message at end of chapter.*

**NEW SECTION. Sec. 17.** (1) A person must first obtain a permit from the department to operate a transportation network company in Washington state, except that any transportation network company operating in the state before the

effective date of this section may continue operating until the department creates a permit process and sets a registration deadline.

(2) The department must annually issue a permit to each applicant that meets the requirements for a transportation network company as set forth in this chapter and pays an annual permit fee of \$5,000 to the department.

**NEW SECTION. Sec. 18.** Any transportation network company operating in Washington state must maintain an agent for service of process in the state.

**NEW SECTION. Sec. 19.** (1) Before a passenger enters a transportation network company vehicle, the transportation network company must provide, on behalf of the driver, either the fare for the prearranged ride or the option to receive an estimated fare for the prearranged ride.

(2) During the first seven days of a state of emergency, as declared by the governor or the president of the United States, a transportation network company may not charge a fare for transportation network company services provided to any passenger that exceeds two and one-half times the fare that would otherwise be applicable for the prearranged ride.

**NEW SECTION. Sec. 20.** A transportation network company's digital network or website must display a photograph of the driver and the license plate number of the transportation network company vehicle.

**NEW SECTION. Sec. 21.** A transportation network company must require that any motor vehicle that a transportation network company driver will use to provide prearranged rides is not more than 15 years old as determined by the model year of the vehicle.

**NEW SECTION. Sec. 22.** (1) A transportation network company must implement a zero tolerance policy regarding a driver's activities while accessing the transportation network company's digital network. The zero tolerance policy must address the use of drugs or alcohol while a driver is providing prearranged rides or is logged in to the transportation network company's digital network but is not providing prearranged rides.

(2) A transportation network company must provide notice of this policy on its website, as well as procedures to report a complaint about a driver with whom a passenger was matched and whom the passenger reasonably suspects was under the influence of drugs or alcohol during the course of the trip.

(3) A transportation network company must maintain records relevant to the enforcement of the policy under this section for a period of at least two years from the date that a passenger complaint is received by the transportation network company.

**NEW SECTION. Sec. 23.** (1) Before allowing an individual to accept prearranged ride requests as a driver through a transportation network company's digital network and annually thereafter:

(a) The individual must submit an application to the transportation network company, which includes information regarding his or her name, address, phone number, age, driver's license number, motor vehicle registration, automobile liability insurance, and other information required by the transportation network company;

(b) The transportation network company, or a designated third party on behalf of the transportation network company, that is either nationally accredited



or approved by the director, must conduct an annual local and national criminal background check for the applicant to include a review of:

(i) A multistate/multijurisdiction criminal records locator or other similar commercial nationwide database with validation; and

(ii) The United States department of justice national sex offender public website; and

(c) The transportation network company, or designated third party, must obtain and review a driving history report for the individual.

(2) A transportation network company must not permit an individual to act as a driver on its digital network who:

(a) Has had more than three moving violations in the prior three-year period, or one of the following major violations in the prior three-year period:

(i) Attempting to elude the police pursuant to RCW 46.61.024;

(ii) Reckless driving pursuant to RCW 46.61.500; or

(iii) Driving on a suspended or revoked driver's license pursuant to RCW 46.20.342 or 46.20.345;

(b) Has been convicted, within the past seven years, of:

(i) Any class A or B felony in Title 9A RCW;

(ii) Any violent offense as defined in RCW 9.94A.030 or serious violent offense as defined in RCW 9.94A.030;

(iii) Any most serious offense as defined in RCW 9.94A.030; or

(iv) Driving under the influence, hit and run, or any other driving-related crime pursuant to RCW 46.61.500 through 46.61.540;

(c) Has been convicted of any sex offense as defined in RCW 9.94A.030 or is a match in the United States department of justice national sex offender public website;

(d) Does not possess a valid driver's license;

(e) Does not possess proof of automobile liability insurance for the motor vehicle or vehicles used to provide prearranged rides;

(f) Is not at least 20 years of age; or

(g) Has not self-certified that he or she is physically and mentally fit to be a transportation network company driver.

(3)(a) Subsection (2)(a) and (b) of this section applies to any conviction of any offense committed in another jurisdiction that includes all of the elements of any of the offenses described or defined in subsection (2)(a) and (b) of this section.

(b) Any collision where the driver can demonstrate, through the account deactivation appeals process outlined in section 1(15) of this act, that he or she was not at fault for the collision, shall not be considered to be a moving violation under subsection (2)(a) of this section.

(c) For purposes of subsection (2)(a) of this section multiple moving violations shall be treated by the transportation network company as a single moving violation if the driver can demonstrate, through the account deactivation appeals process outlined in section 1(15) of this act, that the violations arose from a single incident.

(4) A transportation network company must establish a clear background check policy consistent with this section that informs drivers of any thresholds for categories of violations and any other factors which will result in a restriction of access to the driver platform.

**NEW SECTION. Sec. 24.** A driver may not:

- (1) Solicit or accept a trip request to provide network services other than a trip request arranged through a transportation network company's digital network;
- (2) Provide network services for more than 14 consecutive hours in a 24-hour period; or
- (3) Allow any other individual to use that driver's access to a transportation network company's digital network.

**NEW SECTION. Sec. 25.** (1) A transportation network company must adopt a policy of nondiscrimination on the basis of race, color, national origin, citizenship or immigration status, families with children, creed, religious belief or affiliation, sex, marital status, the presence of any sensory, mental, or physical disability, age, honorably discharged veteran or military status, sexual orientation, gender expression or gender identity, the use of a trained dog guide or service animal by a person with a disability, or any other protected class under RCW 49.60.010, with respect to passengers and potential passengers and notify drivers of such policy.

(2) A driver must comply with all applicable laws regarding nondiscrimination against transportation network company riders or potential riders on the basis of race, color, national origin, citizenship or immigration status, families with children, creed, religious belief or affiliation, sex, marital status, the presence of any sensory, mental, or physical disability, age, honorably discharged veteran or military status, sexual orientation, gender expression or gender identity, or any other protected class under RCW 49.60.010.

(3) A driver must comply with all applicable laws relating to the transportation of service animals.

(4) A transportation network company may not impose additional charges for providing services to persons with disabilities because of those disabilities.

**NEW SECTION. Sec. 26.** Any safety product, feature, process, policy, standard, or other effort undertaken by a transportation network company, or the provision of equipment by a transportation network company, to further public safety is not an indicia of an employment or agency relationship with a driver.

**NEW SECTION. Sec. 27.** A transportation network company must maintain the following records:

(1) Individual trip records, except receipts pursuant to section 1(9) of this act, for at least three years from the end of the calendar year in which each trip was provided; and

(2) Individual records of drivers, except receipts pursuant to section 1(9) of this act, at least until the end of the calendar year marking the three-year anniversary of the date on which a driver's relationship with the transportation network company has ended.

**NEW SECTION. Sec. 28.** (1) For the sole purpose of verifying that a transportation network company is in compliance with the requirements of this chapter and no more than twice per year, the department may review a sample of records that the transportation network company is required to maintain under this chapter. The sample of records must be chosen randomly by the department in a manner agreeable to both parties. Any record sample furnished to the

department may exclude information that would reasonably identify specific drivers or passengers.

(2) Records provided to the department for inspection under this chapter are exempt from disclosure under chapter 42.56 RCW and are confidential and not subject to disclosure to a third party by the department without prior written consent of the transportation network company.

**NEW SECTION. Sec. 29.** The uniform regulation of business and professions act, chapter 18.235 RCW, governs unlicensed practice, the issuance and denial of licenses, and the discipline of licensees under this chapter.

**NEW SECTION. Sec. 30.** The department may adopt rules consistent with and as necessary to carry out this chapter.

**NEW SECTION. Sec. 31.** (1) A transportation network company shall not, unless based upon a bona fide occupational qualification, refuse to contract with or terminate the contract of a driver based upon age, sex, marital status, sexual orientation, gender expression or gender identity, race, creed, religious belief or affiliation, color, national origin, citizenship or immigration status, families with children, honorably discharged veteran or military status, the presence of any sensory, mental, or physical disability, the use of a trained guide dog or service animal by a person with a disability, or any other protected class under RCW 49.60.010.

(2) Drivers shall have all rights and remedies available under chapter 49.60 RCW solely to enforce this section.

**NEW SECTION. Sec. 32.** (1) Except as provided in subsections (2) and (3) of this section, as of the effective date of this section, the state preempts the field of regulating transportation network companies and drivers. No county, city, town, or other municipal corporation may regulate transportation network companies or drivers, or impose any tax, fee, or other charge, on a transportation network company or driver.

(2)(a) Except as provided in (b) and (c) of this subsection, a local ordinance or regulation, in a city with a population of more than 600,000 or a county with a population of more than 2,000,000, existing on or before January 1, 2022, that imposes a tax, fee, or other charge on a transportation network company or driver, remains in effect at the rate that exists on or before January 1, 2022. The city or county may continue to collect that tax, fee, or other charge, but may not increase the amount of that tax, fee, or other charge, and may not impose any higher or new taxes, fees, or other charges. This subsection (2)(a) applies retroactively and preempts any increase in the amount of an existing tax, fee, or other charge, or the imposition of any higher or new taxes, fees, or other charges, which occurs between January 2, 2022, and the effective date of this section.

(b) Beginning on January 1, 2023, any local ordinance or regulation, in a city or county described in (a) of this subsection, existing on or before the effective date of this section that imposed a per trip tax, fee, or other charge for which, at the time the ordinance became effective, the proceeds were to be used in part to fund a driver conflict resolution center, shall be reduced by \$0.15. The city or county may continue to collect that tax, fee, or other charge, but only at the reduced rate and may not increase the amount of that tax, fee, or other charge, and may not impose any higher or new taxes, fees, or other charges.

(c) Any per ride fee imposed by a local ordinance or regulation described in (a) of this subsection, the proceeds of which are used to offset expenses of enforcing the ordinance or regulation, may be adjusted under the following provisions:

(i) The city or county demonstrates to the satisfaction of the department that the revenues from the existing per ride fee amount are insufficient to offset the city's or county's cost from enforcement and regulation;

(ii) The total amount expected to be collected under the increased amount will not exceed the city or county's total expected costs; and

(iii) The department has not authorized an increase in the per ride fee in the last two fiscal years.

(3)(a) A local ordinance or regulation in a city with a population of more than six hundred thousand or a county with a population of more than two million, and that existed on or before January 1, 2022, that defined and regulated licensing for transportation network companies and permits for drivers, or the requirements for and processing of applications, certifications, examinations, and background checks for drivers and personal vehicles, remains in effect as the requirements exist on the effective date of this section. The county or city may continue to enforce the ordinance or regulation but may not alter, amend, or implement changes to the ordinance or regulation, or requirements under it, after January 1, 2022, except if such alteration, amendment, or implementation conforms with the requirements of this chapter. This subsection shall apply retroactively to any alteration, amendment, or implementation which occurs between March 10, 2022, and the effective date of this section.

(b) Notwithstanding subsection (1) of this section, a local ordinance or regulation in a city with a population of more than six hundred thousand or a county with a population of more than two million, and that existed before January 1, 2022, that is related to requirements covered by sections 1 and 6 through 13 of this act are preempted as of January 1, 2023. The city may continue to enforce the local ordinance or regulation between the effective date of this section and January 1, 2023, but may not alter, amend, or implement changes to the ordinance or regulation, or requirements under it, after January 1, 2022, except if such alteration, or amendment, or implementation conforms with the requirements of this act. This subsection shall apply retroactively to any alteration, amendment, or implementation which occurs between March 10, 2022, and the effective date of this section.

(4) Nothing in this chapter shall be interpreted to prevent an airport operator, as defined in RCW 14.08.015, from requiring a transportation network company to enter into a contract or agreement, consistent with the provisions of RCW 14.08.120, governing requirements of the transportation network company on airport property including but not limited to the fees and operational requirements. An airport operator may not impose any requirements through a contract authorized by this section that relate to requirements covered by sections 1, 7, 11, and 13 of this act and RCW 49.46.210(5), 51.08.070, 51.08.180, 51.12.020, and 51.16.060.

(5) Other than taxes, fees, or other charges imposed explicitly or exclusively on a transportation network company or driver, this section does not preempt any generally applicable taxes, fees, or other charges, such as:

(a) Business tax;

- (b) Sales and use tax;
- (c) Excise tax; or
- (d) Property tax.

**Sec. 33.** RCW 48.177.010 and 2015 c 236 s 2 are each amended to read as follows:

(1)(a) Before being used to provide commercial transportation services, as defined in RCW 48.177.005, every personal vehicle, as defined in RCW 48.177.005, must be covered by a primary automobile insurance policy that specifically covers commercial transportation services. However, the insurance coverage requirements of this section are alternatively satisfied by securing coverage pursuant to chapter 46.72 or 46.72A RCW that covers the personal vehicle being used to provide commercial transportation services and that is in effect twenty-four hours per day, seven days per week. Except as provided in subsection (2) of this section, a commercial transportation services provider, as defined in RCW 48.177.005, must secure this policy for every personal vehicle used to provide commercial transportation services. For purposes of this section, a "primary automobile insurance policy" is not a private passenger automobile insurance policy.

(b) The primary automobile insurance policy required under this section must provide coverage, as specified in this subsection (1)(b), at all times the driver is logged in to a commercial transportation services provider's digital network or software application and at all times a passenger is in the vehicle as part of a prearranged ride.

(i) The primary automobile insurance policy required under this subsection must provide the following coverage during commercial transportation services applicable during the period before a driver accepts a requested ride through a digital network or software application:

(A) Liability coverage in an amount no less than fifty thousand dollars per person for bodily injury, one hundred thousand dollars per accident for bodily injury of all persons, and thirty thousand dollars for damage to property;

(B) Underinsured motorist coverage to the extent required under RCW 48.22.030; and

(C) Personal injury protection coverage to the extent required under RCW 48.22.085 and 48.22.095.

(ii) The primary automobile insurance policy required under this subsection must provide the following coverage, applicable during the period of a prearranged ride:

(A) Combined single limit liability coverage in the amount of one million dollars for death, personal injury, and property damage; and

(B) (~~Underinsured motorist coverage in the amount of one million dollars;~~  
~~and~~

~~(C))~~ Personal injury protection coverage to the extent required under RCW 48.22.085 and 48.22.095.

(iii) The primary automobile insurance policy required under this subsection must provide underinsured motorist coverage in the amount of \$100,000 per person, \$300,000 per accident from the moment a passenger enters the transportation network company vehicle of a driver until the passenger exits the transportation network company vehicle.

(2)(a) As an alternative to the provisions of subsection (1) of this section, ~~((if the office of the insurance commissioner approves the offering of an insurance policy that recognizes that a person is acting as a driver for a commercial transportation services provider and using a personal vehicle to provide commercial transportation services;))~~ a driver may secure a primary automobile insurance policy covering a personal vehicle and providing the same coverage as required in subsection (1) of this section from a lawful admitted or surplus lines insurer. The policy coverage may be in the form of a rider to, or endorsement of, the driver's private passenger automobile insurance policy only if approved as such by the office of the insurance commissioner.

(b) If the primary automobile insurance policy maintained by a driver to meet the obligation of this section does not provide coverage for any reason, including that the policy lapsed or did not exist, the commercial transportation services provider must provide the coverage required under this section beginning with the first dollar of a claim.

(c) The primary automobile insurance policy required under this subsection and subsection (1) of this section may be secured by any of the following:

(i) The commercial transportation services provider as provided under subsection (1) of this section;

(ii) The driver as provided under (a) of this subsection; or

(iii) A combination of both the commercial transportation services provider and the driver.

(3) The insurer or insurers providing coverage under subsections (1) and (2) of this section are the only insurers having the duty to defend any liability claim from an accident occurring while commercial transportation services are being provided.

(4) In addition to the requirements in subsections (1) and (2) of this section, before allowing a person to provide commercial transportation services as a driver, a commercial transportation services provider must provide written proof to the driver that the driver is covered by a primary automobile insurance policy that meets the requirements of this section. Alternatively, if a driver purchases a primary automobile insurance policy as allowed under subsection (2) of this section, the commercial transportation services provider must verify that the driver has done so.

(5) A primary automobile insurance policy required under subsection (1) or (2) of this section may be placed with an insurer licensed under this title to provide insurance in the state of Washington or as an eligible surplus line insurance policy as described in RCW 48.15.040, or through a surplus lines insurer that meets the financial requirements as described in RCW 48.15.090 and follows the procurement procedures of RCW 48.15.040.

(6) Insurers that write automobile insurance in Washington may exclude any and all coverage afforded under a private passenger automobile insurance policy issued to an owner or operator of a personal vehicle for any loss or injury that occurs while a driver for a commercial transportation services provider is logged in to a commercial transportation services provider's digital network or while a driver provides a prearranged ride. This right to exclude all coverage may apply to any coverage included in a private passenger automobile insurance policy including, but not limited to:

(a) Liability coverage for bodily injury and property damage;

- (b) Personal injury protection coverage;
- (c) Underinsured motorist coverage;
- (d) Medical payments coverage;
- (e) Comprehensive physical damage coverage; and
- (f) Collision physical damage coverage.

(7) Nothing in this section shall be construed to require a private passenger automobile insurance policy to provide primary or excess coverage or a duty to defend for the period of time in which a driver is logged in to a commercial transportation services provider's digital network or software application or while the driver is engaged in a prearranged ride or the driver otherwise uses a vehicle to transport passengers for compensation.

(8) Insurers that exclude coverage under subsection (6) of this section have no duty to defend or indemnify any claim expressly excluded under subsection (6) of this section. Nothing in this section shall be deemed to invalidate or limit an exclusion contained in a policy, including any policy in use or approved for use in Washington state before July 24, 2015, that excludes coverage for vehicles used to carry persons or property for a charge or available for hire by the public.

(9) An exclusion exercised by an insurer in subsection (6) of this section applies to any coverage selected or rejected by a named insured under RCW 48.22.030 and 48.22.085. The purchase of a rider or endorsement by a driver under subsection (2)(a) of this section does not require a separate coverage rejection under RCW 48.22.030 or 48.22.085.

(10) If more than one insurance policy provides valid and collectible coverage for a loss arising out of an occurrence involving a motor vehicle operated by a driver, the responsibility for the claim must be divided as follows:

(a) Except as provided otherwise under subsection (2)(c) of this section, if the driver has been matched with a passenger and is traveling to pick up the passenger, or the driver is providing services to a passenger, the commercial transportation services provider that matched the driver and passenger must provide insurance coverage; or

(b) If the driver is logged in to the digital network or software application of more than one commercial transportation services provider but has not been matched with a passenger, the liability must be divided equally among all of the applicable insurance policies that specifically provide coverage for commercial transportation services.

(11) In an accident or claims coverage investigation, a commercial transportation services provider or its insurer must cooperate with a private passenger automobile insurance policy insurer and other insurers that are involved in the claims coverage investigation to facilitate the exchange of information, including the provision of (a) dates and times at which an accident occurred that involved a participating driver and (b) within ten business days after receiving a request, a copy of the provider's electronic record showing the precise times that the participating driver logged on and off the provider's digital network or software application on the day the accident or other loss occurred. The commercial transportation services provider or its insurer must retain all data, communications, or documents related to insurance coverage or accident details for a period of not less than the applicable statutes of limitation, plus two years from the date of an accident to which those records pertain.

(12) This section does not modify or abrogate any otherwise applicable insurance requirement set forth in this title.

(13) After July 1, 2016, an insurance company regulated under this title may not deny an otherwise covered claim arising exclusively out of the personal use of the private passenger automobile solely on the basis that the insured, at other times, used the private passenger automobile covered by the policy to provide commercial transportation services.

(14) If an insurer for a commercial transportation services provider makes a payment for a claim covered under comprehensive coverage or collision coverage, the commercial transportation services provider must cause its insurer to issue the payment directly to the business repairing the vehicle or jointly to the owner of the vehicle and the primary lienholder on the covered vehicle.

(15)(a) To be eligible for securing a primary automobile insurance policy under this section, a commercial transportation services provider must make the following disclosures to a prospective driver in the prospective driver's terms of service:

WHILE OPERATING ON THE DIGITAL NETWORK OR SOFTWARE APPLICATION OF THE COMMERCIAL TRANSPORTATION SERVICES PROVIDER, YOUR PRIVATE PASSENGER AUTOMOBILE INSURANCE POLICY MIGHT NOT AFFORD LIABILITY, UNDERINSURED MOTORIST, PERSONAL INJURY PROTECTION, COMPREHENSIVE, OR COLLISION COVERAGE, DEPENDING ON THE TERMS OF THE POLICY.

IF THE VEHICLE THAT YOU PLAN TO USE TO PROVIDE COMMERCIAL TRANSPORTATION SERVICES FOR OUR COMPANY HAS A LIEN AGAINST IT, YOU MUST NOTIFY THE LIENHOLDER THAT YOU WILL BE USING THE VEHICLE FOR COMMERCIAL TRANSPORTATION SERVICES THAT MAY VIOLATE THE TERMS OF YOUR CONTRACT WITH THE LIENHOLDER.

(b) The prospective driver must acknowledge the terms of service electronically or by signature.

**NEW SECTION. Sec. 34.** (1) The commissioner for the employment security department shall commence a work group of stakeholders, comprised of equal representation of industry and labor, to study the appropriate application of Titles 50, 50A, and 50B RCW on transportation network companies and drivers in this state.

(2) No later than December 1, 2022, and in compliance with RCW 43.01.036, the commissioner must submit a report to the governor and the legislature on findings and suggested changes to state law to establish applicable rates and terms by which transportation network companies and drivers participate in relevant state run programs established pursuant to Titles 50, 50A, and 50B RCW.

**NEW SECTION. Sec. 35.** RCW 48.177.010 is recodified as a section in chapter 46.--- RCW (the new chapter created in section 36 of this act).

**NEW SECTION. Sec. 36.** Sections 14 through 32 of this act constitute a new chapter in Title 46 RCW.

**NEW SECTION. Sec. 37.** (1) Sections 8 through 13 of this act (related to industrial insurance) take effect January 1, 2023.



(2) Sections 17 and 28 of this act (related to the department of licensing) take effect March 1, 2023.

Passed by the House March 7, 2022.

Passed by the Senate March 4, 2022.

Approved by the Governor March 31, 2022, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State April 1, 2022.

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

"I am returning herewith, without my approval as to Section 16, Engrossed Substitute House Bill No. 2076 entitled:

"AN ACT Relating to rights and obligations of transportation network company drivers and transportation network companies."

Engrossed Substitute House Bill 2076 focuses on matters specific to the driver of a Transportation Network Company and the nature of the employment relationship with the company. Section 16 exempts transportation network companies and drivers from the "common carrier" statutes. However, more work needs to be done in this sector focused on consumer protections, and Section 16 adds ambiguity without adequate additional consumer protections in place. It is critical that we respond to this concern in future legislation before putting this exemption into law. I am confident this is a matter that the legislature will address.

For these reasons I have vetoed Section 16 of Engrossed Substitute House Bill No. 2076.

With the exception of Section 16, Engrossed Substitute House Bill No. 2076 is approved."

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## CHAPTER 282

[Substitute House Bill 2099]

### TAX PENALTIES AND INTEREST—VARIOUS PROVISIONS

AN ACT Relating to improving tax administration by waiving penalties and imposing interest in certain situations involving delayed tax payments, and by extending a statute of limitations period for certain egregious tax crimes; amending RCW 82.32.050; reenacting and amending RCW 9A.04.080; adding a new section to chapter 82.32 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.** A new section is added to chapter 82.32 RCW to read as follows:

Except as otherwise provided in this chapter, interest applies to taxes that are not paid by the original due date even though the department has granted an extension as authorized under this chapter. However, the department may not assess penalties for late payment of any such tax that is paid in full by the extended due date.

**Sec. 2.** RCW 82.32.050 and 2020 c 139 s 60 are each amended to read as follows:

(1) If upon examination of any returns or from other information obtained by the department it appears that a tax or penalty has been paid less than that properly due, the department shall assess against the taxpayer such additional amount found to be due and shall add thereto interest on the tax only. The department shall notify the taxpayer by mail, or electronically as provided in RCW 82.32.135, of the additional amount and the additional amount shall

become due and shall be paid within thirty days from the date of the notice, or within such further time as the department may provide.

(a) For tax liabilities arising before January 1, 1992, interest shall be computed at the rate of nine percent per annum from the last day of the year in which the deficiency is incurred until the earlier of December 31, 1998, or the date of payment. After December 31, 1998, the rate of interest shall be variable and computed as provided in subsection (2) of this section. The rate so computed shall be adjusted on the first day of January of each year for use in computing interest for that calendar year.

(b) For tax liabilities arising after December 31, 1991, the rate of interest shall be variable and computed as provided in subsection (2) of this section from the last day of the year in which the deficiency is incurred until the date of payment. The rate so computed shall be adjusted on the first day of January of each year for use in computing interest for that calendar year.

(c)(i) Except as otherwise provided in ~~((c)(ii) of)~~ this subsection (1)(c), interest imposed after December 31, 1998, shall be computed from the last day of the month following each calendar year included in a notice, and the last day of the month following the final month included in a notice if not the end of a calendar year, until the due date of the notice.

(ii) For interest associated with annual tax reporting periods having a due date as prescribed in RCW 82.32.045(3), interest must be computed from the last day of April immediately following each such annual reporting period included in the notice, until the due date of the notice.

(iii) For purposes of computing interest under (c)(i) and (ii) of this subsection (1):

(A) The same computation of interest applies regardless of whether the department grants additional time for filing any return under RCW 82.32.080(4)(a)(i).

(B) If the department extends a due date under subsection (3) of this section or RCW 82.32.080(4)(b), and payment is not made in full by the extended due date, interest is computed from the last day of the month in which the extended due date occurs until the date of payment.

(iv) If payment in full is not made by the due date of the notice, additional interest shall be computed under this subsection (1)(c) until the date of payment. The rate of interest shall be variable and computed as provided in subsection (2) of this section. The rate so computed shall be adjusted on the first day of January of each year for use in computing interest for that calendar year.

(2) For the purposes of this section, the rate of interest to be charged to the taxpayer shall be an average of the federal short-term rate as defined in 26 U.S.C. Sec. 1274(d) plus two percentage points. The rate set for each new year shall be computed by taking an arithmetical average to the nearest percentage point of the federal short-term rate, compounded annually. That average shall be calculated using the rates from four months: January, April, and July of the calendar year immediately preceding the new year, and October of the previous preceding year.

(3) During a state of emergency declared under RCW 43.06.010(12), the department, on its own motion or at the request of any taxpayer affected by the emergency, may extend the due date of any assessment or correction of an

assessment for additional taxes, penalties, or interest as the department deems proper.

(4) No assessment or correction of an assessment for additional taxes, penalties, or interest due may be made by the department more than four years after the close of the tax year, except (a) against a taxpayer who has not registered as required by this chapter, (b) upon a showing of fraud or of misrepresentation of a material fact by the taxpayer, or (c) where a taxpayer has executed a written waiver of such limitation. The execution of a written waiver shall also extend the period for making a refund or credit as provided in RCW 82.32.060(2).

(5) For the purposes of this section, (~~"return"~~) the following definitions apply:

(a) "Due date of the notice" means the date indicated in the notice by which the amount due in the notice must be paid, or such later date as provided by RCW 1.12.070(3).

(b) "Return" means any document a person is required by the state of Washington to file to satisfy or establish a tax or fee obligation that is administered or collected by the department of revenue and that has a statutorily defined due date.

**NEW SECTION, Sec. 3.** With regard to the imposition of interest, sections 1 and 2 of this act apply to taxes due under an extension granted by the department of revenue on or after January 1, 2023, except in cases where the department of revenue received the request for the extension before January 1, 2023.

**Sec. 4.** RCW 9A.04.080 and 2019 c 93 s 2 and 2019 c 87 s 2 are each reenacted and amended to read as follows:

(1) Prosecutions for criminal offenses shall not be commenced after the periods prescribed in this section.

(a) The following offenses may be prosecuted at any time after their commission:

- (i) Murder;
- (ii) Homicide by abuse;
- (iii) Arson if a death results;
- (iv) Vehicular homicide;
- (v) Vehicular assault if a death results;
- (vi) Hit-and-run injury-accident if a death results (RCW 46.52.020(4));
- (vii) Rape in the first degree (RCW 9A.44.040) if the victim is under the age of sixteen;
- (viii) Rape in the second degree (RCW 9A.44.050) if the victim is under the age of sixteen;
- (ix) Rape of a child in the first degree (RCW 9A.44.073);
- (x) Rape of a child in the second degree (RCW 9A.44.076);
- (xi) Rape of a child in the third degree (RCW 9A.44.079);
- (xii) Sexual misconduct with a minor in the first degree (RCW 9A.44.093);
- (xiii) Custodial sexual misconduct in the first degree (RCW 9A.44.160);
- (xiv) Child molestation in the first degree (RCW 9A.44.083);
- (xv) Child molestation in the second degree (RCW 9A.44.086);
- (xvi) Child molestation in the third degree (RCW 9A.44.089); and

(xvii) Sexual exploitation of a minor (RCW 9.68A.040).

(b) Except as provided in (a) of this subsection, the following offenses may not be prosecuted more than twenty years after its commission:

- (i) Rape in the first degree (RCW 9A.44.040);
- (ii) Rape in the second degree (RCW 9A.44.050); or
- (iii) Indecent liberties (RCW 9A.44.100).

(c) The following offenses may not be prosecuted more than ten years after its commission:

(i) Any felony committed by a public officer if the commission is in connection with the duties of his or her office or constitutes a breach of his or her public duty or a violation of the oath of office;

- (ii) Arson if no death results;
- (iii) Rape in the third degree (RCW 9A.44.060);
- (iv) Attempted murder; or
- (v) Trafficking under RCW 9A.40.100.

(d) A violation of any offense listed in this subsection (1)(d) may be prosecuted up to ten years after its commission or, if committed against a victim under the age of eighteen, up to the victim's thirtieth birthday, whichever is later:

- (i) RCW 9.68A.100 (commercial sexual abuse of a minor);
- (ii) RCW 9.68A.101 (promoting commercial sexual abuse of a minor);
- (iii) RCW 9.68A.102 (promoting travel for commercial sexual abuse of a minor); or
- (iv) RCW 9A.64.020 (incest).

(e) The following offenses may not be prosecuted more than six years after its commission or discovery, whichever occurs later:

- (i) Violations of RCW 9A.82.060 or 9A.82.080;
- (ii) Any felony violation of chapter 9A.83 RCW;
- (iii) Any felony violation of chapter 9.35 RCW;
- (iv) Theft in the first or second degree under chapter 9A.56 RCW when accomplished by color or aid of deception;
- (v) Theft from a vulnerable adult under RCW 9A.56.400; ~~(( $\otimes$ ))~~
- (vi) Trafficking in stolen property in the first or second degree under chapter 9A.82 RCW in which the stolen property is a motor vehicle or major component part of a motor vehicle as defined in RCW 46.80.010; or
- (vii) Violations of RCW 82.32.290 (2)(a)(iii) or (4).

(f) The following offenses may not be prosecuted more than five years after its commission: Any class C felony under chapter 74.09, 82.36, or 82.38 RCW.

(g) Bigamy may not be prosecuted more than three years after the time specified in RCW 9A.64.010.

(h) A violation of RCW 9A.56.030 may not be prosecuted more than three years after the discovery of the offense when the victim is a tax exempt corporation under 26 U.S.C. Sec. 501(c)(3).

(i) No other felony may be prosecuted more than three years after its commission; except that in a prosecution under RCW 9A.44.115, if the person who was viewed, photographed, or filmed did not realize at the time that he or she was being viewed, photographed, or filmed, the prosecution must be commenced within two years of the time the person who was viewed or in the photograph or film first learns that he or she was viewed, photographed, or filmed.

(j) No gross misdemeanor may be prosecuted more than two years after its commission.

(k) No misdemeanor may be prosecuted more than one year after its commission.

(2) The periods of limitation prescribed in subsection (1) of this section do not run during any time when the person charged is not usually and publicly resident within this state.

(3) In any prosecution for a sex offense as defined in RCW 9.94A.030, the periods of limitation prescribed in subsection (1) of this section run from the date of commission or two years from the date on which the identity of the suspect is conclusively established by deoxyribonucleic acid testing or by photograph as defined in RCW 9.68A.011, whichever is later.

(4) If, before the end of a period of limitation prescribed in subsection (1) of this section, an indictment has been found or a complaint or an information has been filed, and the indictment, complaint, or information is set aside, then the period of limitation is extended by a period equal to the length of time from the finding or filing to the setting aside.

**NEW SECTION. Sec. 5.** Except for section 4 of this act, this act takes effect January 1, 2023.

Passed by the House February 26, 2022.

Passed by the Senate March 10, 2022.

Approved by the Governor March 31, 2022.

Filed in Office of Secretary of State April 1, 2022.

## CHAPTER 283

[Engrossed Substitute House Bill 2124]

### LEGISLATIVE EMPLOYEE COLLECTIVE BARGAINING

AN ACT Relating to extending collective bargaining to legislative employees by creating the office of state legislative labor relations that will consider issues of the subjects of bargaining, the employees for whom collective bargaining would be appropriate, who would provide negotiation services, which entities would be considered the employer, definitions of relevant terms, coalition bargaining, grievance procedures, procedures for disciplinary actions, procedures related to certifying exclusive bargaining representatives, determining bargaining units, adjudicating unfair labor practices, and determining representation questions, procedures for approving negotiated collective bargaining agreements, procedures for submitting requests for funding, and considering approaches taken by other state legislatures, and specifying unfair labor practices, but without mandating what the collective bargaining agreement must provide regarding wages, hours, working conditions, or other provisions related to conditions of employment; adding a new chapter to Title 44 RCW; and providing an effective date.

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

**NEW SECTION. Sec. 1.** The legislature intends to create the office of state legislative labor relations for the purposes of considering and managing the unique issues raised by legislative collective bargaining. By examining issues set forth in section 2 of this act, the office will provide the legislature with a fuller understanding of how the legislature as an employer can best implement legislation for collective bargaining for legislative employees, which would be administered by the public employment relations commission.

**NEW SECTION. Sec. 2.** (1) The office of state legislative labor relations is created to assist the house of representatives, the senate, and legislative agencies in implementing and managing the process of collective bargaining for employees of the legislative branch of state government.

(2)(a) Subject to (b) of this subsection, the secretary of the senate and the chief clerk of the house of representatives shall employ a director of the office. The director serves at the pleasure of the secretary of the senate and the chief clerk of the house of representatives, who shall fix the director's salary.

(b) The secretary of the senate and the chief clerk of the house of representatives shall, before employing a director, consult with legislative employees, the senate facilities and operations committee, the house executive rules committee, and the human resources officers of the house of representatives, the senate, and legislative agencies.

(c) The director serves as the executive and administrative head of the office and may employ additional employees to assist in carrying out the duties of the office. The duties of the office include, but are not limited to, conducting negotiations on behalf of the employer.

(d) The director shall contract with an external consultant for the purposes of gathering input from legislative employees, taking into consideration RCW 42.52.020 and rules of the house of representatives and the senate. The gathering of input must be in the form of, at a minimum, surveys.

(3) The director, in consultation with the secretary of the senate, the chief clerk of the house of representatives, and the administrative heads of legislative agencies shall:

(a) Examine issues related to collective bargaining for employees of the house of representatives, the senate, and legislative agencies; and

(b) After consultation with the external consultant, develop best practices and options for the legislature to consider in implementing and administering collective bargaining for employees of the house of representatives, the senate, and legislative agencies.

(4)(a) By December 1, 2022, the director shall submit a preliminary report to the appropriate committees of the legislature that provides a progress report on the director's considerations.

(b) By October 1, 2023, the director shall submit a final report to the appropriate committees of the legislature. At a minimum, the final report must address considerations on the following issues:

(i) Which employees of the house of representatives, the senate, and legislative agencies for whom collective bargaining may be appropriate;

(ii) Mandatory, permissive, and prohibited subjects of bargaining;

(iii) Who would negotiate on behalf of the house of representatives, the senate, and legislative agencies, and which entity or entities would be considered the employer for purposes of bargaining;

(iv) Definitions for relevant terms;

(v) Common public employee collective bargaining agreement frameworks related to grievance procedures and processes for disciplinary actions;

(vi) Procedures related to the commission certifying exclusive bargaining representatives, determining bargaining units, adjudicating unfair labor practices, determining representation questions, and coalition bargaining;

(vii) The efficiency and feasibility of coalition bargaining;

(viii) Procedures for approving negotiated collective bargaining agreements;

(ix) Procedures for submitting requests for funding to the appropriate legislative committees if appropriations are necessary to implement provisions of the collective bargaining agreements; and

(x) Approaches taken by other state legislatures that have authorized collective bargaining for legislative employees.

(5) The report must include a summary of any statutory changes needed to address the considerations listed in subsection (4) of this section related to the collective bargaining process for legislative employees.

**NEW SECTION. Sec. 3.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commission" means the public employment relations commission.

(2) "Director" means the director of the office of state legislative labor relations.

(3) "Employee organization" means any organization, union, or association in which employees participate and that exists for the purpose, in whole or in part, of collective bargaining with employers.

(4) "Exclusive bargaining representative" means any employee organization that has been certified under this chapter as the representative of the employees in an appropriate bargaining unit.

(5) "Legislative agencies" means the joint legislative audit and review committee, the statute law committee, the legislative ethics board, the legislative evaluation and accountability program committee, the office of the state actuary, the legislative service center, the office of legislative support services, the joint transportation committee, and the redistricting commission.

(6) "Office" means the office of state legislative labor relations.

**NEW SECTION. Sec. 4.** Collective bargaining negotiations under this chapter shall commence no earlier than May 1, 2024. No collective bargaining agreement entered into under this chapter may take effect prior to July 1, 2025.

**NEW SECTION. Sec. 5.** (1) Except as may be specifically limited by this chapter, legislative employees shall have the right to self-organization, to form, join, or assist employee organizations, and to bargain collectively through representatives of their own choosing for the purpose of collective bargaining free from interference, restraint, or coercion. Legislative employees shall also have the right to refrain from any or all such activities.

(2) Except as may be specifically limited by this chapter, the commission shall determine all questions pertaining to ascertaining exclusive bargaining representatives for legislative employees and collectively bargaining under this chapter. However, no employee organization shall be recognized or certified as the exclusive bargaining representative of a bargaining unit of employees of the legislative branch unless it receives the votes of a majority of employees in the petitioned for bargaining unit voting in a secret election by mail ballot administered by the commission. The commission's process must allow for an employee, group of employees, employee organizations, employer, or their agents to have the right to petition on any question concerning representation.

(3) The employer and the exclusive bargaining representative of a bargaining unit of legislative employees may not enter into a collective bargaining agreement that requires the employer to deduct, from the salary or

wages of an employee, contributions for payments for political action committees sponsored by employee organizations with legislative employees as members.

**NEW SECTION. Sec. 6.** During a legislative session or committee assembly days, nothing contained in this chapter permits or grants to any legislative employee the right to strike, participate in a work stoppage, or refuse to perform their official duties.

**NEW SECTION. Sec. 7.** (1) Collective bargaining negotiations under this chapter must commence no later than July 1st of each even-numbered year after a bargaining unit has been certified.

(2) The duration of any collective bargaining agreement shall not exceed one fiscal biennium.

**NEW SECTION. Sec. 8.** (1) It is an unfair labor practice for an employer in the legislative branch of state government:

(a) To interfere with, restrain, or coerce employees in the exercise of the rights guaranteed by this chapter;

(b) To dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it: PROVIDED, That subject to rules adopted by the commission, an employer shall not be prohibited from permitting employees to confer with it or its representatives or agents during working hours without loss of time or pay;

(c) To encourage or discourage membership in any employee organization by discrimination in regard to hire, tenure of employment, or any term or condition of employment;

(d) To discharge or discriminate otherwise against an employee because that employee has filed charges or given testimony under this chapter;

(e) To refuse to bargain collectively with the exclusive bargaining representatives of its employees.

(2) It is an unfair labor practice for an employee organization:

(a) To restrain or coerce an employee in the exercise of the rights guaranteed by this chapter: PROVIDED, That this subsection shall not impair the right of an employee organization to prescribe its own rules with respect to the acquisition or retention of membership in the employee organization or to an employer in the selection of its representatives for the purpose of bargaining or the adjustment of grievances;

(b) To cause or attempt to cause an employer to discriminate against an employee in violation of subsection (1)(c) of this section;

(c) To discriminate against an employee because that employee has filed charges or given testimony under this chapter;

(d) To refuse to bargain collectively with an employer.

(3) The expressing of any views, arguments, or opinion, or the dissemination thereof to the public, whether in written, printed, graphic, or visual form, shall not constitute or be evidence of an unfair labor practice under this chapter, if such expression contains no threat of reprisal or force or promise of benefit.

**NEW SECTION. Sec. 9.** (1) The employer shall not bargain over rights of management which, in addition to all powers, duties, and rights established by



constitutional provision or statute, shall include, but not be limited to, the following:

(a) The functions and programs of the employer, the use of technology, and the structure of the organization, including the size and composition of standing committees;

(b) The employer's budget and the size of the employer's workforce, including determining the financial basis for layoffs;

(c) The right to direct and supervise employees;

(d) The hours of work during legislative session and the cutoff calendar for a legislative session; and

(e) Retirement plans and retirement benefits.

(2) Except for an applicable code of conduct policy adopted by a chamber of the legislature or a legislative agency, if a conflict exists between policies adopted by the legislature relating to wages, hours, and terms and conditions of employment and a provision of a collective bargaining agreement negotiated under this chapter, the collective bargaining agreement shall prevail. A provision of a collective bargaining agreement that conflicts with a statute or an applicable term of a code of conduct policy adopted by a chamber of the legislature or a legislative agency is invalid and unenforceable.

NEW SECTION. Sec. 10. Sections 1 through 9 and 11 of this act constitute a new chapter in Title 44 RCW.

NEW SECTION. Sec. 11. Sections 3 through 9 of this act take effect May 1, 2024.

Passed by the House March 10, 2022.

Passed by the Senate March 10, 2022.

Approved by the Governor March 31, 2022.

Filed in Office of Secretary of State April 1, 2022.

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## CHAPTER 284

[Engrossed Substitute Senate Bill 5490]

### INTERBRANCH ADVISORY COMMITTEE

AN ACT Relating to creating the interbranch advisory committee; adding a new chapter to Title 2 RCW; and providing an expiration date.

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

NEW SECTION. Sec. 1. There is created an interbranch advisory committee consisting of the following members:

(1) Two legislative members, one from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives. One member shall be a member of a committee having jurisdiction over general civil or criminal law matters and the other member shall be a member of a committee having jurisdiction over the state operating budget;

(2) Two legislative members, one from each of the two largest caucuses of the senate, appointed by the president of the senate. One member shall be a member of a committee having jurisdiction over general civil or criminal law matters and the other member shall be a member of a committee having jurisdiction over the state operating budget;

(3) One person representing the governor's office, appointed by the governor;

(4) One person representing the attorney general's office, appointed by the attorney general;

(5) One person representing cities, appointed by the association of Washington cities;

(6) One person who is an elected county councilmember representing counties, appointed by the Washington state association of counties;

(7) One person representing court clerks, appointed by the Washington state association of county clerks;

(8) Eight members from the judicial branch, appointed by the chief justice in consultation with the board of judicial administration, supreme court, court of appeals, superior court judges association, association of Washington superior court administrators, Washington association of juvenile court administrators, district and municipal court judges association, district and municipal court management association, administrative office of the courts, and access to justice board; and

(9) One person representing the office of public defense and one person representing the office of civil legal aid, who shall serve as nonvoting members. Nonvoting members must be consulted by the interbranch advisory committee as needed.

**NEW SECTION. Sec. 2.** The purpose of the interbranch advisory committee is to foster cooperation, communication, coordination, collaboration, and planning regarding issues of mutual concern among the three branches of state government. An additional purpose of the committee is to suggest ways to provide access to justice and to court services in a just and equitable manner.

**\*NEW SECTION. Sec. 3. (1)** *The interbranch advisory committee must select cochairs at its initial meeting. One cochair must be a legislative member and the other cochair must be a judicial member. The committee may set its own meeting schedule. The committee shall discuss issues of mutual concern between the branches. Examples include, but are not limited to:*

*(a) Funding legislative mandates;*

*(b) Initiatives related to access to justice;*

*(c) Issues of local concern;*

*(d) Courthouse security; and*

*(e) Court technology infrastructure.*

**(2)** *Staff support for the committee will be provided by the administrative office of the courts. The office of financial management is directed to provide support as requested by the cochairs.*

*\*Sec. 3 was vetoed. See message at end of chapter.*

**NEW SECTION. Sec. 4.** The interbranch advisory committee shall submit a recommendation to the legislative committees having jurisdiction over general civil or criminal law matters and having jurisdiction over the state operating budget by November 1, 2024, on whether the committee should be legislatively renewed or changed in any way.

**NEW SECTION. Sec. 5.** This chapter expires January 1, 2026.

**NEW SECTION. Sec. 6.** Sections 1 through 5 of this act constitute a new chapter in Title 2 RCW.

Passed by the Senate January 26, 2022.

Passed by the House March 1, 2022.

Approved by the Governor March 31, 2022, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State April 1, 2022.

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

"I am returning herewith, without my approval as to Section 3, Engrossed Substitute Senate Bill No. 5490 entitled:

"AN ACT Relating to creating the interbranch advisory committee."

Section 3 of this bill directs the Office of Financial Management to provide staff support to the committee at the request of the co-chairs. The co-chairs of the committee are representatives of the legislative and judicial branches. OFM would be doing work under the direction of the other branches of government, rather than by the agency director, which is inappropriate. However, OFM staff will assist this effort in any way that they can, as directed by my office or the director of OFM.

For these reasons I have vetoed Section 3 of Engrossed Substitute Senate Bill No. 5490.

With the exception of Section 3, Engrossed Substitute Senate Bill No. 5490 is approved."

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## CHAPTER 285

[Substitute Senate Bill 5528]

### REGIONAL TRANSIT AUTHORITIES—ENHANCED SERVICE ZONES—ADDITIVE REVENUE

AN ACT Relating to the imposition of supplemental revenue sources within a regional transit authority area to finance high capacity transportation improvements, serving that area; amending RCW 81.104.160, 81.104.015, 81.104.100, 81.104.110, 81.104.140, 81.104.180, and 81.104.190; and adding new sections to chapter 81.104 RCW.

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

**NEW SECTION. Sec. 1.** A new section is added to chapter 81.104 RCW to read as follows:

(1) The board of a regional transit authority may establish one or more enhanced service zones within a portion of the boundaries of the authority in order to finance system improvements directly serving the respective enhanced service zone or zones. An enhanced service zone must lie entirely within the authority boundaries and must comprise no less than the entire portion of a city or town that lies within the authority boundaries. An enhanced service zone may also include one or more entire adjacent cities or towns and adjacent unincorporated areas, and must contain all or portions of one or more high capacity transportation projects included within an existing voter-approved regional transportation plan. There may also be multiple enhanced service zones encompassing the same city or town, and adjacent unincorporated area.

(2) Before an enhanced service zone may be established, it must first be recommended to the board of the regional transit authority by an advisory committee appointed by the regional transit authority board and composed of board members representing the subarea in which the proposed enhanced service zone is located. The advisory committee's recommendations must include proposed system improvements that benefit the enhanced service zone, to be financed by the excise taxes authorized in subsection (5) of this section, and

constructed and operated by the regional transit authority. If the board establishes the recommended enhanced service zone, then the board must submit a ballot proposition to voters within the enhanced service zone at a general or special election for approval of the proposed system improvements and funding sources as provided in subsection (5) of this section. The funding sources may not be imposed without approval of a majority of the voters in the enhanced service zone voting on the proposition. The proposition must include a specific description of the proposed high capacity transportation system improvement or improvements, including speed, reliability, and safety enhancements to the improvements, and the funding sources to be imposed within the enhanced service zone to raise revenue to fund the improvement or improvements. Design and construction of the system improvements approved by the voters of an enhanced service zone may not delay the estimated completion date of high capacity transportation system improvements contained in an existing voter-approved regional transit plan, by more than six months. A regional transit authority may not proceed with the construction of any system improvement or improvements financed by an enhanced service zone prior to providing a report regarding the engineering and financing of each such system improvement to the transportation committees of the legislature that confirms that the system improvement will not delay the estimated completion date of high capacity transportation system improvements contained in an existing voter-approved regional transit plan by more than six months.

(3) The ballot proposition authorized by subsection (2) of this section may authorize improvements that are:

(a) Enhancements to one or more high capacity transportation systems contained in an existing voter-approved regional transit plan. Enhancements include modifications to an existing system's facilities that improve performance characteristics such as speed, reliability, potential for future expansion, and safety or the completion date of the system but do not change the mode or route alignment of the system previously approved by voters, and improvements to service, such as reducing headway times or adding interim bus service;

(b) New rail improvements on alignments that are not contained in an existing voter-approved regional transit plan and connect to the high capacity transportation system;

(c) High capacity transportation system planning for future system expansion within the enhanced service zone; or

(d) A combination of the improvements authorized by this subsection.

(4) Application of RCW 81.104.100 and 81.104.110 are suspended for any ballot proposition submitted to the voters of an enhanced service zone if the improvements only contain enhancements authorized by subsection (3)(a) and (c) of this section.

(5) A regional transit authority may levy and collect within the boundaries of an enhanced service zone one or more of the following voter-approved local option funding sources to finance the proposed improvements within the enhanced service zone:

(a) A supplemental motor vehicle excise tax as provided in RCW 81.104.160(1)(b); and

(b) A commercial parking tax under section 3 of this act.

(6) To the extent that system improvements include new fixed rail guideway components of the rail fixed guideway public transportation system within a city with a population of 500,000 or more, such guideway shall be in entirely exclusive rights-of-way and not contain any level traffic crossings with modes not part of the rail fixed guideway public transportation system.

(7) "System improvement or improvements," as used in this section, means additions to or alterations of a high capacity transportation system or rail fixed guideway public transportation system as both are defined in RCW 81.104.015.

**Sec. 2.** RCW 81.104.160 and 2015 3rd sp.s. c 44 s 319 are each amended to read as follows:

(1)(a) Regional transit authorities that include a county with a population of more than ~~((one million five hundred thousand))~~ 1,500,000 may submit an authorizing proposition to the voters, and if approved, may levy and collect an excise tax, at a rate approved by the voters, but not exceeding eight-tenths of one percent on the value, under chapter 82.44 RCW, of every motor vehicle owned by a resident of the taxing district, solely for the purpose of providing high capacity transportation service.

(b) In addition to the authority provided in (a) of this subsection, regional transit authorities described in (a) of this subsection may submit an authorizing proposition to the voters within the boundaries of an enhanced service zone described in section 1 of this act, and if approved, may levy and collect a supplemental excise tax within the enhanced service zone, at a rate approved by the voters, but not exceeding one and one-half percent on the value, under chapter 82.44 RCW, of every motor vehicle owned by a resident of the enhanced service zone, solely to raise revenue to fund the improvement or improvements described in section 1 of this act.

(c) The maximum tax ((rate)) rates under this subsection ((does)) (1) do not include a motor vehicle excise tax approved before July 15, 2015, if the tax will terminate on the date bond debt to which the tax is pledged is repaid. ((This tax does)) The taxes under this subsection (1) do not apply to vehicles licensed under RCW 46.16A.455 except vehicles with an unladen weight of ((six thousand)) 6,000 pounds or less, RCW 46.16A.425 or 46.17.335(2). Notwithstanding any other provision of this subsection (1) or chapter 82.44 RCW, a motor vehicle excise tax imposed by a regional transit authority before or after July 15, 2015, must comply with chapter 82.44 RCW as it existed on January 1, 1996, until December 31st of the year in which the regional transit authority repays bond debt to which a motor vehicle excise tax was pledged before July 15, 2015. Motor vehicle taxes collected by regional transit authorities after December 31st of the year in which a regional transit authority repays bond debt to which a motor vehicle excise tax was pledged before July 15, 2015, must comply with chapter 82.44 RCW as it existed on the date the tax was approved by voters.

(2) An agency and high capacity transportation corridor area may impose a sales and use tax solely for the purpose of providing high capacity transportation service, in addition to the tax authorized by RCW 82.14.030, upon retail car rentals within the applicable jurisdiction that are taxable by the state under chapters 82.08 and 82.12 RCW. The rate of tax may not exceed 2.172 percent. The rate of tax imposed under this subsection must bear the same ratio of the 2.172 percent authorized that the rate imposed under subsection (1) of this

section bears to the rate authorized under subsection (1) of this section. The base of the tax is the selling price in the case of a sales tax or the rental value of the vehicle used in the case of a use tax.

(3) Any motor vehicle excise tax previously imposed under the provisions of (~~RCW 81.104.160(1)~~) subsection (1)(a) of this section shall be repealed, terminated, and expire on December 5, 2002, except for a motor vehicle excise tax for which revenues have been contractually pledged to repay a bonded debt issued before December 5, 2002, as determined by *Pierce County et al. v. State*, 159 Wn.2d 16, 148 P.3d 1002 (2006). In the case of bonds that were previously issued, the motor vehicle excise tax must comply with chapter 82.44 RCW as it existed on January 1, 1996.

(4) 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.

**NEW SECTION. Sec. 3.** A new section is added to chapter 81.104 RCW to read as follows:

(1) Subject to the conditions of this section, a regional transit authority may submit an authorizing proposition to the voters within the boundaries of an enhanced service zone described in section 1 of this act, and if approved, may fix and impose a parking tax on all persons engaged in a commercial parking business within the enhanced service zone.

(2) In lieu of the tax in subsection (1) of this section, a regional transit authority may submit an authorizing proposition to the voters within the boundaries of an enhanced service zone described in section 1 of this act, and if approved, may fix and impose a tax for the act or privilege of parking a motor vehicle in a facility operated by a commercial parking business within the enhanced service zone.

The regional transit authority may provide that:

(a) The tax is paid by the operator or owner of the motor vehicle;

(b) The tax applies to all parking for which a fee is paid, whether paid directly or indirectly through a lease, including parking supplied with a lease of nonresidential space, but the tax does not apply when an exclusive and individual residential parking stall is provided as an inseverable condition of a residential lease agreement for the duration of that lease agreement, or is charged separately from the residential rent payment, as long as the parking stall is in the same residential building in which the lessee resides;

(c) The tax is collected by the operator of the facility and remitted to the regional transit authority;

(d) The tax is a fee per vehicle or is measured by the parking charge;

(e) The tax rate varies with zoning or location of the facility, the duration of the parking, the time of entry or exit, the type or use of the vehicle, or other reasonable factors; or

(f) Carpools, vehicles with a disabled parking placard, or government vehicles are exempt from the tax.

(3) "Commercial parking business," as used in this section, means the ownership, lease, operation, or management of a commercial parking lot in which fees are charged, except that "commercial parking business" does not mean lease of parking in a residential building provided as an exclusive and

inseverable condition of a residential lease agreement for the duration of that lease agreement. "Commercial parking lot" means a covered or uncovered area with stalls for the purpose of parking motor vehicles.

(4) The rate of the tax under subsection (1) of this section may be based either upon gross proceeds or the number of vehicle stalls available for commercial parking use. The rates charged must be uniform for the same class or type of commercial parking business.

(5) The regional transit authority levying the tax provided for in subsection (1) or (2) of this section may provide for its payment on a monthly, quarterly, or annual basis. A regional transit authority may develop by ordinance or resolution rules for administering the tax, including provisions for reporting by commercial parking businesses, collection, and enforcement.

(6) The proceeds of the commercial parking tax fixed and imposed by a regional transit authority under subsection (1) or (2) of this section must be used to raise revenue to fund the improvement or improvements described in section 1 of this act.

**Sec. 4.** RCW 81.104.015 and 2016 c 33 s 7 are each amended to read as follows:

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

(1) "Enhanced service zone" means an area within a regional transit authority district created pursuant to section 1 of this act.

(2) "High capacity transportation corridor area" means a quasi-municipal corporation and independent taxing authority within the meaning of Article VII, section 1 of the state Constitution, and a taxing district within the meaning of Article VII, section 2 of the state Constitution, created by a transit agency governing body.

~~((2))~~ (3) "High capacity transportation system" means a system of public transportation services within an urbanized region operating principally on exclusive rights-of-way, and the supporting services and facilities necessary to implement such a system, including interim express services and high occupancy vehicle lanes, which taken as a whole, provides a substantially higher level of passenger capacity, speed, and service frequency than traditional public transportation systems operating principally in general purpose roadways.

~~((3))~~ (4) "Rail fixed guideway public transportation system" means a rail fixed guideway system, but does not include a system that is not public transportation, such as seasonal, tourist, or intraterminal service.

~~((4))~~ (5) "Rail fixed guideway system" means a light, heavy, or rapid rail system, monorail, inclined plane, funicular, trolley, or other fixed rail guideway component of a high capacity transportation system that is not regulated by the federal railroad administration, or its successor. "Rail fixed guideway system" does not mean elevators, moving sidewalks or stairs, and vehicles suspended from aerial cables, unless they are an integral component of a station served by a rail fixed guideway system.

~~((5))~~ (6) "Regional transit system" means a high capacity transportation system under the jurisdiction of one or more transit agencies except where a regional transit authority created under chapter 81.112 RCW exists, in which case "regional transit system" means the high capacity transportation system under the jurisdiction of a regional transit authority.

~~((6))~~ (7) "Transit agency" means city-owned transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas.

**Sec. 5.** RCW 81.104.100 and 2011 c 127 s 1 are each amended to read as follows:

To assure development of an effective high capacity transportation system, local authorities shall follow the following planning process only if their system plan includes a rail fixed guideway system component or a bus rapid transit component that is planned by a regional transit authority:

(1) Regional, multimodal transportation planning is the ongoing urban transportation planning process conducted in each urbanized area by its regional transportation planning organization. During this process, regional transportation goals are identified, travel patterns are analyzed, and future land use and travel are projected. The process provides a comprehensive view of the region's transportation needs but does not select specified modes to serve those needs. The process shall identify a priority corridor or corridors for further study of high capacity transportation facilities if it is deemed feasible by local officials.

(2) High capacity transportation system planning is the detailed evaluation of a range of high capacity transportation system options, including: Do nothing, low capital, and ranges of higher capital facilities. To the extent possible this evaluation shall take into account the urban mass transportation administration's requirements identified in subsection (3) of this section.

High capacity transportation system planning shall proceed as follows:

(a) Organization and management. The responsible local transit agency or agencies shall define roles for various local agencies, review background information, provide for public involvement, and develop a detailed work plan for the system planning process.

(b) Development of options. Options to be studied shall be developed to ensure an appropriate range of technologies and service policies can be evaluated. A do-nothing option and a low capital option that maximizes the current system shall be developed. Several higher capital options that consider a range of capital expenditures for several candidate technologies shall be developed.

(c) Analysis methods. The local transit agency shall develop reports describing the analysis and assumptions for the estimation of capital costs, operating and maintenance costs, methods for travel forecasting, a financial plan and an evaluation methodology.

(d) The system plan submitted to the voters pursuant to RCW 81.104.140 shall address, but is not limited to the following issues:

(i) Identification of level and types of high capacity transportation services to be provided;

(ii) A plan of high occupancy vehicle lanes to be constructed;

(iii) Identification of route alignments and station locations with sufficient specificity to permit calculation of costs, ridership, and system impacts;

(iv) Performance characteristics of technologies in the system plan;

(v) Patronage forecasts;

(vi) A financing plan describing: Phasing of investments; capital and operating costs and expected revenues; cost-effectiveness represented by a total cost per system rider and new rider estimate; estimated ridership and the cost of



service for each individual high capacity line; and identification of the operating revenue to operating expense ratio.

The financing plan shall specifically differentiate the proposed use of funds between high capacity transportation facilities and services, and high occupancy vehicle facilities;

(vii) Description of the relationship between the high capacity transportation system plan and adopted land use plans;

(viii) An assessment of social, economic, and environmental impacts; and

(ix) Mobility characteristics of the system presented, including but not limited to: Qualitative description of system/service philosophy and impacts; qualitative system reliability; travel time and number of transfers between selected residential, employment, and activity centers; and system and activity center mode splits.

(3) High capacity transportation project planning is the detailed identification of alignments, station locations, equipment and systems, construction schedules, environmental effects, and costs. High capacity transportation project planning shall proceed as follows: The local transit agency shall analyze and produce information needed for the preparation of environmental impact statements. The impact statements shall address the impact that development of such a system will have on abutting or nearby property owners. The process of identification of alignments and station locations shall include notification of affected property owners by normal legal publication. At minimum, such notification shall include notice on the same day for at least three weeks in at least two newspapers of general circulation in the county where such project is proposed. Special notice of hearings by the conspicuous posting of notice, in a manner designed to attract public attention, in the vicinity of areas identified for station locations or transfer sites shall also be provided.

In order to increase the likelihood of future federal funding, the project planning processes shall follow the urban mass transportation administration's requirements as described in "Procedures and Technical Methods for Transit Project Planning", published by the United States department of transportation, urban mass transportation administration, September 1986, or the most recent edition. Nothing in this subsection shall be construed to preclude detailed evaluation of more than one corridor in the planning process.

The department of transportation shall provide system and project planning review and monitoring in cooperation with the expert review panel identified in RCW 81.104.110. In addition, the local transit agency shall maintain a continuous public involvement program and seek involvement of other government agencies.

(4) This section does not apply to a ballot proposition submitted to voters of an enhanced service zone authorized in section 1(3) (a) and (c) of this act.

**Sec. 6.** RCW 81.104.110 and 2011 c 127 s 2 are each amended to read as follows:

(1) The legislature recognizes that the planning processes described in RCW 81.104.100 provide a recognized framework for guiding high capacity transportation studies. However, the process cannot guarantee appropriate decisions unless key study assumptions are reasonable.

(2) To assure appropriate system plan assumptions and to provide for review of system plan results, an expert review panel shall be appointed to provide independent technical review for development of any system plan which:

(a) Is to be funded in whole or in part by the imposition of any voter-approved local option funding sources enumerated in RCW 81.104.140; and

(b) Includes a rail fixed guideway system component or a bus rapid transit component that is planned by a regional transit authority.

(3) The expert review panel shall consist of five to ~~((ten))~~ 10 members who are recognized experts in relevant fields, such as transit operations, planning, emerging transportation technologies, engineering, finance, law, the environment, geography, economics, and political science.

(4) The expert review panel shall be selected cooperatively by the chairs of the senate and house transportation committees, the secretary of the department of transportation, and the governor to assure a balance of disciplines. In the case of counties adjoining another state or Canadian province the expert review panel membership shall be selected cooperatively with representatives of the adjoining state or Canadian province.

(5) The chair of the expert review panel shall be designated by the appointing authorities.

(6) The expert review panel shall serve without compensation but shall be reimbursed for expenses according to RCW 43.03.050 and 43.03.060. Reimbursement shall be paid from within the existing resources of the local authority planning under this chapter.

(7) The panel shall carry out the duties set forth in subsections (8) and (9) of this section until the date on which an election is held to consider the high capacity transportation system and financing plans.

(8) The expert panel shall review all reports required in RCW 81.104.100(2) and shall concentrate on service modes and concepts, costs, patronage and financing evaluations.

(9) The expert panel shall provide timely reviews and comments on individual reports and study conclusions to the department of transportation, the regional transportation planning organization, the joint regional policy committee, and the submitting lead transit agency. In the case of counties adjoining another state or Canadian province, the expert review panel shall provide its reviews, comments, and conclusions to the representatives of the adjoining state or Canadian province.

(10) The local authority planning under this chapter shall contract for consulting services for expert review panels. The amount of consultant support shall be negotiated with each expert review panel by the local authority and shall be paid from within the local authority's existing resources.

(11) This section does not apply to a ballot proposition submitted to voters of an enhanced service zone authorized in section 1(3) (a) and (c) of this act.

**Sec. 7.** RCW 81.104.140 and 2015 3rd sp.s. c 44 s 318 are each amended to read as follows:

(1) Agencies authorized to provide high capacity transportation service, including transit agencies and regional transit authorities, and regional transportation investment districts acting with the agreement of an agency, are hereby granted dedicated funding sources for such systems. These dedicated funding sources, as set forth in RCW 81.104.150, 81.104.160, 81.104.170,

~~((and))~~ 81.104.175, and section 3 of this act, are authorized only for agencies located in (a) each county with a population of ~~((two hundred ten thousand))~~ 210,000 or more and (b) each county with a population of from ~~((one hundred twenty five thousand))~~ 125,000 to less than ~~((two hundred ten thousand))~~ 210,000 except for those counties that do not border a county with a population as described under (a) of this subsection. In any county with a population of ~~((one million))~~ 1,000,000 or more or in any county having a population of ~~((four hundred thousand))~~ 400,000 or more bordering a county with a population of ~~((one million))~~ 1,000,000 or more, these funding sources may be imposed only by a regional transit authority or a regional transportation investment district. Regional transportation investment districts may, with the approval of the regional transit authority within its boundaries, impose the taxes authorized under this chapter, but only upon approval of the voters and to the extent that the maximum amount of taxes authorized under this chapter have not been imposed.

(2) Agencies planning to construct and operate a high capacity transportation system should also seek other funds, including federal, state, local, and private sector assistance.

(3) Funding sources should satisfy each of the following criteria to the greatest extent possible:

- (a) Acceptability;
- (b) Ease of administration;
- (c) Equity;
- (d) Implementation feasibility;
- (e) Revenue reliability; and
- (f) Revenue yield.

(4)(a) Agencies participating in regional high capacity transportation system development are authorized to levy and collect the following voter-approved local option funding sources:

(i) Employer tax as provided in RCW 81.104.150, other than by regional transportation investment districts;

(ii) Special motor vehicle excise tax as provided in RCW 81.104.160;

(iii) Regular property tax as provided in RCW 81.104.175; ~~((and))~~

(iv) Sales and use tax as provided in RCW 81.104.170; and

(v) Parking tax as provided in section 3 of this act.

(b) Revenues from these taxes may be used only to support those purposes prescribed in subsection ~~((10))~~ (11) of this section. Before the date of an election authorizing an agency to impose any of the taxes enumerated in this section and authorized in RCW 81.104.150, 81.104.160, 81.104.170, and 81.104.175, the agency must comply with the process prescribed in RCW 81.104.100 (1) and (2) and 81.104.110, except as otherwise provided in section 1 of this act. No construction on exclusive right-of-way may occur before the requirements of RCW 81.104.100(3) are met, except as otherwise provided in section 1 of this act.

(5) Except for the regular property tax authorized in RCW 81.104.175, the authorization in subsection (4) of this section may not adversely affect the funding authority of transit agencies not provided for in this chapter. Local option funds may be used to support implementation of interlocal agreements with respect to the establishment of regional high capacity transportation service. Except when a regional transit authority exists, local jurisdictions must

retain control over moneys generated within their boundaries, although funds may be commingled with those generated in other areas for planning, construction, and operation of high capacity transportation systems as set forth in the agreements.

(6) Except for the regular property tax authorized in RCW 81.104.175, agencies planning to construct and operate high capacity transportation systems may contract with the state for collection and transference of voter-approved local option revenue.

(7) Dedicated high capacity transportation funding sources authorized in RCW 81.104.150, 81.104.160, 81.104.170, and 81.104.175 are subject to voter approval by a simple majority. A single ballot proposition may seek approval for one or more of the authorized taxing sources. The ballot title must reference the document identified in subsection ~~((8))~~ (9) of this section.

(8) Dedicated enhanced service zone funding sources authorized in RCW 81.104.160(1)(b) and section 3 of this act are subject to voter approval by a simple majority of the enhanced service zone.

(9) Agencies must provide to the registered voters in the area a document describing the systems plan and the financing plan set forth in RCW 81.104.100, except as otherwise provided in section 1 of this act. It must also describe the relationship of the system to regional issues such as development density at station locations and activity centers, and the interrelationship of the system to adopted land use and transportation demand management goals within the region. This document must be provided to the voters at least twenty days prior to the date of the election.

~~((9))~~ (10) For any election in which voter approval is sought for a high capacity transportation system plan and financing plan pursuant to RCW 81.104.040, a local voters' pamphlet must be produced as provided in chapter 29A.32 RCW.

~~((10))~~ (11)(a) Agencies providing high capacity transportation service must retain responsibility for revenue encumbrance, disbursement, and bonding. Funds may be used for any purpose relating to planning, construction, and operation of high capacity transportation systems and commuter rail systems, personal rapid transit, busways, bus sets, and entrained and linked buses.

(b) A regional transit authority that imposes a motor vehicle excise tax after July 15, 2015, imposes a property tax, or increases a sales and use tax to more than nine-tenths of one percent must undertake a process in which the authority's board formally considers inclusion of the name, Scott White, in the naming convention associated with either the University of Washington or Roosevelt stations.

**Sec. 8.** RCW 81.104.180 and 2015 3rd sp.s. c 44 s 327 are each amended to read as follows:

Cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, public transportation benefit areas, high capacity transportation corridor areas, and regional transit authorities are authorized to pledge revenues from the employer tax authorized by RCW 81.104.150, the taxes authorized by RCW 81.104.160, the sales and use tax authorized by RCW 81.104.170, ~~((and))~~ the property tax authorized by RCW 81.104.175, and the parking tax authorized by section 3 of this act, to retire

bonds issued solely for the purpose of providing high capacity transportation service.

**Sec. 9.** RCW 81.104.190 and 2009 c 280 s 7 are each amended to read as follows:

Cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, public transportation benefit areas, high capacity transportation corridor areas, and regional transit systems may contract with the state department of revenue or other appropriate entities for administration and collection of any tax authorized by RCW 81.104.150, 81.104.160, (~~and~~) 81.104.170, and section 3 of this act.

Passed by the Senate March 7, 2022.

Passed by the House March 3, 2022.

Approved by the Governor March 31, 2022.

Filed in Office of Secretary of State April 1, 2022.

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## CHAPTER 286

[Substitute Senate Bill 5555]

### PUBLIC SAFETY TELECOMMUNICATORS—CERTIFICATION BOARD

AN ACT Relating to public safety telecommunicators; amending RCW 38.52.520; and adding a new chapter to Title 38 RCW.

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

**NEW SECTION. Sec. 1.** (1) The legislature acknowledges that a primary responsibility of government is to ensure public safety and that almost always an emergency response begins with a request to 911 for assistance. Requests to 911 and subsequent emergency response communications are managed by public safety telecommunicator professionals. These first responders are essential workers who continue public service throughout the pandemic, who are essential to triage requests for emergency responses and provide lifesaving instructions and guidance to those who call 911, ensuring the appropriate response for the situation; law enforcement, behavioral health, fire, and emergency medical. The public safety telecommunicator also dispatches, tracks, processes, and transmits information from the public and continually communicates with responders providing an additional layer of safety. The legislature takes special note of the contributions made by public safety telecommunicators whose tasks are arduous and whose working conditions may be contributing to the high and often critical turnover among the principal cadre of professionals who receive and process requests from the public for emergency response and provide emergency communications with public safety responders.

(2) The legislature also recognizes that public safety telecommunicators are the only public safety professionals who are not required to be certified and do not have standard initial training requirements to perform their critical public safety function. Further, employers of public safety telecommunicators face challenges in attracting suitable candidates, training, and retaining of staff due to the high demand and high stress environment of this critical public safety profession.

(3) The legislature finds and declares that:

(a) Public safety telecommunicators must have a formal system of training, and certification and recertification standards, to ensure a standardized response is given when the public seeks assistance during an emergency and that standardized communications are in place to support public safety responders within Washington state.

(b) The quality of emergency response in most cases begins with the competence of public safety telecommunicators. To ensure the availability and quality of trained public safety telecommunicators, the legislature recognizes the need to adopt and implement standardized training programs and certification and recertification requirements.

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

(1) "Certification board" means the voluntary public safety telecommunicator certification board.

(2) "Public safety answering point" includes primary public safety answering points that receive 911 calls directly from the public and secondary public safety answering points that receive 911 calls only on a transfer or relay basis from the primary public safety answering point.

(3) "Public safety telecommunicator" means a first responder working in a primary public safety answering point, regardless of title, who has successfully completed the training, certification, or recertification standards established in the state of Washington. This includes an employee of the state, a local public agency, or an independent governmental agency whose primary responsibility is to receive, process, transmit, or dispatch 911 emergency and nonemergency calls for law enforcement, fire, emergency medical, and other public safety services by telephone, radio, or other communication devices and includes an individual who promoted from this position and supervises individuals who perform these functions.

(4) "State-approved training program" means a public safety telecommunicator certified training program approved by the certification board to meet the requirements of a state-approved public safety telecommunicator training, certification, and recertification standards. For community colleges, vocational-technical institutes, skill centers, and secondary schools as described in chapter 28B.50 RCW, public safety telecommunicator certified training programs shall be approved by the certification board in cooperation with the board for community and technical colleges or the superintendent of public instruction.

**NEW SECTION. Sec. 3.** The certification board is established in the state 911 coordination office to create a certification and training program for public safety telecommunicators throughout the state.

**NEW SECTION. Sec. 4.** Duties of the certification board include:

(1) Adopting bylaws for the certification board;

(2) Adopting rules, with the advice and assistance of the 911 advisory committee, to implement the provisions of this chapter including, but not limited to, rules to implement a state-approved training program for process, policy, and procedure;

(3) Reviewing and approving state-approved training programs biennially. State-approved training programs should be consistent with industry standards;

(4) Setting all public safety telecommunicator certification, registration, and renewal fees, and to collect and deposit all such fees in the 911 account established under RCW 38.52.540; and

(5) Establishing recertification requirements.

**NEW SECTION. Sec. 5.** The certification board shall represent diverse stakeholders of the 911 system and shall consist of the following volunteer members:

(1) The chair or vice chair of the 911 advisory committee;

(2) Two public safety answering point directors or 911 coordinators, one from the eastside and one from the westside of the Cascade mountains appointed by the 911 advisory committee;

(3) Two labor union representatives from labor unions representing public safety telecommunicators;

(4) One representative appointed by the Washington association of sheriffs and police chiefs;

(5) One representative appointed by the Washington state fire chiefs association;

(6) One representative from the Washington state association of counties appointed by the Washington state association of counties; and

(7) Two public safety telecommunicators from a public safety answering point, one from the eastside and one from the westside of the Cascade mountains appointed by the 911 advisory committee.

**Sec. 6.** RCW 38.52.520 and 2010 1st sp.s. c 19 s 15 are each amended to read as follows:

A state (~~enhanced~~) 911 coordination office, headed by the state (~~enhanced~~) 911 coordinator, is established in the emergency management division of the department. Duties of the office include:

(1) Coordinating and facilitating the implementation and operation of (~~enhanced~~) 911 emergency communications systems throughout the state;

(2) Seeking advice and assistance from, and providing staff support for, the (~~enhanced~~) 911 advisory committee;

(3) Providing staff support and assistance to the certification board established under section 3 of this act that includes, but may not be limited to:

(a) Establishing forms and procedures necessary to administer chapter 38.--- RCW (the new chapter created in section 7 of this act);

(b) Issuing a public safety telecommunicator registration and certification to any applicant who has met the requirements for certification under chapter 38.--- RCW (the new chapter created in section 7 of this act); and

(c) Maintaining the official record for the department of all applicants and persons with registrations and certificates under chapter 38.--- RCW (the new chapter created in section 7 of this act).

(4) Recommending to the utilities and transportation commission by August 31st of each year the level of the state (~~enhanced~~) 911 excise tax for the following year;

~~((4))~~ (5) Considering base needs of individual counties for specific assistance, specify rules defining the purposes for which available state (~~enhanced~~) 911 funding may be expended, with the advice and assistance of the (~~enhanced~~) 911 advisory committee; and

~~((5))~~ (6) Providing an annual update to the ~~((enhanced))~~ 911 advisory committee on how much money each county has spent on:

(a) Efforts to modernize their existing ~~((enhanced))~~ 911 emergency communications system; and

(b) ~~((Enhanced))~~ 911 operational costs.

**NEW SECTION. Sec. 7.** Sections 1 through 5 of this act constitute a new chapter in Title 38 RCW.

Passed by the Senate March 8, 2022.

Passed by the House March 4, 2022.

Approved by the Governor March 31, 2022.

Filed in Office of Secretary of State April 1, 2022.

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**CHAPTER 287**

[Engrossed Substitute Senate Bill 5593]

**GROWTH MANAGEMENT ACT—URBAN GROWTH AREA BOUNDARY REVISIONS**

AN ACT Relating to urban growth area boundaries; and reenacting and amending RCW 36.70A.130.

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

**Sec. 1.** RCW 36.70A.130 and 2020 c 113 s 1 and 2020 c 20 s 1026 are each reenacted and amended to read as follows:

(1)(a) Each comprehensive land use plan and development regulations shall be subject to continuing review and evaluation by the county or city that adopted them. Except as otherwise provided, a county or city shall take legislative action to review and, if needed, revise its comprehensive land use plan and development regulations to ensure the plan and regulations comply with the requirements of this chapter according to the deadlines in subsections (4) and (5) of this section.

(b) Except as otherwise provided, a county or city not planning under RCW 36.70A.040 shall take action to review and, if needed, revise its policies and development regulations regarding critical areas and natural resource lands adopted according to this chapter to ensure these policies and regulations comply with the requirements of this chapter according to the deadlines in subsections (4) and (5) of this section. Legislative action means the adoption of a resolution or ordinance following notice and a public hearing indicating at a minimum, a finding that a review and evaluation has occurred and identifying the revisions made, or that a revision was not needed and the reasons therefor.

(c) The review and evaluation required by this subsection shall include, but is not limited to, consideration of critical area ordinances and, if planning under RCW 36.70A.040, an analysis of the population allocated to a city or county from the most recent ten-year population forecast by the office of financial management.

(d) Any amendment of or revision to a comprehensive land use plan shall conform to this chapter. Any amendment of or revision to development regulations shall be consistent with and implement the comprehensive plan.

(2)(a) Each county and city shall establish and broadly disseminate to the public a public participation program consistent with RCW 36.70A.035 and 36.70A.140 that identifies procedures and schedules whereby updates, proposed



amendments, or revisions of the comprehensive plan are considered by the governing body of the county or city no more frequently than once every year. "Updates" means to review and revise, if needed, according to subsection (1) of this section, and the deadlines in subsections (4) and (5) of this section or in accordance with the provisions of subsection (6) of this section. Amendments may be considered more frequently than once per year under the following circumstances:

(i) The initial adoption of a subarea plan. Subarea plans adopted under this subsection (2)(a)(i) must clarify, supplement, or implement jurisdiction-wide comprehensive plan policies, and may only be adopted if the cumulative impacts of the proposed plan are addressed by appropriate environmental review under chapter 43.21C RCW;

(ii) The development of an initial subarea plan for economic development located outside of the one hundred year floodplain in a county that has completed a state-funded pilot project that is based on watershed characterization and local habitat assessment;

(iii) The adoption or amendment of a shoreline master program under the procedures set forth in chapter 90.58 RCW;

(iv) The amendment of the capital facilities element of a comprehensive plan that occurs concurrently with the adoption or amendment of a county or city budget; or

(v) The adoption of comprehensive plan amendments necessary to enact a planned action under RCW 43.21C.440, provided that amendments are considered in accordance with the public participation program established by the county or city under this subsection (2)(a) and all persons who have requested notice of a comprehensive plan update are given notice of the amendments and an opportunity to comment.

(b) Except as otherwise provided in (a) of this subsection, all proposals shall be considered by the governing body concurrently so the cumulative effect of the various proposals can be ascertained. However, after appropriate public participation a county or city may adopt amendments or revisions to its comprehensive plan that conform with this chapter whenever an emergency exists or to resolve an appeal of a comprehensive plan filed with the growth management hearings board or with the court.

(3)(a) Each county that designates urban growth areas under RCW 36.70A.110 shall review, according to the schedules established in subsections (4) and (5) of this section, its designated urban growth area or areas, patterns of development occurring within the urban growth area or areas, and the densities permitted within both the incorporated and unincorporated portions of each urban growth area. In conjunction with this review by the county, each city located within an urban growth area shall review the densities permitted within its boundaries, and the extent to which the urban growth occurring within the county has located within each city and the unincorporated portions of the urban growth areas.

(b) The county comprehensive plan designating urban growth areas, and the densities permitted in the urban growth areas by the comprehensive plans of the county and each city located within the urban growth areas, shall be revised to accommodate the urban growth projected to occur in the county for the

succeeding twenty-year period. The review required by this subsection may be combined with the review and evaluation required by RCW 36.70A.215.

(c) If, during the county's review under (a) of this subsection, the county determines revision of the urban growth area is not required to accommodate the urban growth projected to occur in the county for the succeeding 20-year period, but does determine that patterns of development have created pressure in areas that exceed available, developable lands within the urban growth area, the urban growth area or areas may be revised to accommodate identified patterns of development and likely future development pressure for the succeeding 20-year period if the following requirements are met:

(i) The revised urban growth area may not result in an increase in the total surface areas of the urban growth area or areas;

(ii) The areas added to the urban growth area are not or have not been designated as agricultural, forest, or mineral resource lands of long-term commercial significance;

(iii) Less than 15 percent of the areas added to the urban growth area are critical areas;

(iv) The areas added to the urban growth areas are suitable for urban growth;

(v) The transportation element and capital facility plan element have identified the transportation facilities, and public facilities and services needed to serve the urban growth area and the funding to provide the transportation facilities and public facilities and services;

(vi) The urban growth area is not larger than needed to accommodate the growth planned for the succeeding 20-year planning period and a reasonable land market supply factor;

(vii) The areas removed from the urban growth area do not include urban growth or urban densities; and

(viii) The revised urban growth area is contiguous, does not include holes or gaps, and will not increase pressures to urbanize rural or natural resource lands.

(4) Except as otherwise provided in subsections (6) and (8) of this section, counties and cities shall take action to review and, if needed, revise their comprehensive plans and development regulations to ensure the plan and regulations comply with the requirements of this chapter as follows:

(a) On or before June 30, 2015, for King, Pierce, and Snohomish counties and the cities within those counties;

(b) On or before June 30, 2016, for Clallam, Clark, Island, Jefferson, Kitsap, Mason, San Juan, Skagit, Thurston, and Whatcom counties and the cities within those counties;

(c) On or before June 30, 2017, for Benton, Chelan, Cowlitz, Douglas, Kittitas, Lewis, Skamania, Spokane, and Yakima counties and the cities within those counties; and

(d) On or before June 30, 2018, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities within those counties.

(5) Except as otherwise provided in subsections (6) and (8) of this section, following the review of comprehensive plans and development regulations required by subsection (4) of this section, counties and cities shall take action to

review and, if needed, revise their comprehensive plans and development regulations to ensure the plan and regulations comply with the requirements of this chapter as follows:

(a) On or before June 30, 2024, and every eight years thereafter, for King, Kitsap, Pierce, and Snohomish counties and the cities within those counties;

(b) On or before June 30, 2025, and every eight years thereafter, for Clallam, Clark, Island, Jefferson, Lewis, Mason, San Juan, Skagit, Thurston, and Whatcom counties and the cities within those counties;

(c) On or before June 30, 2026, and every eight years thereafter, for Benton, Chelan, Cowlitz, Douglas, Franklin, Kittitas, Skamania, Spokane, Walla Walla, and Yakima counties and the cities within those counties; and

(d) On or before June 30, 2027, and every eight years thereafter, for Adams, Asotin, Columbia, Ferry, Garfield, Grant, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, and Whitman counties and the cities within those counties.

(6)(a) Nothing in this section precludes a county or city from conducting the review and evaluation required by this section before the deadlines established in subsections (4) and (5) of this section. Counties and cities may begin this process early and may be eligible for grants from the department, subject to available funding, if they elect to do so.

(b) A county that is subject to a deadline established in subsection (5)~~((a)(ii) through (iv) [(b) through (d)])~~ (b) through (d) of this section and meets the following criteria may comply with the requirements of this section at any time within the twenty-four months following the deadline established in subsection (5) of this section: The county has a population of less than fifty thousand and has had its population increase by no more than seventeen percent in the ten years preceding the deadline established in subsection (5) of this section as of that date.

(c) A city that is subject to a deadline established in subsection (5)~~((a)(ii) through (iv) [(b) through (d)])~~ (b) through (d) of this section and meets the following criteria may comply with the requirements of this section at any time within the twenty-four months following the deadline established in subsection (5) of this section: The city has a population of no more than five thousand and has had its population increase by the greater of either no more than one hundred persons or no more than seventeen percent in the ten years preceding the deadline established in subsection (5) of this section as of that date.

(d) State agencies are encouraged to provide technical assistance to the counties and cities in the review of critical area ordinances, comprehensive plans, and development regulations.

(7)(a) The requirements imposed on counties and cities under this section shall be considered "requirements of this chapter" under the terms of RCW 36.70A.040(1). Only those counties and cities that meet the following criteria may receive grants, loans, pledges, or financial guarantees under chapter 43.155 or 70A.135 RCW:

(i) Complying with the deadlines in this section; or

(ii) Demonstrating substantial progress towards compliance with the schedules in this section for development regulations that protect critical areas.

(b) A county or city that is fewer than twelve months out of compliance with the schedules in this section for development regulations that protect critical

areas is making substantial progress towards compliance. Only those counties and cities in compliance with the schedules in this section may receive preference for grants or loans subject to the provisions of RCW 43.17.250.

(8)(a) Except as otherwise provided in (c) of this subsection, if a participating watershed is achieving benchmarks and goals for the protection of critical areas functions and values, the county is not required to update development regulations to protect critical areas as they specifically apply to agricultural activities in that watershed.

(b) A county that has made the election under RCW 36.70A.710(1) may only adopt or amend development regulations to protect critical areas as they specifically apply to agricultural activities in a participating watershed if:

(i) A work plan has been approved for that watershed in accordance with RCW 36.70A.725;

(ii) The local watershed group for that watershed has requested the county to adopt or amend development regulations as part of a work plan developed under RCW 36.70A.720;

(iii) The adoption or amendment of the development regulations is necessary to enable the county to respond to an order of the growth management hearings board or court;

(iv) The adoption or amendment of development regulations is necessary to address a threat to human health or safety; or

(v) Three or more years have elapsed since the receipt of funding.

(c) Beginning ten years from the date of receipt of funding, a county that has made the election under RCW 36.70A.710(1) must review and, if necessary, revise development regulations to protect critical areas as they specifically apply to agricultural activities in a participating watershed in accordance with the review and revision requirements and timeline in subsection (5) of this section. This subsection (8)(c) does not apply to a participating watershed that has determined under RCW 36.70A.720(2)(c)(ii) that the watershed's goals and benchmarks for protection have been met.

Passed by the Senate February 15, 2022.

Passed by the House March 3, 2022.

Approved by the Governor March 31, 2022.

Filed in Office of Secretary of State April 1, 2022.

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## CHAPTER 288

[Second Substitute Senate Bill 5664]

### FORENSIC COMPETENCY RESTORATION PROGRAMS—VARIOUS PROVISIONS

AN ACT Relating to forensic competency restoration programs; amending RCW 10.77.060, 10.77.068, 10.77.086, 10.77.088, and 10.77.250; reenacting and amending RCW 10.77.010; adding new sections to chapter 10.77 RCW; and declaring an emergency.

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

**Sec. 1.** RCW 10.77.010 and 2021 c 263 s 9 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) "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.

(3) "Community behavioral health agency" has the same meaning as "licensed or certified behavioral health agency" defined in RCW 71.24.025.

(4) "Conditional release" means modification of a court-ordered commitment, which may be revoked upon violation of any of its terms.

(5) 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.

(6) "Department" means the state department of social and health services.

(7) "Designated crisis responder" has the same meaning as provided in RCW 71.05.020.

(8) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter, pending evaluation.

(9) "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.

(10) "Developmental disability" means the condition as defined in RCW 71A.10.020(5).

(11) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order.

(12) "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.

(13) "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.

(14) "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.

(15) "Immediate family member" means a spouse, child, stepchild, parent, stepparent, grandparent, sibling, or domestic partner.

(16) "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.

(17) "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.

(18) "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.

(19) "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; ~~((or))~~

(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.

(20) "Release" means legal termination of the court-ordered commitment under the provisions of this chapter.

(21) "Secretary" means the secretary of the department of social and health services or his or her designee.

(22) "Treatment" means any currently standardized medical or mental health procedure including medication.

(23) "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.

(24) "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.

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

**Sec. 2.** RCW 10.77.060 and 2021 c 263 s 5 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) 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, 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.

(c) 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.

(d) 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.

(e) 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.

(f) 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.

(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 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.

**Sec. 3.** RCW 10.77.068 and 2015 c 5 s 1 are each amended to read as follows:

(1)(a) The legislature establishes ~~((the following))~~ a performance ~~((targets and maximum time limits for the timeliness of the completion of accurate and reliable evaluations of competency to stand trial and admissions for inpatient restoration services related to competency to proceed or stand trial for adult criminal defendants.))~~ 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 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 ~~((without compromise to the quality of competency evaluation and restoration services)),~~ 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 ~~((evaluations and restorations, and to otherwise make sustainable improvements and track performance related to the timeliness of competency services:~~

(i) For a state hospital to extend an offer of admission to a defendant in pretrial custody for legally authorized evaluation services related to competency,

~~or to extend an offer of admission for legally authorized services following dismissal of charges based on incompetence to proceed or stand trial:~~

~~(A) A performance target of seven days or less; and~~

~~(B) A maximum time limit of fourteen days;~~

~~(ii) For a state hospital to extend an offer of admission to a defendant in pretrial custody for legally authorized inpatient restoration treatment related to competency:~~

~~(A) A performance target of seven days or less; and~~

~~(B) A maximum time limit of fourteen days;~~

~~(iii) For completion of a competency evaluation in jail and distribution of the evaluation report for a defendant in pretrial custody:~~

~~(A) A performance target of seven days or less; and~~

~~(B) A maximum time limit of fourteen days, plus an additional seven day extension if needed for clinical reasons to complete the evaluation at the determination of the department;~~

~~(iv) For completion of a competency evaluation in the community and distribution of the evaluation report for a defendant who is released from custody and makes a reasonable effort to cooperate with the evaluation, a performance target of twenty one days or less) services.~~

~~((b) The time periods measured in these performance targets and maximum time limits shall run from the date on which the state hospital receives the court referral and charging documents, discovery, police reports, the names and addresses of the attorneys for the defendant and state or county, the name of the judge ordering the evaluation, information about the alleged crime, and criminal history information related to the defendant. The maximum time limits in (a) of this subsection shall be phased in over a one year period beginning July 1, 2015, in a manner that results in measurable incremental progress toward meeting the time limits over the course of the year.~~

~~(e)) (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 ((a) of this) 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 ((clearance)) information regarding the current medical status of a defendant ((in pretrial custody for the purposes of admission to a state hospital));~~

~~((+)) (b) The individual circumstances of the defendant make accurate completion of an evaluation of competency to ((proceed or)) 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(((- Completion of a competency evaluation)), provided that completion shall not be postponed for procurement of ((mental health, substance use disorder, or medical history)) information which is merely supplementary ((to the competency determination));~~

~~((+)) (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 ~~((is frustrated by lack of))~~ requires additional time to accommodate the availability or participation ~~((by))~~ of counsel, ~~((jail or))~~ court personnel, interpreters, or the defendant;

~~((iv)) The department does not have access to appropriate private space to conduct a competency evaluation for a defendant in pretrial custody;~~

~~((v))~~ (f) The defendant asserts legal rights that result in a delay in the provision of competency services; or

~~((vi))~~ (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.

~~((2))~~ (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.

~~((3))~~ (7) Following any quarter in which a state hospital has failed to meet one or more of the performance targets or maximum time limits ~~((in))~~ under subsection (1) or (2) of this section ~~((after full implementation of the performance target or maximum time limit))~~, 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 ~~((must))~~ shall be made publicly available. An average may be used to determine timeliness under this subsection.

~~((4) Beginning December 1, 2013, the))~~ (8) The department shall report annually to the legislature and the executive on the timeliness of services related to competency to ~~((proceed or))~~ 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.

~~((5))~~ (9) This section does not create any new entitlement or cause of action related to the timeliness of competency ~~((evaluations or admission for~~

~~inpatient restoration)) to stand trial services ((related to competency to proceed or stand trial)), nor can it form the basis for contempt sanctions under chapter 7.21 RCW or a motion to dismiss criminal charges.~~

**Sec. 4.** RCW 10.77.086 and 2019 c 326 s 4 are each amended to read as follows:

~~(1)((a)(i)) 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 ((ninety)) 90 days, the court shall commit the defendant to the custody of the secretary for inpatient competency restoration~~((Based))~~, or may alternatively order the defendant to receive outpatient competency restoration based on a recommendation from a forensic navigator and input from the parties~~((the court may order the defendant to receive inpatient competency restoration or outpatient competency restoration))~~.~~

~~((A))~~ (a) To be eligible for an order for outpatient competency restoration, a defendant must be clinically appropriate and be willing to:

~~((H))~~ (i) Adhere to medications or receive prescribed intramuscular medication; ~~(and~~

~~(H))~~ (ii) Abstain from alcohol and unprescribed drugs; and

(iii) Comply with urinalysis or breathalyzer monitoring if needed.

~~((B))~~ (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))~~ (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 ~~((and))~~. The court may order regular urinalysis testing ~~((for defendants who have a current substance use disorder diagnosis))~~. 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))~~ (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 ~~((department shall remove the defendant from the outpatient restoration program and place the defendant instead))~~ 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 ~~((for no longer than the time allowed as if the defendant had been initially placed into inpatient competency restoration, in addition to reasonable time for transport to or from the facility))~~. 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 (~~change in placement~~) 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 (~~placement and~~) conditions of release of the defendant and anticipated release from treatment and issue appropriate orders. (~~The standard of proof shall be a preponderance of the evidence, and the court may in its discretion render its decision based on written submissions, live testimony, or remote testimony.~~

(~~E~~) (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.

(~~(ii)~~) (1) includes only the time the defendant is actually at the facility and is in addition to reasonable time for transport to or from the facility.

(~~b~~) (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 (~~(of commitment for competency restoration)~~) is (~~(forty-five)~~) 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. (~~The forty-five day period includes only the time the defendant is actually at the facility and is in addition to reasonable time for transport to or from the facility.~~

~~(e))~~ (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 ~~((4))~~ (5) of this section.

~~((2))~~ (4) On or before expiration of the initial competency restoration period ~~((of commitment under subsection (1) of this section))~~ the court shall conduct a hearing ~~(, at which it shall)~~ to determine whether ~~((or not))~~ the defendant is ~~((incompetent. (3))~~ now competent to stand trial. If the court finds by a preponderance of the evidence that ~~((a))~~ the defendant ~~((charged with a felony))~~ is incompetent to stand trial, the court ~~((shall have the option of extending the))~~ may order ~~((of commitment or alternative treatment))~~ an extension of the competency restoration period for an additional period of ~~((ninety))~~ 90 days, but the court must at the same time ~~((of extension))~~ set a date for a ~~((prompt))~~ new hearing to determine the defendant's competency to stand trial before the expiration of ~~((the))~~ this second restoration period. The defendant, the defendant's attorney, ~~((or))~~ and the prosecutor ~~((has))~~ 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 ~~((as provided in subsection (4) of this section))~~ 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. ~~((The ninety-day period includes only the time the defendant is actually at the facility and is in addition to reasonable time for transport to or from the facility.~~

~~(4) For persons charged with a felony, at)~~

(5) At the hearing upon the expiration of the second competency restoration period, or at the end of the first competency restoration period ~~((in the case of a))~~ if the defendant ~~((with a developmental disability))~~ 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 ~~(, or if the court or jury at any stage finds that the defendant is incompetent and the court determines that the defendant is unlikely to regain competency, the charges shall be dismissed)~~ to stand trial, the court shall dismiss the charges without prejudice ~~(, and ((the court shall))~~ order the defendant to be committed to a state hospital ~~((as defined in RCW 72.23.010))~~ for up to ~~((seventy-two))~~ 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. ~~((The criminal charges))~~ However, the court shall not ~~((be dismissed))~~ 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. ~~((In the event that))~~ If the court or jury makes such a finding, the court may

extend the period of commitment for up to an additional six months. ~~((The six-month))~~

(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. 5.** RCW 10.77.088 and 2020 c 18 s 4 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 ~~((to determine whether to enter an order of competency restoration))~~.

(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 ~~((or not))~~ 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 ~~((competency restoration))~~ in accordance with subsection 2)~~((a))~~ 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, ~~((then))~~ the court shall commit the defendant to the custody of the secretary for inpatient competency restoration~~((Based))~~, or may alternatively order the defendant to receive outpatient competency restoration based on a recommendation from a forensic navigator and input from the parties~~((the court may order the defendant to receive inpatient competency restoration or outpatient competency restoration))~~.

~~((a))~~ (a) To be eligible for an order for outpatient competency restoration, a defendant must be clinically appropriate and be willing to:

~~((A))~~ (i) Adhere to medications or receive prescribed intramuscular medication; ~~((and~~

~~((B))~~ (ii) Abstain from alcohol and unprescribed drugs; and

~~((C))~~ (iii) Comply with urinalysis or breathalyzer monitoring if needed.

~~((b))~~ (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 ~~((b))~~ subsection (3) of this ~~((subsection))~~ section.

~~((c))~~ (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 ~~((and)). The court may order regular urinalysis testing ((for defendants who have a current substance use disorder diagnosis)).~~ 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.

~~((iv))~~ (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 ~~((department shall remove the defendant from the outpatient restoration program. The department shall place the defendant instead))~~ 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 ((for no longer than twenty-nine days regardless of any time spent in outpatient competency restoration, in addition to reasonable time for transport to or from the facility)). 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 ((change in placement)) 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 ((placement and)) conditions of release of the defendant and



anticipated release from treatment and issue appropriate orders. ((The standard of proof shall be a preponderance of the evidence, and the court may in its discretion render its decision based on written submissions, live testimony, or remote testimony.

(v)) (c) 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.

((b)) (3) The placement under ((a)) subsection (2) of this ((subsection) section shall not exceed ((twenty-nine)) 29 days if the defendant is ordered to receive inpatient competency restoration, ((or) and shall not exceed ((ninety)) 90 days if the defendant is ordered to receive outpatient competency restoration. The court may order any combination of this subsection((, not to exceed ninety days. This period must be considered to include only the time the defendant is actually at the facility and shall be in addition to reasonable time for transport to or from the facility)), but the total period of inpatient competency restoration may not exceed 29 days.

((e)) (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 ((d)) subsection (5) of this ((subsection) section.

((d)) (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.

((i)) (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 ((seventy-two)) 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 ((seventy-two)) 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 ((seventy-two)) 120-hour or 72-hour period.

((3)) (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 ((twenty-four)) 24 hours before the dismissal of any proceeding under this subsection, and provide an opportunity for a hearing on whether to dismiss the proceedings.

~~((4))~~ (7) If at any time the court dismisses charges under subsections (1) through ~~((3))~~ (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. 6.** RCW 10.77.250 and 1987 c 75 s 1 are each amended to read as follows:

~~((The))~~ (1) Within amounts appropriated, the department shall be responsible for all costs relating to the evaluation and inpatient treatment of persons committed to it pursuant to any provisions of this chapter, and the logistical and supportive services pertaining thereto except as otherwise provided by law. Reimbursement may be obtained by the department pursuant to RCW 43.20B.330.

(2) Within amounts appropriated, the authority shall be responsible for all costs relating to outpatient competency restoration programs.

**NEW SECTION. Sec. 7.** A new section is added to chapter 10.77 RCW to read as follows:

No officer of a public or private agency, nor the superintendent, professional person in charge, his or her professional designee, or attending staff of any such agency, nor any public official performing functions necessary to the administration of this chapter, nor peace officer responsible for detaining a person pursuant to this chapter, nor the state, a unit of local government, an evaluation and treatment facility, a secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program shall be civilly or criminally liable for performing duties pursuant to this chapter with regard to the decision of whether to detain a person for medical clearance or treatment, provided that such duties were performed in good faith and without gross negligence.

**NEW SECTION. Sec. 8.** A new section is added to chapter 10.77 RCW to read as follows:

The authority shall report annually to the governor and relevant committees of the legislature, beginning November 1, 2022, and shall make the report public, describing:

(1) How many individuals are being served by outpatient competency restoration programs and in what locations;

(2) The length of stay of individuals in outpatient competency restoration programs;

(3) The number of individuals who are revoked from an outpatient competency restoration program into inpatient treatment, and the outcomes of other individuals, if any, whose participation in an outpatient competency restoration program were terminated before the completion of the program; and

(4) For individuals who were revoked from an outpatient competency restoration program into an inpatient competency restoration program, how many days the individuals spent in outpatient competency restoration treatment and inpatient competency restoration treatment, and whether the restoration programs resulted in a finding of competent to stand trial or another outcome.

***\*NEW SECTION. Sec. 9. 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. 9 was vetoed. See message at end of chapter.*

Passed by the Senate March 7, 2022.

Passed by the House March 3, 2022.

Approved by the Governor March 31, 2022, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State April 1, 2022.

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

"I am returning herewith, without my approval as to Section 9, Second Substitute Senate Bill No. 5664 entitled:

"AN ACT Relating to forensic competency restoration programs."

Section 9 adds an emergency clause to the bill. Two sections of this bill require additional resources or processes to be in place in order to implement the bill, therefore I am vetoing the emergency clause in order to ensure our state agencies can effectively implement the important provisions of this legislation. The substance of this bill remains the same but it will take effect in 90 days instead of immediately, allowing our agencies the time needed to operationalize these policies.

For these reasons I have vetoed Section 9 of Second Substitute Senate Bill No. 5664.

With the exception of Section 9, Second Substitute Senate Bill No. 5664 is approved."

## CHAPTER 289

[Substitute Senate Bill 5765]

### MIDWIFERY—VARIOUS PROVISIONS

AN ACT Relating to the practice of midwifery; and amending RCW 18.50.005, 18.50.010, 18.50.040, 18.50.102, 18.50.108, and 18.50.115.

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

**Sec. 1.** RCW 18.50.005 and 1991 c 3 s 102 are each amended to read as follows:

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

(1) "Advanced registered nurse practitioner" means an advanced registered nurse practitioner licensed under chapter 18.79 RCW.

(2) "Department" means the department of health.

~~((2))~~ (3) "Secretary" means the secretary of health.

~~((3))~~ (4) "Midwife" means a midwife licensed under this chapter.

~~((4))~~ (5) "Naturopath" means a naturopath licensed under chapter 18.36A RCW.

(6) "Physician" means a physician licensed under chapter 18.57 or 18.71 RCW.

(7) "Physician assistant" means a physician assistant licensed under chapter 18.71A RCW.

**Sec. 2.** RCW 18.50.010 and 2014 c 187 s 1 are each amended to read as follows:

Any person shall be regarded as practicing midwifery within the meaning of this chapter who shall render medical aid for a fee or compensation to ~~((a woman))~~ individuals during prenatal, intrapartum, and postpartum stages or to ~~((her))~~ the individual's newborn up to two weeks of age or who shall advertise as a midwife by signs, printed cards, or otherwise. Nothing shall be construed in this chapter to prohibit gratuitous services. It shall be the duty of a midwife to consult with a physician whenever there are significant deviations from normal in either the ~~((mother))~~ gestational parent or the newborn.

**Sec. 3.** RCW 18.50.040 and 1994 sp.s. c 9 s 705 are each amended to read as follows:

(1) Any person seeking to be examined shall present to the secretary, at least ~~((forty five))~~ 45 days before the commencement of the examination, a written application on a form or forms provided by the secretary setting forth under affidavit such information as the secretary may require and proof the candidate has received a high school degree or its equivalent; that the candidate is ~~((twenty one))~~ 21 years of age or older; that the candidate has received a certificate or diploma from a midwifery program accredited by the secretary and licensed under chapter 28C.10 RCW, when applicable, or a certificate or diploma in a foreign institution on midwifery of equal requirements conferring the full right to practice midwifery in the country in which it was issued. The diploma must bear the seal of the institution from which the applicant ~~((was))~~ graduated. Foreign candidates must present with the application a translation of the foreign certificate or diploma ~~((made by and under the seal of the consulate of the country in which the certificate or diploma was issued))~~.

(2) The candidate shall meet the following conditions:

(a) Obtaining a minimum period of midwifery training for at least three years including the study of the basic nursing skills that the department shall prescribe by rule. However, if the applicant is a registered nurse or licensed practical nurse under chapter 18.79 RCW, or has had previous nursing education or practical midwifery experience, the required period of training may be reduced depending upon the extent of the candidate's qualifications as determined under rules adopted by the department. In no case shall the training be reduced to a period of less than two years.

(b) Meeting minimum educational requirements which shall include studying midwifery; obstetrics; neonatal pediatrics; basic sciences; ~~((female))~~ reproductive anatomy and physiology; behavioral sciences; childbirth education; community care; obstetrical pharmacology; epidemiology; gynecology; family planning; genetics; embryology; neonatology; the medical and legal aspects of midwifery; nutrition during pregnancy and lactation; ~~((breastfeeding))~~ lactation; nursing skills, including but not limited to injections, administering intravenous fluids, catheterization, and aseptic technique; and such other requirements prescribed by rule.

(c) For a student midwife during training, undertaking the care of not less than ~~((fifty women))~~ 50 individuals in each of the prenatal, intrapartum, and

early postpartum periods, but the same (~~women~~) individuals need not be seen through all three periods. A student midwife may be issued a permit upon the satisfactory completion of the requirements in (a), (b), and (c) of this subsection and the satisfactory completion of the licensure examination required by RCW 18.50.060. The permit permits the student midwife to practice under the supervision of a midwife licensed under this chapter, a physician, or a certified nurse-midwife licensed under the authority of chapter 18.79 RCW. The permit shall expire within one year of issuance and may be extended as provided by rule.

(d) Observing an additional (~~fifty women~~) 50 individuals in the intrapartum period before the candidate qualifies for a license.

(e) For candidates seeking a limited prescriptive license extension, completion of additional study and training requirements as prescribed by the department, in collaboration with the Washington medical commission and the midwifery advisory committee, in rule. Such rules shall provide requirements for:

(i) The number of additional obstetrical pharmacology training hours consistent with the training hours required for other similar prescribers; and

(ii) Additional training consistent with guidelines commensurate with other professions providing family planning and treating common prenatal and postpartum conditions and any other relevant sources.

(f) For candidates seeking a licensing extension to include medical devices and implants, completion of the requirements listed in (e) of this subsection and additional study and training requirements as prescribed by the department, in collaboration with the Washington medical commission and the midwifery advisory committee, in rule. Such rules shall provide requirements for:

(i) The minimum number of completed procedures under supervision;

(ii) Completing trainings as required by the device manufacturers or an equivalent; and

(iii) Additional training consistent with guidelines commensurate with other professions providing family planning and treating common prenatal and postpartum conditions and any other relevant sources.

(g) The license extensions referenced in (e) and (f) of this subsection do not apply to newborn care.

(3) Notwithstanding subsections (1) and (2) of this section, the department shall adopt rules to provide credit toward the educational requirements for licensure before July 1, 1988, of (~~nonlicensed~~) midwives who are not licensed in Washington, including rules to provide:

(a) Credit toward licensure for documented deliveries;

(b) The substitution of relevant experience for classroom time; and

(c) That experienced lay midwives may sit for the licensing examination without completing the required coursework.

The training required under this section shall include training in (~~either hospitals or alternative birth settings or both~~) any birth setting with particular emphasis on learning the ability to differentiate between low-risk and high-risk pregnancies.

**Sec. 4.** RCW 18.50.102 and 2014 c 187 s 3 are each amended to read as follows:

(1) A licensed midwife must renew (~~(his or her)~~) the individual's license according to the following requirements:

(a) Completion of a minimum of (~~(thirty)~~) 30 hours of continuing education, approved by the secretary, every three years;

(b) Proof of participation in a Washington state coordinated quality improvement program as detailed in rule;

(c) Proof of participation in data submission on perinatal outcomes to a national or state research organization, as detailed in rule; and

(d) Fees determined by the secretary as provided in RCW 43.70.250 and 43.70.280.

(2) The secretary shall write rules regarding the renewal requirements and the department's process for verification of the third-party data submission.

**Sec. 5.** RCW 18.50.108 and 1981 c 53 s 14 are each amended to read as follows:

Every licensed midwife shall develop a written plan for consultation with other health care providers, emergency transfer, transport of an infant to a newborn nursery or neonatal intensive care nursery, and transport of (~~a woman~~) an individual to an appropriate obstetrical department or patient care area. The written plan shall be submitted annually together with the license renewal fee to the department.

**Sec. 6.** RCW 18.50.115 and 2019 c 55 s 1 are each amended to read as follows:

(1) A midwife licensed under this chapter may obtain and administer prophylactic ophthalmic medication, postpartum oxytocic, vitamin K, Rho immune globulin (human), and local anesthetic and may administer such other drugs or medications as prescribed by a physician, an advanced registered nurse practitioner, a naturopath, or a physician assistant acting within the practitioner's scope of practice. A pharmacist who dispenses such drugs to a licensed midwife shall not be liable for any adverse reactions caused by any method of use by the midwife.

(2) A midwife licensed under this chapter who has been granted a limited prescriptive license extension by the secretary may prescribe, obtain, and administer:

(a) Antibiotic, antiemetic, antiviral, antifungal, low-potency topical steroid, and antipruritic medications and therapies, and other medications and therapies as defined in the midwifery legend drugs and devices rule for the prevention and treatment of conditions that do not constitute a significant deviation from normal in pregnancy or postpartum; and

(b) Hormonal and nonhormonal family planning methods.

(3) A midwife licensed under this chapter who has been granted an additional license extension to include medical devices and implants by the secretary may prescribe, obtain, and administer hormonal and nonhormonal family planning medical devices, as prescribed in rule.

(4) The secretary, after (~~(consultation)~~) collaboration with representatives of the (~~(midwife)~~) midwifery advisory committee, the pharmacy quality assurance commission, and the Washington medical commission, may adopt rules that authorize licensed midwives to (~~(purchase and use)~~) prescribe, obtain, and

administer legend drugs and devices in addition to the drugs authorized in this chapter.

Passed by the Senate February 14, 2022.

Passed by the House March 3, 2022.

Approved by the Governor March 31, 2022.

Filed in Office of Secretary of State April 1, 2022.

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## CHAPTER 290

[Senate Bill 5875]

### DEPARTMENT OF LICENSING—FRONTLINE EMPLOYEES—CERTAIN DRIVER LICENSE EMPLOYEES

AN ACT Relating to adding employees employed by the department of licensing who are assigned to review, process, approve, and issue driver licenses to the definition of frontline employees under the health emergency labor standards act; and amending RCW 51.32.181.

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

**Sec. 1.** RCW 51.32.181 and 2021 c 252 s 1 are each amended to read as follows:

(1) For frontline employees who are covered under this title, there exists a prima facie presumption that any infectious or contagious diseases that are transmitted through respiratory droplets or aerosols, or through contact with contaminated surfaces and are the subject of a public health emergency are occupational diseases under RCW 51.08.140 during a public health emergency.

(2) The frontline employee must provide verification, as required by the department by rule, to the department and the self-insured employer that the employee has contracted the infectious or contagious disease that is the subject of the public health emergency.

(3) This presumption of occupational disease may be rebutted by a preponderance of the evidence that:

(a) The exposure to the infectious or contagious disease which is the subject of the public health emergency occurred from other employment or nonemployment activities; or

(b) The employee was working from the employee's home, on leave from the employee's employment, or some combination thereof, for the period of quarantine consistent with recommended guidance from state and federal health officials for the disease immediately prior to the employee's injury, occupational disease, or period of incapacity that resulted from exposure to the disease which is the subject of the public health emergency.

(4)(a) RCW 51.32.090(7) does not apply to an occupational disease under this section except that no worker shall receive compensation for or during the day on which the occupational disease was contracted. For the purposes of this subsection (4), the day on which the occupational disease was contracted is whichever date occurs first of the following:

(i) The date that the worker first missed work due to symptoms of the infectious or contagious disease;

(ii) The date the worker was quarantined by a medical provider or public health official; or

(iii) The date the worker received a positive test result confirming contraction of the infectious or contagious disease.

(b) If leave or similar benefits are paid to the frontline employee as part of a federal or state program for these employees during the public health emergency, temporary total disability benefits are not payable for the same period of time covered by the federal or state program.

(5) When calculating assessments due to the department for which total claim costs are the basis, self-insured employers and self-insurance hospital groups formed under RCW 51.14.150 and 51.14.160 may deduct the cost of payments made under this section from the total of all claim costs reported.

(6) Costs of the payments under this section shall not affect the experience rating of employers insured by the state fund.

(7) As used in this section:

(a) "Assisted living facility" has the same meaning as in RCW 18.20.020.

(b) "Farm work" means work performed on a farm, in the employ of any person, in connection with the cultivation of the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and furbearing animals and wildlife, or in the employ of the owner or tenant or other operator of a farm in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment. For the purposes of this subsection, "farm work" includes floriculture.

(c) "Food distribution work" means work where the primary duties include transporting food from food producers or manufacturers to food warehouses or food service operators and retailers.

(d) "Food manufacturing work" means work performed for an employer whose North American industry classification code is within "311."

(e) "Food processing work" means work handling or processing of any food in any manner of preparation for sale for an employer required to be licensed by the department of agriculture under chapter 69.07 RCW.

(f) "Frontline employee" includes the following employees:

(i) First responders, including law enforcement officers, firefighters, emergency medical service providers, paramedics, and ambulance drivers. "Firefighters" includes wildland firefighters when performing wildfire suppression or other emergency duties under the incident command system if the firefighter has in-person interaction with the general public or other firefighters as part of their job duties;

(ii) Employees performing food processing, food manufacturing, food distribution, farm, and meat packing work;

(iii) Maintenance, janitorial, and food service workers at any facility treating patients diagnosed with the infectious or contagious disease that is the subject of the public health emergency;

(iv) Drivers and operators employed by a transit agency or any other public entity authorized under state law to provide mass transportation services to the general public;

(v) Employees working at a child care facility licensed by the department of children, youth, and families under chapter 43.216 RCW, if the employee has in-



person interaction with children or other members of the general public as part of their job duties;

(vi) Employees employed by a retail store that remains open to the general public during the public health emergency, if the employee has in-person interaction with the general public as part of their job duties or has in-person interaction with other employees. For the purposes of this subsection, "retail store" means a business whose North American industry classification code is within "44-45";

(vii) Employees employed by a hotel, motel, or other transient accommodation licensed under chapter 70.62 RCW that remains open to the general public during the public health emergency, if the employee has in-person interaction with the general public as part of their job duties or has in-person interaction with other employees;

(viii) Employees employed by a restaurant, if the employee has in-person interaction with the general public as part of their job duties or works in the kitchen of the restaurant and has in-person interaction with other employees. For the purposes of this subsection, "restaurant" has the same meaning as in RCW 66.04.010;

(ix) Home care aides certified under chapter 18.88B RCW and home health aides that provide services under chapter 70.126 RCW that primarily work in the home of the individual receiving care;

(x)(A) Corrections officers and correctional support employees working at a correctional institution.

(B) For the purposes of this subsection (7)(f)(x):

(I) "Correctional institution" has the same meaning as in RCW 9.94.049.

(II) "Corrections officer" means any corrections agency employee whose primary job function is to provide custody, safety, and security of prisoners in jails and detention facilities.

(III) "Correctional support employee" means any employee who provides food services or janitorial services in a correctional institution;

(xi) Educational employees, including classroom teachers, paraeducators, principals, librarians, school bus drivers, and other educational support staff, of any school district, or a contractor of a school district, that are required to be physically present at a school or on the grounds of a school where classes are being taught in person, in a transportation vehicle necessary for school operations, or in the home of a student as part of their job duties, if the employee has in-person interaction with students, a student's family members, or other employees as part of their job duties;

(xii) Employees of institutions of higher education that are required to be physically present on campus when classes are being taught in person, if the employee has in-person interaction with students or the general public as part of their job duties. For the purposes of this subsection, "institution of higher education" has the same meaning as in RCW 28B.10.016;

(xiii) Employees employed by a public library that remains open to the general public during the public health emergency, if the employee has in-person interaction with the general public as part of their job duties or has in-person interaction with other employees. For the purposes of this subsection, "public library" means a library covered by chapter 27.12 RCW;

(xiv) Employees employed by the department of licensing who are assigned to review, process, approve, and issue driver licenses to the general public, if the employee has in-person interaction with the general public as part of their job duties or has in-person interaction with other employees.

(g) "Meat packing work" means work slaughtering animals and processing and packaging meat products for sale and the rendering of animal by-products.

(h) "Nursing home" means a nursing home licensed under chapter 18.51 RCW.

(i) "Public health emergency" means a declaration or order concerning any infectious or contagious diseases, including a pandemic and is issued as follows:

(i) The president of the United States has declared a national or regional emergency that covers every county in the state of Washington; or

(ii) The governor of Washington has declared a state of emergency under RCW 43.06.010(12) in every county in the state.

(j) "School" has the same meaning as in RCW 28A.210.070.

Passed by the Senate February 11, 2022.

Passed by the House March 2, 2022.

Approved by the Governor March 31, 2022.

Filed in Office of Secretary of State April 1, 2022.

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## CHAPTER 291

[Substitute Senate Bill 5883]

### HEALTH CARE CONSENT—UNACCOMPANIED HOMELESS MINORS

AN ACT Relating to an unaccompanied homeless youth's ability to provide informed consent for that minor patient's own health care, including nonemergency, outpatient, and primary care services, including physical examinations, vision examinations and eyeglasses, dental examinations, hearing examinations and hearing aids, immunizations, treatments for illnesses and conditions, and routine follow-up care customarily provided by a health care provider in an outpatient setting, excluding elective surgeries; and amending RCW 7.70.065.

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

**Sec. 1.** RCW 7.70.065 and 2021 c 270 s 1 are each amended to read as follows:

(1) Informed consent for health care for a patient who does not have the capacity to make a health care decision may be obtained from a person authorized to consent on behalf of such patient. For purposes of this section, a person who is of the age of consent to make a particular health care decision is presumed to have capacity, unless a health care provider reasonably determines the person lacks capacity to make the health care decision due to the person's demonstrated inability to understand and appreciate the nature and consequences of a health condition, the proposed treatment, including the anticipated results, benefits, risks, and alternatives to the proposed treatment, including nontreatment, and reach an informed decision as a result of cognitive impairment; and the health care provider documents the basis for the determination in the medical record.

(a) Persons authorized to provide informed consent to health care on behalf of an adult patient who does not have the capacity to make a health care decision shall be a member of one of the following classes of persons in the following order of priority:

- (i) The appointed guardian of the patient, if any;
  - (ii) The individual, if any, to whom the patient has given a durable power of attorney that encompasses the authority to make health care decisions;
  - (iii) The patient's spouse or state registered domestic partner;
  - (iv) Children of the patient who are at least eighteen years of age;
  - (v) Parents of the patient;
  - (vi) Adult brothers and sisters of the patient;
  - (vii) Adult grandchildren of the patient who are familiar with the patient;
  - (viii) Adult nieces and nephews of the patient who are familiar with the patient;
  - (ix) Adult aunts and uncles of the patient who are familiar with the patient;
- and

(x)(A) An adult who:

- (I) Has exhibited special care and concern for the patient;
- (II) Is familiar with the patient's personal values;
- (III) Is reasonably available to make health care decisions;
- (IV) Is not any of the following: A physician to the patient or an employee of the physician; the owner, administrator, or employee of a health care facility, nursing home, or long-term care facility where the patient resides or receives care; or a person who receives compensation to provide care to the patient; and
- (V) Provides a declaration under (a)(x)(B) of this subsection.

(B) An adult who meets the requirements of (a)(x)(A) of this subsection shall provide a declaration, which is effective for up to six months from the date of the declaration, signed and dated under penalty of perjury pursuant to chapter 5.50 RCW, that recites facts and circumstances demonstrating that he or she is familiar with the patient and that he or she:

- (I) Meets the requirements of (a)(x)(A) of this subsection;
- (II) Is a close friend of the patient;
- (III) Is willing and able to become involved in the patient's health care;
- (IV) Has maintained such regular contact with the patient as to be familiar with the patient's activities, health, personal values, and morals; and
- (V) Is not aware of a person in a higher priority class willing and able to provide informed consent to health care on behalf of the patient.

(C) A health care provider may, but is not required to, rely on a declaration provided under (a)(x)(B) of this subsection. The health care provider or health care facility where services are rendered is immune from suit in any action, civil or criminal, or from professional or other disciplinary action when such reliance is based on a declaration provided in compliance with (a)(x)(B) of this subsection.

(b) If the health care provider seeking informed consent for proposed health care of the patient who does not have the capacity to make a particular health care decision, other than a person who is under the age of consent for the particular health care decision, makes reasonable efforts to locate and secure authorization from a competent person in the first or succeeding class and finds no such person available, authorization may be given by any person in the next class in the order of descending priority. However, no person under this section may provide informed consent to health care:

- (i) If a person of higher priority under this section has refused to give such authorization; or

(ii) If there are two or more individuals in the same class and the decision is not unanimous among all available members of that class.

(c) Before any person authorized to provide informed consent on behalf of a patient who does not have the capacity to make a health care decision exercises that authority, the person must first determine in good faith that that patient, if he or she had the capacity to make the health care decision, would consent to the proposed health care. If such a determination cannot be made, the decision to consent to the proposed health care may be made only after determining that the proposed health care is in the patient's best interests. This subsection (1)(c) does not apply to informed consent provided on behalf of a patient who has not reached the age of consent required to make a particular health care decision.

(d) No rights under Washington's death with dignity act, chapter 70.245 RCW, may be exercised through a person authorized to provide informed consent to health care on behalf of a patient who does not have the capacity to make a health care decision.

(2) Informed consent for health care, including mental health care, for a patient who is under the age of majority and who is not otherwise authorized to provide informed consent, may be obtained from a person authorized to consent on behalf of such a patient.

(a) Persons authorized to provide informed consent to health care, including mental health care, on behalf of a patient who is under the age of majority and who is not otherwise authorized to provide informed consent, shall be a member of one of the following classes of persons in the following order of priority:

(i) The appointed guardian, or legal custodian authorized pursuant to Title 26 RCW, of the minor patient, if any;

(ii) A person authorized by the court to consent to medical care for a child in out-of-home placement pursuant to chapter 13.32A or 13.34 RCW, if any;

(iii) Parents of the minor patient;

(iv) The individual, if any, to whom the minor's parent has given a signed authorization to make health care decisions for the minor patient; and

(v) A competent adult representing himself or herself to be a relative responsible for the health care of such minor patient or a competent adult who has signed and dated a declaration under penalty of perjury pursuant to chapter 5.50 RCW stating that the adult person is a relative responsible for the health care of the minor patient. Such declaration shall be effective for up to six months from the date of the declaration.

(b)(i) Informed consent for health care on behalf of a patient who is under the age of majority and who is not otherwise authorized to provide informed consent may be obtained from a school nurse, school counselor, or homeless student liaison when:

(A) Consent is necessary for nonemergency, outpatient, primary care services, including physical examinations, vision examinations and eyeglasses, dental examinations, hearing examinations and hearing aids, immunizations, treatments for illnesses and conditions, and routine follow-up care customarily provided by a health care provider in an outpatient setting, excluding elective surgeries;

(B) The minor patient meets the definition of a "homeless child or youth" under the federal McKinney-Vento homeless education assistance improvements act of 2001, P.L. 107-110, January 8, 2002, 115 Stat. 2005; and

(C) The minor patient is not under the supervision or control of a parent, custodian, or legal guardian, and is not in the care and custody of the department of social and health services.

(ii) A person authorized to consent to care under this subsection (2)(b) and the person's employing school or school district are not subject to administrative sanctions or civil damages resulting from the consent or nonconsent for care, any care, or payment for any care, rendered pursuant to this section. Nothing in this section prevents a health care facility or a health care provider from seeking reimbursement from other sources for care provided to a minor patient under this subsection (2)(b).

(iii) Upon request by a health care facility or a health care provider, a person authorized to consent to care under this subsection (2)(b) must provide to the person rendering care a declaration signed and dated under penalty of perjury pursuant to chapter 5.50 RCW stating that the person is a school nurse, school counselor, or homeless student liaison and that the minor patient meets the elements under (b)(i) of this subsection. The declaration must also include written notice of the exemption from liability under (b)(ii) of this subsection.

(c) A health care provider may, but is not required to, rely on the representations or declaration of a person claiming to be a relative responsible for the care of the minor patient, under (a)(v) of this subsection, or a person claiming to be authorized to consent to the health care of the minor patient under (b) of this subsection, if the health care provider does not have actual notice of the falsity of any of the statements made by the person claiming to be a relative responsible for the health care of the minor patient, or person claiming to be authorized to consent to the health care of the minor patient.

(d) A health care facility or a health care provider may, in its discretion, require documentation of a person's claimed status as being a relative responsible for the health care of the minor patient, or a person claiming to be authorized to consent to the health care of the minor patient under (b) of this subsection. However, there is no obligation to require such documentation.

(e) The health care provider or health care facility where services are rendered shall be immune from suit in any action, civil or criminal, or from professional or other disciplinary action when such reliance is based on a declaration signed under penalty of perjury pursuant to chapter 5.50 RCW stating that the adult person is a relative responsible for the health care of the minor patient under (a)(v) of this subsection, or a person claiming to be authorized to consent to the health care of the minor patient under (b) of this subsection.

(3) An unaccompanied homeless youth who is under the age of majority, who is not otherwise authorized to provide informed consent, and is unable to obtain informed consent under subsection (2)(b)(i) of this section is authorized to provide informed consent for nonemergency, outpatient, primary care services, including physical examinations, vision examinations and eyeglasses, dental examinations, hearing examinations and hearing aids, immunizations, treatments for illnesses and conditions, and routine follow-up care customarily provided by a health care provider in an outpatient setting, excluding elective surgeries.

(a) For purposes of this subsection:

(i) "Unaccompanied" means a youth experiencing homelessness while not in the physical custody of a parent or guardian.

(ii) "Homeless" means without a fixed, regular, and adequate nighttime residence as set forth in the federal McKinney-Vento homeless education assistance improvements act of 2001, P.L. 107-110, January 8, 2002, 115 Stat. 2005.

(b) A health care facility or a health care provider may, in its discretion, require documentation that the minor patient under this subsection (3) is an unaccompanied homeless youth. However, there is no obligation to require such documentation. Acceptable documentation that a minor patient is an unaccompanied homeless youth includes a written or electronic statement signed under penalty of perjury pursuant to chapter 5.50 RCW by:

(i) Staff at a governmental or nonprofit human services agency or homeless services agency;

(ii) An attorney representing the minor patient; or

(iii) An adult relative of the minor patient or other adult with knowledge of the minor patient and the minor patient's housing situation.

(c) A health care provider may, but is not required to, rely on the representations or declaration stating that the patient is an unaccompanied homeless youth, if the health care provider does not have actual notice of the falsity of any of the statements made by the person claiming to be authorized to consent to the health care of the minor patient.

(d) The health care provider or health care facility where services are rendered is immune from suit in any action, civil or criminal, and from professional or other disciplinary action when such reliance is based on a declaration signed under penalty of perjury pursuant to chapter 5.50 RCW stating that the patient is an unaccompanied homeless youth under (b) of this subsection, or is based on the statement of a minor patient regarding the minor patient's housing situation.

(e) A person who provides a statement for documentation that the minor patient is an unaccompanied homeless youth is not subject to administrative sanctions or civil liability for providing documentation in good faith based upon the person's knowledge of the minor patient and the minor patient's housing situation.

(f) During a visit with an unaccompanied homeless youth who provides informed consent authorized under this subsection (3), a primary care provider as defined under RCW 74.09.010 shall use existing best practices that align with any guidelines developed by the office of crime victims advocacy established in RCW 43.280.080 and the commercially sexually exploited children statewide coordinating committee established under RCW 7.68.801 designed to identify:

(i) Whether the unaccompanied homeless youth may be a victim of human trafficking; and

(ii) Potential referral to additional services, the department of children, youth, and families, or law enforcement.

(4) For the purposes of this section, "health care," "health care provider," and "health care facility" shall be defined as established in RCW 70.02.010.

((4)) (5) A person who knowingly provides a false declaration under this section shall be subject to criminal penalties under chapter 9A.72 RCW.

Passed by the Senate March 7, 2022.

Passed by the House March 3, 2022.

Approved by the Governor March 31, 2022.

Filed in Office of Secretary of State April 1, 2022.

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## CHAPTER 292

[Substitute Senate Bill 5910]

### RENEWABLE HYDROGEN

AN ACT Relating to accelerating the availability and use of renewable hydrogen in Washington state; amending RCW 82.08.816, 82.12.816, 82.29A.125, 54.04.190, and 35.92.050; adding new sections to chapter 43.330 RCW; adding a new section to chapter 84.40 RCW; adding a new section to chapter 80.28 RCW; creating new sections; and declaring an emergency.

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

**NEW SECTION. Sec. 1. INTENT AND FINDINGS.** (1) The legislature finds that while hydrogen fuel has been used in a variety of applications in the state, the source of hydrogen has been derived from fossil fuel feedstocks, such as natural gas. Hydrogen is an essential building block and energy carrier molecule that is necessary in the production of conventional and renewable fuels and a valuable decarbonization tool when used in sectors such as marine, aviation, steel, aluminum, and cement, as well as surface transportation including heavy-duty vehicles, such as transit, trucking, and drayage equipment. Hydrogen can be a carbon-free fuel with an energy per unit mass that is three to four times greater than jet fuel, whose energy can be extracted either through thermochemical (combustion) or electrochemical (fuel cell) processes. In both cases, the only by-product is water, instead of the greenhouse gases and other conventional and toxic pollutants that are emitted from using fossil fuels.

(2) The legislature further finds that the use of renewable hydrogen and hydrogen produced from carbon-free feedstocks through electrolysis is an essential tool to a clean energy ecosystem and emissions reduction for challenging infrastructure needs. Clean hydrogen fuel can be produced or "charged" closer to the generation of the electricity when the electrical supply grid has surplus energy, at times of low electricity use, such as evenings, then made available at times of higher need and convenient locations, such as fueling stations, avoiding the need to build or upgrade larger electrical infrastructure, including distribution systems, to meet higher peak demand for electricity.

(3) Therefore, the legislature intends by this act to establish policies and a framework for the state to become a national and global leader in the production and use of these hydrogen fuels. This act will create an office of renewable fuels to: Promote partnerships among industrial, transportation, agriculture, and commercial interests as well as fuel producers, the technology research sector, and public sector agencies; identify barriers to and opportunities for market development; provide greater clarity and certainty in regulatory and siting standards; provide incentives and financial assistance in the deployment of hydrogen fuel infrastructure; support a clean and just energy transition; help create good quality, clean energy jobs; and improve air quality in degraded areas, particularly in communities that have borne disproportionate levels of air pollution from the combustion of fossil fuels.

## Part 1

## OFFICE OF RENEWABLE FUELS

**NEW SECTION. Sec. 101.** A new section is added to chapter 43.330 RCW to read as follows:

The definitions in this section apply throughout sections 102, 103, and 104 of this act unless the context clearly requires otherwise.

(1) "Department" means the department of commerce.

(2) "Green electrolytic hydrogen" means hydrogen produced through electrolysis and does not include hydrogen manufactured using steam reforming or any other conversion technology that produces hydrogen from a fossil fuel feedstock.

(3) "Office" means the statewide office of renewable fuels established in section 102 of this act.

(4) "Overburdened communities" has the same meaning as defined in RCW 70A.02.010.

(5) "Renewable fuel" means fuel produced using renewable resources and includes renewable hydrogen.

(6) "Renewable hydrogen" has the same meaning as defined in RCW 54.04.190.

(7) "Renewable resource" has the same meaning as defined in RCW 19.405.020.

**NEW SECTION. Sec. 102.** A new section is added to chapter 43.330 RCW to read as follows:

(1) The statewide office of renewable fuels is established within the department. The office shall report to the director of the department. The office may employ staff as necessary to carry out the office's duties as prescribed by this act, subject to the availability of amounts appropriated for this specific purpose.

(2) The purpose of the office is to leverage, support, and integrate with other state agencies to:

(a) Accelerate comprehensive market development with assistance along the entire life cycle of renewable fuel projects;

(b) Support research into and development and deployment of renewable fuel and the production, distribution, and use of renewable and green electrolytic hydrogen and their derivatives, as well as product engineering and manufacturing relating to the production and use of such hydrogen and its derivatives;

(c) Drive job creation, improve economic vitality, and support the transition to clean energy;

(d) Enhance resiliency by using renewable fuels and green electrolytic hydrogen to support climate change mitigation and adaptations; and

(e) Partner with overburdened communities to ensure communities equitably benefit from renewable and clean fuels efforts.

**NEW SECTION. Sec. 103.** A new section is added to chapter 43.330 RCW to read as follows:

(1) The office shall:

(a) Coordinate with federally recognized tribes, local government, state agencies, federal agencies, private entities, the state's public four-year



institutions of higher education, labor unions, and others to facilitate and promote multi-institution collaborations to drive research, development, and deployment efforts in the production, distribution, and use of renewable fuels including, but not limited to, green electrolytic hydrogen;

(b) Review existing renewable fuels and green electrolytic hydrogen initiatives, policies, and public and private investments;

(c) Consider funding opportunities that provide for the coordination of public and private funds for the purposes of developing and deploying renewable fuels and green electrolytic hydrogen;

(d) Assess opportunities for and barriers to deployment of renewable fuels and green electrolytic hydrogen in hard to decarbonize sectors of the state economy;

(e) Request recommendations from the Washington state association of fire marshals regarding fire and other safety standards adopted by the United States department of energy and recognized national and international fire and safety code development authorities regarding renewable fuels and green electrolytic hydrogen;

(f) By December 1, 2023, develop a plan and recommendations for consideration by the legislature and governor on renewable fuels and green electrolytic hydrogen policy and public funding including, but not limited to, project permitting, state procurement, and pilot projects; and

(g) Encourage new and support existing public-private partnerships to increase coordinated planning and deployment of renewable fuels and green electrolytic hydrogen.

(2) The office may take all appropriate steps to seek and apply for federal funds for which the office is eligible, and other grants, and accept donations, and must deposit these funds in the renewable fuels accelerator account created in section 104 of this act.

(3) In carrying out its duties, the office must collaborate with the department, the department of ecology, the department of transportation, the utilities and transportation commission, electric utilities in Washington state, the Washington State University extension energy program, and all other relevant state agencies. The office must also consult with and seek to involve federally recognized tribes, project developers, labor and industry trade groups, and other interested parties, in the development of policy analysis and recommended programs or projects.

(4) The office may cooperate with other state agencies in compiling data regarding the use of renewable fuels and green electrolytic hydrogen in state operations, including motor vehicle fleets, the state ferry system, and nonroad equipment.

**NEW SECTION. Sec. 104.** A new section is added to chapter 43.330 RCW to read as follows:

The renewable fuels accelerator account is created in the state treasury. Revenues to the account consist of appropriations made by the legislature, federal funds, gifts or grants from the private sector or foundations, and other sources deposited in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for purposes designated in sections 102, 103, and 201 of this act. Only the director or the director's designee may authorize expenditures from the account.

**Part 2**  
**FEDERAL FUNDING**

**NEW SECTION. Sec. 201.** (1)(a) The legislature finds that the federal infrastructure investment and jobs act, P.L. 117-58, provides \$8,000,000,000 over five years to support the development of regional clean hydrogen hubs. The federal infrastructure investment and jobs act requires the United States secretary of energy to establish a program to fund at least four regional hubs to aid in achieving a hydrogen fuel production carbon intensity standard provided in that legislation; to demonstrate the production, processing, delivery, storage, and end use of hydrogen; and that can be developed into a national network to facilitate a clean hydrogen economy. The federal infrastructure investment and jobs act requires the secretary of energy to select regional hubs that demonstrate a diversity of feedstocks, a diversity of end uses, and a diversity of geographic regions of the country. The federal infrastructure investment and jobs act requires the secretary of energy to solicit proposals for regional hubs by May 15, 2022, and to make selections of the hubs within one year after the deadline for submission of proposals.

(b) The legislature further finds that Washington state is strongly positioned to develop a regional clean energy hub meeting the criteria of the federal infrastructure investment and jobs act because the state:

(i) Has adopted a state energy strategy that recognizes hydrogen as an integral part of the state's decarbonization pathway;

(ii) Has an abundance of low cost, low carbon, reliable electricity as the primary energy resource for production of clean hydrogen;

(iii) Already has under construction the nation's first renewable hydrogen electrolyzer and has several hydrogen fueling facilities as well as production facilities in planning and design phases;

(iv) Has multiple manufacturers designing, engineering, and manufacturing fuel cell electric engines and zero-emission vehicles, vessels, and airplanes;

(v) Has numerous industrial, maritime, and freight shipping concerns that are moving toward cleaner fuels and that would help provide demand for hydrogen, as well as state and local governments currently considering hydrogen uses;

(vi) Has a demonstrated track record of building partnerships across the public and private sector to advance clean energy technologies;

(vii) Has policies in place supporting and engaging overburdened communities, including the healthy environment for all act, which will facilitate alignment with the justice40 initiative; and

(viii) Has the policies, including tax incentives, that support high labor standards in clean energy production.

(c) The legislature further finds that the state may help to promote and strengthen applications for regional hydrogen hub federal funding through state funding assistance to support a timely and competitive application to the United States department of energy by a public-private partnership entity that leverages private sector leadership and is composed of multiple interests, including public and private project developers, manufacturers and end users, research institutions, academia, government, and communities around the state.

(2) Subject to amounts appropriated for this specific purpose, the director of the department of commerce must provide support to a public-private

partnership entity as described in subsection (1)(c) of this section, which may include department staff support and direct funding. The entity should:

(a) Agree to prepare a timely and responsive application for federal funding to develop a regional clean hydrogen hub in Washington state, consistent with the requirements of the federal application process and the policies and strategy of the state of Washington;

(b) Demonstrate meaningful engagement with a range of entities across the state, including federally recognized tribes, labor unions, and communities around the state including overburdened communities, in the development of a hydrogen hub;

(c) Include entities that provide training and expand employment opportunities for the hydrogen workforce, including labor organizations, institutions of higher education, community and technical colleges, and vocational institutions; and

(d) Include specific commitments, as required by the federal application, from industries, transportation agencies, utilities, and other public and private sector entities to assist in funding the application and to develop plans to either construct infrastructure for or to incorporate, or both, the production, distribution, and end use of renewable hydrogen and green electrolytic hydrogen fuels into their transition to cleaner energy.

(3) In addition to the assistance in applying for federal funding provided through subsection (2) of this section, the legislature intends that the state fully support a regional clean energy hub in the state, including further direct financial assistance in developing the hub and the acquisition of hydrogen fuels for state agency and local government uses.

### Part 3

#### VALUATION OF PROPERTY RELATED TO RENEWABLE ENERGY

NEW SECTION. Sec. 301. A new section is added to chapter 84.40 RCW to read as follows:

(1) It is the policy of this state to promote the development of renewable energy projects to support the state's renewable energy goals.

(2) The department must publish guidance, in cooperation with industry stakeholders, to advise county assessors when appraising renewable energy facilities for determining true and fair value, in accordance with RCW 84.40.030. This guidance must include a cost-based appraisal method, and the development of industry-specific valuation tables for the following types of renewable energy property:

(a) A cost-based appraisal method and industry-specific valuation tables for equipment used to generate solar power must be published by January 1, 2023, for property taxes levied for collection in calendar year 2024;

(b) A cost-based appraisal method and industry-specific valuation tables for equipment used to generate wind power must be published by January 1, 2023, for property taxes levied for collection in calendar year 2024; and

(c) A cost-based appraisal method and industry-specific valuation tables for equipment used to store electricity must be published by January 1, 2024, for property taxes levied for collection in calendar year 2025.

(3) County assessors must refer to this guidance, including cost-based appraisal method and industry-specific valuation tables, when valuing renewable energy property but may also consider one or more additional valuation methods

in determining the true and fair value of a property when there is a compelling reason to do so.

(4) For the purposes of this section, "renewable energy property" means property that uses solar or wind energy as the sole fuel source for the generation of at least one megawatt of nameplate capacity, alternating current, and all other equipment and materials that comprise the property, including equipment used to store electricity from the property to be released at a later time. "Renewable energy property" does not include any equipment or materials attached to a single-family residential building.

#### Part 4

### EXPANDING THE PRODUCTION, DISTRIBUTION, AND USE OF HYDROGEN NOT PRODUCED FROM A FOSSIL FUEL FEEDSTOCK

**Sec. 401.** RCW 82.08.816 and 2019 c 287 s 11 are each amended to read as follows:

(1) The tax imposed by RCW 82.08.020 does not apply to:

(a) The sale of batteries or fuel cells for electric vehicles, including batteries or fuel cells sold as a component of an electric bus at the time of the vehicle's sale;

(b) The sale of or charge made for labor and services rendered in respect to installing, repairing, altering, or improving electric vehicle batteries or fuel cells;

(c) The sale of or charge made for labor and services rendered in respect to installing, constructing, repairing, or improving battery or fuel cell electric vehicle infrastructure, including hydrogen fueling stations;

(d) The sale of tangible personal property that will become a component of battery or fuel cell electric vehicle infrastructure during the course of installing, constructing, repairing, or improving battery or fuel cell electric vehicle infrastructure; and

(e) The sale of zero emissions buses.

(2) Sellers may make tax exempt sales under this section only if the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

(3) On the last day of January, April, July, and October of each year, the state treasurer, based upon information provided by the department, must transfer from the multimodal transportation account to the general fund a sum equal to the dollar amount that would otherwise have been deposited into the general fund during the prior calendar quarter but for the exemption provided in this section. Information provided by the department to the state treasurer must be based on the best available data, except that the department may provide estimates of taxes exempted under this section until such time as retailers are able to report such exempted amounts on their tax returns.

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

(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

(b) "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

(c) "Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support a battery or fuel cell electric vehicle, including battery charging stations, rapid charging stations, battery exchange stations, fueling stations that provide hydrogen for fuel cell electric vehicles, green electrolytic hydrogen production facilities, and renewable hydrogen production facilities.

(d) "Green electrolytic hydrogen" means hydrogen produced through electrolysis, and does not include hydrogen manufactured using steam reforming or any other conversion technology that produces hydrogen from a fossil fuel feedstock.

(e) "Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

~~((f))~~ (f) "Renewable hydrogen" means hydrogen produced using renewable resources both as the source for hydrogen and the source for the energy input into the production process.

~~((g))~~ (g) "Renewable resource" means (i) water; (ii) wind; (iii) solar energy; (iv) geothermal energy; (v) renewable natural gas; (vi) renewable hydrogen; (vii) wave, ocean, or tidal power; (viii) biodiesel fuel that is not derived from crops raised on land cleared from old growth or first growth forests; or (ix) biomass energy.

~~((h))~~ (h) "Zero emissions bus" means a bus that emits no exhaust gas from the onboard source of power, other than water vapor.

(5) This section expires July 1, 2025.

**Sec. 402.** RCW 82.12.816 and 2019 c 287 s 12 are each amended to read as follows:

(1) The tax imposed by RCW 82.12.020 does not apply to the use of:

(a) Electric vehicle batteries or fuel cells, including batteries or fuel cells sold as a component of an electric bus at the time of the vehicle's sale;

(b) Labor and services rendered in respect to installing, repairing, altering, or improving electric vehicle batteries or fuel cells;

(c) Tangible personal property that will become a component of battery or fuel cell electric vehicle infrastructure during the course of installing, constructing, repairing, or improving battery or fuel cell electric vehicle infrastructure; and

(d) Zero emissions buses.

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

(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set

forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

(b) "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

(c) "Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support a battery or fuel cell electric vehicle, including battery charging stations, rapid charging stations, battery exchange stations, fueling stations that provide hydrogen for fuel cell electric vehicles, green electrolytic hydrogen production facilities, and renewable hydrogen production facilities.

(d) "Green electrolytic hydrogen" means hydrogen produced through electrolysis, and does not include hydrogen manufactured using steam reforming or any other conversion technology that produces hydrogen from a fossil fuel feedstock.

(e) "Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

~~((e))~~ (f) "Renewable hydrogen" means hydrogen produced using renewable resources both as the source for hydrogen and the source for the energy input into the production process.

~~((f))~~ (g) "Renewable resource" means (i) water; (ii) wind; (iii) solar energy; (iv) geothermal energy; (v) renewable natural gas; (vi) renewable hydrogen; (vii) wave, ocean, or tidal power; (viii) biodiesel fuel that is not derived from crops raised on land cleared from old growth or first growth forests; or (ix) biomass energy.

~~((g))~~ (h) "Zero emissions bus" means a bus that emits no exhaust gas from the onboard source of power, other than water vapor.

(3) On the last day of January, April, July, and October of each year, the state treasurer, based upon information provided by the department, must transfer from the multimodal transportation account to the general fund a sum equal to the dollar amount that would otherwise have been deposited into the general fund during the prior calendar quarter but for the exemption provided in this section. Information provided by the department to the state treasurer must be based on the best available data, except that the department may provide estimates of taxes exempted under this section until such time as retailers are able to report such exempted amounts on their tax returns.

(4) This section expires July 1, 2025.

**Sec. 403.** RCW 82.29A.125 and 2019 c 287 s 14 are each amended to read as follows:

(1) Leasehold excise tax may not be imposed on leases to tenants of public lands for purposes of installing, maintaining, and operating electric vehicle infrastructure.

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

(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

(b) "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

(c) "Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, battery exchange stations, fueling stations that provide hydrogen for fuel cell electric vehicles, green electrolytic hydrogen production facilities, and renewable hydrogen production facilities.

(d) "Green electrolytic hydrogen" means hydrogen produced through electrolysis, and does not include hydrogen manufactured using steam reforming or any other conversion technology that produces hydrogen from a fossil fuel feedstock.

(e) "Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

~~((e))~~ (f) "Renewable hydrogen" means hydrogen produced using renewable resources both as the source for hydrogen and the source for energy input into the production process.

~~((f))~~ (g) "Renewable resource" means (i) water; (ii) wind; (iii) solar energy; (iv) geothermal energy; (v) renewable natural gas; (vi) renewable hydrogen; (vii) wave, ocean, or tidal power; (viii) biodiesel fuel that is not derived from crops raised on land cleared from old growth or first growth forests; or (ix) biomass energy.

(3) This section expires July 1, 2025.

**Sec. 404.** RCW 54.04.190 and 2019 c 24 s 1 are each amended to read as follows:

(1) In addition to any other authority provided by law, public utility districts are authorized to produce and distribute biodiesel, ethanol, and ethanol blend fuels, including entering into crop purchase contracts for a dedicated energy crop for the purpose of generating electricity or producing biodiesel produced from Washington feedstocks, cellulosic ethanol, and cellulosic ethanol blend fuels for use in internal operations of the electric utility and for sale or distribution.

(2) In addition to any other authority provided by law:

(a) Public utility districts are authorized to produce renewable natural gas, green electrolytic hydrogen, and renewable hydrogen and utilize the renewable natural gas, green electrolytic hydrogen, or renewable hydrogen they produce for internal operations.

(b) Public utility districts may sell renewable natural gas, green electrolytic hydrogen, or renewable hydrogen that is delivered into a gas transmission

pipeline located in the state of Washington or delivered in pressurized containers:

(i) At wholesale;

(ii) To an end-use customer; or

(iii) If delivered in a pressurized container, or if the end-use customer takes delivery of the renewable natural gas, green electrolytic hydrogen, or renewable hydrogen through a pipeline, and the end-use customer is an eligible purchaser of natural gas from sellers other than the gas company from which that end-use customer takes transportation service and:

(A) When the sale is made to an end-use customer in the state of Washington, the sale is made pursuant to a transportation tariff approved by the Washington utilities and transportation commission; or

(B) When the sale to an end-use customer is made outside of the state of Washington, the sale is made pursuant to a transportation tariff approved by the state agency which regulates retail sales of natural gas.

(c) Public utility districts may sell renewable natural gas, green electrolytic hydrogen, or renewable hydrogen at wholesale or to an end-use customer through a pipeline directly from renewable natural gas, green electrolytic hydrogen, or renewable hydrogen production facilities to facilities that compress, liquefy, or dispense compressed natural gas, liquefied natural gas, green electrolytic hydrogen, or renewable hydrogen fuel for end use as a transportation fuel.

(d) Public utility districts may sell green electrolytic hydrogen or renewable hydrogen at wholesale or to an end-use customer in pressurized containers directly from green electrolytic hydrogen or renewable hydrogen production facilities to facilities that utilize green electrolytic hydrogen or renewable hydrogen as a nonutility related input for a manufacturing process.

(3) Except as provided in subsection (2)(b)(iii) of this section, nothing in this section authorizes a public utility district to sell renewable natural gas, green electrolytic hydrogen, or renewable hydrogen delivered by pipeline to an end-use customer of a gas company.

(4)(a) Except as provided in this subsection (4), nothing in this section authorizes a public utility district to own or operate natural gas distribution pipeline systems used to serve retail customers.

(b) For the purposes of subsection (2)(b) of this section, public utility districts are authorized to own and operate interconnection pipelines that connect renewable natural gas, green electrolytic hydrogen, or renewable hydrogen production facilities to gas transmission pipelines.

(c) For the purposes of subsection (2)(c) of this section, public utility districts may own and/or operate pipelines to supply, and/or compressed natural gas, liquefied natural gas, green electrolytic hydrogen, or renewable hydrogen facilities to provide, renewable natural gas, green electrolytic hydrogen, or renewable hydrogen for end use as a transportation fuel if all such pipelines and facilities are located in the county in which the public utility district is authorized to provide utility service.

(5) Exercise of the authorities granted under this section to public utility districts does not subject them to the jurisdiction of the utilities and transportation commission, except that public utility districts are subject only to administration and enforcement by the commission of state and federal



requirements related to pipeline safety and fees payable to the commission that are applicable to such administration and enforcement.

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

(a) "Green electrolytic hydrogen" means hydrogen produced through electrolysis, and does not include hydrogen manufactured using steam reforming or any other conversion technology that produces hydrogen from a fossil fuel feedstock.

(b) "Renewable natural gas" means a gas consisting largely of methane and other hydrocarbons derived from the decomposition of organic material in landfills, wastewater treatment facilities, and anaerobic digesters.

~~((b))~~ (c) "Renewable hydrogen" means hydrogen produced using renewable resources both as the source for the hydrogen and the source for the energy input into the production process.

~~((c))~~ (d) "Renewable resource" means: (i) Water; (ii) wind; (iii) solar energy; (iv) geothermal energy; (v) renewable natural gas; (vi) renewable hydrogen; (vii) wave, ocean, or tidal power; (viii) biodiesel fuel that is not derived from crops raised on land cleared from old growth or first growth forests; or (ix) biomass energy.

~~((d))~~ (e) "Gas company" has the same meaning as in RCW 80.04.010.

**Sec. 405.** RCW 35.92.050 and 2002 c 102 s 3 are each amended to read as follows:

A city or town may also construct, condemn and purchase, purchase, acquire, add to, alter, maintain, and operate works, plants, facilities for the purpose of furnishing the city or town and its inhabitants, and any other persons, with gas, electricity, green electrolytic hydrogen as defined in RCW 54.04.190, renewable hydrogen as defined in RCW 54.04.190, and other means of power and facilities for lighting, including streetlights as an integral utility service incorporated within general rates, heating, fuel, and power purposes, public and private, with full authority to regulate and control the use, distribution, and price thereof, together with the right to handle and sell or lease, any meters, lamps, motors, transformers, and equipment or accessories of any kind, necessary and convenient for the use, distribution, and sale thereof; authorize the construction of such plant or plants by others for the same purpose, and purchase gas, electricity, or power from either within or without the city or town for its own use and for the purpose of selling to its inhabitants and to other persons doing business within the city or town and regulate and control the use and price thereof.

## Part 5

### MISCELLANEOUS

NEW SECTION. **Sec. 501.** Sections 104 and 201 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. 502.** 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. 503.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void.

### Part 6

### GAS COMPANY NOTICE

**NEW SECTION. Sec. 601.** A new section is added to chapter 80.28 RCW to read as follows:

(1) A gas company must file a notice with the utilities and transportation commission prior to replacing natural gas with renewable hydrogen or green electrolytic hydrogen to serve customers. The notice must establish that the company has received all necessary siting and permitting approvals. The notice must also include a description of the following:

(a) Whether the use of clean electricity to produce hydrogen is consistent with the company's most recent integrated resource plan;

(b) Potential impacts to electrical grid reliability, including resource adequacy, resulting from renewable hydrogen and green electrolytic hydrogen production and deployment; and

(c) Standards, including safety standards, for blending of green electrolytic hydrogen and renewable hydrogen into natural gas distribution infrastructure.

(2) The commission shall consider the recommendations made by the department of commerce through its work outlined in section 103(1)(d), the information contained in the notice, and additional relevant data and analyses when making a determination on a company's request for approval of any tariff related to the use of green electrolytic hydrogen or renewable hydrogen as a replacement for natural gas.

Passed by the Senate March 9, 2022.

Passed by the House March 7, 2022.

Approved by the Governor March 31, 2022.

Filed in Office of Secretary of State April 1, 2022.

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## CHAPTER 293

[Substitute Senate Bill 5961]

### BIOCHAR—GOVERNMENT PROJECTS

AN ACT Relating to incentivizing the use of biochar; adding a new section to chapter 43.19A 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.** A new section is added to chapter 43.19A RCW to read as follows:

(1) When planning government-funded projects that are public works, or soliciting and reviewing bids for such projects, all state agencies and local governments shall consider whether biochar products can be utilized in the project.

(2) If biochar products can be utilized in the project, the state agency or local government must use biochar products, except as follows:

(a) A state agency or local government is not required to use biochar products if:

(i) Biochar products are not available within a reasonable period of time;

(ii) Biochar products that are available do not comply with existing purchasing standards;

(iii) Biochar products that are available do not comply with federal or state health, quality, and safety standards; or

(iv) Biochar purchase prices are not reasonable or competitive; and

(b) A state agency is not required to use biochar products in a project if:

(i) The total cost of using biochar is financially prohibitive;

(ii) Application of biochar will have detrimental impacts on the physical characteristics and nutrient condition of the soil as it is used for a specific crop; or

(iii) The project consists of growing trees in a greenhouse setting, including seed orchard greenhouses.

(3) For the purposes of this section, "biochar" means a carbon-rich material produced during the pyrolysis process or solid material obtained from the thermochemical conversion of biomass in an oxygen-limited environment, derived from biomass waste materials including forest, agricultural, yard, urban wood, food, and biosolid residuals.

**NEW SECTION. Sec. 2.** (1)(a) The legislature finds that while Washington has one of the strongest economies in the country, the local economies in rural counties continue to struggle. The legislature further finds that the forest products sector provides family-wage jobs in economically struggling areas of the state and that emerging uses of forest products, including the use of forest byproducts to create biochar, could become an important contributor to rural economies.

(b) Therefore, the legislature intends to fund a pilot project to determine the feasibility of sourcing forest products to support biochar production from lands managed by the department of natural resources.

(2) The department of natural resources must implement a pilot project to evaluate the costs and benefits of marketing and selling forest products to a biochar facility. The pilot project must:

(a) Determine if revenues cover the costs of preparing and conducting the sales;

(b) Identify and evaluate factors impacting the sales, including regulatory constraints, staffing levels, or other limitations; and

(c) Evaluate the feasibility for sourcing forest products for the manufacture of biochar.

(3) The pilot project must include sales in at least the Olympic region and must be completed by June 30, 2024. By November 1, 2024, the department of natural resources must work with affected stakeholders and report to the appropriate committees of the legislature with the results of the pilot project and any recommendations.

(4) This section expires December 31, 2024.

Passed by the Senate March 7, 2022.

Passed by the House March 2, 2022.

Approved by the Governor March 31, 2022.

Filed in Office of Secretary of State April 1, 2022.

## CHAPTER 294

[Senate Bill 5972]

WILDLIFE CONFLICT RESOLUTION—PUBLIC RECORDS ACT EXEMPTIONS—  
EXPIRATION DATE

AN ACT Relating to extending the expiration date of a statute dealing with wildlife conflict resolution; and amending 2017 c 246 s 4 and 2018 c 214 ss 3 and 4 (uncodified).

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

**Sec. 1.** 2017 c 246 s 4 (uncodified) is amended to read as follows:  
This act expires June 30, (~~(2022)~~) 2027.

**Sec. 2.** 2018 c 214 s 3 (uncodified) is amended to read as follows:  
Section 1 of this act expires June 30, (~~(2022)~~) 2027.

**Sec. 3.** 2018 c 214 s 4 (uncodified) is amended to read as follows:  
Section 2 of this act takes effect June 30, (~~(2022)~~) 2027.

Passed by the Senate February 15, 2022.

Passed by the House March 3, 2022.

Approved by the Governor March 31, 2022.

Filed in Office of Secretary of State April 1, 2022.

## CHAPTER 295

[Engrossed Substitute Senate Bill 5980]

## SMALL BUSINESSES—BUSINESS AND OCCUPATION TAX

AN ACT Relating to providing substantial tax relief for small businesses to mitigate structural deficiencies in Washington's business and occupation tax and lessen long-term negative economic consequences of the pandemic that have disproportionately impacted small businesses; amending RCW 82.04.4451; reenacting and amending RCW 82.32.045; and creating new sections.

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

**Sec. 1.** RCW 82.04.4451 and 2010 1st sp.s. c 23 s 1102 are each amended to read as follows:

(1) In computing the tax imposed under this chapter, a credit is allowed against the amount of tax otherwise due under this chapter, as provided in this section. Except for taxpayers that report at least (~~(fifty)~~) 50 percent of their taxable amount under RCW 82.04.255, 82.04.290(2)(a), and 82.04.285, the maximum credit for a taxpayer for a reporting period is (~~(thirty-five dollars)~~) \$55 multiplied by the number of months in the reporting period, as determined under RCW 82.32.045. For a taxpayer that reports at least (~~(fifty)~~) 50 percent of its taxable amount under RCW 82.04.255, 82.04.290(2)(a), and 82.04.285, the maximum credit for a reporting period is (~~(seventy dollars)~~) \$160 multiplied by the number of months in the reporting period, as determined under RCW 82.32.045.

(2) When the amount of tax otherwise due under this chapter is equal to or less than the maximum credit, a credit is allowed equal to the amount of tax otherwise due under this chapter.

(3) When the amount of tax otherwise due under this chapter exceeds the maximum credit, a reduced credit is allowed equal to twice the maximum credit, minus the tax otherwise due under this chapter, but not less than zero.

(4) The department may prepare a tax credit table consisting of tax ranges using increments of no more than five dollars and a corresponding tax credit to be applied to those tax ranges. The table shall be prepared in such a manner that no taxpayer will owe a greater amount of tax by using the table than would be owed by performing the calculation under subsections (1) through (3) of this section. A table prepared by the department under this subsection must be used by all taxpayers in taking the credit provided in this section.

**Sec. 2.** RCW 82.32.045 and 2019 c 63 s 2 and 2019 c 8 s 302 are each reenacted and amended to read as follows:

(1) Except as otherwise provided in this chapter and subsection (6) of this section, payments of the taxes imposed under chapters 82.04, 82.08, 82.12, 82.14, and 82.16 RCW, along with reports and returns on forms prescribed by the department, are due monthly within twenty-five days after the end of the month in which the taxable activities occur.

(2) The department of revenue may relieve any taxpayer or class of taxpayers from the obligation of remitting monthly and may require the return to cover other longer reporting periods, but in no event may returns be filed for a period greater than one year. Except as provided in subsection (3) of this section, for these taxpayers, tax payments are due on or before the last day of the month next succeeding the end of the period covered by the return.

(3) For annual filers, tax payments, along with reports and returns on forms prescribed by the department, are due on or before April 15th of the year immediately following the end of the period covered by the return.

(4) The department of revenue may also require verified annual returns from any taxpayer, setting forth such additional information as it may deem necessary to correctly determine tax liability.

(5) Notwithstanding subsections (1) and (2) of this section, the department may relieve any person of the requirement to file returns if the following conditions are met:

(a) The person's value of products, gross proceeds of sales, or gross income of the business, from all business activities taxable under chapter 82.04 RCW, is less than(~~(~~

~~(i) Twenty-eight thousand dollars per year; or~~

~~(ii) Forty-six thousand six hundred sixty-seven dollars per year for persons generating at least fifty percent of their taxable amount from activities taxable under RCW 82.04.255, 82.04.290(2)(a), and 82.04.285)) \$125,000;~~

(b) The person's gross income of the business from all activities taxable under chapter 82.16 RCW is less than twenty-four thousand dollars per year; and

(c) The person is not required to collect or pay to the department of revenue any other tax or fee which the department is authorized to collect.

(6)(a) Taxes imposed under chapter 82.08 or 82.12 RCW on taxable events that occur beginning January 1, 2019, through June 30, 2019, and payable by a consumer directly to the department are due, on returns prescribed by the department, by July 25, 2019.

(b) This subsection (6) does not apply to the reporting and payment of taxes imposed under chapters 82.08 and 82.12 RCW:

(i) On the retail sale or use of motor vehicles, vessels, or aircraft; or

(ii) By consumers who are engaged in business, unless the department has relieved the consumer of the requirement to file returns pursuant to subsection (5) of this section.

NEW SECTION. Sec. 3. This act applies to reporting periods beginning on or after January 1, 2023.

NEW SECTION. Sec. 4. Section 1 of this act is exempt from RCW82.32.805 and 82.32.808.

Passed by the Senate March 10, 2022.  
Passed by the House March 9, 2022.  
Approved by the Governor March 31, 2022.  
Filed in Office of Secretary of State April 1, 2022.

**CHAPTER 296**

[Substitute Senate Bill 5651]  
SUPPLEMENTAL CAPITAL BUDGET

AN ACT Relating to the capital budget; making appropriations and authorizing expenditures for capital improvements; amending RCW 43.63A.125, 43.83B.430, and 43.19.501; amending 2021 c 332 ss 1008, 1009, 1014, 1015, 1018, 1020, 1021, 1023, 1025, 1036, 1046, 1055, 1058, 1061, 1063, 1064, 1066, 1068, 1071, 1075, 1045, 1048, 1053, 1082, 1074, 1085, 1084, 1091, 1083, 1052, 1069, 1078, 1086, 1081, 1087, 1089, 1092, 1094, 1024, 1095, 1096, 1097, 1101, 1104, 1111, 1114, 1120, 1121, 1123, 2002, 2006, 2012, 2014, 2016, 2028, 2047, 2048, 2050, 2056, 2062, 2063, 2065, 2066, 2068, 2069, 2070, 2071, 2072, 2075, 2076, 2080, 2082, 2084, 2085, 2086, 2105, 2095, 2104, 2102, 2106, 2107, 3016, 3071, 3084, 3086, 3112, 3129, 3130, 3133, 3134, 3136, 3138, 3143, 3147, 3149, 3151, 3154, 3161, 3163, 3164, 3165, 3168, 3171, 3173, 3178, 3183, 3184, 3185, 3187, 3188, 3189, 3190, 3195, 3197, 3201, 3214, 3221, 3229, 3230, 3232, 3218, 3253, 3254, 3255, 3273, 3274, 3281, 3292, 3298, 3305, 3306, 3308, 3313, 3317, 3319, 3328, 3332, 5002, 5005, 5010, 5015, 5018, 5019, 5023, 5038, 5044, 5046, 5051, 5054, 5070, 5083, 5093, 5094, 5096, 5101, 5107, 5104, 5111, 5112, 5115, 5153, 5170, 7001, 7002, 7012, 7020, and 7041 (uncodified); reenacting and amending RCW 43.155.050; adding new sections to 2021 c 332 (uncodified); creating new sections; repealing 2021 c 332 ss 2054, 2093, and 5024 (uncodified); and declaring an emergency.

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

NEW SECTION. Sec. 1. A supplemental 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, 2023, out of the several funds specified in this act.

**PART 1**  
**GENERAL GOVERNMENT**

**Sec. 1001.** 2021 c 332 s 1008 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF COMMERCE**

Public Works Assistance Account Program 2013 Loan List (30000184)	
Reappropriation:	
Public Works Assistance Account—State . . . . .	<del>(\$1,523,000)</del>
	<u>\$815,000</u>
Prior Biennia (Expenditures) . . . . .	<del>(\$32,378,000)</del>
	<u>\$31,343,000</u>
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	<del>(\$33,901,000)</del>

\$32,158,000

**Sec. 1002.** 2021 c 332 s 1009 (uncodified) is amended to read as follows:  
**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 . . . . .	(\$6,302,000)	
		<u>\$6,350,000</u>
State Taxable Building Construction Account—		
State . . . . .	\$2,997,000	
Subtotal Reappropriation . . . . .	(\$9,299,000)	
		<u>\$9,347,000</u>
Prior Biennia (Expenditures) . . . . .	(\$31,101,000)	
		<u>\$31,053,000</u>
Future Biennia (Projected Costs) . . . . .	\$0	
TOTAL . . . . .	\$40,400,000	

**Sec. 1003.** 2021 c 332 s 1014 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF COMMERCE**

2017 Local and Community Projects (30000846)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 6004, chapter 4, Laws of 2017 3rd sp. sess.

Reappropriation:

State Building Construction Account—State . . . . .	(\$1,750,000)	
		<u>\$1,763,000</u>
Prior Biennia (Expenditures) . . . . .	(\$9,128,000)	
		<u>\$8,983,000</u>
Future Biennia (Projected Costs) . . . . .	\$0	
TOTAL . . . . .	(\$10,878,000)	
		<u>\$10,746,000</u>

**Sec. 1004.** 2021 c 332 s 1015 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF COMMERCE**

2017-19 Housing Trust Fund Program (30000872)

(1) The ((reappropriations)) appropriations in this section are subject to the following conditions and limitations: The ((reappropriations)) appropriations are subject to the provisions of section 6001, chapter 356, Laws of 2020, except that subsection (2) of this section supersedes the requirements of section 6001(1)(f)(x), chapter 356, Laws of 2020.

(2) \$7,500,000 is provided solely for grants for high quality low-income housing projects that will quickly move people from homelessness into secure housing and are significantly less expensive to construct than traditional housing. It is the intent of the legislature that these grants serve projects with a total project development cost per housing unit of less than \$200,000, excluding

the value of land, and with a commitment by the applicant to maintain the housing units for at least a 25 year period. Amounts provided that are subject to this subsection (2) must be used to plan, predesign, design, provide technical assistance and financial services, purchase land for, and build innovative low-income housing units. \$4,500,000 of the appropriation that is subject to this subsection is provided solely for innovative affordable housing in Shelton and \$3,000,000 of the appropriation that is subject to this subsection (2) is provided solely for innovative affordable housing for veterans in Orting. Mental health and substance abuse counseling services must be offered to residents of housing projects supported by appropriations in this subsection (2). \$500,000 of the appropriation for housing units in Shelton can be released for purchase of land, planning, or predesign services before the project is fully funded. \$500,000 of the appropriation for housing units in Orting can be released for purchase of land, planning, or predesign services before the project is fully funded.

Reappropriation:

State Building Construction Account—State	.....	..( <del>(\$5,716,000)</del> )
		<u>\$6,246,000</u>
State Taxable Building Construction Account—		
State	.....	\$24,810,000
Washington Housing Trust Account—State	.....	\$1,578,000
Subtotal Reappropriation	.....	..( <del>(\$32,104,000)</del> )
		<u>\$32,634,000</u>

Appropriation:

State Building Construction Account—State	.....	\$1,500,000
Prior Biennia (Expenditures)	.....	..( <del>(\$79,386,000)</del> )
		<u>\$78,856,000</u>
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	..( <del>(\$111,490,000)</del> )
		<u>\$112,990,000</u>

**Sec. 1005.** 2021 c 332 s 1018 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

2017-19 Building for the Arts Grant Program (30000877)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1009, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State	.....	\$1,000,000
Prior Biennia (Expenditures)	.....	..( <del>(\$11,000,000)</del> )
		<u>\$10,954,000</u>
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	..( <del>(\$12,000,000)</del> )
		<u>\$11,954,000</u>

**Sec. 1006.** 2021 c 332 s 1020 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Weatherization Plus Health Matchmaker Program (30000879)



The reappropriations in this section ((is)) are subject to the following conditions and limitations: The reappropriations ((is)) 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	(((\$376,000))
	<u>\$3,868,000</u>
Subtotal Reappropriation	<u>\$4,090,000</u>
Prior Biennia (Expenditures)	(((\$23,124,000))
	<u>\$19,410,000</u>
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$23,500,000</u>

Sec. 1007. 2021 c 332 s 1021 (uncodified) is amended to read as follows:

**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 6006, chapter 413, Laws of 2019, except that funding may not be provided for an aluminum smelter restart project in Whatcom county because this project is transitioning to the 2021-23 Clean Energy V - Investing in Washington's Clean Energy (40000148) project pursuant to section 1018 of this act.

Reappropriation:

Energy Efficiency Account—State	\$5,362,000
State Building Construction Account—State	(((\$29,402,000))
	<u>\$27,002,000</u>
Subtotal Reappropriation	(((\$34,764,000))
	<u>\$32,364,000</u>
Prior Biennia (Expenditures)	\$11,336,000
Future Biennia (Projected Costs)	\$0
TOTAL	(((\$46,100,000))
	<u>\$43,700,000</u>

Sec. 1008. 2021 c 332 s 1023 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

2017-19 Building Communities Fund Grant (30000883)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1015, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State	(((\$1,700,000))
	<u>\$1,884,000</u>
Prior Biennia (Expenditures)	(((\$26,200,000))
	<u>\$25,379,000</u>
Future Biennia (Projected Costs)	\$0
TOTAL	(((\$27,900,000))
	<u>\$27,263,000</u>

**Sec. 1009.** 2021 c 332 s 1025 (uncodified) is amended to read as follows:  
**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 . . . . .	\$999,000
Early Learning Facilities Revolving Account—	
State . . . . .	<del>(\$3,000,000)</del>
	<u>\$3,062,000</u>
Subtotal Reappropriation . . . . .	<del>(\$3,999,000)</del>
	<u>\$4,061,000</u>
Prior Biennia (Expenditures) . . . . .	<del>(\$11,501,000)</del>
	<u>\$11,404,000</u>
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	<del>(\$15,500,000)</del>
	<u>\$15,465,000</u>

**Sec. 1010.** 2021 c 332 s 1036 (uncodified) is amended to read as follows:  
**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:

State Building Construction Account—State . . . . .	\$8,000,000
Early Learning Facilities Revolving Account—	
State . . . . .	\$20,000,000
Early Learning Facilities Development Account—	
State . . . . .	<del>(\$1,500,000)</del>
	<u>\$1,839,000</u>
Subtotal Reappropriation . . . . .	<del>(\$29,500,000)</del>
	<u>\$29,839,000</u>
Prior Biennia (Expenditures) . . . . .	<del>(\$5,520,000)</del>
	<u>\$5,181,000</u>
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$35,020,000

**Sec. 1011.** 2021 c 332 s 1046 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF COMMERCE**

CERB Administered Broadband Infrastructure (91000943)

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

(1) ~~(The appropriation and reappropriations are subject to the provisions of section 1008, chapter 298, Laws of 2018.~~

(2)) The board may make rural broadband loans and grants to local governments and to federally recognized Indian tribes for the purposes of financing the cost to build infrastructure to provide high-speed, open-access broadband service, to rural and underserved communities, for the purposes of economic development or community development. However, no more than 50 percent of all financial assistance approved by the board in any biennium may consist of grants to local governments or federally recognized Indian tribes.

(2) Application for funding must be made in the form and manner as the board may prescribe. In making grants or loans the board must conform to the following requirements:

(a) The board may not provide financial assistance:

(i) For a project the primary purpose of which is to facilitate or promote a retail shopping development or expansion;

(ii) For any project that evidence exists would result in a development or expansion that would displace existing jobs in any other community in the state;

(iii) For a project the primary purpose of which is to facilitate or promote gambling;

(iv) For a project located outside the jurisdiction of the applicant local government or federally recognized Indian tribe; or

(v) For the deployment of publicly-owned telecommunication network infrastructure ("backbone") solely for the sake of creating competitive, publicly-owned telecommunication network infrastructure.

(b) The board may provide financial assistance only for projects located in a rural community as defined by the board, or located in a rural county, that encourage, foster, develop, and improve broadband within the state in order to:

(i) Drive job creation, promote innovation, and expand markets for local businesses;

(ii) Serve the ongoing and growing needs of local education systems, health care systems, public safety systems, industries and businesses, governmental operations, and citizens; and

(iii) Improve accessibility for underserved communities and populations.

(c) An application must be approved by the local government and supported by the local associate development organization or local workforce development council or approved by the governing body of the federally recognized Indian tribe.

(d) The board may allow de minimis general system improvements to be funded if they are critically linked to the viability of the project.

(e) When evaluating and prioritizing projects, the board must give consideration, at a minimum, to the following factors:

(i) The project's value to the community, including evidence of support from affected local businesses and government;

(ii) The project's feasibility, using standard economic principles;

(iii) Commitment of local matching resources and local participation;

(iv) The project's inclusion in a capital facilities plan, comprehensive plan, or local economic development plan consistent with applicable state planning requirements; and

(v) The project's readiness to proceed.

(3) A responsible official of the local government or the federally recognized Indian tribe must be present during community economic

revitalization board deliberations and provide information that the board requests.

(4) Before any financial assistance application is approved, the local government or the federally recognized Indian tribe seeking the assistance must demonstrate to the community economic revitalization board that no other timely source of funding is available to it at costs reasonably similar to financing available from the board.

(5) 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.

(6) For purposes of this section:

(a) "Broadband" means networks of deployed telecommunications equipment and technologies necessary to provide high-speed internet access and other advanced telecommunications services.

(b) "Local governments" means cities, towns, counties, municipal corporations, public port districts, quasi-municipal corporations, and special purpose districts.

Reappropriation:

Public Works Assistance Account—State . . . . .	\$3,450,000
State Taxable Building Construction Account— State . . . . .	\$6,600,000
Subtotal Reappropriation . . . . .	\$10,050,000

Appropriation:

Coronavirus Capital Projects Account—Federal. . . . .	\$25,000,000
Prior Biennia (Expenditures) . . . . .	\$3,400,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$38,450,000

NEW SECTION. Sec. 1012. A new section is added to 2021 c 332 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

CERB Rural Broadband (40000250)

The appropriation in this section is subject to the following conditions and limitations: \$25,000,000 of the general fund—federal appropriation in this section is provided solely as expenditure authority for grant funding received by the department for the 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 section shall lapse.

Appropriation:

General Fund—Federal . . . . .	\$25,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$25,000,000

NEW SECTION. Sec. 1013. A new section is added to 2021 c 332 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Public Works Broadband (40000251)

The appropriation in this section is subject to the following conditions and limitations: \$25,000,000 of the general fund—federal appropriation in this section is provided solely as expenditure authority for grant funding received by the department for the 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 section shall lapse.

Appropriation:

General Fund—Federal . . . . .	\$25,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$25,000,000

Sec. 1014. 2021 c 332 s 1055 (uncodified) is amended to read as follows:

**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 . . . . .	<del>(\$1,105,000)</del>
	<u>\$1,106,000</u>
State Taxable Building Construction Account—	
State . . . . .	\$175,000
Subtotal Reappropriation . . . . .	<del>(\$1,280,000)</del>
	<u>\$1,281,000</u>
Prior Biennia (Expenditures) . . . . .	<del>(\$20,000)</del>
	<u>\$19,000</u>
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,300,000

Sec. 1015. 2021 c 332 s 1058 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

2021-23 Public Works Assistance Account-Construction (40000141)

Appropriation:

Public Works Assistance Account—State . . . . .	<del>(\$129,000,000)</del>
	<u>\$249,000,000</u>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	<del>(\$129,000,000)</del>
	<u>\$249,000,000</u>

Sec. 1016. 2021 c 332 s 1061 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

2021-23 CERB Capital Construction (40000144)

Appropriation:

Public Facility Construction Loan Revolving

Account—State .....	\$10,000,000
State Taxable Building Construction Account— State .....	\$15,000,000
<u>Capital Community Assistance Account—State .....</u>	<u>\$40,000,000</u>
Subtotal Appropriation .....	<del>(\$25,000,000)</del>
	<u>\$65,000,000</u>
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	<del>(\$25,000,000)</del>
	<u>\$65,000,000</u>

**Sec. 1017.** 2021 c 332 s 1063 (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
<del>((Sno-Isle Regional Inter-County Libraries (Lake Stevens) .....</del>	<del>\$1,100,000)</del>
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 . . . . .	(\$17,704,000)
	<u>\$16,604,000</u>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$30,000,000
TOTAL . . . . .	(\$47,704,000)
	<u>\$46,604,000</u>

**Sec. 1018.** 2021 c 332 s 1064 (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 . . . . .	(\$53,798,000)
	<u>\$73,870,000</u>
State Taxable Building Construction Account—	
State . . . . .	\$2,500,000
Subtotal Appropriation . . . . .	(\$56,298,000)
	<u>\$76,370,000</u>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$100,000,000
TOTAL . . . . .	(\$156,298,000)
	<u>\$176,370,000</u>

**Sec. 1019.** 2021 c 332 s 1066 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

2021-23 Weatherization Plus Health (40000150)

The appropriations in this section ((~~is~~)) 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 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
Capital Community Assistance Account—State . . . . .	\$10,000,000
<u>Subtotal Appropriation . . . . .</u>	<u>\$89,766,000</u>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$50,000,000
TOTAL . . . . .	<del>(\$60,000,000)</del>
	<u>\$139,766,000</u>

**Sec. 1020.** 2021 c 332 s 1068 (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) ~~(\$129,903,000)~~ \$58,347,000 of the state taxable building construction account—state appropriation ~~((and)), \$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 of the capital community assistance account—state appropriation in subsection (1) of this section is provided for the following list of projects:

<u>Boat Street (Lakewood) . . . . .</u>	<u>\$464,000</u>
<u>Heron Park (Langley) . . . . .</u>	<u>\$875,000</u>
<u>Highland Village (Airway Heights) . . . . .</u>	<u>\$3,000,000</u>
<u>Mary's Place Burien Project Shelter Replacement (Burien) . . . . .</u>	<u>\$3,000,000</u>
<u>Oxford Housing Program (Lacey) . . . . .</u>	<u>\$515,000</u>
<u>Skyway Affordable Housing and Early Learning (Skyway) . . . . .</u>	<u>\$500,000</u>
<u>Sno Valley Senior Housing (Carnation) . . . . .</u>	<u>\$309,000</u>
<u>South Park Riverside Affordable Housing Preservation (Seattle) . . . . .</u>	<u>\$309,000</u>
<u>Squire Park Plaza Affordable Housing Preservation (Seattle) . . . . .</u>	<u>\$3,000,000</u>
<u>Veteran Housing &amp; Resource Ctr (Raymond) . . . . .</u>	<u>\$2,300,000</u>
<u>Yakima Valley Partners Habitat for Humanity (Yakima) . . . . .</u>	<u>\$650,000</u>

(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).

~~((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.

~~((6))~~ (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.

~~((7))~~ (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 . . . . .	<del>(\$141,403,000)</del>
	<u>\$69,847,000</u>
<u>Coronavirus State Fiscal Recovery Fund—Federal . . . . .</u>	<u>\$73,606,000</u>
<u>Capital Community Assistance Account—State . . . . .</u>	<u>\$110,950,000</u>
Subtotal Appropriation . . . . .	<del>(\$175,000,000)</del>
	<u>\$288,000,000</u>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$620,000,000
TOTAL . . . . .	<del>(\$795,000,000)</del>
	<u>\$908,000,000</u>

**Sec. 1021.** 2021 c 332 s 1071 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF COMMERCE**

2021-23 Rapid Capital Housing Acquisition (40000222)

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

(1) Except as provided in subsections (7) through ((~~9~~)) (8) of this section, the appropriations 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 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, (~~which may 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,~~) 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) ((\$900,000 of the state building construction account state appropriation in this section is provided solely for the public building conversion pilot program. The pilot program must be implemented in Grays Harbor county in collaboration with Community House on Broadway, in partnership with CORE Health.~~

~~(a) The appropriation may be used only for costs related to rehabilitation, retrofitting, and conversion of the publicly owned building for use as housing for homeless persons.~~

~~(b) The appropriation may not be used for staffing or maintaining buildings converted to housing for homeless persons. Costs for staffing and maintenance must be borne by the county or the contractor.~~

~~(c) In the contract for the pilot program, 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.~~

~~(d) The pilot program should help inform the development of a public building conversion grant program to encourage counties to convert unused, publicly owned buildings into housing for homeless persons. The department must report to the office of financial management and fiscal committees of the legislature by November 1, 2022, regarding the establishment of the pilot~~

~~program and any recommendations related to implementation of a public building conversion grant program.~~

~~(~~\$~~17,800,000)) \$17,500,000 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 for the Parkland/Spanaway homeless shelter;

~~((~~\$~~300,000 for the Concord apartments acquisition in Seattle.))~~

\$2,000,000 for the ~~((Eastgate supportive housing))~~ 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.

~~((~~9~~))~~ ~~(~~8~~)~~ ~~((~~\$~~7,903,000 of the coronavirus capital projects account—federal))~~ \$6,565,000 of the coronavirus state fiscal recovery account—federal appropriation and \$1,338,000 of the state building construction account—state appropriation ~~((~~s~~))~~ are 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 . . . . .~~((~~\$~~90,000,000))~~  
\$90,138,000

~~((Coronavirus Capital Projects Account—Federal . . . . .~~\$~~30,435,000))~~

Coronavirus State Fiscal Recovery Fund—Federal. . . . . \$29,097,000

Subtotal Appropriation . . . . .~~((~~\$~~120,435,000))~~  
\$119,235,000

Prior Biennia (Expenditures) . . . . . \$0

Future Biennia (Projected Costs) . . . . . \$0

TOTAL . . . . .~~((~~\$~~120,435,000))~~  
\$119,235,000

**Sec. 1022.** 2021 c 332 s 1075 (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.

(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:

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
<u>Auburn Resource Center (Auburn) . . . . .</u>	<u>\$1,500,000</u>
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
<u>Chelan Municipal Airport Extension (Chelan) . . . . .</u>	<u>\$5,700,000</u>
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) . . . . .	<del>(\$1,200,000)</del>
	<u>\$1,700,000</u>
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 Clinic (Coulee City) . . . . .	\$846,000
Coulon North Water Walk Repair and Enhancement (Renton) . . . . .	\$1,339,000
Coupeville Boys & Girls Club (Coupeville) . . . . .	<del>(\$1,030,000)</del>
	<u>\$1,236,000</u>
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 (Edmonds) .....	\$258,000
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 ((Chair ↳) (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
Shipley 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
<u>Sno-Isle Regional Inter-County Libraries</u>	
(Lake Stevens) .....	<u>\$1,100,000</u>
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 ( <del>Homes</del> ) <u>House Villages and Cottages</u> (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 . . . . .	(((\$160,910,000))
	<u>\$169,916,000</u>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	(((\$160,910,000))
	<u>\$169,916,000</u>

NEW SECTION. Sec. 1023. A new section is added to 2021 c 332 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Economic Opportunity Grants Authority (40000246)

Appropriation:

Rural Washington Loan Account—State . . . . .	\$903,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$903,000

NEW SECTION. Sec. 1024. A new section is added to 2021 c 332 (uncodified) 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 of the capital community assistance account—state appropriation in this section is 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
Apple Health and Homes Account—State . . . . .	\$60,000,000
Subtotal Appropriation . . . . .	\$300,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$300,000,000

**NEW SECTION. Sec. 1025.** A new section is added to 2021 c 332 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

2022 Crisis Stabilization Facilities (92001286)

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

(1)(a) The appropriation in this section is provided solely for the department to issue grants to expand and establish new capacity for 23-hour crisis triage facilities, crisis stabilization facilities with capacity up to 16 beds, and youth residential crisis triage and stabilization facilities, that are not subject to federal funding restrictions that apply to institutions of mental disease. Eligible grantees are limited to nonprofit or for-profit businesses, public entities, and tribes, that are also community hospitals or other community-based behavioral health providers. Facilities of less than 16 beds are permitted, but the department shall consider, as a factor in awards, the economies of scale created by facilities with higher numbers of beds and the operational costs and funding sources available to the applicant.

(b) The department shall work with the department of health, health care authority, and other relevant agencies to ensure that there is equitable distribution of these projects across the state, relative to need, and shall work affirmatively with all behavioral health administrative services organizations regions, with the goal that all areas of the state are adequately served.

(c) The department shall ascertain the areas of Washington state with the most acute behavioral health crisis needs using emergency department data and other data available including existing and forthcoming committed capacity and shall ensure that these areas receive grants to help facilitate placement and construction of facilities in an expeditious manner.

(2) 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 crisis triage and stabilization capacity. Amounts provided in this section may not be used for operating costs associated with the treatment of patients using these services.

(3) \$12,000,000 of the appropriation in this section is provided solely for the department to issue grants for at least two residential crisis triage and stabilization facilities for youth. These facilities must 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, depression, suicidality, and interventions for children exhibiting aggressive or depressive behaviors.

(4)(a) \$10,000,000 of the appropriation in this section is provided solely for the King County Crisis Walk-In/Stabilization; and

(b) \$12,000,000 of the appropriation in this section is provided solely for the Lynnwood Community Recovery Center.

(5) The department must provide a progress report to the fiscal committees of the legislature by March 1, 2023. 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, bed capacity, and anticipated completion date.

Appropriation:

Capital Community Assistance Account—State . . . . .	\$72,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$72,000,000

NEW SECTION. Sec. 1026. A new section is added to 2021 c 332 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

2023 Local and Community Projects (40000266)

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

(1) The department may not expend the appropriation 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 appropriation is 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 (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
Fircrest 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 (Washitucna) . . . . .	\$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
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 Center (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:	
State Building Construction Account—State . . . . .	\$53,318,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$53,318,000

NEW SECTION. Sec. 1027. A new section is added to 2021 c 332 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Ports Infrastructure (40000278)

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) The appropriation in this section is provided solely for the following list of projects:

Dredge River Access (Port of Clarkston) . . . . .	\$1,550,000
Off Dock Container Yard (Port of Tacoma). . . . .	\$2,000,000
Pier 66 Shore Power (Port of Seattle) . . . . .	\$2,000,000
Point Hudson Breakwater Project (Port Townsend) . . . . .	\$1,500,000
SE 41st Street Project (Port of Camas-Washougal). . . . .	\$2,400,000
Terminal 1 Dock Design and Permitting (Port of Vancouver) . . . . .	\$1,596,000
Terminal and Warehouse Upgrades (Port of Everett) . . . . .	\$2,000,000
Trades District (Chelan-Douglas Regional Port). . . . .	\$3,000,000

Appropriation:

State Building Construction Account—State . . . . .	\$16,046,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0

TOTAL . . . . . \$16,046,000

Sec. 1028. 2021 c 332 s 1045 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Clean Energy and Energy Freedom Program (91000582)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1074, chapter 19, Laws of 2013 2nd sp. sess.

Reappropriation:

State Building Construction Account—State . . . . .	(( <del>\$625,000</del> ))
	<u>\$750,000</u>
Prior Biennia (Expenditures) . . . . .	(( <del>\$35,369,000</del> ))
	<u>\$35,244,000</u>
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$35,994,000

Sec. 1029. 2021 c 332 s 1048 (uncodified) is amended to read as follows:

**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 . . . . .	(( <del>\$6,000,000</del> ))
	<u>\$6,279,000</u>
Prior Biennia (Expenditures) . . . . .	(( <del>\$6,838,000</del> ))
	<u>\$6,559,000</u>
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$12,838,000

Sec. 1030. 2021 c 332 s 1053 (uncodified) is amended to read as follows:

**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 6009, chapter 413, Laws of 2019, except that subsection (2) of this section supersedes the requirements of subsection (7) in section 6009, chapter 413, Laws of 2019.

(2) \$2,209,000 of the appropriation in this section is provided solely for the Fairchild air force base protection and community empowerment project, including the purchase of 20 acres of land by Spokane county or the city of Airway Heights for development of affordable housing, the purchase of mobile home parks or mobile homes by Spokane county or the city of Airway Heights in order to reduce the use of the accident potential zone for residential purposes, and \$70,000 for a pilot project. The pilot project shall include payment of moving costs and down payment or closing costs of up to \$7,000 for 10 individuals or families living in mobile homes located in the accidental potential

zone whose mobile homes are purchased and who relocate to affordable housing constructed on the 20 acres of land purchased by Spokane county or the city of Airway Heights through the appropriation in this subsection. There shall be no limitations on the sequence of the purchase of mobile home parks or mobile homes. If Spokane county or the city of Airway Heights subsequently rezones, develops, and leases the mobile home park property for commercial or industrial uses contrary to the allowed uses in the accident potential zone, Spokane county or the city of Airway Heights must repay to the state the amount spent on the purchase of mobile home parks in its entirety within 10 years. Mobile home parks purchased under the provisions of this subsection may be sold by Spokane county or the city of Airway Heights, provided that the uses of the mobile home park property are not contrary to the allowed uses in the accident potential zone. Any moneys from this sale must be used to purchase other mobile home parks or mobile homes in the Fairchild air force base protection and community empowerment project. The 20 acres of land purchased under this subsection for development as affordable housing may be sold, in whole or in part, by the recipient, provided the property sold is used for affordable housing as required in the Fairchild air force base protection and community empowerment project. Recipients of funds provided under this subsection are not required to demonstrate that the project site is under their control for a minimum of 10 years but they must demonstrate that the project site is under their control through ownership or long-term lease. Projects funded under this subsection are not required to meet the provisions of RCW 43.63A.125(6) and section 6009(5), chapter 298, Laws of 2019.

Reappropriation:

State Building Construction Account—State . . . . .	\$11,000,000
Prior Biennia (Expenditures) . . . . .	\$117,919,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$128,919,000

**Sec. 1031.** 2021 c 332 s 1082 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF COMMERCE**

Substance Use Disorder Recovery Housing (91001675)

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

(1) The appropriation in this section is provided solely for an agreement with Catholic Community Services/Catholic Housing Services to fund a master planning process for the development of a family-centered drug treatment and housing program in western Washington that supports families staying together while they recover from addiction and rebuild their lives. Housing developers, service providers, and other stakeholders must be included in this master planning process.

(2) The master planning process under this section must model the project to be developed after Rising Strong in Spokane and must include units for families that are experiencing substance use disorder and that are involved in the child welfare system. The site must include living quarters for families, space for services, play areas for children, and space for child care. The program services located at the site must include, but are not limited to, case management, counseling, substance use disorder treatment, and parenting skills classes. The

site must be located in King County, or located near King county, to provide services to families in the western area of the state.

(3) Phase two of the planning process must: Further define the community needs; work with the department, the health care authority, and the department of children, youth, and families in identifying a sponsoring agency or organization and service partners; make preferred site recommendations; determine the project budget and establish the model and sources for funding the program located in the facility, including the conditions for sustainable funding; and include additional components identified by Catholic Community Services/Catholic Housing Services or its consultants needed to prepare for a 2023-2025 biennium capital budget request.

(4) The master plan developed under this section must be submitted to the appropriate committees of the legislature by December 31, (~~2021~~) 2022.

Appropriation:

State <u>Taxable</u> Building Construction Account—	
State . . . . .	\$150,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$150,000

**Sec. 1032.** 2021 c 332 s 1074 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Grants for Affordable Housing Development Connections (91001685)

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

(1) The appropriations in this section (~~(is)~~) are provided solely for grants to local governments and public utility districts 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) \$7,600,000 of the state building construction account—state appropriation, \$4,500,000 of the capital community assistance account—state appropriation, and \$16,300,000 of the coronavirus state fiscal recovery fund—federal appropriation in this section are provided solely for grants to local governments or public utilities located within a jurisdiction that imposed a sales and use tax under RCW 82.14.530(1)(a)(ii), 82.14.530(1)(b)(i)(B), 82.14.540, or 84.52.105.

(3) \$10,700,000 of the coronavirus state fiscal recovery fund—federal appropriation and \$4,500,000 of the capital community assistance account—state appropriation in this section (~~(is)~~) are 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 82.14.530(1)(b)(i)(B).

(4) The department shall coordinate with the office of financial management and the governor's office to develop a process for project submittal, project selection criteria, review, and monitoring, and tracking the housing development

projects that receive affordable housing development connections grants under this section. 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 award; and

(b) A strong probability of serving the original target group or income level for a period of at least 25 years.

(5) \$1,700,000 of the state building construction account—state appropriation in this section is provided solely for the Port Townsend Utility Connection Project.

~~(6) ((\$5,700,000 of the state building construction account—state appropriation in this section is provided solely for the Chelan municipal airport extension.~~

~~(7))~~ To 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 ~~((incurred))~~ obligated by December 31, 2024.

~~((8))~~ (7) For purposes of this section, the following definitions apply.

(a) "Affordable housing" and 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:

Coronavirus State Fiscal Recovery	
Account—Federal . . . . .	\$27,000,000
State Building Construction Account—State . . . . .	<del>(\$15,000,000)</del>
	<u>\$18,300,000</u>
Subtotal Appropriation . . . . .	<del>(\$42,000,000)</del>
	<u>\$45,300,000</u>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	<del>(\$42,000,000)</del>
	<u>\$45,300,000</u>

**Sec. 1033.** 2021 c 332 s 1085 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF COMMERCE**

Infrastructure Projects (91001687)

The appropriations in this section ~~((is))~~ are 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) To ensure compliance with conditions of the federal coronavirus state fiscal recovery fund, all expenditures of amounts appropriated in this section must be ~~((incurred))~~ obligated by December 31, 2024.

(9) ~~((The))~~ \$12,795,000 of the state building construction account—state appropriation and \$97,926,000 of the coronavirus state fiscal recovery account—federal appropriation in this section ~~((is))~~ are provided solely for the following list of projects:

Airway Heights Water Resources Replacement (Airway Heights) . . . . .	\$14,950,000
Anderson Road Project Design (Chelan). . . . .	\$258,000
<del>((Belfair Water Reclamation Facility (Belfair) . . . . .</del>	<del>\$500,000))</del>
Boat Haven Stormwater Improvement (Port Townsend) . . . . .	\$2,050,000
<del>((Centralia School District - Gemini &amp; LTE (Centralia) . . . . .</del>	<del>\$1,529,000))</del>
Cheney Purple Pipe Project (Cheney) . . . . .	\$11,050,000
City of Fircrest Water Meter Replacement (Fircrest) . . . . .	\$171,000
City of Ilwaco - Drinking Water Source Protection (Ilwaco). . . . .	\$721,000

Crusher Canyon Sewer Line (Selah) . . . . .	\$1,000,000
Dryden Wastewater Improvement Project (Dryden) . . . . .	\$1,030,000
Fall City Waste Management System (Fall City) . . . . .	\$6,500,000
Fry Creek Pump Station (Aberdeen) . . . . .	\$8,975,000
Index Phased Water Line Replacement (Index) . . . . .	\$1,351,000
Lacamas Lake Management Plan (Camas) . . . . .	\$155,000
Leach Creek Interceptor Extension (University Place) . . . . .	\$2,100,000
Louis Thompson Road Tightline (Sammamish) . . . . .	\$3,000,000
Malaga Industrial Park Waterline Extension (Malaga) . . . . .	\$1,545,000
<del>(Malden-USA Water (Malden) . . . . .</del>	<del>\$247,000)</del>
Mill Creek Flood Control Channel (Walla Walla) . . . . .	\$1,545,000
NE 92nd Avenue Pump Station & Force Main (Battle Ground) . . . . .	\$2,050,000
New Well for the Community of Peshastin (Peshastin) . . . . .	\$1,100,000
Omak Water Reservoir (Omak) . . . . .	\$4,300,000
Othello Water Conservation System (Othello) . . . . .	\$515,000
Packwood Sewer System (Packwood) . . . . .	\$8,050,000
PFAS Treatment at City of DuPont Water Wells (DuPont) . . . . .	\$5,950,000
Port Hadlock Wastewater Facility (Port Hadlock) . . . . .	\$20,175,000
Port of Mattawa Wastewater Infrastructure (Mattawa) . . . . .	\$618,000
Reservoir No. 2, Water Supply & Distribution (Bridgeport) . . . . .	\$3,200,000
Shelton: Well 1 Water Main (Shelton) . . . . .	\$2,050,000
Skamania County Well Installation (Stevenson) . . . . .	\$52,000
Vader Wastewater Treatment Plant Improvements (Vader) . . . . .	\$1,850,000
Wallula Dodd Water System Ph2 (Wallula) . . . . .	\$2,050,000
Wanapum Indian Village Fiber infrastructure Project (Mattawa) . . . . .	\$155,000
Water Main Infrastructure Extension Project (George) . . . . .	\$155,000
WWTP Reclaimed Water (Shelton) . . . . .	\$2,050,000
<u>(10) \$25,832,000 of the capital community assistance account—state</u>	
<u>appropriation in this section is provided solely for the following list of projects:</u>	
<u>223rd Green Street Planning (Des Moines) . . . . .</u>	<u>\$309,000</u>
<u>4th St. NW Stormwater System Upgrade (Puyallup) . . . . .</u>	<u>\$800,000</u>
<u>Alger I-5 Waterline Relocation (Bellingham) . . . . .</u>	<u>\$250,000</u>
<u>Boulevard Park Sanitary Sewer Extension (Burien) . . . . .</u>	<u>\$2,400,000</u>
<u>City of Brewster Canyon Well House (Brewster) . . . . .</u>	<u>\$480,000</u>
<u>City of Brewster Sewer Upgrade (Brewster) . . . . .</u>	<u>\$2,800,000</u>
<u>Curtin Creek Ph. 1 Septic Elimination (Vancouver) . . . . .</u>	<u>\$800,000</u>
<u>East Blaine Water Pump Station (Blaine) . . . . .</u>	<u>\$500,000</u>
<u>Lake Chelan EMS Design (Chelan) . . . . .</u>	<u>\$191,000</u>
<u>Langley Infrastructure (Langley) . . . . .</u>	<u>\$250,000</u>
<u>Lewis County Fire District #5 (Napavine) . . . . .</u>	<u>\$2,000,000</u>

<u>Lincoln County Fire District 1 Helipad (Sprague)</u> .....	<u>\$103,000</u>
<u>Port of Allyn Well &amp; Water Pump Facility (Allyn)</u> .....	<u>\$400,000</u>
<u>Rustlewood Water System Upgrades (Grapeview)</u> .....	<u>\$550,000</u>
<u>Shelton Water Reclamation Facility (Shelton)</u> .....	<u>\$3,250,000</u>
<u>Swan Creek Bridge (Tacoma)</u> .....	<u>\$400,000</u>
<u>Town of Elmer City Fire Station Improvements</u> <u>(Elmer City)</u> .....	<u>\$772,000</u>
<u>Wastewater Lift Stations Improvements/Upgrades</u> <u>(Concrete)</u> .....	<u>\$550,000</u>
<u>Water System Improvement Project (Morton)</u> .....	<u>\$6,017,000</u>
<u>WCFD #8 Station 34 Replacement (Bellingham)</u> .....	<u>\$2,000,000</u>
<u>Western Ranchettes Water Distribution System</u> <u>(Puyallup)</u> .....	<u>\$1,000,000</u>
<u>Yakima County Fire District 12 (Yakima)</u> .....	<u>\$10,000</u>
<u>(11) \$747,000 of the public works assistance account—state appropriation</u> <u>in this section is provided solely for the following list of projects:</u>	
<u>Belfair Water Reclamation Facility (Belfair)</u> .....	<u>\$500,000</u>
<u>Malden USDA Water (Malden)</u> .....	<u>\$247,000</u>
<u>Appropriation:</u>	
<u>State Building Construction Account—State</u> .....	<u>\$12,795,000</u>
<u>Public Works Assistance Account—State</u> .....	<u>\$747,000</u>
<u>Coronavirus State Fiscal Recovery</u> <u>Account—Federal</u> .....	<u>(((\$112,997,000))</u> <u>\$97,926,000</u>
<u>Capital Community Assistance Account—State</u> .....	<u>\$25,832,000</u>
<u>Subtotal Appropriation</u> .....	<u>\$137,300,000</u>
<u>Prior Biennia (Expenditures)</u> .....	<u>\$0</u>
<u>Future Biennia (Projected Costs)</u> .....	<u>\$0</u>
<u>TOTAL</u> .....	<u>(((\$112,997,000))</u> <u>\$137,300,000</u>

**Sec. 1034.** 2021 c 332 s 1084 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF COMMERCE**  
 Food Banks (91001690)

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) The appropriation in this section is provided solely for the following list of projects:

<u>Chelan Douglas Food Distribution Center (Malaga)</u> . . . . .	<u>\$1,030,000</u>
FISH Community Food Bank and Food Pantry (Ellensburg) . . . . .	\$1,545,000
Gig Harbor Peninsula FISH New Facility Construction (Gig Harbor) . . . . .	\$2,050,000
Hunger Solution Center Cold Storage Expansion (Seattle). . . . .	\$827,000
Issaquah Food Bank Expansion (Issaquah). . . . .	\$1,030,000
La Center Community Center Repairs and Improvements (La Center) . . . . .	\$515,000
<u>Northwest Harvest (Yakima)</u> . . . . .	<u>\$3,200,000</u>
Port Angeles Food Bank (Port Angeles) . . . . .	\$1,050,000
Puyallup Food Bank Capital Campaign (Puyallup). . . . .	\$257,000
<u>Selah Naches Food Bank (Selah)</u> . . . . .	<u>\$52,000</u>
White Center Food Bank Relocation (Seattle) . . . . .	\$1,030,000

Appropriation:

State Building Construction Account—State . . . . .	<del>(\$8,304,000)</del>
	<u>\$12,586,000</u>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL . . . . .	<del>(\$8,304,000)</del>
	<u>\$12,586,000</u>

NEW SECTION. Sec. 1035. A new section is added to 2021 c 332 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

2022 Permanent Supportive Housing Remediation (91002160)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for permanent supportive housing remediation grants to be provided on a first-come, first-served basis. The funding may be provided for building improvements, rehabilitation, clean-up expenses, and temporary relocation costs associated with property damage, destruction, or contamination of properties providing permanent supportive housing as defined in RCW 36.70A.030. The maximum amount of total funding that the department may provide to any applicant is \$50,000 per biennium.

Appropriation:

State Building Construction Account—State	\$200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
<b>TOTAL</b>	<b>\$200,000</b>

Sec. 1036. 2021 c 332 s 1091 (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.

Reappropriation:

State Building Construction Account—State	<del>(\$6,318,000)</del>
	<u>\$4,818,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
<b>TOTAL</b>	<del>(\$6,318,000)</del>
	<u>\$4,818,000</u>

Sec. 1037. 2021 c 332 s 1083 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

2021-23 Early Learning Facilities (91001677)

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

(1) \$1,089,000 of the state building construction account—state appropriation and \$6,863,000 of the capital community assistance account—state appropriation in this section ((~~is~~)) are provided solely for the following list of early learning facility projects in the following amounts:

<u>Early Learning Classrooms at Logan Elementary</u>	
<u>(Spokane)</u>	<u>\$1,000,000</u>
<u>Laurel Forest Childcare Center (Bellingham)</u>	<u>\$773,000</u>
<u>Learning to Grow (Elma)</u>	<u>\$500,000</u>
<u>Monroe ECEAP Facility (Monroe)</u>	<del>(\$361,000)</del>
	<u>\$876,000</u>
<u>Petah Villages Outdoor Preschool (Renton)</u>	<u>\$370,000</u>
<u>Rainier Valley Early Learning Center (Seattle)</u>	<u>\$4,000,000</u>

Site Study and Predesign for Two ECEAP Classrooms (Spokane) .....	\$40,000
<u>Walla Walla YMCA ECEAP (Walla Walla).....</u>	<u>\$75,000</u>
Willapa Center (Raymond) .....	\$318,000

(2) \$23,911,000 of the Ruth Lecocq Kagi early learning facilities development account—state appropriation and \$23,137,000 of the capital community assistance account—state appropriation in this section ((is)) are 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)(a) \$7,500,000 of the Ruth Lecocq Kagi early learning facilities revolving account—state appropriation in this section is provided solely for the Washington early learning loan fund. 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.

(b) In addition to the reporting requirements in RCW 43.31.573(5), the department must require the contractor to include the following information in the annual reports due to the department:

(i) Audited financial statements or reports independently verified by an accountant showing operating costs, including a clear delineation of the operating costs incurred due to administering grants and loans under this subsection (3);

(ii) Independently verified information regarding the interest rates and terms of all loans provided to early learning facilities under this subsection (3);

(iii) Independently verified or audited information showing all private matching dollars, public matching dollars, and revenues received by the contractor from the repayment of loans, clearly delineating revenues received from the repayment of loans provided under this subsection (3); and

(iv) A forward-looking financial plan that projects the timing and public funding level at which the Washington early learning loan fund will become self-sustaining and will no longer need state matching dollars to provide loans to early learning facilities. The plan must include scenarios based upon a range of state investment in the fund.

(4) 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.

(5) 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.

(6) 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.

(7) 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.

(8) The department shall, in consultation with the department of children, youth, and families, prepare a report to the office of financial management and the fiscal committees of the legislature regarding the geographical diversity of early learning facilities grants. The report must be submitted by December 1, 2022, and must provide the following information:

(a) Geographical disbursement of school district early learning grants, early learning facilities grants to eligible organizations, and early learning loans or grants provided by a nongovernmental private-public partnership contracted by the department, including type of grant, size of award, number of early childhood education and assistance program or working connections child care program slots added, and any other information that the department deems relevant;

(b) Disbursement of early learning grants or loans to providers in rural and nonrural counties, including type of grant, size of award, number of early childhood education and assistance program or working connections child care program slots added, and any other information that the department deems relevant; and

(c) Disbursement of early learning grants or loans to providers by type of provider, including school district, child care center, licensed family home, or other, including type of grant, size of award, number of early childhood education and assistance program or working connections child care program slots added, and any other information that the department deems relevant.

(9) 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 7017, chapter 332, Laws of 2021 or RCW 43.88.150.

(10) 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.

Appropriation:

State Building Construction Account—State . . . . . \$1,089,000  
Early Learning Facilities Revolving Account—

State .....	\$7,500,000
Early Learning Facilities Development Account—	
State .....	\$23,911,000
<u>Capital Community Assistance Account—State .....</u>	<u>\$30,000,000</u>
Subtotal Appropriation .....	<del>(\$32,500,000)</del>
	<u>\$62,500,000</u>
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	<del>(\$32,500,000)</del>
	<u>\$62,500,000</u>

**Sec. 1038.** 2021 c 332 s 1052 (uncodified) is amended to read as follows:

**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: The reappropriation is subject to the provisions of section 6006, chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:

State Building Construction Account—State .....	\$1,000,000
Prior Biennia (Expenditures) .....	<del>(\$31,088,000)</del>
	<u>\$31,045,000</u>
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	<del>(\$32,088,000)</del>
	<u>\$32,045,000</u>

**Sec. 1039.** 2021 c 332 s 1069 (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 ((~~is~~)) are subject to the following conditions and limitations:

(1) The appropriations in this section ((~~is~~)) 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 (~~one within the city of Seattle and one in south King county,~~) 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 ((is)) 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
<u>Evergreen Recovery Residential Treatment (Everett) . . . . .</u>	<u>\$1,000,000</u>
<u>EvergreenHealth Monroe (Monroe) . . . . .</u>	<u>\$4,275,000</u>
<u>NE Spokane Community Behavioral Health Center</u>	
<u>(Spokane) . . . . .</u>	<u>\$700,000</u>
<u>Red Road Clean and Sober Housing (Renton) . . . . .</u>	<u>\$773,000</u>
<u>Seattle Clinic at Evergreen Treatment (Seattle) . . . . .</u>	<u>\$2,000,000</u>

(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 ((is)) 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:

<u>Cascade Hall (Seattle) . . . . .</u>	<u>\$6,000,000</u>
<u>Comprehensive Health Care - Goldendale Facility</u>	
<u>(Goldendale) . . . . .</u>	<u>\$1,030,000</u>
<u>Jamestown S'Klallam (Sequim) . . . . .</u>	<u>\$3,250,000</u>
<u>Lummi Nation Healing Wellness Center (Bellingham) . . . . .</u>	<u>\$1,250,000</u>
<u>Maplewood Enhanced Services Facility (Bellingham) . . . . .</u>	<u>\$1,500,000</u>
<u>SIHB Thunderbird Treatment Center (Seattle) . . . . .</u>	<u>\$3,000,000</u>
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) . . . . .	<del>(\$2,750,000)</del>
	<u>\$4,295,000</u>

(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
<u>Capital Community Assistance Account—State . . . . .</u>	<u>\$26,323,000</u>
<u>Subtotal Appropriation . . . . .</u>	<u>\$121,487,000</u>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$120,000,000
TOTAL . . . . .	(((\$215,164,000)) <u>\$241,487,000</u> )

**Sec. 1040.** 2021 c 332 s 1078 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF COMMERCE**

Rapid Response Community Preservation Pilot Program (91001278)

Reappropriation:

State Building Construction Account—State . . . . .	\$1,518,000
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Appropriation:

<u>Capital Community Assistance Account—State . . . . .</u>	<u>\$2,000,000</u>
Prior Biennia (Expenditures) . . . . .	\$482,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	(((\$2,000,000)) <u>\$4,000,000</u> )

**Sec. 1041.** 2021 c 332 s 1086 (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.

~~((d))~~ (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.

~~((e))~~ (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 ~~(at speeds equal to or greater than the state speed goals provided in RCW 43.330.536)~~.

~~((f))~~ (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.

~~((g))~~ (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 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) (~~(\$260,003,000)~~) \$150,996,000 of the coronavirus state fiscal recovery fund—federal appropriation (~~(and \$16,000,000)~~), \$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 (~~(incurred)~~) 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 (~~(coronavirus capital projects account—federal)~~) 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 . . . . .	..(( <del>\$50,000,000</del> ))	
		<u>\$50,258,000</u>
Coronavirus State Fiscal Recovery		
Account—Federal . . . . .	..(( <del>\$260,003,000</del> ))	
		<u>\$150,996,000</u>
Coronavirus Capital Projects Account—Federal. . . . .	..(( <del>\$16,000,000</del> ))	
		<u>\$124,749,000</u>
Subtotal Appropriation . . . . .	\$326,003,000	
Prior Biennia (Expenditures) . . . . .	\$0	
Future Biennia (Projected Costs) . . . . .	\$0	
TOTAL . . . . .	\$326,003,000	

**NEW SECTION. Sec. 1042.** A new section is added to 2021 c 332 (uncodified) 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. 1043.** 2021 c 332 s 1081 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

2021-23 Dental Capacity Grants (91001660)

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) (~~(\$5,355,000 of the)~~) The amount provided in this section is provided solely for the following list of projects:

Dental Expansion for Maple Street Clinic (Spokane) . . . . .	\$309,000
HealthPoint (Auburn) . . . . .	\$721,000
HealthPoint (Renton) . . . . .	\$309,000
ICHS Holly Park (Seattle) . . . . .	\$106,000
ICHS International District (Seattle) . . . . .	\$106,000

International Community Health Services (Bellevue) . . . . .	\$106,000
International Community Health Services (Shoreline) . . . . .	\$106,000
NEW Health CHC Dental Expansion (Newport) . . . . .	\$1,900,000
Peninsula Community Health Services (Gig Harbor) . . . . .	\$490,000
Sea Mar Community Health Center (Kent) . . . . .	\$1,042,000
Yakima Valley Farm Workers Clinic (Kennewick) . . . . .	\$1,030,000

Appropriation:

State Building Construction Account—State . . . . .	\$6,225,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$6,225,000

Sec. 1044. 2021 c 332 s 1087 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

2021-23 Community Relief (92000957)

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

(1) ~~(((\$500,000))~~ \$300,000 of the state taxable building construction account—state appropriation 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 department must present the list prepared by the Communities of Concern Commission to the fiscal committees of the legislature for consideration for funding in the 2022 supplemental capital budget with the list of identified projects. ~~(((\$2,500,000 of the appropriation in this subsection (1) shall remain in unallotted status for purposes of legislative review of the joint list prepared by the Communities of Concern Commission and the department until the legislature appropriates funds for these projects in the budget process. The legislature retains the right to review and consider all such funding as it does with other requests for project funding.))~~ Following the development and submission of the list of community-led capital projects, the Communities of Concern Commission, in consultation with the department, may use up to \$250,000 of the appropriation in this section to fund predevelopment designs leading to the development of community-led capital projects that serve underserved communities. The intent of the legislature is to only provide funding in the 2021-2023 fiscal biennium in order to inform the department's comprehensive equity review required in the operating budget and allow the opportunity for the department to implement the steps necessary to improve equitable delivery of all of their capital grant programs. The department must submit an interim report to the legislature by December 31, 2021, on the barriers identified and lessons learned through projects identified through this section and in section 1093 of this act and the connection to the equity review required in the operating budget.



(2)(a) ~~((The))~~ \$2,500,000 of the state building construction account—state appropriation is provided solely for the following list of Communities of Concern Commission projects:

<u>Community to Community, Ejidos Cooperative Farm</u>	
(Everson) .....	\$250,000
<u>Foundation for Homeless &amp; Poverty Management, Community</u>	
Rejuvenation Center (Bremerton) .....	\$1,200,000
<u>Northwest Native Canoe Center (Seattle) .....</u>	<u>\$800,000</u>
<u>FAME/Equity Alliance Washington, FAME Plaza (Seattle) .....</u>	<u>\$25,000</u>
<u>Lummi Stepping Stones/Lhaq'temish Foundation, Eagle</u>	
Haven Cottage Village (Bellingham) .....	\$225,000

(b) \$11,950,000 of the state building construction account—state appropriation is provided solely for the following list of projects:

?al?al (means "Home" in Lushootseed) (Seattle) .....	\$900,000
Asberry Historic Home Site Acquisition (Tacoma) .....	\$919,000
Be'er Sheva Park Improvements and Shoreline Restoration	
(Seattle) .....	\$500,000
Cham Community Center (CCC) (Seattle) .....	\$515,000
<del>((Communities of Concern Commission (Seattle) .....</del>	<del>\$3,000,000))</del>
Elevate Youngstown Capital Project (Seattle) .....	\$515,000
Feast Collective Capital Request (Spokane) .....	\$103,000
Feeding Change Campaign (Seattle) .....	\$1,000,000
Khmer Community Center & Cultural Hub (Seattle) .....	\$309,000
<u>Martin Luther King Jr. Park Community Pool</u>	
(Yakima) .....	\$1,000,000
<u>North Seattle Social Services Hub (Seattle) .....</u>	<u>\$300,000</u>
Neighborhood House Early Learning Facilities	
(Seattle) .....	\$2,050,000
Shiloh Baptist Housing Development Project (Tacoma) .....	\$2,100,000
Skyway Resource Center Renovation Project (Seattle) .....	\$400,000
Wadajir Residences & Souq (Tukwila) .....	\$1,339,000

~~((b))~~ (c) For the Asberry Historic Home Site Acquisition, the department must work with the department of archaeology and historic preservation and the grantee to develop a historic preservation easement. The easement must be held through the department of archaeology and historic preservation and must be placed on the title in perpetuity.

Appropriation:

State Building Construction Account—State .....	<del>(\$13,150,000)</del>
	\$14,450,000
State Taxable Building Construction Account—	
State .....	<del>(\$500,000)</del>
	\$300,000
Subtotal Appropriation .....	<del>(\$13,650,000)</del>
	\$14,750,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	<del>(\$13,650,000)</del>
	\$14,750,000

Sec. 1045. 2021 c 332 s 1089 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Child Care Minor Renovation Grants (92001109)

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

~~((\$10,000,000))~~ \$28,522,000 of the appropriation is provided solely for the department to provide grants to childcare providers for minor renovations and small capital purchases and projects. The grants are intended to support childcare providers so that they may maintain operations or expand operations during and after the COVID-19 public health emergency.

(1) The department shall collaborate with the department of children, youth, and families to conduct outreach to licensed family homes to ensure they are made aware of the grant opportunity.

(2) The department shall give priority to projects that make minor renovations without adding capacity and are therefore ineligible for the early learning facilities program.

(3) All grants provided in this section must be awarded by September 30, ~~((2022))~~ 2023.

(4) Of the amounts provided in this section, no more than four percent may be retained by the department for administrative purposes.

Appropriation:

General Fund—Federal . . . . .	<del>((<u>\$10,000,000</u>))</del>
	<u>\$28,522,000</u>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	<del>((<u>\$10,000,000</u>))</del>
	<u>\$28,522,000</u>

**Sec. 1046.** 2021 c 332 s 1092 (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 ((coronavirus capital projects account—federal))~~ state building construction account—state appropriation is provided solely for the following list of projects:

Camp Waskowitz Restrooms (North Bend) . . . . .	\$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:

<del>((Coronavirus Capital Projects Account—</del>	
<del>Federal . . . . .</del>	<del>\$926,000))</del>
<u>State Building Construction Account—State</u> . . . . .	<u>\$926,000</u>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$926,000

**Sec. 1047.** 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))~~ coronavirus state fiscal recovery fund—federal 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.

(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:

<del>((Coronavirus Capital Projects Account —</del>	
<del>Federal .....</del>	<del>\$8,500,000))</del>
Coronavirus State Fiscal Recovery Fund—Federal .....	\$8,500,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$8,500,000

NEW SECTION. Sec. 1048. A new section is added to 2021 c 332 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Homeless Youth Facilities (91001991)

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:

Access to Our Community (Tukwila) .....	\$250,000
Communities of Color Coalition (Everett) .....	\$3,400,000
Community Youth Services (Olympia) .....	\$100,000
Friends of Youth (Redmond) .....	\$2,500,000
HopeSource (Ellensburg) .....	\$3,300,000
Northwest Youth Services (Burlington) .....	\$100,000
Skagit Valley Family YMCA (Mt. Vernon) .....	\$495,000
Transitional Youth Housing and Services (Seattle) .....	\$750,000
YouthCare Workforce Development Center (Seattle) .....	\$4,000,000

Appropriation:

Capital Community Assistance Account—State .....	\$14,895,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$14,895,000

NEW SECTION. Sec. 1049. A new section is added to 2021 c 332 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

2022 Dental Capacity Grants (92001175)

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

(1) Funding in this section is provided solely for the construction and equipment directly associated with dental facilities that provide capacity to address unmet patient need and increased efficiency in dental access. Projects funded in this section must maintain dental services for a period of at least 10 years.

(2) The appropriation in this section is provided solely for the following list of projects:

Battle Ground HealthCare Dental Expansion

(Battle Ground).....	\$283,000
Community Health Care (Puyallup) .....	\$1,500,000
Family Health Center (Omak).....	\$2,500,000
NEW Health CHC Dental Capital Expansion (Newport) .....	\$555,000
Peninsula Community Health Services (Bremerton).....	\$463,000
Yakima Valley Farmworkers Clinic (Kennewick).....	\$500,000
Appropriation:	
State Building Construction Account—State .....	\$5,801,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL .....	\$5,801,000

**NEW SECTION. Sec. 1050.** A new section is added to 2021 c 332 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Dig-Once Pilot Program (91002171)

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 coordination with the system improvement team, to implement a dig-once pilot program to identify opportunities to dig once and bury fiber optic cables and conduits, repair water or sewer pipes, and repair roads, bridges, and sidewalks at the same time. The goals of the pilot program include minimizing local disruption, maximizing efficiencies, and demonstrating the ability to achieve cost savings to state and local governments. The pilot program must be implemented in Lewis county in collaboration with the department of transportation and the economic alliance of Lewis county.

(1) The department of transportation and local governments must collaborate with the department to identify and coordinate projects in Lewis county that require excavation work on public property, such as projects improving fish passage barriers, roads, broadband, water, wastewater, or stormwater infrastructure.

(2) The department must report to the office of financial management and fiscal committees of the legislature by December 1, 2022, regarding the implementation and potential cost savings of the dig-once pilot program and any recommendations related to implementation of a statewide dig-once policy.

Appropriation:

State Building Construction Account—State .....	\$40,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL .....	\$40,000

**NEW SECTION. Sec. 1051.** A new section is added to 2021 c 332 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Energy Efficiency Revolving Loan Fund Capitalization Program (92001179)

The appropriation in this section is subject to the following conditions and limitations: \$1,869,000 of the energy efficiency revolving loan capital account—state appropriation in this section is provided solely as expenditure authority for

grant funding received by the department for the energy efficiency revolving loan fund capitalization program in section 40502 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:

Energy Efficiency Revolving Loan Capital	
Account—State . . . . .	\$1,869,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,869,000

Sec. 1052. 2021 c 332 s 1024 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

2018 Local and Community Projects (40000005)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 6002, chapter 356, Laws of 2020, except that no funding may be directed to the Sunnyside Community Hospital (Sunnyside) as this project is transitioning to Toppenish Hospital (Toppenish) pursuant to section 1026 of this act.

Reappropriation:

State Building Construction Account—State . . . . .	<del>(\$42,896,000)</del>
	\$40,896,000
Prior Biennia (Expenditures) . . . . .	\$87,441,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	<del>(\$130,337,000)</del>
	\$128,337,000

Sec. 1053. 2021 c 332 s 1095 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Cowlitz River Dredging (20082856)

The appropriations in this section are subject to the following conditions and limitations: The appropriation in this section is provided solely for the office of financial management to contract with Cowlitz county to acquire land and rights of way along the Cowlitz river for the United States army corps of engineers to dredge. The land is necessary for dredged material deposit sites for the Mt. St. Helen's flood protection project.

Reappropriation:

State Building Construction Account—State . . . . .	\$800,000
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Appropriation:

State Building Construction Account—State . . . . .	\$1,200,000
Prior Biennia (Expenditures) . . . . .	\$700,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$2,700,000

Sec. 1054. 2021 c 332 s 1096 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Oversight of State Facilities (30000039)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the office of financial management to cover staffing and support costs of the facilities oversight team.

Appropriation:

Thurston County Capital Facilities—State . . . . .	\$2,610,000
Prior Biennia (Expenditures) . . . . .	\$4,769,000
Future Biennia (Projected Costs) . . . . .	\$10,440,000
TOTAL . . . . .	\$17,819,000

Sec. 1055. 2021 c 332 s 1097 (unmodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

OFM Capital Budget Staff (30000040)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the office of financial management to cover staffing and support costs of the capital budget team.

Appropriation:

Thurston County Capital Facilities—State . . . . .	\$1,315,000
Prior Biennia (Expenditures) . . . . .	\$2,469,000
Future Biennia (Projected Costs) . . . . .	\$5,260,000
TOTAL . . . . .	\$9,044,000

NEW SECTION. Sec. 1056. A new section is added to 2021 c 332 (unmodified) 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 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.

Appropriation:

Capital Community Assistance Account—State . . . . .	\$8,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$8,000,000

Sec. 1057. 2021 c 332 s 1101 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

Capitol Lake Long-Term Management Planning (30000740)

The appropriations in this section are subject to the following conditions and limitations: The appropriations and reappropriation are subject to the provisions of section 1026, chapter 356, Laws of 2020, except that the final environmental impact statement that includes identification of a preferred alternative for Capitol Lake management must be submitted to the legislative fiscal committees by October 31, 2022.

Reappropriation:

General Fund—Private/Local . . . . .	\$156,000
State Building Construction Account—State . . . . .	\$1,663,000
Subtotal Reappropriation . . . . .	\$1,819,000

Appropriation:

State Building Construction Account—State . . . . .	\$715,000
<u>Thurston County Capital Facilities—State . . . . .</u>	<u>\$150,000</u>
<u>Subtotal Appropriation . . . . .</u>	<u>\$865,000</u>
Prior Biennia (Expenditures) . . . . .	\$4,165,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	<del>(\$6,699,000)</del>
	\$6,849,000

Sec. 1058. 2021 c 332 s 1104 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

Statewide Minor Works - Preservation Projects (30000825)

Reappropriation:

State Building Construction Account—State . . . . .	\$170,000
Prior Biennia (Expenditures) . . . . .	<del>(\$3,416,000)</del>
	\$2,983,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	<del>(\$3,586,000)</del>
	\$3,153,000

Sec. 1059. 2021 c 332 s 1111 (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 capitol 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 (~~January 1, 2023~~) 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 (~~may~~) 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 provide that information to the project executive team committee. The department must provide at least two options to reduce subproject costs to stay within the amount provided for that subproject and to stay on schedule. Before 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.

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) . . . . . ~~(\$90,812,000)~~

\$130,034,000

TOTAL . . . . . ~~(\$180,748,000)~~

\$219,970,000

**Sec. 1060.** 2021 c 332 s 1114 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

Temple of Justice HVAC, Lighting & Water Systems (92000040)

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

(1)(a) To assist in funding this project, the department must work with the office of financial management to access federal funding for the total project cost.

(b) If the agency receives more than \$26,000,000 in federal funds, an amount of the state building construction account—state appropriation equal to the additional federal funds must be placed in unallotted status.

(c) For purposes of this subsection, "additional federal funds" means the difference between the total amount of federal funds received under (a) of this subsection and \$26,000,000.

(2) The department must:

(a) Submit the final predesign to the office of financial management by June 1, 2021;

(b) Submit the final energy services proposal to the senate ways and means committee and the house capital budget committee prior to the department starting the design phase; and

(c) Start design by August 31, 2021.

Appropriation:

State Building Construction Account—State . . . . . ~~(\$4,000,000)~~  
\$30,000,000

~~((Coronavirus Capital Projects Account—~~

Federal . . . . . \$26,000,000

Subtotal Appropriation . . . . . ~~(\$30,000,000)~~  
\$30,000,000

Prior Biennia (Expenditures) . . . . . \$0

Future Biennia (Projected Costs) . . . . . \$0

TOTAL . . . . . \$30,000,000

NEW SECTION. **Sec. 1061.** A new section is added to 2021 c 332 (uncodified) to read as follows:

**FOR THE MILITARY DEPARTMENT**

Thurston County Readiness Center (30000594)

Reappropriation:

Military Department Capital Account—State . . . . . \$65,000

Prior Biennia (Expenditures) . . . . .	\$47,887,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$47,952,000

Sec. 1062. 2021 c 332 s 1120 (uncodified) is amended to read as follows:

**FOR THE MILITARY DEPARTMENT**

Snohomish Readiness Center (30000930)

Appropriation:

General Fund—Federal . . . . .	<del>(\$3,562,000)</del>	\$4,349,000
State Building Construction Account—State . . . . .	<del>(\$1,188,000)</del>	\$1,566,000
Subtotal Appropriation . . . . .	<del>(\$4,750,000)</del>	\$5,915,000

Prior Biennia (Expenditures) . . . . .	\$0	
Future Biennia (Projected Costs) . . . . .	\$0	
TOTAL . . . . .	<del>(\$4,750,000)</del>	\$5,915,000

Sec. 1063. 2021 c 332 s 1121 (uncodified) is amended to read as follows:

**FOR THE MILITARY DEPARTMENT**

Anacortes Readiness Center Major Renovation (40000004)

Reappropriation:

Military Department Capital Account—State . . . . .	\$75,000
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Appropriation:

General Fund—Federal . . . . .	\$3,551,000	
State Building Construction Account—State . . . . .	\$3,551,000	
Subtotal Appropriation . . . . .	\$7,102,000	
Prior Biennia (Expenditures) . . . . .	<del>(\$75,000)</del>	\$74,000
Future Biennia (Projected Costs) . . . . .	\$0	
TOTAL . . . . .	<del>(\$7,252,000)</del>	\$7,251,000

Sec. 1064. 2021 c 332 s 1123 (uncodified) is amended to read as follows:

**FOR THE MILITARY DEPARTMENT**

Minor Works Program 2019-21 Biennium (40000037)

Reappropriation:

General Fund—Federal . . . . .	\$20,000,000	
State Building Construction Account—State . . . . .	<del>(\$2,200,000)</del>	\$2,243,000
Military Department Capital Account—State . . . . .	\$109,000	
Subtotal Reappropriation . . . . .	<del>(\$22,309,000)</del>	\$22,352,000

Prior Biennia (Expenditures) . . . . .	<del>(\$691,000)</del>	\$648,000
Future Biennia (Projected Costs) . . . . .	\$0	
TOTAL . . . . .	\$23,000,000	

**PART 2  
HUMAN SERVICES**

NEW SECTION. **Sec. 2001.** A new section is added to 2021 c 332 (uncodified) to read as follows:

**FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

Omnibus Minor Works (40000014)

Appropriation:

State Building Construction Account—State .....	\$735,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
<b>TOTAL .....</b>	<b>\$735,000</b>

**Sec. 2002.** 2021 c 332 s 2002 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

L&I HQ Elevators (30000018)

Reappropriation:

Accident Account—State .....	<del>(\$425,000)</del>
	<u>\$612,000</u>
Medical Aid Account—State .....	<del>(\$425,000)</del>
	<u>\$612,000</u>
Subtotal Reappropriation .....	<del>(\$850,000)</del>
	<u>\$1,224,000</u>
Prior Biennia (Expenditures) .....	<del>(\$3,084,000)</del>
	<u>\$2,710,000</u>
Future Biennia (Projected Costs) .....	\$0
<b>TOTAL .....</b>	<b>\$3,934,000</b>

**Sec. 2003.** 2021 c 332 s 2006 (uncodified) is amended to read as follows:

**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 .....	<del>(\$2,358,000)</del>
	<u>\$2,441,000</u>
Prior Biennia (Expenditures) .....	<del>(\$27,832,000)</del>
	<u>\$27,749,000</u>
Future Biennia (Projected Costs) .....	\$0
<b>TOTAL .....</b>	<b>\$30,190,000</b>

**Sec. 2004.** 2021 c 332 s 2012 (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 (~~(is)~~) 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) 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)..... ((\$242,000))

\$184,000

Future Biennia (Projected Costs)..... \$0

TOTAL ..... \$10,235,000

**Sec. 2005.** 2021 c 332 s 2014 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Eastern State Hospital-Westlake: New HVAC DDC Controls (30002759)

Reappropriation:

State Building Construction Account—State ..... \$1,227,000

Appropriation:

~~((Coronavirus Capital Projects Account—~~

~~Federal~~ ..... ~~\$1,450,000))~~

State Building Construction Account—State ..... \$1,450,000

Prior Biennia (Expenditures)..... \$1,173,000

Future Biennia (Projected Costs)..... \$0

TOTAL ..... \$3,850,000

**Sec. 2006.** 2021 c 332 s 2016 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

DOC/DSHS McNeil Island-Infrastructure: Repairs & Upgrades (30003211)

Reappropriation:

State Building Construction Account—State ..... \$1,234,000

Appropriation:

State Building Construction Account—State ..... \$685,000

Prior Biennia (Expenditures)..... \$36,000

Future Biennia (Projected Costs)..... \$0

TOTAL ..... ((\$1,270,000))

\$1,955,000

**Sec. 2007.** 2021 c 332 s 2028 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Fircrest School: Campus Master Plan & Rezone (30003601)

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

(1) The appropriations are subject to the provisions of section 2012, chapter 298, Laws of 2018.

(2) The department shall collaborate with the city of Shoreline on the future siting of three 16-bed behavioral health facilities on the northeast corner of the campus and a 120-bed nursing facility on the northwest portion of the campus.

(3) The department shall collaborate with the city to rezone portions of the Fircrest campus that are under used and not necessary for department operations, including the southwest corner, for long-term, revenue-generating opportunities.

Reappropriation:

Charitable, Educational, Penal, and Reformatory  
Institutions Account—State . . . . . \$102,000

Appropriation:

Charitable, Educational, Penal, and Reformatory  
Institutions Account—State . . . . . \$125,000  
State Building Construction Account—State . . . . . \$168,000  
Subtotal Appropriation . . . . . \$293,000  
Prior Biennia (Expenditures) . . . . . \$98,000  
Future Biennia (Projected Costs) . . . . . \$0  
TOTAL . . . . . ~~(\$325,000)~~  
\$493,000

Sec. 2008. 2021 c 332 s 2047 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Minor Works Preservation Projects: Statewide 2021-23 (40000571)

Appropriation:

State Building Construction Account—State . . . . . ~~(\$6,950,000)~~  
\$9,745,000  
Charitable, Educational, Penal, and Reformatory  
Institutions Account—State . . . . . \$1,845,000  
Subtotal Appropriation . . . . . ~~(\$8,795,000)~~  
\$11,590,000  
Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs) . . . . . \$21,000,000  
TOTAL . . . . . ~~(\$29,795,000)~~  
\$32,590,000

Sec. 2009. 2021 c 332 s 2048 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Transitional Care Center-Main Building: Patient Rooms Cooling (40000574)

Appropriation:

~~((Coronavirus Capital Projects Account —  
Federal . . . . . \$2,335,000))~~  
Coronavirus State Fiscal Recovery Fund—Federal . . . . . \$2,335,000  
Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs) . . . . . \$0  
TOTAL . . . . . \$2,335,000

Sec. 2010. 2021 c 332 s 2050 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital-Building 29: Roofing Replacement (40000589)

Appropriation:

State Building Construction Account—State . . . . .	<del>(\$2,285,000)</del>
	<u>\$5,035,000</u>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	<del>(\$2,285,000)</del>
	<u>\$5,035,000</u>

NEW SECTION. **Sec. 2011.** A new section is added to 2021 c 332 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Firecrest School-ICF Cottages: HVAC and Water Heater Improvements (40000946)

Appropriation:

State Building Construction Account—State . . . . .	\$5,780,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$5,780,000

NEW SECTION. **Sec. 2012.** A new section is added to 2021 c 332 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital-Building 29: CMS Certification (40000948)

Appropriation:

State Building Construction Account—State . . . . .	\$220,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$220,000

**Sec. 2013.** 2021 c 332 s 2056 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

BH: State Owned, Mixed Use Community Civil 48-Bed Capacity (91000077)

The appropriations in this section are 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 . . . . .	\$18,235,000
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Appropriation:

State Building Construction Account—State . . . . .	<del>(\$37,700,000)</del>
	<u>\$38,125,000</u>
Prior Biennia (Expenditures) . . . . .	\$1,765,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	<del>(\$57,700,000)</del>
	<u>\$58,125,000</u>

**Sec. 2014.** 2021 c 332 s 2062 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF HEALTH**

Drinking Water Preconstruction Loans (30000334)



Reappropriation:

Drinking Water Assistance Account—State . . . . .	(((\$5,115,000))
	<u>\$5,415,000</u>
Prior Biennia (Expenditures) . . . . .	\$585,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	(((\$5,700,000))
	<u>\$6,000,000</u>

Sec. 2015. 2021 c 332 s 2063 (unmodified) is amended to read as follows:

**FOR THE DEPARTMENT OF HEALTH**

Public Health Lab South Laboratory Addition (30000379)

Appropriation:

<del>((Coronavirus Capital Projects Account —</del>	
<del>Federal . . . . .</del>	<del>\$4,933,000))</del>
<u>State Building Construction Account—State . . . . .</u>	<u>\$4,933,000</u>
Prior Biennia (Expenditures) . . . . .	\$196,000
Future Biennia (Projected Costs) . . . . .	\$66,519,000
TOTAL . . . . .	\$71,648,000

Sec. 2016. 2021 c 332 s 2065 (unmodified) is amended to read as follows:

**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 . . . . .	(((\$38,529,000))
	<u>\$48,390,000</u>
Prior Biennia (Expenditures) . . . . .	(((\$69,609,000))
	<u>\$69,610,000</u>
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	(((\$108,138,000))
	<u>\$118,000,000</u>

Sec. 2017. 2021 c 332 s 2066 (unmodified) is amended to read as follows:

**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 . . . . .	(((\$1,000,000))
	<u>\$1,462,000</u>
Prior Biennia (Expenditures) . . . . .	(((\$2,858,000))
	<u>\$3,538,000</u>
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	(((\$3,858,000))
	<u>\$5,000,000</u>

Sec. 2018. 2021 c 332 s 2068 (unmodified) is amended to read as follows:

**FOR THE DEPARTMENT OF HEALTH**

2019-21 Drinking Water Assistance Program (40000025)

Reappropriation:

Drinking Water Assistance Account—Federal . . . . .	(( <del>\$31,000,000</del> ))
	<u>\$33,697,000</u>
Prior Biennia (Expenditures) . . . . .	(( <del>\$4,000,000</del> ))
	<u>\$1,303,000</u>
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$35,000,000

**Sec. 2019.** 2021 c 332 s 2069 (uncodified) is amended to read as follows:

**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 . . . . .	(( <del>\$750,000</del> ))
	<u>\$1,380,000</u>
Prior Biennia (Expenditures) . . . . .	(( <del>\$21,000</del> ))
	<u>\$120,000</u>
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	(( <del>\$771,000</del> ))
	<u>\$1,500,000</u>

**Sec. 2020.** 2021 c 332 s 2070 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF HEALTH**

Small & Disadvantaged Communities DW (40000031)

The appropriation in this section is subject to the following conditions and limitations: \$20,063,000 of the general fund—federal appropriation in this section is provided solely as expenditure authority for grant funding received by the department for assistance to small and disadvantaged communities in section 50104 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:

General Fund—Federal . . . . .	(( <del>\$743,000</del> ))
	<u>\$20,806,000</u>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	(( <del>\$743,000</del> ))
	<u>\$20,806,000</u>

**Sec. 2021.** 2021 c 332 s 2071 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF HEALTH**

E-wing Remodel to a Molecular Laboratory (40000032)

Appropriation:

<del>((Coronavirus Capital Projects Account—</del>	
<del>Federal .....</del>	<del>(\$216,000))</del>
State Building Construction Account—State .....	\$216,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$14,179,000
TOTAL .....	\$14,395,000

Sec. 2022. 2021 c 332 s 2072 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF HEALTH**

Replace Air Handling Unit (AHU) in A/Q-wings (40000034)

Appropriation:

<del>((Coronavirus Capital Projects Account—</del>	
<del>Federal .....</del>	<del>\$1,894,000))</del>
Coronavirus State Fiscal Recovery Fund—Federal .....	\$1,894,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$1,894,000

Sec. 2023. 2021 c 332 s 2075 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF HEALTH**

2021-23 Drinking Water Assistance Program (40000049)

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.

(3) \$78,900,000 of the drinking water assistance account—federal appropriation in this section is provided solely as expenditure authority for grant funding received by the department for the drinking water state revolving fund program in section 50102 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:

Drinking Water Assistance Account—Federal .....	(\$34,000,000))
	\$112,900,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	(\$34,000,000))
	\$112,900,000

Sec. 2024. 2021 c 332 s 2076 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF HEALTH**

2021-23 Drinking Water Construction Loans - State Match (40000051)

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 of health 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.

Appropriation:

Drinking Water Assistance Account—State . . . . .	(( <del>\$11,000,000</del> ))
	<u>\$20,400,000</u>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	(( <del>\$11,000,000</del> ))
	<u>\$20,400,000</u>

NEW SECTION. Sec. 2025. A new section is added to 2021 c 332 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF HEALTH**

Generator for New Central Boiler Plant (40000053)

Appropriation:

State Building Construction Account—State . . . . .	\$1,837,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,837,000

NEW SECTION. Sec. 2026. A new section is added to 2021 c 332 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF HEALTH**

Improve Critical Water Infrastructure (40000058)

Appropriation:

Drinking Water Assistance Account—State . . . . .	\$20,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$70,000,000
TOTAL . . . . .	\$90,000,000

NEW SECTION. Sec. 2027. A new section is added to 2021 c 332 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF HEALTH**

2023 DWSRF Preconstruction Loans (40000059)

Appropriation:

Drinking Water Assistance Account—State . . . . .	\$400,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$5,600,000
TOTAL . . . . .	\$6,000,000

**Sec. 2028.** 2021 c 332 s 2080 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF VETERANS AFFAIRS**

WVH HVAC Retrofit (40000006)

Reappropriation:

State Building Construction Account—State . . . . .	(( <del>\$250,000</del> ))
	<u>\$441,000</u>
Prior Biennia (Expenditures) . . . . .	(( <del>\$162,000</del> ))
	<u>\$309,000</u>
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	(( <del>\$412,000</del> ))
	<u>\$750,000</u>

NEW SECTION. **Sec. 2029.** A new section is added to 2021 c 332 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF VETERANS AFFAIRS**

Transitional Housing Capital Improvements (40000066)

Appropriation:

General Fund—Federal . . . . .	\$2,400,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$2,400,000

**Sec. 2030.** 2021 c 332 s 2082 (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 must be used as 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 . . . . .	(( <del>\$8,584,000</del> ))
	<u>\$10,884,000</u>
Subtotal Appropriation . . . . .	(( <del>\$33,099,000</del> ))
	<u>\$35,399,000</u>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	(( <del>\$33,099,000</del> ))
	<u>\$35,399,000</u>

**Sec. 2031.** 2021 c 332 s 2084 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES**

Echo Glen-Housing Unit: Acute Mental Health Unit (30002736)

Reappropriation:

State Building Construction Account—State	.....	..(( <del>\$7,000,000</del> ))
		<u>\$9,174,000</u>
Prior Biennia (Expenditures)	.....	..(( <del>\$2,600,000</del> ))
		<u>\$426,000</u>
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$9,600,000

Sec. 2032. 2021 c 332 s 2085 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES**

Green Hill School-Recreation Building: Replacement (30003237)

Reappropriation:

State Building Construction Account—State	.....	\$181,000
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Appropriation:

State Building Construction Account—State	.....	\$29,962,000
Prior Biennia (Expenditures)	.....	..(( <del>\$1,800,000</del> ))
		<u>\$1,619,000</u>
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$31,762,000

Sec. 2033. 2021 c 332 s 2086 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES**

Minor Works Preservation Projects: Statewide 2019-21 (40000400)

Reappropriation:

State Building Construction Account—State	.....	\$750,000
Prior Biennia (Expenditures)	.....	..(( <del>\$2,250,000</del> ))
		<u>\$1,690,000</u>
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	..(( <del>\$3,000,000</del> ))
		<u>\$2,440,000</u>

NEW SECTION. Sec. 2034. A new section is added to 2021 c 332 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

WCC: Paint and Repair 300,000 Gallon Water Storage Tank (30000697)

Appropriation:

State Building Construction Account—State	.....	\$500,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$500,000

NEW SECTION. Sec. 2035. A new section is added to 2021 c 332 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

ECWR: Foundation and Siding Repair (40000067)

Appropriation:

State Building Construction Account—State	.....	\$850,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$850,000

Sec. 2036. 2021 c 332 s 2105 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

Minor Works - Preservation Projects (40000187)

Reappropriation:

State Building Construction Account—State .....	(\$3,500,000)
	<u>\$1,856,000</u>
Prior Biennia (Expenditures) .....	(\$2,973,000)
	<u>\$9,812,000</u>
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	(\$6,473,000)
	<u>\$11,668,000</u>

NEW SECTION. Sec. 2037. A new section is added to 2021 c 332 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

WCC: Interim Mental Health Building (40000260)

Appropriation:

State Building Construction Account—State .....	\$1,275,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$1,275,000

Sec. 2038. 2021 c 332 s 2095 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

MCC: TRU Support Building HVAC Replacement (40000379)

Appropriation:

<del>((Coronavirus Capital Projects Account —</del>	
<del>Federal .....</del>	<del>\$4,646,000)</del>
<u>Coronavirus State Fiscal Recovery Fund—Federal .....</u>	<u>\$4,646,000</u>
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$4,646,000

Sec. 2039. 2021 c 332 s 2104 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

MCC: Sewer System HABU (Highest and Best Use) (40000185)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2103, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—State .....	(\$500,000)
	<u>\$720,000</u>
Prior Biennia (Expenditures) .....	(\$300,000)
	<u>\$80,000</u>
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$800,000

Sec. 2040. 2021 c 332 s 2102 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

Minor Works - Preservation Projects (40000254)

Appropriation:

State Building Construction Account—State .....	(\$11,800,000)
	<u>\$10,323,000</u>

Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$60,833,000
TOTAL .....	<del>(\$72,633,000)</del>
	<u>\$71,156,000</u>

NEW SECTION. Sec. 2041. A new section is added to 2021 c 332 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

Inpatient Psychiatric Unit (40000413)

Appropriation:

State Building Construction Account—State .....	\$350,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL .....	\$350,000

NEW SECTION. Sec. 2042. A new section is added to 2021 c 332 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

CRCC: Sage Unit Move to AHCC (40000414)

Appropriation:

State Building Construction Account—State .....	\$1,050,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL .....	\$1,050,000

NEW SECTION. Sec. 2043. A new section is added to 2021 c 332 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

AHCC: Modular Building for Health Service Staff (40000415)

Appropriation:

State Building Construction Account—State .....	\$791,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL .....	\$791,000

NEW SECTION. Sec. 2044. A new section is added to 2021 c 332 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

CRCC: Modular Building for Health Service Staff (40000416)

Appropriation:

State Building Construction Account—State .....	\$777,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL .....	\$777,000

NEW SECTION. Sec. 2045. A new section is added to 2021 c 332 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

CBCC: Utilidor Mechanical and Electrical System Repair (91000432)

Appropriation:

State Building Construction Account—State .....	\$2,977,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0



TOTAL . . . . . \$2,977,000

Sec. 2046. 2021 c 332 s 2106 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

WSP: Unit Six Roof Replacement (92000037)

Reappropriation:

State Building Construction Account—State . . . . .	<del>(\$650,000)</del>
	\$786,000
Prior Biennia (Expenditures) . . . . .	<del>(\$277,000)</del>
	\$141,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$927,000

Sec. 2047. 2021 c 332 s 2107 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

WCCW: AC for MSU (92000039)

Reappropriation:

State Building Construction Account—State . . . . . \$1,250,000

Appropriation:

State Building Construction Account—State . . . . .	\$160,000
Prior Biennia (Expenditures) . . . . .	<del>(\$46,000)</del>
	\$99,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	<del>(\$1,296,000)</del>
	\$1,509,000

NEW SECTION. Sec. 2048. The following acts or parts of acts are each repealed:

- (1) 2021 c 332 s 2054 (uncodified); and
- (2) 2021 c 332 s 2093 (uncodified).

**PART 3  
NATURAL RESOURCES**

Sec. 3001. 2021 c 332 s 3016 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

ASARCO Cleanup (30000334)

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

(1) The reappropriation is subject to the provisions of section 3020, chapter 413, Laws of 2019.

(2) \$400,000 of the reappropriation in this section is provided solely for the department to provide to the city of Tacoma to reimburse the developer of the former ASARCO smelter site for costs incurred by the site developer in cleanup and remediation of the former Ruston Way tunnel, including cleanup and remediation costs that occurred prior to June 30, 2019. Before the city of Tacoma may issue the reimbursement, the city must verify that the city and the site developer have properly documented the cleanup costs and that the site developer has released all affected public entities for liability for an amount at least equal to the amount provided in this subsection.

Reappropriation:

Cleanup Settlement Account—State . . . . . \$1,273,000

Prior Biennia (Expenditures) . . . . .	\$34,987,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$36,260,000

Sec. 3002. 2021 c 332 s 3071 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

2019-21 Streamflow Restoration Program (40000177)

Reappropriation:

Watershed Restoration and Enhancement Bond	
Account—State . . . . .	<del>(\$31,504,000)</del>
	\$31,542,000
Prior Biennia (Expenditures) . . . . .	<del>(\$8,496,000)</del>
	\$8,458,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$40,000,000

Sec. 3003. 2021 c 332 s 3084 (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 . . . . .	<del>(\$75,000,000)</del>
	\$108,000,000
Subtotal Appropriation . . . . .	<del>(\$300,000,000)</del>
	\$333,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$1,200,000,000
TOTAL . . . . .	<del>(\$1,500,000,000)</del>
	\$1,533,000,000

Sec. 3004. 2021 c 332 s 3086 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

2021-23 State Match - Water Pollution Control Revolving Program (40000339)

Appropriation:

Water Pollution Control Revolving Fund—State . . . . .	<del>(\$15,000,000)</del>
	\$18,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$60,000,000
TOTAL . . . . .	<del>(\$75,000,000)</del>
	\$78,000,000

NEW SECTION. Sec. 3005. A new section is added to 2021 c 332 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Pacific Wood Treating Site Cleanup - Cleanup Settlement Account (40000464)

Appropriation:

Cleanup Settlement Account—State . . . . .	\$2,326,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$2,326,000

NEW SECTION. Sec. 3006. A new section is added to 2021 c 332 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

2022 Clean Up Toxic Sites - Puget Sound (40000465)

Appropriation:

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. 3007. A new section is added to 2021 c 332 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Failing Main Electrical Service Panel (40000467)

Appropriation:

State Building Construction Account—State . . . . .	\$663,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$663,000

NEW SECTION. Sec. 3008. A new section is added to 2021 c 332 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

2022 Community-Based Public-Private Stormwater Partnership (40000470)

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 establish a community-based public-private partnership stormwater pilot program, using the Washington state stormwater community-based public-private partnership feasibility assessment as a guide. The department must work with partner agencies to develop local capacity and attract private investment.

Appropriation:

Model Toxics Control Stormwater Account—State . . . . .	\$1,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$28,000,000
TOTAL . . . . .	\$29,000,000

NEW SECTION. Sec. 3009. A new section is added to 2021 c 332 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

2022 Water Pollution Control Revolving Program (40000473)

Appropriation:

Water Pollution Control Revolving Fund—State . . . . .	\$200,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$200,000,000

Sec. 3010. 2021 c 332 s 3112 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

2021-23 Water Banking (91000373)

The appropriations in this section ((is)) 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.

Appropriation:

State Building Construction Account—State	\$5,000,000
<u>State Drought Preparedness and Response Account—State</u>	<u>\$9,000,000</u>
<u>Subtotal Appropriation</u>	<u>\$14,000,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<del>(\$5,000,000)</del>
	<u>\$14,000,000</u>

NEW SECTION. Sec. 3011. A new section is added to 2021 c 332 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

2022 Stormwater Projects (92000195)

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:

Urban Stormwater Partnership-15 Ship Canal Bridge Pilot (Seattle)	\$4,000,000
Port of Port Angeles Stormwater Project (Port Angeles)	\$855,000
Appropriation:	
Model Toxics Control Stormwater Account—State	\$4,855,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,855,000

**Sec. 3012.** 2021 c 332 s 3129 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Steamboat Rock Build Dunes Campground (30000729)

Reappropriation:

State Building Construction Account—State	\$200,000
Prior Biennia (Expenditures)	<del>(\$4,137,000)</del>
	<u>\$4,026,000</u>
Future Biennia (Projected Costs)	\$0
TOTAL	<del>(\$4,337,000)</del>
	<u>\$4,226,000</u>

**Sec. 3013.** 2021 c 332 s 3130 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Kopachuck Day Use Development (30000820)

Reappropriation:

State Building Construction Account—State	\$4,914,000
Appropriation:	
State Building Construction Account—State	\$2,070,000
Prior Biennia (Expenditures)	\$1,024,000
Future Biennia (Projected Costs)	<del>(\$0)</del>
	<u>\$1,035,000</u>

TOTAL .....	(((\$5,938,000))
	<u>\$9,043,000</u>

**Sec. 3014.** 2021 c 332 s 3133 (uncodified) is amended to read as follows:  
**FOR THE STATE PARKS AND RECREATION COMMISSION**

Lake Sammamish Dock Grant Match (30000872)

Reappropriation:

State Building Construction Account—State .....	\$938,000
Prior Biennia (Expenditures) .....	(((\$142,000))
	<u>\$128,000</u>
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	(((\$1,080,000))
	<u>\$1,066,000</u>

**Sec. 3015.** 2021 c 332 s 3134 (uncodified) is amended to read as follows:  
**FOR THE STATE PARKS AND RECREATION COMMISSION**

Birch Bay - Repair Failing Bridge (30000876)

Reappropriation:

State Building Construction Account—State .....	\$55,000
Prior Biennia (Expenditures) .....	(((\$193,000))
	<u>\$191,000</u>
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	(((\$248,000))
	<u>\$246,000</u>

**Sec. 3016.** 2021 c 332 s 3136 (uncodified) is amended to read as follows:  
**FOR THE STATE PARKS AND RECREATION COMMISSION**

Field Spring Replace Failed Sewage Syst & Non-ADA Comfort Station (30000951)

Reappropriation:

State Building Construction Account—State .....	\$1,023,000
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Appropriation:

<u>State Building Construction Account—State .....</u>	<u>\$480,000</u>
Prior Biennia (Expenditures) .....	\$245,000
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	(((\$1,268,000))
	<u>\$1,748,000</u>

**Sec. 3017.** 2021 c 332 s 3138 (uncodified) is amended to read as follows:  
**FOR THE STATE PARKS AND RECREATION COMMISSION**

Parkland Acquisition (30000976)

Appropriation:

Parkland Acquisition Account—State .....	(((\$2,000,000))
	<u>\$2,500,000</u>
Prior Biennia (Expenditures) .....	\$2,245,000
Future Biennia (Projected Costs) .....	\$8,000,000
TOTAL .....	(((\$12,245,000))
	<u>\$12,745,000</u>

**Sec. 3018.** 2021 c 332 s 3143 (uncodified) is amended to read as follows:  
**FOR THE STATE PARKS AND RECREATION COMMISSION**

Statewide Water System Renovation (30001016)

Reappropriation:

State Building Construction Account—State	\$103,000
Prior Biennia (Expenditures)	<del>(\$397,000)</del>
	<u>\$392,000</u>
Future Biennia (Projected Costs)	\$0
TOTAL	<del>(\$500,000)</del>
	<u>\$495,000</u>

Sec. 3019. 2021 c 332 s 3147 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Statewide Fish Barrier Removal (40000010)

Reappropriation:

State Building Construction Account—State	<del>(\$1,605,000)</del>
	<u>\$1,718,000</u>
Prior Biennia (Expenditures)	<del>(\$300,000)</del>
	<u>\$187,000</u>
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,905,000

Sec. 3020. 2021 c 332 s 3149 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Preservation Minor Works 2019-21 (40000151)

Reappropriation:

State Building Construction Account—State	<del>(\$1,139,000)</del>
	<u>\$1,196,000</u>
Prior Biennia (Expenditures)	<del>(\$3,308,000)</del>
	<u>\$3,251,000</u>
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,447,000

Sec. 3021. 2021 c 332 s 3151 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Palouse to Cascade Trail - Crab Creek Trestle Replacement (40000162)

Reappropriation:

State Building Construction Account—State	\$79,000
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Appropriation:

<u>State Building Construction Account—State</u>	<u>\$2,031,000</u>
Prior Biennia (Expenditures)	\$171,000
Future Biennia (Projected Costs)	\$0
TOTAL	<del>(\$250,000)</del>
	<u>\$2,281,000</u>

Sec. 3022. 2021 c 332 s 3154 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Saint Edward Maintenance Facility (40000218)

Appropriation:

State Building Construction Account—State	<del>(\$2,199,000)</del>
	<u>\$2,524,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<del>(\$2,199,000)</del>
	<u>\$2,524,000</u>

NEW SECTION. **Sec. 3023.** A new section is added to 2021 c 332 (uncodified) to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Anderson Lake - New Day Use Facilities and Trail Development (91000441)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the design of new day use facilities and trail development at Anderson Lake State Park.

Appropriation:

State Building Construction Account—State . . . . .	\$335,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$335,000

**Sec. 3024.** 2021 c 332 s 3161 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

State Parks Capital Preservation Pool (92000014)

Reappropriation:

State Building Construction Account—State . . . . .	<del>(\$11,239,000)</del>
	<u>\$10,204,000</u>
Prior Biennia (Expenditures) . . . . .	\$19,761,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	<del>(\$31,000,000)</del>
	<u>\$29,965,000</u>

**Sec. 3025.** 2021 c 332 s 3163 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

2021-23 State Parks Capital Preservation Pool (92000017)

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

(1) The appropriation in this section is provided solely for a pool of eligible projects owned by the state parks and recreation commission.

(2) The following projects are the only projects eligible for funding in this section:

- (a) Larrabee Water System Replacement;
- (b) Cape Disappointment - Welcome Center and Entrance Improvements;
- (c) Blake Island Marine Facilities Improvements;
- (d) Cape Disappointment: Campground Access Road Culverts;
- (e) Twenty-Five Mile Creek - Replace Moorage Floats;
- (f) Maryhill Parkwide Septic System Overhaul;
- (g) Palouse to Cascade Trail - Crab Creek Trestle Replacement;
- (h) Mount Spokane - Maintenance Facility Relocation from Harms Way;
- (i) Sun Lakes Replace Primary Lift Station;
- (j) Lyons Ferry Campground Reestablishment;
- (k) Pearrygin Lake West Campground Development;
- (l) Palouse Falls Day Use Area Renovation;
- (m) Birch Bay - Repair Failing Bridge;
- (n) Centennial Trail Paving Repair and Overlay;
- (o) Deception Pass - Bowman Bay Pier Replacement;



- (p) Ike Kinswa: Main Campground Loop Utility Upgrades;
- (q) South Whidbey - Campground to Day Use Conversion;
- (r) Wallace Falls Water System Replacement;
- (s) Willapa Hills Trail: Bridge 48 and Trail Relocation;
- (t) Statewide - Facility & Infrastructure Backlog Reduction 2021-23;
- (u) Statewide - ADA Compliance 2021-23;
- (v) Statewide - Code/Regulatory Compliance 2021-23;
- (w) Statewide - Marine Facilities Rehabilitation 2021-23;
- (x) Palouse to Cascades Trail - Repair Trestles and Trail Access;
- (y) Electrical, Water and Sewer Infrastructure Preservation 2021-23;
- (z) Statewide Park Paving Projects 2021-23;
- (aa) Statewide Park Comfort Station Replacements 2021-23;
- (bb) Wallace Falls Parking Expansion;
- (cc) Lake Wenatchee-Pedestrian Bridge; and
- (dd) Twanoh-Shoreline Restoration.

(3) 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, 2022.

Appropriation:

State Building Construction Account—State . . . . .	(\$39,500,000)
	<u>\$40,250,000</u>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	(\$39,500,000)
	<u>\$40,250,000</u>

Sec. 3026. 2021 c 332 s 3164 (uncodified) is amended to read as follows:

**FOR THE RECREATION AND CONSERVATION OFFICE**

Washington Wildlife Recreation Grants (30000139)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely for the list of projects in LEAP capital document No. 2011-3A, developed May 24, 2011.

Reappropriation:

Outdoor Recreation Account—State . . . . .	(\$637,000)
	<u>\$785,000</u>
Prior Biennia (Expenditures) . . . . .	(\$41,363,000)
	<u>\$41,215,000</u>
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$42,000,000

Sec. 3027. 2021 c 332 s 3165 (uncodified) is amended to read as follows:

**FOR THE RECREATION AND CONSERVATION OFFICE**

Washington Wildlife Recreation Grants (30000205)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3161, chapter 19, Laws of 2013 2nd sp. sess.

Reappropriation:

Farm and Forest Account—State . . . . .	(\$616,000)
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	<u>\$843,000</u>
Habitat Conservation Account—State . . . . .	(( <del>\$132,000</del> ))
	<u>\$464,000</u>
Outdoor Recreation Account—State . . . . .	(( <del>\$2,189,000</del> ))
	<u>\$2,647,000</u>
Riparian Protection Account—State . . . . .	(( <del>\$470,000</del> ))
	<u>\$494,000</u>
Subtotal Reappropriation . . . . .	(( <del>\$3,407,000</del> ))
	<u>\$4,448,000</u>
Prior Biennia (Expenditures) . . . . .	(( <del>\$61,593,000</del> ))
	<u>\$60,552,000</u>
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$65,000,000

Sec. 3028. 2021 c 332 s 3168 (uncodified) is amended to read as follows:

**FOR THE RECREATION AND CONSERVATION OFFICE**

Puget Sound Acquisition and Restoration (30000211)

Reappropriation:

State Building Construction Account—State . . . . .	(( <del>\$903,000</del> ))
	<u>\$3,657,000</u>
Prior Biennia (Expenditures) . . . . .	(( <del>\$69,097,000</del> ))
	<u>\$66,343,000</u>
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$70,000,000

Sec. 3029. 2021 c 332 s 3171 (uncodified) is amended to read as follows:

**FOR THE RECREATION AND CONSERVATION OFFICE**

Washington Wildlife Recreation Grants (30000220)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations in this section are provided solely for the list of projects in LEAP capital document No. 2015-1, developed June 30, 2015.

Reappropriation:

Farm and Forest Account—State . . . . .	(( <del>\$1,181,000</del> ))
	<u>\$1,563,000</u>
Habitat Conservation Account—State . . . . .	(( <del>\$2,910,000</del> ))
	<u>\$2,814,000</u>
Outdoor Recreation Account—State . . . . .	(( <del>\$3,268,000</del> ))
	<u>\$3,085,000</u>
Riparian Protection Account—State . . . . .	(( <del>\$1,345,000</del> ))
	<u>\$117,000</u>
Subtotal Reappropriation . . . . .	(( <del>\$8,704,000</del> ))
	<u>\$7,579,000</u>
Prior Biennia (Expenditures) . . . . .	(( <del>\$46,619,000</del> ))
	<u>\$47,744,000</u>
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$55,323,000

Sec. 3030. 2021 c 332 s 3173 (uncodified) is amended to read as follows:

**FOR THE RECREATION AND CONSERVATION OFFICE**

Boating Facilities Program (30000222)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3024, chapter 35, Laws of 2016 sp. sess.

Reappropriation:

Recreation Resources Account—State . . . . .	(( <del>\$49,000</del> ))
	<u>\$137,000</u>
Prior Biennia (Expenditures) . . . . .	(( <del>\$14,161,000</del> ))
	<u>\$14,073,000</u>
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$14,210,000

**Sec. 3031.** 2021 c 332 s 3178 (uncodified) is amended to read as follows:

**FOR THE RECREATION AND CONSERVATION OFFICE**

Puget Sound Estuary and Salmon Restoration Program (30000227)

Reappropriation:

State Building Construction Account—State . . . . .	(( <del>\$82,000</del> ))
	<u>\$670,000</u>
Prior Biennia (Expenditures) . . . . .	(( <del>\$7,918,000</del> ))
	<u>\$7,330,000</u>
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$8,000,000

**Sec. 3032.** 2021 c 332 s 3183 (uncodified) is amended to read as follows:

**FOR THE RECREATION AND CONSERVATION OFFICE**

Family Forest Fish Passage Program (30000233)

Reappropriation:

State Building Construction Account—State . . . . .	(( <del>\$160,000</del> ))
	<u>\$204,000</u>
Prior Biennia (Expenditures) . . . . .	(( <del>\$4,840,000</del> ))
	<u>\$4,796,000</u>
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$5,000,000

**Sec. 3033.** 2021 c 332 s 3184 (uncodified) is amended to read as follows:

**FOR THE RECREATION AND CONSERVATION OFFICE**

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 . . . . .	\$32,369,000
State Building Construction Account—State . . . . .	(( <del>\$1,642,000</del> ))
	<u>\$6,231,000</u>
Subtotal Reappropriation . . . . .	(( <del>\$34,011,000</del> ))
	<u>\$38,600,000</u>
Prior Biennia (Expenditures) . . . . .	(( <del>\$32,202,000</del> ))
	<u>\$27,613,000</u>
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$66,213,000

**Sec. 3034.** 2021 c 332 s 3185 (uncodified) is amended to read as follows:  
**FOR THE RECREATION AND CONSERVATION OFFICE**  
2017-19 Washington Wildlife Recreation Grants (30000409)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations in this section are provided solely for the list of projects in LEAP capital document No. 2017-42, developed July 20, 2017, and LEAP capital document No. 2018-6H, developed January 3, 2018.

Reappropriation:

Farm and Forest Account—State . . . . .	<del>(\$5,860,000)</del>
	<u>\$5,002,000</u>
Habitat Conservation Account—State . . . . .	<del>(\$12,592,000)</del>
	<u>\$12,878,000</u>
Outdoor Recreation Account—State . . . . .	<del>(\$12,474,000)</del>
	<u>\$14,248,000</u>
Subtotal Reappropriation . . . . .	<del>(\$30,926,000)</del>
	<u>\$32,128,000</u>
Prior Biennia (Expenditures) . . . . .	<del>(\$49,074,000)</del>
	<u>\$47,872,000</u>
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$80,000,000

**Sec. 3035.** 2021 c 332 s 3187 (uncodified) is amended to read as follows:  
**FOR THE RECREATION AND CONSERVATION OFFICE**  
Nonhighway Off-Road Vehicle Activities (30000411)

Reappropriation:

NOVA Program Account—State . . . . .	<del>(\$895,000)</del>
	<u>\$2,991,000</u>
Prior Biennia (Expenditures) . . . . .	<del>(\$12,300,000)</del>
	<u>\$10,204,000</u>
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$13,195,000

**Sec. 3036.** 2021 c 332 s 3188 (uncodified) is amended to read as follows:  
**FOR THE RECREATION AND CONSERVATION OFFICE**  
Youth Athletic Facilities (30000412)

Reappropriation:

State Building Construction Account—State . . . . .	<del>(\$1,302,000)</del>
	<u>\$1,522,000</u>
Prior Biennia (Expenditures) . . . . .	<del>(\$2,775,000)</del>
	<u>\$2,555,000</u>
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$4,077,000

**Sec. 3037.** 2021 c 332 s 3189 (uncodified) is amended to read as follows:  
**FOR THE RECREATION AND CONSERVATION OFFICE**  
Aquatic Lands Enhancement Account (30000413)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations in this section are provided solely for the

list of projects in LEAP capital document No. 2018-9H, developed March 5, 2018.

Reappropriation:

Aquatic Lands Enhancement Account—State . . . . .	\$884,000
State Building Construction Account—State . . . . .	<u>(\$2,732,000)</u>
	<u>\$4,013,000</u>
Subtotal Reappropriation . . . . .	<u>(\$3,616,000)</u>
	<u>\$4,897,000</u>
Prior Biennia (Expenditures) . . . . .	<u>(\$8,669,000)</u>
	<u>\$7,388,000</u>
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$12,285,000

Sec. 3038. 2021 c 332 s 3190 (uncodified) is amended to read as follows:

**FOR THE RECREATION AND CONSERVATION OFFICE**

Puget Sound Acquisition and Restoration (30000414)

Reappropriation:

State Building Construction Account—State . . . . .	<u>(\$16,640,000)</u>
	<u>\$20,763,000</u>
Prior Biennia (Expenditures) . . . . .	<u>(\$23,360,000)</u>
	<u>\$19,237,000</u>
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$40,000,000

Sec. 3039. 2021 c 332 s 3195 (uncodified) is amended to read as follows:

**FOR THE RECREATION AND CONSERVATION OFFICE**

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 . . . . .	<u>(\$5,769,000)</u>
	<u>\$5,790,000</u>
Prior Biennia (Expenditures) . . . . .	<u>(\$6,731,000)</u>
	<u>\$6,710,000</u>
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$12,500,000

Sec. 3040. 2021 c 332 s 3197 (uncodified) is amended to read as follows:

**FOR THE RECREATION AND CONSERVATION OFFICE**

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 . . . . .	<u>(\$6,880,000)</u>
	<u>\$6,687,000</u>
Habitat Conservation Account—State . . . . .	<u>(\$20,349,000)</u>

	<u>\$25,791,000</u>
Outdoor Recreation Account—State . . . . .	(( <u>\$28,025,000</u> ))
	<u>\$24,390,000</u>
Subtotal Reappropriation . . . . .	(( <u>\$55,254,000</u> ))
	<u>\$56,868,000</u>
Prior Biennia (Expenditures) . . . . .	(( <u>\$29,746,000</u> ))
	<u>\$28,132,000</u>
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	<u>\$85,000,000</u>

Sec. 3041. 2021 c 332 s 3201 (uncodified) is amended to read as follows:

**FOR THE RECREATION AND CONSERVATION OFFICE**

2019-21 - Youth Athletic Facilities (40000007)

The reappropriation in this section is subject to the following conditions and limitations: The amounts reappropriated in this section may be awarded only to projects approved by the legislature, as identified in LEAP capital documents No. 2020-467-HSBA, developed February 25, 2020, and No. 2020-467-HB, developed February 14, 2020.

Reappropriation:

State Building Construction Account—State . . . . .	(( <u>\$7,597,000</u> ))
	<u>\$7,833,000</u>
Prior Biennia (Expenditures) . . . . .	(( <u>\$4,403,000</u> ))
	<u>\$4,167,000</u>
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	<u>\$12,000,000</u>

Sec. 3042. 2021 c 332 s 3214 (uncodified) is amended to read as follows:

**FOR THE RECREATION AND CONSERVATION OFFICE**

2021-23 - Salmon Recovery Funding Board Programs (40000021)

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.

(3) \$15,000,000 of the general fund—federal appropriation in this section is provided solely as expenditure authority for grant funding received by the recreation and conservation office for the pacific coastal salmon recovery fund in 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 . . . . .	(( <u>\$50,000,000</u> ))
	<u>\$65,000,000</u>
State Building Construction Account—State . . . . .	<u>\$30,000,000</u>

Subtotal Appropriation . . . . .	(\$80,000,000)
	<u>\$95,000,000</u>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$400,000,000
TOTAL . . . . .	(\$480,000,000)
	<u>\$495,000,000</u>

**Sec. 3043.** 2021 c 332 s 3221 (uncodified) is amended to read as follows:  
**FOR THE RECREATION AND CONSERVATION OFFICE**  
 2021-23 - Brian Abbott Fish Barrier Removal Board (40000035)

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

(1) The appropriation in this section is provided solely for projects approved by the legislature, as identified in LEAP capital document No. (~~RCO-5-HB-2021~~) RCO-5.1-HB-2022, developed (~~April 15, 2021~~) February 3, 2022.

(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 funds retained for administration may not exceed three percent of the appropriation.

(3) The department of fish and wildlife may retain a portion of the funds appropriated in this section for the Brian Abbott fish barrier removal board for technical assistance in developing projects for consideration. The portion of the funds retained for technical assistance may not exceed 4.12 percent of the appropriation.

Appropriation:

State Building Construction Account—State . . . . .	\$26,795,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$107,180,000
TOTAL . . . . .	\$133,975,000

**Sec. 3044.** 2021 c 332 s 3229 (uncodified) is amended to read as follows:  
**FOR THE RECREATION AND CONSERVATION OFFICE**  
 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 . . . . .	(\$152,000)
	<u>\$622,000</u>
Prior Biennia (Expenditures) . . . . .	(\$11,033,000)
	<u>\$10,563,000</u>
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$11,185,000

**Sec. 3045.** 2021 c 332 s 3230 (uncodified) is amended to read as follows:  
**FOR THE RECREATION AND CONSERVATION OFFICE**  
 Upper Quinault River Restoration Project (91000958)

Reappropriation:

State Building Construction Account—State . . . . .	\$1,359,000
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Appropriation:

State Building Construction Account—State . . . . .	(((\$1,000,000))
	<u>\$2,000,000</u>
Prior Biennia (Expenditures) . . . . .	\$641,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	(((\$3,000,000))
	<u>\$4,000,000</u>

NEW SECTION. **Sec. 3046.** A new section is added to 2021 c 332 (uncodified) to read as follows:

**FOR THE RECREATION AND CONSERVATION OFFICE**

Fish Barrier Removal Projects in Skagit County (91001662)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for a direct payment to Skagit county for the design of 11 high priority fish barrier removal projects located on the county's roads. Skagit county must ensure that the projects designed with funding from this section meet applicable state and federal grant program standards to facilitate the county's application to such programs for the purpose of receiving capital funding for the projects' construction.

Appropriation:

State Building Construction Account—State . . . . .	\$1,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,000,000

**Sec. 3047.** 2021 c 332 s 3232 (uncodified) is amended to read as follows:

**FOR THE RECREATION AND CONSERVATION OFFICE**

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 . . . . .	(((\$132,000))
	<u>\$497,000</u>
State Building Construction Account—State . . . . .	(((\$5,859,000))
	<u>\$8,050,000</u>
Subtotal Reappropriation . . . . .	(((\$5,991,000))
	<u>\$8,547,000</u>
Prior Biennia (Expenditures) . . . . .	(((\$28,790,000))
	<u>\$26,234,000</u>
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$34,781,000

**Sec. 3048.** 2021 c 332 s 3218 (uncodified) is amended to read as follows:

**FOR THE RECREATION AND CONSERVATION OFFICE**

2021-23 - Aquatic Lands Enhancement Account (40000029)

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



(1) The state building construction account—state appropriation in this section is provided solely for projects approved by the legislature, as identified in LEAP capital document No. RCO-3.1-HB-2021, developed April 15, 2021.

(2) The aquatic lands enhancement account—state appropriation in this section is provided solely for the following project:

Dash Point Park and Pier (Tacoma).....\$418,000

Appropriation:

Aquatic Lands Enhancement Account—State.....\$418,000

State Building Construction Account—State ..... \$9,100,000

Subtotal Appropriation.....\$9,518,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs)..... \$36,400,000

TOTAL .....(~~(\$45,500,000)~~)

\$45,918,000

NEW SECTION. Sec. 3049. A new section is added to 2021 c 332 (uncodified) to read as follows:

**FOR THE RECREATION AND CONSERVATION OFFICE**

Springwood Ranch in Kittitas County (91001663)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the acquisition of the Springwood Ranch in Kittitas county for the Kittitas County Riparian Protection and Water Storage Facility Project, which must include the following elements: Protection of riparian habitat; conservation of agricultural lands; provision of public recreational access; and siting of a water storage facility to improve Yakima river instream flows. If title to the real property purchased under this section is not held by the state, the recreation and conservation office shall enter into appropriate agreements to protect the public investment pursuant to the appropriation in this section. The agency may use up to one percent of the appropriation, if necessary, to recover its administrative costs.

Appropriation:

State Building Construction Account—State ..... \$10,000,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs)..... \$12,000,000

TOTAL ..... \$22,000,000

NEW SECTION. Sec. 3050. A new section is added to 2021 c 332 (uncodified) to read as follows:

**FOR THE STATE CONSERVATION COMMISSION**

2021-2023 Farmland Protection and Land Access (40000020)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the state conservation commission to implement and administer the farmland protection and land access program. In administering this program, the state conservation commission shall support opportunities for all producers but shall prioritize: (a) Conservation of high priority agricultural land at imminent risk of development; and (b) grants for the purchase of agricultural easements to historically underserved producers, as defined in 7 C.F.R. Sec. 1470.3 (2022), including young and beginning farmers, people of color, and veterans.

(2) In contracts for grants authorized under this section, the state conservation commission must include provisions that require that easements be held by the grantee for a specified period, appropriate to protect the public investment and to the conservation purpose of the grant. If the state conservation commission 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 . . . . .	\$2,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$2,000,000
TOTAL . . . . .	\$4,000,000

Sec. 3051. 2021 c 332 s 3253 (uncodified) is amended to read as follows:

**FOR THE STATE CONSERVATION COMMISSION**

CREP PIP Loan Program 2017-19 (92000014)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 6019, chapter 413, Laws of 2019.

Reappropriation:

Conservation Assistance Revolving Account—State . . . . .	<del>(\$350,000)</del>
	<u>\$270,000</u>
Prior Biennia (Expenditures) . . . . .	\$50,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	<del>(\$400,000)</del>
	<u>\$320,000</u>

NEW SECTION. Sec. 3052. A new section is added to 2021 c 332 (uncodified) to read as follows:

**FOR THE STATE CONSERVATION COMMISSION**

Voluntary Stewardship Program (92000016)

Appropriation:

State Building Construction Account—State . . . . .	\$3,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$3,000,000

Sec. 3053. 2021 c 332 s 3254 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Deschutes Watershed Center (20062008)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3063, chapter 356, Laws of 2020.

Reappropriation:

State Building Construction Account—State . . . . .	\$2,387,000
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Appropriation:

State Building Construction Account—State . . . . .	<u>\$2,200,000</u>
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Prior Biennia (Expenditures) . . . . .	(\$13,108,000)
	<u>\$13,191,000</u>
Future Biennia (Projected Costs) . . . . .	(\$36,000,000)
	<u>\$48,616,000</u>
TOTAL . . . . .	(\$51,495,000)
	<u>\$66,394,000</u>

**Sec. 3054.** 2021 c 332 s 3255 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Migratory Waterfowl Habitat (20082045)

~~(Reappropriation:~~

~~Limited Fish and Wildlife Account—State . . . . . \$350,000)~~

Appropriation:

Limited Fish and Wildlife Account—State . . . . . (\$600,000)

\$752,000

Prior Biennia (Expenditures) . . . . . (\$1,923,000)

\$2,336,000

Future Biennia (Projected Costs) . . . . . \$1,800,000

TOTAL . . . . . (\$4,673,000)

\$4,888,000

NEW SECTION. **Sec. 3055.** A new section is added to 2021 c 332 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Beaver Creek Hatchery - Renovation (30000680)

Appropriation:

State Building Construction Account—State . . . . . \$135,000

Prior Biennia (Expenditures) . . . . . \$0

Future Biennia (Projected Costs) . . . . . \$22,337,000

TOTAL . . . . . \$22,472,000

**Sec. 3056.** 2021 c 332 s 3273 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Hurd Creek - Relocate Facilities out of Floodplain (30000830)

Reappropriation:

State Building Construction Account—State . . . . . \$200,000

Appropriation:

State Building Construction Account—State . . . . . \$11,894,000

Prior Biennia (Expenditures) . . . . . (\$577,000)

\$504,000

Future Biennia (Projected Costs) . . . . . \$0

TOTAL . . . . . (\$12,671,000)

\$12,598,000

**Sec. 3057.** 2021 c 332 s 3274 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Dungeness Hatchery - Replace Main Intake (30000844)

Reappropriation:

State Building Construction Account—State . . . . . \$300,000

Prior Biennia (Expenditures) . . . . . (\$3,606,000)

\$3,102,000

Future Biennia (Projected Costs) . . . . . \$0

TOTAL .....	(( <del>\$3,906,000</del> ))
	<u>\$3,402,000</u>

**Sec. 3058.** 2021 c 332 s 3281 (uncodified) is amended to read as follows:

**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:

(1) The reappropriation in this section is provided solely for the department to purchase fee-title and/or easements as ((part of) necessary for sediment abatement, fish release and collection sites, and for project obligations related to the state's participation in design review and design cost share of the fish collection facility.

(2) The appropriation in this section is provided solely for project obligations related to modular housing replacement.

Reappropriation:

State Building Construction Account—State .....	(( <del>\$6,371,000</del> ))
	<u>\$2,066,000</u>

Appropriation:

State Building Construction Account—State .....	\$239,000
Prior Biennia (Expenditures) .....	\$404,000
Future Biennia (Projected Costs) .....	\$4,312,000
TOTAL .....	(( <del>\$11,326,000</del> ))
	<u>\$7,021,000</u>

NEW SECTION. **Sec. 3059.** A new section is added to 2021 c 332 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Klickitat WLA - Simcoe Fencing (40000161)

Appropriation:

State Building Construction Account—State .....	\$450,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$450,000

NEW SECTION. **Sec. 3060.** A new section is added to 2021 c 332 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Taneum Creek Property Acquisition Post Closing Activities (40000162)

Appropriation:

State Building Construction Account—State .....	\$200,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$200,000

NEW SECTION. **Sec. 3061.** A new section is added to 2021 c 332 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Western Pond Turtle Nest Hill Restoration (91000161)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the restoration of the western pond turtle nest hill at the Pierce county recovery site.

Appropriation:

State Building Construction Account—State .....	\$200,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL .....	\$200,000

NEW SECTION. Sec. 3062. A new section is added to 2021 c 332 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Kalama Creek Hatchery (91000160)

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 provide a grant to the Nisqually Tribe for the Kalama Creek Hatchery project.

Appropriation:

State Building Construction Account—State .....	\$3,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL .....	\$3,000,000

**Sec. 3063.** 2021 c 332 s 3292 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Leque Island Highway 532 Road Protection (92000019)

Reappropriation:

State Building Construction Account—State .....	\$160,000
Prior Biennia (Expenditures).....	<del>(\$520,000)</del>
	<u>\$519,000</u>
Future Biennia (Projected Costs).....	\$0
TOTAL .....	<del>(\$680,000)</del>
	<u>\$679,000</u>

NEW SECTION. Sec. 3064. A new section is added to 2021 c 332 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Recreational Fishing Access on the Grande Ronde River (92000051)

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 develop or establish an alternative recreational access point for anglers along the Grande Ronde river with the express purpose of alleviating tensions between property owners who own river frontage and the general public who may interfere with the owners' private enjoyment of their property. The department may not develop access requiring expenditure of state moneys that interferes with an owner's private property rights and may not develop access to easement 106165 or easement 113860 in Anatone, Washington, commonly referred to as the Dreamz Road easements.

Appropriation:

State Building Construction Account—State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
<b>TOTAL</b>	<b>\$500,000</b>

NEW SECTION. Sec. 3065. A new section is added to 2021 c 332 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Upper Indian Creek Fish Screen Removal (92001248)

Appropriation:

State Building Construction Account—State	\$65,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
<b>TOTAL</b>	<b>\$65,000</b>

**Sec. 3066.** 2021 c 332 s 3298 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

2021-23 Structurally Deficient Bridges (40000086)

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

The appropriation in this section is provided solely for the following projects: (a) The Naked Falls/Stebbins Creek bridge replacement in Skamania county; (b) the Shale Creek timber bridge repair in Jefferson county; ~~((and))~~ (c) the Coal Creek bridge replacement in Clallam county; (d) the Shale Creek concrete bridge repair in Jefferson county; (e) the 5970 #1 bridge replacement in Pacific county; (f) the Rock Creek bridge replacement in Skamania county; (g) the EF Dickey River bridge design in Clallam county; (h) the Steep Creek bridge replacement in Skamania county; (i) the Sollecks High bridge repair in Jefferson county; (j) the 5973 bridge replacement in Pacific county; (k) the Cedar Creek bridge repair in Grays Harbor county; (l) the Arvid Creek bridge replacement in Jefferson county; (m) the Susie Creek bridge repair in Jefferson county; (n) the YR-Jones bridge replacement in Yakima county; (o) the Middle Creek railcar bridge replacement in Pend Oreille county; and (p) the Butler Mill bridge replacement in Grays Harbor county.

Appropriation:

State Building Construction Account—State	\$1,050,000
Access Road Revolving Account—State	\$2,250,000
<u>Subtotal Appropriation</u>	<u>\$3,300,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$10,000,000
<b>TOTAL</b>	<b><del>(((\$11,050,000))</del></b>
	<b>\$13,300,000</b>

**Sec. 3067.** 2021 c 332 s 3305 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

Omak Consolidation, Expansion and Relocation (40000033)

Reappropriation:

State Building Construction Account—State	<del>(((\$107,000))</del>
	\$108,000
Prior Biennia (Expenditures)	<del>(((\$1,000))</del>
	\$0

Future Biennia (Projected Costs).....	\$0
TOTAL .....	\$108,000

**Sec. 3068.** 2021 c 332 s 3306 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF NATURAL RESOURCES**

Trust Land Transfer Program (40000034)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3281, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—State .....	<del>(\$1,675,000)</del>
	<u>\$1,696,000</u>
Prior Biennia (Expenditures).....	<del>(\$4,725,000)</del>
	<u>\$4,704,000</u>
Future Biennia (Projected Costs).....	\$0
TOTAL .....	\$6,400,000

**Sec. 3069.** 2021 c 332 s 3308 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF NATURAL RESOURCES**

Teaway (40000038)

Reappropriation:

State Building Construction Account—State .....	<del>(\$1,220,000)</del>
	<u>\$1,305,000</u>
Prior Biennia (Expenditures).....	<del>(\$636,000)</del>
	<u>\$551,000</u>
Future Biennia (Projected Costs).....	\$0
TOTAL .....	\$1,856,000

**Sec. 3070.** 2021 c 332 s 3313 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF NATURAL RESOURCES**

Natural Areas Facilities 2019-21 (40000046)

Reappropriation:

State Building Construction Account—State .....	<del>(\$295,000)</del>
	<u>\$527,000</u>
Prior Biennia (Expenditures).....	<del>(\$1,705,000)</del>
	<u>\$1,473,000</u>
Future Biennia (Projected Costs).....	\$0
TOTAL .....	\$2,000,000

**Sec. 3071.** 2021 c 332 s 3317 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF NATURAL RESOURCES**

Grouse Ridge Fish Barriers & RMAP Compliance (40000056)

Reappropriation:

State Building Construction Account—State .....	<del>(\$3,210,000)</del>
	<u>\$3,217,000</u>
	Appropriation:
State Building Construction Account—State .....	\$1,730,000
Prior Biennia (Expenditures).....	<del>(\$35,000)</del>
	<u>\$28,000</u>
Future Biennia (Projected Costs).....	\$0
TOTAL .....	\$4,975,000

**Sec. 3072.** 2021 c 332 s 3319 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF NATURAL RESOURCES**  
2021-23 Minor Works Preservation (40000070)

The appropriation in this section is subject to the following conditions and limitations: \$205,000 of the appropriation in this section is provided solely for communication site preservation and repairs.

Appropriation:

State Building Construction Account—State .....	<del>(\$2,183,000)</del>
	<u>\$3,122,000</u>
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	<del>(\$2,183,000)</del>
	<u>\$3,122,000</u>

**Sec. 3073.** 2021 c 332 s 3328 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Rural Broadband Investment (40000082)

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

(1) \$600,000 of the appropriation in this section is provided solely for installation of new communication towers at Ellis Peak, Striped Peak, and Paradise Peak.

(2) \$400,000 of the appropriation in this section is provided solely for communication tower upgrades at Blyn Mountain and Capitol Peak.

(3) \$20,000 of the appropriation in this section is provided solely for a new generator in Okanogan county.

(4) \$5,000 of the appropriation in this section is provided solely for a utility connection project in Clallam county.

Appropriation:

<del>(Coronavirus Capital Projects Account—</del>	
<del>Federal .....</del>	<del>\$2,000,000)</del>
<u>State Building Construction Account—State .....</u>	<u>\$2,000,000</u>
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$2,000,000

**Sec. 3074.** 2021 c 332 s 3332 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF NATURAL RESOURCES**  
DNR and Camp Colman Collaboration (92000037)

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

(1) ~~(\$100,000)~~ \$20,000 is provided solely for the department to contract with a third party facilitator for the purpose of collaborating with the YMCA of greater Seattle, Camp Colman, on finding solutions for maintaining a high-quality camp experience while establishing a barrier free passage for migrating fish species at Whiteman cove.

(2) \$500,000 is provided solely for the department to grant to the YMCA of greater Seattle to retain expertise to scope, plan, and advance the future of the



Camp Colman experience given the restoration of the Whiteman cove estuary. The planning process should be inclusive of tribal input, with an open invitation for their participation, and must include department technical experts, participation from the departments of ecology and fish and wildlife, and any other resources needed. The plan should include a vision for how the cove can be returned to a fully functioning estuary, benefiting native flora and fauna, as well as serve as an environmental outdoor educational opportunity that will serve youth and families, especially those from historically marginalized and underrepresented communities, and include educational opportunities for youth and families to learn of native cultural heritage unique and specific to the natural and human history of the site. The plan must identify specific projects and estimated costs, given estuary restoration, for physical improvements for the camp, such as water access structures or swimming facilities, with recommendations for funding. The department, on behalf of the YMCA, must submit the plan in a report to the fiscal committees of the legislature by December 31, 2021.

(3) (~~(\$300,000)~~) \$450,000 is provided solely for the department to design the fish blockage removal and predesign enhancements for a new bridge and roadway across Whiteman cove that are part of the fish blockage removal project and necessary as part of maintaining the route as access to the camp. The predesign must take into consideration the means to maintain continuous road access to Camp Colman for campers and camp staff without disruption, ensure the continuation, mitigation and innovation of Camp Colman's recreational, water safety, and environmental education programs in the salt water estuary, and maintain the critical outdoor experiences for historically marginalized and underrepresented communities.

Appropriation:

State Building Construction Account—State . . . . .	<del>(\$900,000)</del>
	<u>\$970,000</u>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	<del>(\$900,000)</del>
	<u>\$970,000</u>

NEW SECTION. Sec. 3075. A new section is added to 2021 c 332 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

Camp Colman Cabin Preservation and Upgrades (92000039)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for a grant for the YMCA Camp Colman cabin preservation and system upgrades at Whiteman Cove.

Appropriation:

State Building Construction Account—State . . . . .	\$1,400,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,400,000

**PART 4  
TRANSPORTATION**

NEW SECTION. **Sec. 4001.** A new section is added to 2021 c 332 (uncodified) to read as follows:

**FOR THE WASHINGTON STATE PATROL**

Crime Laboratory I-5 Corridor Consolidated Facility (30000290)

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

- (1) The appropriation is provided solely for a predesign.
- (2) The predesign must include:

- (a) An assessment of current forensic services operations, including volumes processed by sample type (e.g., DNA, material analysis, firearms, latent prints), locations from which evidentiary samples and materials were sent to the lab, how samples are processed, how results are delivered, and other duties conducted by forensic services staff as part of their operations that impact availability for forensic analysis including, but not limited to, evidence collection and testimony;

- (b) An evaluation of a consolidated lab model compared to distributed lab models, including an examination of advantages and disadvantages associated with each model, which model is preferred, and why. The evaluation should include an analysis on the impacts of the factors listed in subsection (2)(a) of this section, including the impacts on the delivery of samples and materials to the lab and staffing impacts, including for responsibilities such as testimony and evidence collection;

- (c) An evaluation of state-owned compared to leased lab approach, including costs associated with each approach, the anticipated source of funds for each option, which approach is preferred, and why; and

- (d) A projected volume of evidentiary samples able to be processed in the preferred alternative and a comparison to the current processing model.

- (3) The predesign must align with the most recent master plan.

Appropriation:

State Building Construction Account—State .....	\$333,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
<b>TOTAL .....</b>	<b>\$333,000</b>

**PART 5  
EDUCATION**

**Sec. 5001.** 2021 c 332 s 5002 (uncodified) is amended to read as follows:  
**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

2013-15 School Construction Assistance Program - Maintenance (30000145)

Reappropriation:

State Building Construction Account—State .....	\$1,529,000
Prior Biennia (Expenditures) .....	<del>(\$385,701,000)</del>
	<u>\$385,645,000</u>
Future Biennia (Projected Costs) .....	\$0
<b>TOTAL .....</b>	<b><del>(\$387,230,000)</del></b>

\$387,174,000

**Sec. 5002.** 2021 c 332 s 5005 (uncodified) is amended to read as follows:  
**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Skill Centers - Minor Works (30000187)

Reappropriation:

School Construction and Skill Centers Building	
Account—Bonds—State . . . . .	(\$521,000)
	\$512,000
Prior Biennia (Expenditures) . . . . .	\$2,479,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	(\$3,000,000)
	\$2,991,000

**Sec. 5003.** 2021 c 332 s 5010 (uncodified) is amended to read as follows:  
**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

West Sound Technical Skills Center Modernization (40000015)

The ~~((reappropriation))~~ appropriations in this section ~~((is))~~ are subject to the following conditions and limitations: ~~((The reappropriation is subject to provisions of section 5002, chapter 356, Laws of 2020.))~~

(1) The appropriations in this section are provided solely for grant funding to the Bremerton school district to complete design and begin construction of a new career and technical education facility at the West Sound technical skills center in Bremerton.

(2) In coordination with the office of the superintendent of public instruction, the Bremerton school district's West Sound technical skills center must: (a) Ensure the career and technical programs planned for in the design of the skills center support high-demand and high-wage sector program needs; (b) ensure that space needs are reasonable and appropriate for the programs planned and enrollment projections; (c) evaluate the proposed project budget using value engineering and life-cycle cost analysis techniques; and (d) use this information to inform the proposed design.

(3) The office of the superintendent of public instruction must approve the skill center programs, design, and budget before requesting allotment of construction phase funding.

Reappropriation:

State Building Construction Account—State . . . . .	\$274,000
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Appropriation:

State Building Construction Account—State . . . . .	\$10,900,000
Prior Biennia (Expenditures) . . . . .	\$226,000
Future Biennia (Projected Costs) . . . . .	(\$0)
	\$39,443,000
TOTAL . . . . .	(\$500,000)
	\$50,843,000

**Sec. 5004.** 2021 c 332 s 5015 (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) (~~(\$727,780,000)~~) \$537,824,000 of the appropriation in this section is provided solely for school construction assistance grants for qualifying public school construction projects.

(2) \$2,836,000 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 . . . . .	<del>(\$702,657,000)</del>
	<u>\$505,306,000</u>
Common School Construction Account—State . . . . .	<del>(\$24,959,000)</del>
	<u>\$29,374,000</u>
Common School Construction Account—Federal . . . . .	<del>(\$3,000,000)</del>
	<u>\$6,000,000</u>
Subtotal Appropriation . . . . .	<del>(\$730,616,000)</del>
	<u>\$540,680,000</u>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$3,899,490,000
TOTAL . . . . .	<del>(\$4,630,106,000)</del>
	<u>\$4,440,170,000</u>

Sec. 5005. 2021 c 332 s 5018 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

2021-23 Small District and Tribal Compact Schools Modernization (40000039)

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

(1) \$3,000,000 of the state building construction account—state appropriation in this section is provided solely for a modernization grant to the Mount Adams school district to complete the replacement of Harrah Elementary School.

(2)(a) (~~(\$21,795,000)~~) \$33,795,000 of the state building construction account—state appropriation (~~and \$12,000,000 of the coronavirus capital projects account—federal appropriation in this section are~~) is provided solely for modernization grants for small school districts with total enrollments of 1,000 students or less with significant building system deficiencies and limited financial capacity as approved by the superintendent of public instruction's small district modernization grant advisory committee.

(b) The superintendent of public instruction must submit a list of small school district modernization projects, as prioritized by the advisory committee, to the legislature by January 15, 2023. The list must include: (i) A description of the project; (ii) the proposed state funding level, not to exceed \$5,000,000; (iii) estimated total project costs; and (iv) local funding resources.

(3) \$1,100,000 of the state building construction account—state appropriation in this section is provided solely for planning grants for small school districts with enrollments of 1,000 students or less interested in seeking modernization grants. The superintendent of public instruction may prioritize

planning grants for school districts with the most serious building deficiencies and the most limited financial capacity. 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 \$5,000,000 or less.

(4)(a) \$4,218,000 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 may prioritize planning grants for state tribal compact schools with the most serious building deficiencies and the most limited financial capacity.

(b) The superintendent of public instruction must submit a prioritized list of state-tribal compact school modernization projects to the legislature by January 15, 2023. The list must include: (i) A description of the project; (ii) the planning grant amount; and (iii) estimated total project costs.

(5) The appropriated funds in this section may be awarded only to projects approved by the legislature, as identified in LEAP capital document No. OSPI-1.1-CD-2021, developed April 15, 2021.

Appropriation:

State Building Construction Account—State . . . . .	(\$30,113,000)
	<u>\$42,113,000</u>
<del>((Coronavirus Capital Projects Account —</del>	
Federal . . . . .	\$12,000,000
Subtotal Appropriation . . . . .	\$42,113,000)
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$290,592,000
TOTAL . . . . .	\$332,705,000

Sec. 5006. 2021 c 332 s 5019 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

2021-23 Skills Centers Minor Works (40000040)

The appropriations in this section are subject to the following conditions and limitations: In addition to the conditions and limitations specified in section 7019 of this act, no skill center shall receive funding for more than two minor works projects within the 2021-2023 fiscal biennium.

Appropriation:

State Building Construction Account—State . . . . .	(\$1,556,000)
	<u>\$3,388,000</u>
<del>((Coronavirus Capital Projects Account —</del>	
Federal . . . . .	\$1,832,000
Subtotal Appropriation . . . . .	\$3,388,000)
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$3,388,000

Sec. 5007. 2021 c 332 s 5023 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

2021-23 School District Health and Safety (40000052)

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

(1) \$643,000 of the common school construction account—state appropriation and (~~(\$1,357,000)~~) \$3,057,000 of the state building construction account—state appropriation in this section are 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) \$965,000 of the common school construction account—state appropriation(~~(, \$2,035,000)~~) and \$3,228,000 of the state building construction account—state appropriation(~~(, and \$1,193,000 of the coronavirus capital projects account—federal appropriation)~~) in this section are 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 \$200,000, 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) \$322,000 of the common school construction account—state appropriation and \$678,000 of the state building construction account—state appropriation in this section are 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:

<del>((Coronavirus Capital Projects Account —</del>	
<del>Federal .....</del>	<del>\$1,193,000))</del>
Common School Construction Account—State .....	\$1,930,000
State Building Construction Account—State .....	<del>(\$4,070,000))</del>
	<u>\$6,963,000</u>
Subtotal Appropriation .....	<del>(\$7,193,000))</del>
	<u>\$8,893,000</u>
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$52,000,000
TOTAL .....	<del>(\$59,193,000))</del>
	<u>\$60,893,000</u>

**NEW SECTION. Sec. 5008.** A new section is added to 2021 c 332 (uncodified) to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

2021-23 School Seismic Safety Grant Program (5933) (92000923)

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

(1) Except as provided in subsection (2) of this section, the appropriation in this section is provided solely for the implementation of Substitute Senate Bill No. 5933 (school seismic safety grant program).

(2) In addition to grants awarded under Substitute Senate Bill No. 5933 (school seismic safety grant program), the office of the superintendent of public instruction may award school seismic safety grant funding appropriated in this section to the following projects that were previously identified as having very high seismic risk: (a) North Beach, Pacific Beach Elementary; (b) South Bend, South Bend Junior/Senior High School; (c) Boistfort, Boistfort Elementary; (d) Cosmopolis, Cosmopolis Elementary; and (e) Marysville, Totem Middle School. The total amount awarded under subsection (2) of this section may not exceed \$8,561,000.

(3) If Substitute Senate Bill No. 5933 is not enacted by June 30, 2022, \$91,439,000 of the amount provided in this section shall lapse.

Appropriation:

State Building Construction Account—State . . . . .	\$100,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$400,000,000
TOTAL . . . . .	\$500,000,000

NEW SECTION. **Sec. 5009.** A new section is added to 2021 c 332 (uncodified) to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Healthy Kids / Healthy Schools - T-12 Lighting (91000483)

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

(1) \$1,500,000 of the appropriation in this section is provided solely for grants to public schools, including charter schools and state-tribal education compact schools, for the removal, disposal, and replacement of T-12 lighting fixtures and ballasts manufactured in or before 1979 with energy-efficient LED lighting. State grant funding provided under this section may be used for all school district, state-tribal education compact, and charter school buildings, but must be prioritized for buildings that are not under contract to be replaced or modernized. State grant funding provided under this section may only be expended after all applicable funding from utility company rebate programs available to schools in the state has been exhausted.

(2) The office of the superintendent of public instruction must provide information to state grant applicants under this section related to identifying the year of T-12 lighting fixture and ballast manufacture, which may include pertinent information developed by the United States environmental protection agency. In order to receive a state grant under this section, grant applicants must provide, as determined by the office of the superintendent of public instruction, supporting documentation that includes: (a) The number of T-12 lighting fixtures and ballasts manufactured before 1979 and after 1979 in their facilities; and (b) the age and primary use of each facility where the T-12 lighting fixtures and ballasts under (a) of this subsection are located. The office of the superintendent of public instruction may adopt rules to administer this section.

Appropriation:

State Building Construction Account—State . . . . .	\$1,500,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,500,000

**Sec. 5010.** 2021 c 332 s 5038 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

2021-23 Distressed Schools (92000917)

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

(1) \$7,000,000 of the appropriation in this section is provided solely for a 12-classroom addition at Green Lake Elementary School in Seattle public schools.



(2) \$940,000 of the appropriation in this section is provided solely for the Healthy Schools pilot to reduce exposure to air pollution and improve air quality in schools.

(3) \$772,000 of the appropriation in this section is provided solely for a school-based health center at Spanaway Middle School.

(4) \$12,993,000 of the appropriation in this section is provided solely for the Almira school district to replace the Almira elementary school destroyed by fire. The appropriation must be combined with insurance proceeds to meet the project costs. The office of the superintendent of public instruction must expedite allocation and distribution of state funding under this section for this use.

(5) \$2,850,000 of the appropriation in this section is provided solely for the Republic school district to complete design and renovation projects at Republic junior high school and Republic senior high school.

(6) \$2,600,000 of the appropriation in this section is provided solely for the completion of a two-classroom early learning addition at the John Muir Elementary School in Seattle public schools.

(7) \$2,000,000 of the appropriation in this section is provided solely for the Nooksack valley school district for facilities improvements responding to flood damage and future flood risks. State funding provided under this subsection must be repaid to the office of the superintendent of public instruction to the extent that the Nooksack valley school district receives an insurance settlement or federal emergency management agency funding for flood damage and future flood risks.

(8) \$750,000 of the appropriation in this section is provided for a roof replacement project at Oakview Elementary School in the Centralia school district.

(9) \$515,000 of the appropriation in this section is provided solely for a facilities accessibility and security improvement project in the Wahkiakum school district.

Appropriation:

State Building Construction Account—State . . . . .	(( <del>\$8,712,000</del> ))
	<u>\$30,420,000</u>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	(( <del>\$8,712,000</del> ))
	<u>\$30,420,000</u>

NEW SECTION. Sec. 5011. A new section is added to 2021 c 332 (uncodified) to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

2022 Small District and Tribal Compact Schools Modernization (92000925)

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:

SD Brewster School District . . . . .	\$933,000
SD Creston School District . . . . .	\$5,018,000
SD Oroville School District . . . . .	\$1,661,000

Appropriation:

State Building Construction Account—State . . . . .	\$7,612,000
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Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$7,612,000

NEW SECTION. Sec. 5012. A new section is added to 2021 c 332 (uncodified) to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
Pierce College at New Bethel High School (92000036)

The appropriation in this section is subject to the following conditions and limitations: \$1,600,000 of the state building construction account—state appropriation in this section is provided solely for Bethel school district to begin construction on four classrooms and an office for operations by Pierce College within the new Bethel High School. If Pierce College does not occupy this space and offer college credit classes to the community at large as well as Running Start opportunities for Bethel High School students by June 30, 2025, any funds expended under this appropriation must be repaid to the state of Washington.

Appropriation:

State Building Construction Account—State . . . . .	\$1,600,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$1,600,000
TOTAL . . . . .	\$3,200,000

**Sec. 5013.** 2021 c 332 s 5044 (uncodified) is amended to read as follows:

**FOR THE UNIVERSITY OF WASHINGTON**  
UW Major Infrastructure (30000808)

Reappropriation:

University of Washington Building Account—State . . . . .	\$7,000,000
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Appropriation:

University of Washington Building Account—State . . . . .	\$8,000,000
State Building Construction Account—State . . . . .	\$2,000,000
<u>Subtotal Appropriation . . . . .</u>	<u>\$10,000,000</u>
Prior Biennia (Expenditures) . . . . .	\$25,500,000
Future Biennia (Projected Costs) . . . . .	<del>(\$34,300,000)</del>
	\$32,300,000
TOTAL . . . . .	\$74,800,000

**Sec. 5014.** 2021 c 332 s 5046 (uncodified) is amended to read as follows:

**FOR THE UNIVERSITY OF WASHINGTON**  
Behavioral Health Teaching Facility (40000038)

The appropriations in this section are subject to the following conditions and limitations: The appropriations are subject to the provisions of section 6042 of this act.

Reappropriation:

State Building Construction Account—State . . . . .	\$6,000,000
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Appropriation:

State Building Construction Account—State . . . . .	\$200,750,000
Capital Community Assistance Account—State . . . . .	\$10,000,000
<u>Subtotal Appropriation . . . . .</u>	<u>\$210,750,000</u>
Prior Biennia (Expenditures) . . . . .	\$27,250,000

Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	<u>(\$234,000,000)</u>
	<u>\$244,000,000</u>

**NEW SECTION. Sec. 5015.** A new section is added to 2021 c 332 (uncodified) to read as follows:

**FOR THE UNIVERSITY OF WASHINGTON**

UW Clean Energy Testbeds (40000098)

The appropriation in this section is subject to the following conditions and limitations: \$7,500,000 of the general fund—federal appropriation in this section is provided solely as expenditure authority for grant funding received by the department for battery and energy research, development, and demonstration projects under 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 grant funding by June 30, 2023, the expenditure authority in this section shall lapse.

Appropriation:

General Fund—Federal . . . . .	\$7,500,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	<u>\$7,500,000</u>

**Sec. 5016.** 2021 c 332 s 5051 (uncodified) is amended to read as follows:

**FOR THE UNIVERSITY OF WASHINGTON**

Ctr for Advanced Materials and Clean Energy Research Test Beds (91000016)

Reappropriation:

State Building Construction Account—State . . . . .	<u>(\$15,000,000)</u>
	<u>\$15,076,000</u>
Prior Biennia (Expenditures) . . . . .	<u>(\$13,988,000)</u>
	<u>\$13,912,000</u>
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	<u>\$28,988,000</u>

**Sec. 5017.** 2021 c 332 s 5054 (uncodified) is amended to read as follows:

**FOR THE UNIVERSITY OF WASHINGTON**

UW Tacoma Campus Soil Remediation (92000002)

Reappropriation:

Model Toxics Control Capital Account—State . . . . .	<u>(\$600,000)</u>
	<u>\$1,142,000</u>
	Appropriation:
Model Toxics Control Capital Account—State . . . . .	\$2,000,000
Prior Biennia (Expenditures) . . . . .	<u>(\$7,658,000)</u>
	<u>\$7,116,000</u>
Future Biennia (Projected Costs) . . . . .	\$8,000,000
TOTAL . . . . .	<u>\$18,258,000</u>

**NEW SECTION. Sec. 5018.** A new section is added to 2021 c 332 (uncodified) to read as follows:

**FOR WASHINGTON STATE UNIVERSITY**

Pullman Student Success Center Phase 1 (40000339)

Appropriation:

State Building Construction Account—State	\$2,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000

Sec. 5019. 2021 c 332 s 5070 (uncodified) is amended to read as follows:

**FOR EASTERN WASHINGTON UNIVERSITY**

Interdisciplinary Science Center (30000001)

Reappropriation:

State Building Construction Account—State	\$3,000,000
Prior Biennia (Expenditures)	<del>(\$69,200,000)</del>
	\$66,690,000
Future Biennia (Projected Costs)	\$0
TOTAL	<del>(\$72,200,000)</del>
	\$69,690,000

Sec. 5020. 2021 c 332 s 5083 (uncodified) is amended to read as follows:

**FOR CENTRAL WASHINGTON UNIVERSITY**

Health Education (40000009)

Reappropriation:

State Building Construction Account—State	\$1,800,000
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Appropriation:

State Building Construction Account—State	<del>(\$55,505,000)</del>
	\$57,205,000
Prior Biennia (Expenditures)	\$3,200,000
Future Biennia (Projected Costs)	\$0
TOTAL	<del>(\$60,505,000)</del>
	\$62,205,000

NEW SECTION. Sec. 5021. A new section is added to 2021 c 332 (uncodified) to read as follows:

**FOR CENTRAL WASHINGTON UNIVERSITY**

Electrical Grid Security (40000121)

Appropriation:

State Building Construction Account—State	\$754,000
Central Washington University Capital Projects Account—State	\$754,000
Subtotal Appropriation	\$1,508,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,508,000

NEW SECTION. Sec. 5022. A new section is added to 2021 c 332 (uncodified) to read as follows:

**FOR THE EVERGREEN STATE COLLEGE**

Health and Counseling Center (30000614)

Reappropriation:

State Building Construction Account—State	\$380,000
Prior Biennia (Expenditures)	\$5,362,000
Future Biennia (Projected Costs)	\$0

TOTAL ..... \$5,742,000

Sec. 5023. 2021 c 332 s 5093 (uncodified) is amended to read as follows:

**FOR THE EVERGREEN STATE COLLEGE**

Minor Works Preservation (40000034)

Appropriation:

The Evergreen State College Capital Projects  
Account—State .....((\$3,580,000))

\$2,580,000

State Building Construction Account—State .....((\$1,945,000))

\$2,945,000

Subtotal Appropriation ..... \$5,525,000

Prior Biennia (Expenditures) ..... \$0

Future Biennia (Projected Costs) ..... \$77,500,000

TOTAL ..... \$83,025,000

Sec. 5024. 2021 c 332 s 5094 (uncodified) is amended to read as follows:

**FOR THE EVERGREEN STATE COLLEGE**

Lab II HVAC Upgrades (40000047)

Appropriation:

~~((Coronavirus Capital Projects Account —  
Federal ..... \$4,000,000))~~

Coronavirus State Fiscal Recovery Fund—Federal ..... \$4,000,000

Prior Biennia (Expenditures) ..... \$0

Future Biennia (Projected Costs) ..... \$0

TOTAL ..... \$4,000,000

NEW SECTION. Sec. 5025. A new section is added to 2021 c 332 (uncodified) to read as follows:

**FOR THE EVERGREEN STATE COLLEGE**

Recreation and Athletic Center Critical Repairs (40000082)

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. 5026. A new section is added to 2021 c 332 (uncodified) to read as follows:

**FOR THE EVERGREEN STATE COLLEGE**

Emergency Dispatch & Communication System Replacement (40000084)

Appropriation:

The Evergreen State College Capital Projects  
Account—State ..... \$1,000,000

Prior Biennia (Expenditures) ..... \$0

Future Biennia (Projected Costs) ..... \$0

TOTAL ..... \$1,000,000

Sec. 5027. 2021 c 332 s 5096 (uncodified) is amended to read as follows:

**FOR THE EVERGREEN STATE COLLEGE**

Minor Works - Preservation: 2019-21 (91000031)

Reappropriation:

The Evergreen State College Capital Projects

Account—State .....	\$900,000
State Building Construction Account—State .....	\$107,000
<u>Subtotal Reappropriation .....</u>	<u>\$1,007,000</u>
Prior Biennia (Expenditures).....	<del>(\$4,966,000)</del>
	\$4,859,000
Future Biennia (Projected Costs).....	\$0
TOTAL .....	\$5,866,000

Sec. 5028. 2021 c 332 s 5101 (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:

State Building Construction Account—State .....	\$51,000,000
<u>Western Washington University Capital Projects</u>	
<u>Account—State .....</u>	<u>\$1,500,000</u>
<u>Subtotal Appropriation .....</u>	<u>\$52,500,000</u>
Prior Biennia (Expenditures).....	\$1,500,000
Future Biennia (Projected Costs).....	\$0
TOTAL .....	<del>(\$53,000,000)</del>
	\$54,500,000

Sec. 5029. 2021 c 332 s 5107 (uncodified) is amended to read as follows:

**FOR WESTERN WASHINGTON UNIVERSITY**

Minor Works - Program 2021-2023 (30000918)

Appropriation:

Western Washington University Capital Projects	
Account—State .....	\$1,000,000
State Building Construction Account—State .....	\$557,000
<u>Subtotal Appropriation .....</u>	<u>\$1,557,000</u>
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$7,000,000
TOTAL .....	<del>(\$8,000,000)</del>
	\$8,557,000

Sec. 5030. 2021 c 332 s 5104 (uncodified) is amended to read as follows:

**FOR WESTERN WASHINGTON UNIVERSITY**

2021-23 Classroom & Lab Upgrades (30000911)

Appropriation:

State Building Construction Account—State .....	<del>(\$2,500,000)</del>
	\$3,850,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$10,500,000

TOTAL .....((\$13,000,000))  
\$14,350,000

**Sec. 5031.** 2021 c 332 s 5111 (uncodified) is amended to read as follows:  
**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 ..... \$1,800,000  
 Prior Biennia (Expenditures) .....((\$7,186,000))  
\$6,579,000  
 Future Biennia (Projected Costs)..... \$0  
 TOTAL .....((\$8,986,000))  
\$8,379,000

**Sec. 5032.** 2021 c 332 s 5112 (uncodified) is amended to read as follows:  
**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 ..... \$4,400,000  
 Prior Biennia (Expenditures) .....((\$4,777,000))  
\$4,731,000  
 Future Biennia (Projected Costs)..... \$0  
 TOTAL .....((\$9,177,000))  
\$9,131,000

**Sec. 5033.** 2021 c 332 s 5115 (uncodified) is amended to read as follows:  
**FOR THE WASHINGTON STATE HISTORICAL SOCIETY**  
 Preservation - Minor Works 2021-23 (40000136)

Appropriation:

State Building Construction Account—State .....((\$2,500,000))  
\$4,697,000  
 Prior Biennia (Expenditures)..... \$0  
 Future Biennia (Projected Costs)..... \$8,298,000  
 TOTAL .....((\$10,798,000))  
\$12,995,000

NEW SECTION. **Sec. 5034.** A new section is added to 2021 c 332 (uncodified) to read as follows:

**FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**  
 Complete HVAC Controls Replacement (40000052)

Appropriation:

State Building Construction Account—State .....\$290,000  
 Prior Biennia (Expenditures)..... \$0  
 Future Biennia (Projected Costs)..... \$0

TOTAL .....\$290,000

NEW SECTION. Sec. 5035. A new section is added to 2021 c 332 (uncodified) to read as follows:

**FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

Garage and Emergency Exit Concrete Remediation (40000053)

Appropriation:

State Building Construction Account—State .....	\$901,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL .....	\$901,000

Sec. 5036. 2021 c 332 s 5153 (uncodified) is amended to read as follows:

**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Facility Repairs (40000169)

Reappropriation:

Community and Technical College Capital Projects	
Account—State .....	\$2,826,000
State Building Construction Account—State .....	\$2,627,000
Subtotal Reappropriation .....	\$5,453,000
Prior Biennia (Expenditures).....	<del>(\$33,074,000)</del>
	\$32,587,000
Future Biennia (Projected Costs).....	\$0
TOTAL .....	<del>(\$38,527,000)</del>
	\$38,040,000

NEW SECTION. Sec. 5037. A new section is added to 2021 c 332 (uncodified) to read as follows:

**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Minor Works - Infrastructure (40000431)

The appropriations in this section are subject to the following conditions and limitations: \$56,000 of the state building construction account—state appropriation in this section is provided solely for the following list of projects:

Yakima Valley Community College Gas Meter Replacement.....	\$31,000
Yakima Valley Community College Potable Water Meter Replacement .....	\$25,000

Appropriation:

State Building Construction Account—State .....	\$8,517,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL .....	\$8,517,000

NEW SECTION. Sec. 5038. A new section is added to 2021 c 332 (uncodified) to read as follows:

**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Pierce College Olympic South Asbestos Abatement and Restoration (40000516)

Appropriation:

State Building Construction Account—State .....	\$13,159,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0



TOTAL . . . . . \$13,159,000

Sec. 5039. 2021 c 332 s 5170 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE ARTS COMMISSION**

Yakima Sun Dome Reflectors (92000002)

Reappropriation:

State Building Construction Account—State . . . . . \$14,000

Appropriation:

State Building Construction Account—State . . . . . \$508,000

Prior Biennia (Expenditures) . . . . . ((~~\$80,000~~))

\$66,000

Future Biennia (Projected Costs) . . . . . \$0

TOTAL . . . . . \$588,000

NEW SECTION. Sec. 5040. 2021 c 332 s 5024 (uncodified) is repealed.

**PART 6**

**RESERVED**

**PART 7**

**MISCELLANEOUS PROVISIONS**

Sec. 7001. 2021 c 332 s 7001 (uncodified) is amended to read as follows:

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 ((~~\$46,768,901~~)) \$46,810,631 for the 2021-2023 biennium, ((~~\$314,662,796~~)) \$324,599,260 for the 2023-2025 biennium, and ((~~\$447,088,148~~)) 466,702,535 for the 2025-2027 biennium.

Sec. 7002. 2021 c 332 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 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 plus costs and financing expenses and required reserves 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: ((Submit a financing contract proposal to fully fund the Lacey headquarters parking garage preservation project, including financing expenses and required reserves pursuant to chapter 39.94 RCW, in the department's 2022 supplemental capital budget request))~~ 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. 7003.** 2021 c 332 s 7012 (uncodified) is amended to read as follows:

Executive Order No. 21-02, archaeological and cultural resources, was issued effective ~~((November 10, 2005))~~ 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. 7004.** A new section is added to 2021 c 332 (uncodified) to read as follows:

The public works board created in RCW 43.155.030 shall develop recommendations for a program design and administration, including but not limited to, prioritization and selection criteria, operation, and funding structure and levels for the types of innovative infrastructure projects that conserve water and energy, reduce greenhouse gas emissions, or reduce pollution and waste with a focus on those projects that achieve multiple benefits. In developing recommendations, the public works board shall, at a minimum, collaborate with the interagency, multijurisdictional system improvement team established by RCW 43.155.150, the department of commerce's state energy office, the industrial waste coordination program established by RCW 43.31.625, and local governments to evaluate barriers and gaps in incentives and funding for advancing innovative systems and technologies in public infrastructure that promote community and ecosystem resilience. Examples of innovative project types that should be addressed by the program include water reuse or reclaimed water systems, projects that integrate energy generation or water collection from waste products, and projects that reduce pollution discharges, treat or store water through green, or nature-based, infrastructure. The public works board shall provide recommendations to the governor's office, office of financial management, the senate ways and means committee and the house capital budget committee by October 1, 2022.

**Sec. 7005.** RCW 43.63A.125 and 2019 c 413 s 7030 are each amended to read as follows:

(1) The department shall establish the building communities fund program. Under the program, capital and technical assistance grants may be made to nonprofit organizations for acquiring, constructing, or rehabilitating facilities used for the delivery of nonresidential community services, including social service centers and multipurpose community centers, including those serving a distinct or ethnic population. Such facilities must be located in a distressed community or serve a substantial number of low-income or disadvantaged persons.

(2) The department shall establish a competitive process to solicit, evaluate, and rank applications for the building communities fund program as follows:

(a) The department shall conduct a statewide solicitation of project applications from nonprofit organizations.

(b) The department shall evaluate and rank applications in consultation with a citizen advisory committee using objective criteria. To be considered qualified, applicants must demonstrate that the proposed project:

(i) Will increase the range, efficiency, or quality of the services provided to citizens;

(ii) Will be located in a distressed community or will serve a substantial number of low-income or disadvantaged persons;

(iii) Will offer three or more distinct activities that meet a single community service objective or offer a diverse set of activities that meet multiple community service objectives, including but not limited to: Providing social services; expanding employment opportunities for or increasing the employability of community residents; or offering educational or recreational opportunities separate from the public school system or private schools, as long as recreation is not the sole purpose of the facility;

(iv) Reflects a long-term vision for the development of the community, shared by residents, businesses, leaders, and partners;

(v) Requires state funding to accomplish a discrete, usable phase of the project;

(vi) Is ready to proceed and will make timely use of the funds;

(vii) Is sponsored by one or more entities that have the organizational and financial capacity to fulfill the terms of the grant agreement and to maintain the project into the future;

(viii) Fills an unmet need for community services;

(ix) Will achieve its stated objectives; and

(x) Is a community priority as shown through tangible commitments of existing or future assets made to the project by community residents, leaders, businesses, and government partners.

(c)(i) The evaluation and ranking process shall also include an examination of existing assets that applicants may apply to projects. Grant assistance under this section shall not exceed (~~(twenty-five)~~) 25 percent of the total cost of the project, except(~~(-under)~~) as provided in (c)(ii) and (iii) of this subsection (2).

(ii) For project lists submitted during the 2021-2023 fiscal biennium, grant assistance under this section may not exceed:

(A) One hundred percent of the total cost for projects up to \$100,000;

(B) Seventy-five percent of the total cost for projects that exceed \$100,000, up to \$250,000;

(C) Fifty percent of the total cost for projects that exceed \$250,000, up to \$500,000.

(iii) Under exceptional circumstances, the department may reduce the amount of nonstate match required. However, during the 2019-2021 biennium, the legislature may waive the match required for the projects specified in section 1009, chapter 413, Laws of 2019. No more than (~~(ten)~~) 10 percent of the total granted amount may be awarded to qualified eligible projects that meet the definition of exceptional circumstances defined in this subsection. For project lists submitted during the 2021-2023 fiscal biennium, there is no limit to the total granted amount awarded to qualified eligible projects that meet the definition of exceptional circumstances defined in this subsection. For purposes of this subsection, exceptional circumstances include but are not limited to: Natural disasters affecting projects; emergencies beyond an applicant's control, such as a fire or an unanticipated loss of a lease where services are currently provided; or a delay that could result in a threat to public health or safety. 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.

(d) The department may not set a monetary limit to funding requests.

(3) The department shall submit biennially to the governor and the legislature in the department's capital budget request a ranked list of the qualified eligible projects for which applications were received. The list must include a description of each project, its total cost, and the amount of state funding requested. The appropriate fiscal committees of the legislature shall use this list to determine building communities fund projects that may receive funding in the capital budget. The total amount of state capital funding available for all projects on the biennial list shall be determined by the capital budget beginning with the 2009-2011 biennium and thereafter. In addition, if cash funds have been appropriated, up to (~~three million dollars~~) \$3,000,000 may be used for technical assistance grants. The department shall not sign contracts or otherwise financially obligate funds under this section until the legislature has approved a specific list of projects.

(4) In addition to the list of ranked qualified eligible projects, the department shall submit to the appropriate fiscal committees of the legislature a summary report that describes the solicitation and evaluation processes, including but not limited to the number of applications received, the total amount of funding requested, issues encountered, if any, and any recommendations for process improvements.

(5) After the legislature has approved a specific list of projects in law, the department shall develop and manage appropriate contracts with the selected applicants; monitor project expenditures and grantee performance; report project and contract information; and exercise due diligence and other contract management responsibilities as required.

(6) In contracts for grants authorized under this section the department shall include provisions which require that capital improvements shall be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities shall 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.

**Sec. 7006.** 2021 c 332 s 7020 (uncodified) is amended to read as follows:  
**FOR THE STATE TREASURER—TRANSFERS**

(1) Public Works Assistance Account: For transfer to the drinking water assistance account, up to \$5,500,000 for fiscal year 2022 and up to (~~\$5,500,000~~) \$14,900,000 for fiscal year 2023 . . . . . (~~\$11,000,000~~)  
\$20,400,000

(2) Public Works Assistance Account: For transfer to the water pollution control revolving account, up to \$7,500,000 for fiscal year 2022 and up to (~~\$7,500,000~~) \$10,500,000 for fiscal year 2023 . . . . . (~~\$15,000,000~~)  
\$18,000,000

(3) Public Works Assistance Account: For transfer to the statewide broadband account, up to \$7,000,000 for fiscal year 2022 and up to \$7,000,000 for fiscal year 2023 . . . . . \$14,000,000

(4) Capital Community Assistance Account: For transfer to the apple health and homes account, \$60,000,000 for fiscal year 2023 . . . . . \$60,000,000

**Sec. 7007.** 2021 c 332 s 7041 (uncodified) is amended to read as follows:

(1) The department of enterprise services shall convene a construction industry work group to recommend how to apply successful carbon reduction strategies, incorporate necessary parameters of design and construction considerations, and allow for efficient and cost effective state construction projects. The work group must be comprised of construction industry professionals as recommended by a leading association on Washington business in design, specification, construction, and material supply and construction professionals that have successfully realized real and measurable results. The work group must also include a representative from the department of enterprise services, representatives from environmental groups, and someone of applicable expertise from the Washington academy of sciences.

(2) The work group shall identify and recommend carbon reduction strategies and environmental product declaration principles to successfully apply in state construction projects and:

(a) Clarify the definition of environmental product declaration to ensure that environmental product declarations (EPD) are applied properly, consistently, and as intended and provide a baseline of understanding based on accepted metrics to obtain measurable results for state construction projects;

(b) Suggest a pilot project or project review to apply construction industry recommendations and create an education and standards brief that accompanies the report required under subsection (3) of this section;

(c) Outline the environmental project review data collection process in functional detail and use existing data gathering resources such as EC3; and

(d) Identify measurable outcome criteria to establish a project baseline summary for use during design from estimated project material quantities using industry average environmental product declarations.

(3) The work group shall provide their recommendations in a report to the fiscal committees of the legislature by ~~((January 1, 2022))~~ June 30, 2022.

(d) Identify measurable outcome criteria to establish a project baseline summary for use during design from estimated project material quantities using industry average environmental product declarations; and

(e) Identify sustainable and low-carbon emitting building materials, including but not limited to, aggregate and recycled concrete materials, as described in subsection (4) of this section.

(3) The work group shall provide their recommendations in a report to the fiscal committees of the legislature by January 1, 2022.

(4)(a) The legislature continues to prioritize Washington state's sustainability goals and reaffirms its determination that recyclable construction aggregate and recycled concrete materials are too valuable to be wasted and landfilled. The legislature further finds that the reuse of construction aggregate and recycled concrete materials into construction projects is known to:

(i) Reduce the need for consumption of new construction aggregate materials and conserves existing aggregate resources;

(ii) Encourages reuse and recycling, reduces waste, and discourages landfilling of readily available natural resources;

- (iii) Reduces truck trips and related transportation emissions; and
- (iv) Reduces greenhouse gases related to the construction of state funded construction projects, reduce embodied energy, and improve and advance the sustainable principles and practices of Washington state.

(b) These recyclable materials have well established markets, are substantially a primary or secondary product of necessary construction processes and production, as a commodity substantially meets widely recognized international, national, and local standards and specifications, and are managed as an item of commercial value.

**Sec. 7008.** RCW 43.83B.430 and 2020 c 168 s 6 are each 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. Moneys in the account may be spent only after appropriation. During the 2021-2023 fiscal biennium, the legislature may appropriate moneys from the account for activities related to water banking.

**Sec. 7009.** RCW 43.155.050 and 2021 c 334 s 979 and 2021 c 332 s 7031 are each reenacted and amended to read as follows:

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. Not more than twenty 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 ten 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, the legislature may appropriate moneys from the account for activities related to the 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. During the 2021-2023 fiscal biennium, 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 of this act.

**NEW SECTION. Sec. 7010.** The energy efficiency revolving loan capitalization account is created in the state treasury. All moneys received by the state from the energy efficiency revolving loan fund capitalization grant program created in section 40502 of P.L. 117-58 (infrastructure investment and jobs act) must be deposited into the account. The account may also receive legislative transfers and appropriations and all other revenues directed for deposit into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used to make grants or loans, and to provide technical assistance, to conduct energy audits and to implement audit strategies to increase the energy efficiency of residential and commercial buildings and facilities.

**Sec. 7011.** RCW 43.19.501 and 2021 c 332 s 7013 are each amended to read as follows:

The Thurston county capital facilities account is created in the state treasury. The account is subject to the appropriation and allotment procedures under chapter 43.88 RCW. Moneys in the account may be expended for capital projects in facilities owned and managed by the department in Thurston county.

During the 2019-2021 and 2021-2023 fiscal biennia, the Thurston county capital facilities account may be appropriated for costs associated with staffing to support capital budget and project activities and lease and facility oversight activities. During the 2021-2023 fiscal biennium, the Thurston county capital facilities account may be appropriated for activities related to Capitol Lake long-term management planning, as provided in section 1057 of this act.

**NEW SECTION. Sec. 7012.** The state board for community and technical colleges was tasked by the legislature in section 7038, chapter 332, Laws of 2021 to report on alternative methods of prioritizing and presenting the list of requested capital projects for community and technical colleges in the 2023-2025 fiscal biennium. The state board for community and technical colleges shall implement for the 2023-2025 fiscal biennium the report's option of a single prioritized request with minor projects above major projects and with all of the funding needed for design and construction included in a single biennium. However, in recognition of the transition to this new prioritized request method, projects that received funding for design only in the 2019-2021 or 2021-2023 fiscal biennia must receive priority over new major project requests in the 2023-2025 fiscal biennium request.

**NEW SECTION. Sec. 7013.** 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. 7014.** 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 March 9, 2022.

Passed by the House March 8, 2022.



Approved by the Governor March 31, 2022.  
 Filed in Office of Secretary of State April 1, 2022.

## CHAPTER 297

[Engrossed Substitute Senate Bill 5693]

### SUPPLEMENTAL OPERATING BUDGET

AN ACT Relating to fiscal matters; amending RCW 28B.92.205, 41.60.050, 41.80.010, 43.31.605, 43.41.450, 43.43.837, 43.70.715, 43.79.505, 43.83B.430, 43.101.435, 43.216.1368, 43.216.270, 43.348.080, 50A.10.030, 70A.200.140, 71.24.580, 74.13.802, 74.46.561, and 76.04.516; amending 2021 c 334 ss 1, 101, 102, 103, 104, 105, 106, 107, 108, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 401, 402, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 603, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 701, 702, 704, 705, 706, 718, 723, 724, 744, 745, 746, 748, 753, 801, 802, 803, 805, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 928, 929, 930, 932, 933, 934, 935, 936, 937, 939, 940, 941, 942, 943, 945, 946, 947, 948, and 1002 (uncodified); adding new sections to chapter 43.79 RCW; adding a new section to chapter 43.330 RCW; adding new sections to 2021 c 334 (uncodified); repealing 2021 c 334 ss 730, 731, 732, 733, 734, 735, 736, 737, 749, and 752 (uncodified); making appropriations; and declaring an emergency.

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

**Sec. 1.** 2021 c 334 s 1 (uncodified) is amended to read as follows:

(1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in parts I through IX of this act, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 2021, and ending June 30, 2023, except as otherwise provided, out of the several funds of the state hereinafter named.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(a) "ARPA" means the American rescue plan act of 2021, P.L. 117-2.

(b) "CARES" means the coronavirus aid, relief, and economic security act, P.L. 116-136.

(c) "CRF" means the coronavirus relief fund created by section 5001, the coronavirus aid, relief, and economic security act, P.L. 116-136, division A.

(d) "CRRSA" means the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M.

(e) "CRRSA/ESSER" means the elementary and secondary school emergency relief fund, as modified by the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M.

(f) "Dedicated marijuana account" means the dedicated cannabis account, if either Engrossed Second Substitute Senate Bill No. 5796 or Second Substitute House Bill No. 1210 is enacted.

(g) "Fiscal year 2022" or "FY 2022" means the fiscal year ending June 30, 2022.

~~((g))~~ (h) "Fiscal year 2023" or "FY 2023" means the fiscal year ending June 30, 2023.

~~((h))~~ (i) "FTE" means full time equivalent.

~~((i))~~ (j) "Lapse" or "revert" means the amount shall return to an unappropriated status.

~~((j))~~ (k) "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 which is not expended subject to the specified conditions and limitations to fulfill the specified purpose shall lapse.

(3) Whenever the terms in subsection (2)(a) through (e) of this section are used in the context of a general fund—federal appropriation, the term is used to attribute the funding to that federal act.

**PART I  
GENERAL GOVERNMENT**

**Sec. 101.** 2021 c 334 s 101 (uncodified) is amended to read as follows:

**FOR THE HOUSE OF REPRESENTATIVES**

General Fund—State Appropriation (FY 2022) . . . . .	<del>((</del> \$45,740,000))
	\$46,838,000
General Fund—State Appropriation (FY 2023) . . . . .	<del>((</del> \$46,804,000))
	\$53,280,000
TOTAL APPROPRIATION . . . . .	<del>((</del> \$92,544,000))
	\$100,118,000

The appropriations in this section are subject to the following conditions and limitations: \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a work group to continue the house of representatives' examination of employment practices and policies and to develop options and recommendations for the house of representatives.

(a) The work group is composed of the following members:

(i) Two legislative assistants from each of the two largest caucuses of the house of representatives;

(ii) One nonsupervisory staff and one supervisory staff from each of the two largest caucuses of the house of representatives;

(iii) One committee assistant, one coordinator, one analyst or counsel, and one administrative staff from the house of representatives office of program research;

(iv) One nonsupervisory staff and one supervisory staff from the house of representatives administration;

(v) The chief clerk of the house of representatives or their designee; and

(vi) The house of representatives human resource director.

(b) Staff who wish to be appointed to the work group must submit an application to the office of human resources. The house of representatives human resource officer shall make recommendations to the house of representatives executive rules committee who shall then confirm appointments to the work group.

(c) The chief clerk of the house of representatives shall contract for an external facilitator to staff and assist the work group. The facilitator must have a background or experience in organizational development. The chief clerk may

also contract for legal services and other expert services, as necessary, to assist the work group.

(d) The work group shall consider issues related to employment practices and policies including, but not limited to:

(i) The supervisory structure of employees;

(ii) Workplace terms and conditions; and

(iii) Professional development.

(e) The expenses of the work group must be paid from the amount appropriated in this section subject to approval by the house of representatives executive rules committee.

(f) The work group must report its findings and recommendations to the house of representatives executive rules committee by December 1, 2022.

(g) If Engrossed Substitute House Bill No. 2124 is enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

**Sec. 102.** 2021 c 334 s 102 (uncodified) is amended to read as follows:

**FOR THE SENATE**

General Fund—State Appropriation (FY 2022) . . . . .	..( <del>(\$32,755,000)</del> )
	\$33,755,000
General Fund—State Appropriation (FY 2023) . . . . .	..( <del>(\$35,699,000)</del> )
	\$41,625,000
TOTAL APPROPRIATION . . . . .	..( <del>(\$68,454,000)</del> )
	\$75,380,000

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

(1) \$260,000 of the general fund—state appropriation for fiscal year 2022 and \$270,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the payment of membership dues to the council of state governments, the national conference of state legislatures, the pacific northwest economic region, the pacific fisheries legislative task force, and the western legislative forestry task force.

(2) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a work group to continue the senate’s examination of employment practices and policies and to develop options and recommendations for the senate.

(a) The work group is composed of the following 17 members:

(i) Two legislative assistants from each of the two largest caucuses of the senate;

(ii) One nonsupervisory staff and one supervisory staff from each of the two largest caucuses of the senate;

(iii) One committee assistant, one coordinator, one analyst or counsel, and one administrative staff from senate committee services;

(iv) One nonsupervisory staff and one supervisory staff from senate administration;

(v) The secretary of the senate or their designee; and

(vi) The senate human resource director and senate diversity, equity, and inclusion coordinator.

(b) Staff who wish to be appointed to the work group must submit an application to the office of human resources. The senate human resource officer

shall make recommendations to the senate facilities and operations committee who shall then confirm appointments to the work group.

(c) The secretary of the senate shall contract for an external facilitator to staff and assist the work group. The facilitator must have a background or experience in organizational development. The secretary may also contract for legal services and other expert services, as necessary, to assist the work group.

(d) The work group shall consider issues related to employment practices and policies including, but not limited to:

- (i) The supervisory structure of employees;
- (ii) Workplace terms and conditions; and
- (iii) Professional development.

(e) The expenses of the work group must be paid from the amount appropriated in this section subject to approval by the senate facilities and operations committee.

(f) The work group must report its findings and recommendations to the senate facilities and operations committee by December 1, 2022.

(g) If Engrossed Substitute House Bill No. 2124 is enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

**\*Sec. 103.** 2021 c 334 s 103 (uncodified) is amended to read as follows:

<b>FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE</b>	
General Fund—State Appropriation (FY 2022) . . . . .	<del>(\$303,000)</del>
	\$342,000
General Fund—State Appropriation (FY 2023) . . . . .	<del>(\$248,000)</del>
	\$296,000
Performance Audits of Government Account—State	
Appropriation . . . . .	<del>(\$9,384,000)</del>
	\$10,036,000
TOTAL APPROPRIATION . . . . .	<del>(\$9,935,000)</del>
	\$10,674,000

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

(1) \$273,000 of the general fund—state appropriation for fiscal year 2022 and \$244,000 of the general fund—state appropriation for fiscal year 2023 are provided (~~solely~~) for implementation of Engrossed Substitute Senate Bill No. 5405 (racial equity analyses). (~~If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~)

(2) Notwithstanding the provisions of this section, the joint legislative audit and review committee may adjust the due dates for projects included on the committee's 2021-2023 work plan as necessary to efficiently manage workload.

(3) \$20,000 of the general fund—state appropriation for fiscal year 2022 and \$2,000 of the general fund—state appropriation for fiscal year 2023 are provided (~~solely~~) to implement House Bill No. 1296 (behavioral health service organizations). (~~If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~)

(4) \$10,000 of the general fund—state appropriation for fiscal year 2022 and \$2,000 of the general fund—state appropriation for fiscal year 2023 are provided (~~solely~~) to implement Second Substitute House Bill No. 1033

(employment training program). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(5) \$50,000 of the performance audits of government account—state appropriation is for implementation of Engrossed Substitute Senate Bill No. 5268 (developmental disability services). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(6) Sufficient funding is appropriated in this section to conduct performance audits related to state agency programs and services to address the needs of farmworkers. The audits will assess how the agency is administering the programs and enforcing the relevant laws and provide recommendations to improve service delivery and effectiveness for the protection and needs farmworkers. The committee must incorporate the performance audits in this subsection into its work plan and must provide annual progress reports on their status. The committee may prioritize its work based on available resources and staff capacity, and may contract for services as necessary, to complete the following performance audits:

(a) The department of labor and industries' programs and responsibilities to investigate and enforce:

(i) Wage and hour laws applicable to farmworkers;

(ii) Workplace health and safety standards applicable to farmworkers; and

(iii) Laws prohibiting harassment, discrimination, and retaliation against farmworkers for, among other things, asserting their rights regarding health and safety standards and wage and hour laws;

(b) The employment security department's administration of the H-2A program; and

(c) The department of health's administration of laws and rules related to pesticide safety that are intended to protect farmworkers from hazardous exposures.

(7) \$42,000 of the performance audits of government account—state appropriation is for implementation of Second Substitute Senate Bill No. 5649 (family and medical leave). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(8) \$13,000 of the general fund—state appropriation for fiscal year 2022 and \$4,000 of the general fund—state appropriation for fiscal year 2023 are for the implementation of Engrossed Substitute House Bill No. 1643 (affordable housing/REET). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(9) \$36,000 of the general fund—state appropriation for fiscal year 2023 is for the implementation of Engrossed Second Substitute House Bill No. 1015 (equitable access to credit). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

**(10) \$13,000 of the general fund—state appropriation for fiscal year 2022 is for the implementation of House Bill No. 1924 (hog fuel tax exemption). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.**

**(11) \$13,000 of the general fund—state appropriation for fiscal year 2022 and \$8,000 of the general fund—state appropriation for fiscal year 2023 are for the implementation of Substitute House Bill No. 1792 (hydrogen). If the**

**bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.**

(12)(a) The joint legislative audit and review committee shall conduct a performance audit of the department of health's oversight of hospital data reporting, inspections, and complaints. The study must explore:

(i) The types of data that hospitals are required to collect and report to state and federal regulatory entities, hospitals' compliance with these reporting requirements, and the department's enforcement and use of such reporting. This data includes: Hospital financial data, patient discharge data, charity care data, adverse health events and incidents notification and reporting, and community health needs, assessments, and benefits implementation strategies;

(ii) The type and frequency of hospital inspections conducted by state and federal regulatory entities, and hospitals' correction of any deficiencies; and

(iii) The hospital facility complaint process, including how consumers may file complaints, how the department investigates complaints, and how hospitals resolve any violations.

(b) The committee must incorporate the performance audit in this subsection into its work plan and prioritize its work based on available resources and staff capacity.

(13) \$17,000 of the performance audits of government account—state appropriation is for implementation of Senate Bill No. 5713 (limited equity cooperative housing). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

**(14) \$5,000 of the performance audits of government account—state appropriation is for implementation of Senate Bill No. 5004 (medical marijuana tax ex.). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.**

(15) \$17,000 of the performance audits of government account—state appropriation is for implementation of Engrossed Substitute Senate Bill No. 5714 (solar canopies tax deferral). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

*\*Sec. 103 was partially vetoed. See message at end of chapter.*

**Sec. 104.** 2021 c 334 s 104 (uncodified) is amended to read as follows:

**FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE**

Performance Audits of Government Account—State

Appropriation . . . . .	<del>(\$4,664,000)</del>
	\$4,735,000
TOTAL APPROPRIATION . . . . .	<del>(\$4,664,000)</del>
	\$4,735,000

**Sec. 105.** 2021 c 334 s 105 (uncodified) is amended to read as follows:

**FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE**

General Fund—State Appropriation (FY 2022) . . . . .	<del>(\$14,173,000)</del>
	\$14,466,000
General Fund—State Appropriation (FY 2023) . . . . .	<del>(\$14,235,000)</del>
	\$16,168,000
TOTAL APPROPRIATION . . . . .	<del>(\$28,408,000)</del>
	\$30,634,000

The appropriations in this section are subject to the following conditions and limitations: Within the amounts provided in this section, the joint legislative systems committee shall provide information technology support, including but not limited to internet service, for the district offices of members of the house of representatives and the senate.

**NEW SECTION. Sec. 106.** A new section is added to 2021 c 334 (uncodified) to read as follows:

**FOR THE OFFICE OF STATE LEGISLATIVE LABOR RELATIONS**

General Fund—State Appropriation (FY 2023) . . . . .	\$947,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$947,000</b>

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

(1) \$947,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of House Bill No. 2124 (legislative employee collective bargaining). If the bill is not enacted by June 30, 2022, the amounts provided in this section shall lapse.

(2) Prior to the appointment of a director of the office of state legislative labor relations, the chief clerk of the house of representatives and the secretary of the senate may jointly authorize the expenditure of these funds to facilitate the establishment of the office.

**Sec. 107.** 2021 c 334 s 106 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF THE STATE ACTUARY**

General Fund—State Appropriation (FY 2022) . . . . .	\$367,000
General Fund—State Appropriation (FY 2023) . . . . .	<del>(\$382,000)</del>
	<u>\$391,000</u>
State Health Care Authority Administrative Account—	
State Appropriation . . . . .	<del>(\$249,000)</del>
	<u>\$254,000</u>
Department of Retirement Systems Expense Account—	
State Appropriation . . . . .	<del>(\$6,095,000)</del>
	<u>\$6,191,000</u>
School Employees' Insurance Administrative Account—	
State Appropriation . . . . .	\$250,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b><del>(\$7,343,000)</del></b>
	<u>\$7,453,000</u>

**Sec. 108.** 2021 c 334 s 107 (uncodified) is amended to read as follows:

**FOR THE STATUTE LAW COMMITTEE**

General Fund—State Appropriation (FY 2022) . . . . .	<del>(\$5,366,000)</del>
	<u>\$5,367,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	<del>(\$5,766,000)</del>
	<u>\$5,917,000</u>
<b>TOTAL APPROPRIATION . . . . .</b>	<b><del>(\$11,132,000)</del></b>
	<u>\$11,284,000</u>

**Sec. 109.** 2021 c 334 s 108 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF LEGISLATIVE SUPPORT SERVICES**

General Fund—State Appropriation (FY 2022) . . . . .	\$4,566,000
General Fund—State Appropriation (FY 2023) . . . . .	<del>(\$5,029,000)</del>

	<u>\$5,169,000</u>
TOTAL APPROPRIATION . . . . .	(( <u>\$9,595,000</u> ))
	<u>\$9,735,000</u>

Sec. 110. 2021 c 334 s 111 (uncodified) is amended to read as follows:

**FOR THE SUPREME COURT**

General Fund—State Appropriation (FY 2022) . . . . .	(( <u>\$9,781,000</u> ))
	<u>\$9,746,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	(( <u>\$9,848,000</u> ))
	<u>\$11,032,000</u>
TOTAL APPROPRIATION . . . . .	(( <u>\$19,629,000</u> ))
	<u>\$20,778,000</u>

Sec. 111. 2021 c 334 s 112 (uncodified) is amended to read as follows:

**FOR THE LAW LIBRARY**

General Fund—State Appropriation (FY 2022) . . . . .	(( <u>\$1,811,000</u> ))
	<u>\$1,793,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	(( <u>\$1,821,000</u> ))
	<u>\$1,934,000</u>
TOTAL APPROPRIATION . . . . .	(( <u>\$3,632,000</u> ))
	<u>\$3,727,000</u>

Sec. 112. 2021 c 334 s 113 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON JUDICIAL CONDUCT**

General Fund—State Appropriation (FY 2022) . . . . .	(( <u>\$1,650,000</u> ))
	<u>\$1,638,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	(( <u>\$1,649,000</u> ))
	<u>\$1,686,000</u>
TOTAL APPROPRIATION . . . . .	(( <u>\$3,299,000</u> ))
	<u>\$3,324,000</u>

Sec. 113. 2021 c 334 s 114 (uncodified) is amended to read as follows:

**FOR THE COURT OF APPEALS**

General Fund—State Appropriation (FY 2022) . . . . .	(( <u>\$21,818,000</u> ))
	<u>\$21,709,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	(( <u>\$22,146,000</u> ))
	<u>\$22,673,000</u>
TOTAL APPROPRIATION . . . . .	(( <u>\$43,964,000</u> ))
	<u>\$44,382,000</u>

Sec. 114. 2021 c 334 s 115 (uncodified) is amended to read as follows:

**FOR THE ADMINISTRATOR FOR THE COURTS**

General Fund—State Appropriation (FY 2022) . . . . .	(( <u>\$157,168,000</u> ))
	<u>\$86,711,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	(( <u>\$81,033,000</u> ))
	<u>\$118,611,000</u>
General Fund—Federal Appropriation . . . . .	(( <u>\$2,209,000</u> ))
	<u>\$3,994,000</u>
General Fund—Private/Local Appropriation . . . . .	\$681,000
Judicial Stabilization Trust Account—State Appropriation . . . . .	(( <u>\$6,692,000</u> ))
	<u>\$119,442,000</u>

Judicial Information Systems Account—State



Appropriation. . . . .	..((\$60,664,000))
	<u>\$61,471,000</u>
TOTAL APPROPRIATION . . . . .	..((\$308,447,000))
	<u>\$390,910,000</u>

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

(1) The distributions made under this section and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(2)(a) \$7,000,000 of the general fund—state appropriation for fiscal year 2022 and \$7,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for distribution to county juvenile court administrators for the costs associated with processing and case management of truancy, children in need of services, and at-risk youth referrals. The administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula must neither reward counties with higher than average per-petition/referral processing costs nor shall it penalize counties with lower than average per-petition/referral processing costs.

(b) Each fiscal year during the 2021-2023 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than 45 days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives and senate fiscal committees no later than 60 days after a fiscal year ends. These reports are informational in nature and are not for the purpose of distributing funds.

(3) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for providing all courts with an electronic demographic survey for jurors who begin a jury term. The survey must collect data on each juror's race, ethnicity, age, sex, employment status, educational attainment, and income, as well as any other data approved by order of the chief justice of the Washington state supreme court. This electronic data gathering must be conducted and reported in a manner that preserves juror anonymity. The administrative office of the courts shall provide this demographic data in a report to the governor and the appropriate committees of the legislature, and publish a copy of the report on a publicly available internet address by June 30, 2023.

(4)(a) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the center for court research at the administrative office of the courts to review the number and types of young individuals placed on electronic home monitoring over a 10 year time period. The center for court research shall work in collaboration with the Washington state partnership council on juvenile justice and the juvenile block grant proviso committee (which includes a representative from the juvenile rehabilitation administration,

the office of the administrator of the courts, the office of financial management, and the juvenile courts) to identify the number of individuals under the age of 26 that have been placed on electronic home monitoring by the department of children, youth, and families and the number of individuals placed on electronic home monitoring by or through juvenile courts from the year 2010 through 2020. At a minimum, the study must identify:

- (i) How electronic home monitoring is defined and used by each entity;
- (ii) The various types of electronic home monitoring services and the equipment used by each entity;
- (iii) Whether the type of electronic home monitoring equipment used is different depending upon the age or type of the offender;
- (iv) Whether the state or local entity provides the supervision and monitoring of individuals placed on electronic home monitoring or whether the supervision and monitoring are contracted services;
- (v) By age, demographics, ethnicity, and race, the number of individuals that participated on electronic home monitoring each year;
- (vi) By age, the offense committed that resulted in the individual being placed on electronic home monitoring, and the average duration of time individuals spent on electronic home monitoring; and
- (vii) Whether electronic home monitoring was used as an alternative to or in lieu of incarceration or whether electronic home monitoring was used in addition to incarceration.

(b) The center for court research must complete a preliminary report by June 30, 2022, and submit a final report to the appropriate committees of the legislature by June 30, 2023.

~~(5) ((\$44,500,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to assist counties with costs of resentencing and vacating the sentences of defendants whose convictions or sentences are affected by the *State v. Blake* decision. Subject to the availability of amounts provided in this section, the office must provide grants to counties that demonstrate extraordinary judicial, prosecution, or defense expenses for those purposes. The office must establish an application process for county clerks to seek funding and an equitable prioritization process for distributing the funding.~~

~~(6) \$23,500,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to establish a legal financial obligation aid pool to assist counties that are obligated to refund legal financial obligations previously paid by defendants whose convictions or sentences were affected by the *State v. Blake* ruling. County clerks may apply to the administrative office of the courts for a grant from the pool to assist with extraordinary costs of these refunds. State aid payments made to a county from the pool must first be attributed to any legal financial obligations refunded by the county on behalf of the state. The office must establish an application process for county clerks to seek funding and an equitable prioritization process for distributing the funding.~~

~~(7)) \$44,500,000 of the judicial stabilization trust account—state appropriation is provided solely to assist counties with costs of complying with the *State v. Blake* decision that arise from the county's role in operating the state's criminal justice system, including resentencing, vacating prior convictions for simple drug possession, and certifying refunds of legal financial~~

obligations and collections costs. The office shall contract with counties for judicial, clerk, and prosecution expenses for these purposes.

(6) \$46,750,000 of the judicial stabilization trust account—state appropriation is provided solely to establish a legal financial obligation aid pool for counties to refund legal financial obligations and collection costs previously paid by defendants whose convictions have been vacated by court order due to the *State v. Blake* ruling. Once a direct refund process is established, superior court clerks or district court administrators must certify, and send to the office, the amount of any refund ordered by the court.

(7) ~~(\$1,782,000)~~ \$1,665,000 of the general fund—state appropriation for fiscal year 2022 and \$749,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1320 (civil protection orders). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(8) \$68,000 of the general fund—state appropriation for fiscal year 2022 and \$60,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute House Bill No. 1219 (youth counsel-dependency). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(9) \$110,000 of the general fund—state appropriation for fiscal year 2022 and \$165,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of House Bill No. 1167 (Thurston county superior court judge). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(10) \$1,094,000 of the general fund—state appropriation for fiscal year 2022 and \$1,094,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the statewide fiscal impact on Thurston county courts. It is the intent of the legislature that this policy will be continued in subsequent fiscal biennia.

(11) \$4,505,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$4,505,000)~~ \$7,505,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5160 (landlord-tenant relations), including the management of an eviction resolution pilot program. By June 30, 2022, the ~~((department))~~ administrative office of the courts shall provide to the legislature a detailed report of eviction resolution program expenditures and outcomes including but not limited to ~~((the number of dispute resolution centers participating in the program.))~~ the number of individuals served by dispute resolution centers in the program, the average cost of resolution proceedings, and the number of qualified individuals who applied but were unable to be served by dispute resolution centers due to lack of funding or other reasons. ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~ Funding under this subsection for the eviction resolution pilot program is not subject to or conditioned upon adoption of a standing judicial order of an individual superior court.

(12) \$325,000 of the general fund—state appropriation for fiscal year 2022 and \$304,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute Senate Bill No. 5331

(early childhood court program). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(13) \$44,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5226 (license suspensions/traffic). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(14) ~~((~~\$8,000,000~~))~~ \$3,000,000 of the general fund—state appropriation for fiscal year 2022 ~~((~~is~~))~~ and \$3,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for distribution to local courts for costs associated with the court-appointed attorney and visitor requirements set forth in the uniform guardianship act in chapter 11.130 RCW. If the amount provided in this subsection is insufficient to fully fund the local court costs, distributions must be reduced on a proportional basis to ensure that expenditures remain within the available funds provided in this subsection. No later than December 31, ~~((2021))~~ 2022, the administrative office of the courts will provide a report on distributions to local courts including, but not limited to, the amount provided to each court, the number of guardianship cases funded at each court, costs segregated by attorney appointments and court visitor appointments, the amount of any pro rata reductions, and a recommendation on how to forecast distributions for potential future funding by the legislature.

(15) \$375,000 of the general fund—state appropriation for fiscal year 2022 and ~~((~~\$285,000~~))~~ \$3,185,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for lease expenses and costs to relocate staff from the temple of justice to another workspace if the omnibus capital appropriation act provides funding for improvements to the heating, ventilation, lighting, and plumbing improvements to the temple of justice. Staff from the administrative office of the courts shall work with the department of enterprise services and the office of financial management to acquire temporary space in a state owned facility that meets the needs of the supreme court. If a state facility cannot be found, the court may acquire temporary workspace as it chooses.

(16) \$63,000 of the general fund—state appropriation for fiscal year 2022 and \$251,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to facilitate and coordinate the scheduling of resentencing hearings for individuals impacted by the *State v. Blake* decision.

(17) \$830,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to address data quality issues across Washington state court management systems.

(18) \$2,050,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for assistance to trial courts across the state to address the trial court backlog created by the pandemic through the use of pro tem judges and backlog coordinators.

(19) \$5,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for audio visual upgrades in courtrooms across the state.

(20) \$2,500,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for distribution to the trial courts to address impacts of the COVID-19 pandemic.

(21) \$4,900,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the administrative office of the courts to provide grant funding for the creation of new therapeutic courts or the expansion of

services being provided to an existing therapeutic court. For purposes of this subsection, "therapeutic court" has the meaning defined in RCW 2.30.020. Funding provided under this subsection may not supplant existing funds utilized for this purpose.

(22) \$2,469,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the administrative office of the courts to support community justice counselors and community coordinators that work with municipal and district court drug and therapeutic court programs. The community justice counselors and community coordinators are responsible for working with court participants to ensure connection to community services and existing resources to support completion of court requirements. Funding must be used for a minimum of four municipal court programs, with at least two programs located east of the Cascade mountains and two programs located west of the Cascade mountains, including Spokane county and Snohomish county. Funding may also be used for additional supports for participants, including bus passes and other transportation assistance, basic cell phones and phone cards, and translation services. Counties and cities that receive funding must provide a report back to the administrative office of the courts that shows how funds were expended.

(23) \$520,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to establish pilot self-help centers in two courthouses, one on each side of the state.

(24) \$82,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5490 (interbranch advisory committee). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(25) \$341,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute Senate Bill No. 5575 (superior court judges in Snohomish county). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(26) \$116,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Senate Bill No. 5788 (minor guardianship). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(27) \$26,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1773 (assisted outpatient treatment). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(28) \$502,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1901 (civil protection orders). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(29) \$2,025,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for activities of the office relating to the resentencing of individuals and refund of legal financial obligations and costs associated with the *State v. Blake* ruling. In addition to contracting with cities and counties for the disbursement of funds appropriated for resentencing costs, the office must:

(a) Collaborate with superior court clerks, district court administrators, and municipal court administrators to prepare comprehensive reports, based on

available court records, of all cause numbers impacted by *State v. Blake* going back to 1971; and

(b) Establish a process to locate and notify individuals of available refunds and notify those individuals of the application process necessary to claim the refund and issue payment from the legal financial obligation aid pool upon submission and approval of applications. The office shall continue to reimburse counties for any legal and financial obligation refunds made pursuant to a court order pending the implementation of a direct refund process.

(30) \$131,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a court policy analyst position to support the district and municipal court judges' association. The court policy analyst position must assist with the development, implementation, monitoring, and evaluation of district and municipal court programs, court operations, and court costs that relate to the *State v. Blake* decision.

(31) \$11,500,000 of the judicial stabilization trust account—state appropriation is provided solely to assist cities with costs of complying with the *State v. Blake* ruling that arise from the city's role in operating the municipal criminal justice system, including resentencing, vacating prior convictions for simple drug possession, and certifying refunds of legal financial obligations and collections costs. The office shall contract with cities for judicial, clerk, prosecution, and defense expenses for these purposes.

(32) \$10,000,000 of the judicial stabilization trust account—state appropriation is provided solely to establish a legal financial obligation aid pool for cities to refund legal financial obligations and collection costs previously paid by defendants whose convictions have been vacated by court order due to the *State v. Blake* ruling. Once a direct refund process is established, municipal administrators must certify, and send to the office, the amount of any refund ordered by the court.

(33) \$1,892,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for distribution to counties to help cover the cost of electronic monitoring with victim notification technology when an individual seeking a protection order requests electronic monitoring with victim notification technology from the court and the respondent is unable to pay.

(34) \$266,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for pass-through funding to the Washington association of child advocate programs to hire and coordinate AmeriCorps members to assist in community-based recruitment activities to promote child advocates and the need for volunteers, develop and distribute recruitment materials, and assist volunteers in preparing for required training. No later than June 30, 2023, the Washington association of child advocate programs must submit a report to the appropriate committees of the legislature on the efficacy of the program in recruiting volunteers.

(35) \$1,785,000 of the general fund—federal appropriation (CRF) is provided solely for COVID-19 response expenditures in fiscal year 2022. This funding expires December 31, 2021.

Sec. 115. 2021 c 334 s 116 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF PUBLIC DEFENSE**

General Fund—State Appropriation (FY 2022) . . . . .~~(\$53,975,000)~~  
\$54,491,000

General Fund—State Appropriation (FY 2023) . . . . .	(\$54,202,000)
	<u>\$58,566,000</u>
General Fund—Federal Appropriation . . . . .	\$362,000
General Fund—Private/Local Appropriation . . . . .	\$30,000
Judicial Stabilization Trust Account—State Appropriation . . . . .	(\$3,896,000)
	<u>\$3,907,000</u>
TOTAL APPROPRIATION . . . . .	(\$112,465,000)
	<u>\$117,356,000</u>

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

(1) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of public defense to contract with a free legal clinic that has a medical-legal partnership and that currently provides parent representation to at-risk clients in dependency cases in Snohomish, Skagit, and King counties. Within amounts appropriated, the clinic must provide legal representation to parents who are pregnant or recently postpartum who are at risk of child abuse or neglect reports or investigations.

(2) \$900,000 of the general fund—state appropriation for fiscal year 2022 and \$900,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the purpose of improving the quality of trial court public defense services. The office of public defense must allocate these amounts so that \$450,000 per fiscal year is distributed to counties, and \$450,000 per fiscal year is distributed to cities, for grants under chapter 10.101 RCW.

(3) \$5,000 of the general fund—state appropriation for fiscal year 2022 and \$14,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute House Bill No. 1219 (youth counsel-dependency). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(4) \$443,000 of the general fund—state appropriation for fiscal year 2022 and \$683,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute House Bill No. 1140 (juvenile access to attorneys). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(5) \$5,500,000 of the general fund—state appropriation for fiscal year 2022 and \$5,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to assist counties with public defense costs related to vacating the sentences of defendants whose convictions or sentences are affected by the *State v. Blake* decision. Of the amounts provided in this subsection:

(a) \$400,000 of the general fund—state appropriation for fiscal year 2022 and \$400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of public defense to provide statewide attorney training, technical assistance, data analysis and reporting, and quality oversight and for administering financial assistance for public defense costs related to *State v. Blake* impacts; and

(b) \$5,100,000 of the general fund—state appropriation for fiscal year 2022 and \$5,100,000 of the general fund—state appropriation for fiscal year 2023 are

provided solely for grants allocated for public defense assistance. The allocation of grant funding shall be determined based upon a formula as established by the office of public defense, and must be provided: (i) To assist counties providing counsel for clients seeking to vacate a sentence or to be resentenced under the *State v. Blake* decision; and (ii) to assist counties that may designate the office of public defense to contract directly with attorneys to represent and assist clients seeking to vacate a sentence or to be resentenced under the *State v. Blake* decision.

(6) \$286,000 of the general fund—state appropriation for fiscal year 2022 and \$1,008,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of a triage team to provide statewide support to the management and flow of hearings for individuals impacted by the *State v. Blake* decision.

(7) \$153,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to cover fees charged by county clerks for electronic access to court documents for staff and contracted public defense attorneys.

(8) \$20,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of public defense to research and develop a proposal to assume the effective and efficient statewide administration of legal defense services for indigent persons who are involved in proceedings under chapter 10.77 RCW (criminally insane). By December 1, 2022, the office of public defense shall submit the proposal to the appropriate policy and fiscal committees of the legislature.

(a) In developing its proposal, the office of public defense must consult with interested persons, including local public defense agencies, the Washington defender association, the Washington association of criminal defense lawyers, the administrative office of the courts, the Washington association of prosecuting attorneys, disability rights Washington, current and former patients at eastern state hospital and western state hospital, the superior court judges association, the Washington state association of counties, the public safety review panel, and the department of social and health services.

(b) The office of public defense may provide a stipend for travel and other expenses to stakeholders for time spent participating in focus groups or interviews. The office may not provide a stipend to any public employees or to other stakeholders participating within the scope of their employment.

(c) At a minimum, the proposal should identify:

(i) Procedures to manage costs and require accountability consistent with the right to counsel under both the United States Constitution and the Washington state Constitution;

(ii) Statutory amendments necessary to implement the proposal;

(iii) Appropriate practice standards for defense of indigent persons involved in proceedings under chapter 10.77 RCW, including procedures to implement representation consistent with *State v. Fletcher*, No. 33810-0-III (Wn. Ct. App., Mar. 16, 2017);

(iv) An estimated number of attorneys and defense social workers statewide who are qualified to provide effective defense representation in these cases, an estimate of reasonable compensation for attorneys and social workers, and estimated annual costs of investigative and expert services required in these cases;



(v) The total cost necessary to implement the proposal statewide for the 2023-2025 fiscal biennium, including all staffing and administrative costs for the office of public defense administration; and

(vi) Possible savings to the state and counties that might result from implementing the proposal.

(9) \$41,000 of the general fund—state appropriation for fiscal year 2022 and \$286,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for two managing attorney positions within the office of public defense.

**Sec. 116.** 2021 c 334 s 117 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF CIVIL LEGAL AID**

General Fund—State Appropriation (FY 2022) . . . . .	(\$41,280,000)
	\$41,710,000
General Fund—State Appropriation (FY 2023) . . . . .	(\$42,685,000)
	\$51,001,000
General Fund—Federal Appropriation . . . . .	\$379,000
Judicial Stabilization Trust Account—State Appropriation . . . . .	\$1,464,000
TOTAL APPROPRIATION . . . . .	(\$85,808,000)
	\$94,554,000

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

(1) An amount not to exceed \$40,000 of the general fund—state appropriation for fiscal year 2022 and an amount not to exceed \$40,000 of the general fund—state appropriation for fiscal year 2023 may be used to provide telephonic legal advice and assistance to otherwise eligible persons who are sixty years of age or older on matters authorized by RCW 2.53.030(2) (a) through (k) regardless of household income or asset level.

(2) The office of civil legal aid shall enter into an interagency agreement with the department of children, youth, and families to facilitate the use of federal title IV-E reimbursement for child representation services.

(3) \$568,000 of the general fund—state appropriation for fiscal year 2022 is appropriated solely to continue and expand civil legal representation for tenants in eviction cases.

(4) Up to \$165,000 of the general fund—state appropriation for fiscal year 2022 may be used to wind down the children's representation study authorized in section 28, chapter 20, Laws of 2017 3rd sp. sess.

(5) \$5,440,000 of the general fund—state appropriation for fiscal year 2022 and \$5,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to continue civil legal assistance to individuals and families directly and indirectly affected by the COVID-19 pandemic and its related health, social, economic, legal, and related consequences.

(6) \$159,000 of the general fund—state appropriation for fiscal year 2022 and \$1,511,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute House Bill No. 1219 (youth counsel/dependency). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(7) ~~(\$10,772,000)~~ \$11,122,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$11,478,000)~~ \$12,957,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5160 (landlord-tenant relations), including representation of indigent tenants in unlawful detainer cases. By June 30, 2022, the department shall provide to the legislature a detailed report of program expenditures and outcomes including but not limited to the number of individuals served, the average cost of a representation case, and the number of qualified individuals who qualified for but were unable to receive representation for funding or other reasons. ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse:))~~

(8) \$600,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$600,000)~~ \$2,250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to ~~((provide))~~ continue and expand online automated plain language forms, outreach, education, technical assistance, and ~~((some))~~ legal assistance to help resolve civil matters ~~((surrounding))~~ relating to legal financial obligations and vacating the sentences of defendants whose convictions or sentences are affected by the *State v. Blake* decision.

(9) \$78,000 of the general fund—state appropriation for fiscal year 2022 and \$313,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of civil legal aid to cover the cost of contract adjustments necessary to conform attorney contracting practices with applicable caseload standards established by the supreme court commission on children in foster care.

(10) \$2,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to support civil legal information, advice, and representation to tenants at risk of eviction and against whom an unlawful detainer action has not yet been commenced.

(11) \$350,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to the office of civil legal aid to establish a legal advice phone line to provide guidance and legal advice for kinship caregivers. The phone line must be staffed by two FTE contracted attorneys that have experience with kinship care, guardianship statutes, the child welfare system, and issues relating to legal custody.

(12) \$2,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of legal aid to expand civil legal aid services for survivors of domestic violence, including legal services for protection order proceedings, family law cases, immigration assistance, and other civil legal issues arising from or related to the domestic violence they experienced.

(13) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of civil legal aid to expand the statewide reentry legal aid project as established in section 115(12), chapter 357, Laws of 2020.

\*Sec. 117. 2021 c 334 s 118 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF THE GOVERNOR**

General Fund—State Appropriation (FY 2022) . . . . .	<del>(\$11,093,000)</del>
	<u>\$11,766,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	<del>(\$10,920,000)</del>
	<u>\$16,207,000</u>

Economic Development Strategic Reserve Account—State

Appropriation . . . . .	\$5,000,000
TOTAL APPROPRIATION . . . . .	<del>(\$27,013,000)</del>
	<u>\$32,973,000</u>

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

(1) ~~(\$703,000)~~ \$917,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$803,000)~~ \$1,146,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the education ombuds.

(2) \$1,289,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$1,289,000)~~ \$3,545,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement the provisions of chapter 332, Laws of 2020 (state equity office).

(3) \$123,000 of the general fund—state appropriation for fiscal year 2022 and \$118,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5119 (individuals in custody). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(4) ~~(\$230,000)~~ \$180,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$120,000)~~ \$209,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5126 (climate commitment act). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(5) \$33,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the office of the education ombuds to support the language access work group that is reconvened and expanded in section 501(3)(g) of this act.

(6)(a) \$20,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the Washington state LGBTQ commission, in collaboration with the health care authority, department of health, advocates for people living with HIV in Washington, consumers, and medical professionals with expertise in serving the medicaid population living with HIV, to consider and develop recommendations regarding:

(i) Access to HIV antiretroviral drugs on the medicaid drug formulary, including short- and long-term fiscal implications of eliminating current prior authorization and fail-first requirements;

(ii) Impact of drug access on public health and the statewide goal of reducing HIV transmissions; and

(iii) Maximizing pharmaceutical drug rebates for HIV antiretroviral drugs.

(b) The commission shall submit a brief report with recommendations to the appropriate committees of the legislature by November 1, 2021.

(7) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the cost to support the blue ribbon commission on the intersection of the criminal justice and behavioral health crisis systems that will be established by governor executive order.

(8) Within the amounts appropriated in this section, the Washington state office of equity must cofacilitate the Washington digital equity forum, as provided in section 129(70) of this act, with the statewide broadband office.

(9) \$80,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of equity to develop resources and provide technical assistance to state agencies on best practices on how to engage communities regarding equity and inclusion when creating equitable budget and policy recommendations.

(10) \$350,000 of the general fund—state appropriation for fiscal year 2022 and \$25,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to complete an analysis on options to replace the benefits of the four lower Snake river dams as part of a comprehensive salmon recovery strategy for the Columbia and Snake river basins. The analysis shall be completed by July 30, 2022.

*(11) Within the amounts appropriated in this section, the governor's office must convene a clean energy workforce transition work group including, but not limited to, the department of commerce, the department of ecology, the employment security department, and representatives of business and labor. The work group must assess workforce development impacts of the effects of climate change as well as the impact of the state's strategies to building a just transition to a clean economy and develop policy and practice recommendations on emerging issues in workforce development related to climate change. By December 1, 2022, the work group must submit its report and recommendations to the appropriate committees of the legislature in an electronic format as required by RCW 43.01.036.*

(12) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the governor to invite federally recognized tribes, legislative leadership, local governments, agricultural producers, commercial and recreational fisher organizations, business organizations, salmon recovery organizations, forestry and agriculture organizations, and environmental organizations to participate in a process facilitated by an independent entity to develop recommendations on proposed changes in policy and spending priorities to improve riparian habitat to ensure salmon and steelhead recovery.

(a) The recommendations must include:

(i) Ideas for improvements to land use planning and development that ensure the protection and recovery of salmon;

(ii) Standards to protect areas adjacent to streams and rivers;

(iii) Standards to restore areas adjacent to streams and rivers;

(iv) Financial incentives for landowners to protect and restore streamside habitat;

(v) Recommendations to improve salmon recovery program coordination among state agencies; and

(vi) Recommendations for additional changes when voluntary measures and financial incentives do not achieve streamside protection and restoration.

(b) Preliminary recommendations shall be submitted to the legislature and governor by October 1, 2022, with a final report by November 1, 2022.

(c) The office of the governor may contract for an independent facilitator. The contract is exempt from the competitive procurement requirements in chapter 39.26 RCW.

(13) \$207,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of equity to address additional workload created by legislation enacted during the 2021 legislative session.

(14) \$609,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of equity to establish and support a community engagement board.

(15) \$40,000 of the general fund—state appropriation for fiscal year 2022 and \$160,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of equity to collaborate with the commission on African American affairs, the commission on Asian Pacific American affairs, the commission on Hispanic affairs, and the governor's office of Indian affairs to engage contractors to conduct the analyses funded in sections 121(4), 122(1), 122(2), 133, and 134(2) of this act.

(16) \$175,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1723 (digital equity act). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

*\*Sec. 117 was partially vetoed. See message at end of chapter.*

**Sec. 118.** 2021 c 334 s 119 (uncodified) is amended to read as follows:

**FOR THE LIEUTENANT GOVERNOR**

General Fund—State Appropriation (FY 2022) . . . . .	(((\$1,880,000))
	<u>\$1,863,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	(((\$1,598,000))
	<u>\$1,456,000</u>
General Fund—Private/Local Appropriation . . . . .	\$90,000
TOTAL APPROPRIATION . . . . .	(((\$3,568,000))
	<u>\$3,409,000</u>

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

(1) \$300,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the legislative committee on economic development and international relations to conduct a business competitiveness analysis of the state's economy. Expenditure of the amount provided in this section must comply with chapter 39.26 RCW.

(2) \$13,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute Senate Bill No. 5756 (semiquincentennial committee). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

**Sec. 119.** 2021 c 334 s 120 (uncodified) is amended to read as follows:

**FOR THE PUBLIC DISCLOSURE COMMISSION**

General Fund—State Appropriation (FY 2022) . . . . .	(((\$5,724,000))
	<u>\$5,745,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	(((\$5,545,000))
	<u>\$5,991,000</u>
Public Disclosure Transparency Account—State	

Appropriation . . . . .	<del>(\$1,014,000)</del>	<u>\$934,000</u>
TOTAL APPROPRIATION . . . . .	<del>(\$12,283,000)</del>	<u>\$12,670,000</u>

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

(1) \$280,000 of the public disclosure transparency account—state appropriation is provided solely for staff for business analysis and project management of information technology projects.

(2) No moneys may be expended from the appropriations in this section to establish an electronic directory, archive, or other compilation of political advertising unless explicitly authorized by the legislature.

(3) \$424,000 of the public disclosure transparency account—state appropriation is provided solely for information technology staffing to meet the demands of maintaining online filing and disclosure systems.

(4) \$180,000 of the public disclosure transparency account—state appropriation is provided solely for a dedicated training and outreach staff to develop course materials and facilitate the creation of an expanded filer training program.

Sec. 120. 2021 c 334 s 121 (uncodified) is amended to read as follows:

**FOR THE SECRETARY OF STATE**

General Fund—State Appropriation (FY 2022) . . . . .	<del>(\$20,922,000)</del>	<u>\$22,662,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	<del>(\$31,158,000)</del>	<u>\$49,118,000</u>
General Fund—Federal Appropriation . . . . .	<del>(\$12,760,000)</del>	<u>\$12,894,000</u>
Public Records Efficiency, Preservation, and Access Account—State Appropriation . . . . .	<del>(\$10,005,000)</del>	<u>\$10,606,000</u>
Charitable Organization Education Account—State Appropriation . . . . .	<del>(\$901,000)</del>	<u>\$1,367,000</u>
Washington State Library Operations Account—State Appropriation . . . . .	<del>(\$11,698,000)</del>	<u>\$14,607,000</u>
Local Government Archives Account—State Appropriation . . . . .	<del>(\$10,120,000)</del>	<u>\$10,937,000</u>
Election Account—Federal Appropriation . . . . .	<del>(\$4,368,000)</del>	<u>\$4,401,000</u>
<u>Coronavirus State Fiscal Recovery Fund—Federal Appropriation . . . . .</u>		<u>\$405,000</u>
<u>Personnel Service Account—State Appropriation . . . . .</u>		<u>\$1,276,000</u>
TOTAL APPROPRIATION . . . . .	<del>(\$101,932,000)</del>	<u>\$128,273,000</u>

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

(1) \$2,498,000 of the general fund—state appropriation for fiscal year 2022 and \$12,196,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those costs that the secretary of state validates as eligible for reimbursement.

(2)(a) \$3,051,500 of the general fund—state appropriation for fiscal year 2022 and \$3,051,500 of the general fund—state appropriation for fiscal year 2023 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2021-2023 fiscal biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(3) Any reductions to funding for the Washington talking book and Braille library may not exceed in proportion any reductions taken to the funding for the library as a whole.

(4) \$75,000 of the general fund—state appropriation for fiscal year 2022 and \$75,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for humanities Washington speaker's bureau community conversations.

(5) \$114,000 of the general fund—state appropriation for fiscal year 2022 and \$114,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for election reconciliation reporting. Funding provides for one staff to compile county reconciliation reports, analyze the data, and to complete an annual statewide election reconciliation report for every state primary and general election. The report must be submitted annually on July 31, beginning July 31, 2021, to legislative policy and fiscal committees. The annual report

must include statewide analysis and by county analysis on the reasons for ballot rejection and an analysis of the ways ballots are received, counted, rejected and cure data that can be used by policymakers to better understand election administration.

(6) \$546,000 of the general fund—state appropriation for fiscal year 2022 and \$546,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for staff dedicated to the maintenance and operations of the voter registration and election management system. These staff will manage database upgrades, database maintenance, system training and support to counties, and the triage and customer service to system users.

(7) \$626,000 of the public records efficiency, preservation, and access account—state appropriation is provided solely for additional project staff to pack, catalog, and move the states archival collection in preparation for the move to the new library archives building that will be located in Tumwater.

(8) Within existing resources, the office of the secretary of state must research and evaluate availability of online trainings to include, but not be limited to, job-related, educational, and information technology trainings that are available free of charge. The office must compare those to the online trainings available from the Microsoft linked in academy. The office must report the comparative findings to fiscal committees of the legislature by September 1, 2022.

(9) \$251,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Substitute Senate Bill No. 5034 (nonprofit corporations). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(10) \$269,000 of the government archives account—state appropriation is provided solely for implementation of Senate Bill No. 5019 (recording standards commission). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(11) \$1,000,000 of the general fund—federal appropriation (ARPA) is provided solely for humanities Washington to provide grants to humanities organizations in Washington state pursuant to the American rescue plan act of 2021, P.L. 117-2. Of the amounts provided in this subsection:

(a) Forty percent must be used for grants to state humanities organizations' programming and general operating expenses to cover up to 100 percent of the costs of the programs which the grants support, to prevent, prepare for, respond to, and recover from coronavirus; and

(b) Sixty percent must be used for direct grants, and relevant administrative expenses, that support humanities organizations' programming and general operating expenses to cover up to 100 percent of the costs of the programs which the grants support, to prevent, prepare for, respond to, and recover from coronavirus.

(12) \$3,600,000 of the general fund—federal appropriation (ARPA) is provided to the state library as the designated state library administrative agency solely to administer and distribute institute of museum and library services grants to museums, tribal partners, and libraries for eligible expenses and services. Pursuant to federal directive, no more than four percent of distributed funds may be held for grant administration.



(13) \$1,000,000 of the general fund—state appropriation for fiscal year 2022 and \$4,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for educational outreach related to voter registration, voting, and elections; and to improve access to voting and the election process.

(14) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$700,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a contract with humanities Washington to expand the prime time family reading program.

(15) \$8,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for:

(a) Funding the security operations center, including identified needs for expanded operations, systems, technology tools, training resources;

(b) Additional staff dedicated to the cyber and physical security of election operations at the office and county election offices;

(c) Expanding security assessments, threat monitoring, enhanced security training; and

(d) Providing grants to county partners to address identified threats and expand existing grants and contracts with other public and private organizations such as the Washington military department, national guard, private companies providing cyber security, and county election offices.

(16) \$1,276,000 of the personnel service account—state appropriation is provided solely for administration of the productivity board established in chapter 41.60 RCW. The secretary of state shall convene the first meeting of the board by September 1, 2022. By June 30, 2023, the board must provide the legislature and all other state agencies with a topical list of all productivity awards granted in fiscal year 2023 for the purpose of providing agencies with the opportunity to adopt or modify for agency use the suggestions identified by awardees.

(17) \$405,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for TVW equipment upgrades, including new encoders and router cards, and a refresh of its robotics system.

(18) \$55,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for upgrading technology and usefulness of a conference room in the main office of the secretary of state with modern telecommunications tools and technology and increasing privacy.

(19) \$25,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementing a voter registration system in conjunction with the department of licensing, department of social and health services, health benefit exchange, and county election officials by December 31, 2023, that uses information and documentation already presented by eligible agency customers to automatically transmit information necessary for voter registration and voter registration updates, and enables applicants to make a decision about voter registration and any necessary corrections by returning a notice mailed by election officials. The proposal shall consider upgraded systems implemented in Colorado and other states to enact this change in their voter registration system in 2022. Recommendations must be developed with the full participation of community organizations that work in support of civic engagement. The secretary shall present their recommendations, and any barriers to their implementation, to the legislature by December 1, 2022.

(20) \$2,534,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for grants to counties to support voter registration and voting within county jails. Grants may be used to develop and implement a plan to increase voting amongst the jail population, create voting materials specific to the jail population, purchase supplies and equipment for voting in jails, and provide direct staffing in jails to support voting activities. Each county grantee must submit a postelection report by February 1, 2023, to the secretary of state detailing the use of grant funding, evaluation of the grant's overall effectiveness in achieving its objective to increase voter registration and voting of the jailed population, and recommendations regarding best practices and law changes, if needed. Of the amounts provided in this subsection, up to \$100,000 may be used for the office of the secretary of state to compile the reports received in this subsection into a single report. The report must include an analysis of the county grant projects, including recommended policies and procedures for county jails regarding inmate voting. The report must be delivered to the governor and legislature by June 30, 2023.

(21) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided to the state library to develop a digital literacy assessment tool and protocol to be used by organizations that provide digital literacy support; conduct a baseline assessment of digital readiness for a representative sample of Washington residents; and publish the assessment tool, protocol, and baseline assessment findings on the state library website for public use by June 1, 2023. The office must also submit a report to the governor and legislature by June 1, 2023, that describes the tool, protocol, and assessment findings.

(22) \$250,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the office to contract with the University of Washington Evans school of public policy and governance to review the data used in the 2022 state auditor's performance audit titled "evaluating Washington's ballot rejection rates," which found that voters from certain counties, younger voters, male voters, Black voters, Native American voters, and Latino voters were more likely to have their ballots rejected. The review must include an analysis of: (a) Voter interaction with the vote-by-mail and ballot return process; (b) circumstances in which voted returned ballots are not accepted due to signature mismatch, including whether the ballot was rejected due to late return, a signature by another person, a blank signature line, a different name used, or the signature could not conclude that the voter was the signatory; (c) processes used by county election offices to allow voters to cure ballots; (d) methods in which counties collect, maintain, and update voter signatures on file; (e) communication with voters concerning how to prepare and return a voted ballot for counting; (f) best practices for curing rejected signatures; and (e) education and outreach methods emphasizing the importance of voter signatures on voted returned ballots with a focus on increasing successful voting. The results of the analysis must be reported to the governor and the appropriate committees of the legislature by October 15, 2022.

(23) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1835 (postsecondary enrollment). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(24) \$1,000 is for implementation of Engrossed Substitute House Bill No. 1357 (voters' pamphlets overseas).

\*Sec. 121. 2021 c 334 s 122 (uncodified) is amended to read as follows:

**FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS**

General Fund—State Appropriation (FY 2022) . . . . .	(\$905,000)
	\$943,000
General Fund—State Appropriation (FY 2023) . . . . .	(\$401,000)
	\$1,159,000
TOTAL APPROPRIATION . . . . .	(\$1,306,000)
	\$2,102,000

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

(1) The office shall assist the department of enterprise services on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department of enterprise services shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

(2) \$500,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the governor's office of Indian affairs to engage in a process to develop recommendations on improving executive and legislative tribal relationships. In developing the recommendations, the governor's office of Indian affairs may contract with a third party facilitator.

(a) The governor's office of Indian affairs or the contracted third party must host and facilitate discussions between the executive branch, the legislative branch, and Indian tribes as defined in RCW 43.376.010 to develop the recommendations.

(b) By December 20, 2021, the governor's office of Indian affairs must submit a report of recommendations to the Governor and legislature in accordance with RCW 43.01.036. At a minimum, the report should include recommendations on:

- (i) An examination of government-to-government relationship with Indian tribes as in chapter 43.376 RCW;
- (ii) The consultation processes; and
- (iii) Training to be provided to state agencies and the legislature.

(3)(a) \$350,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the governor's office of Indian affairs to expand capacity of the office to improve state and local executive and tribal relationships. Funds must be used to support:

- (i) Consultation with tribes and local governments on implementation of the climate commitment act and growth management act;
- (ii) Government-to-government engagement on natural resources, environment, and infrastructure;
- (iii) Consultation with tribes and local governments on tribal legal definitions;

(iv) Early engagement on legislative and executive consultation and dispute resolution policy and processes with all agencies; and

(v) Coordination with a third party to facilitate roundtable meetings for agencies, tribes, and stakeholders to assess and provide recommendations in a report for streamlining statewide salmon recovery planning, policy, programs, and budgets. The report should be provided to the appropriate committees in the legislature by June 30, 2023.

(b) The legislature intends to provide additional funding for activities under this subsection (3) in the next fiscal biennium.

(4) \$40,000 of the general fund—state appropriation for fiscal year 2022 and \$160,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office to collaborate with the office of equity to engage a contractor to conduct a detailed analysis of the opportunity gap for Native American students; analyze the progress in developing effective government-to-government relations and identification and adoption of curriculum regarding tribal history, culture, and government as provided under RCW 28A.345.070; develop recommendations for continuing efforts to close the educational opportunity gap while meeting the state's academic achievement indicators as identified in the state's every student succeeds act consolidated plan; and identify performance measures to monitor adequate yearly progress. The contractor shall submit a study update by December 1, 2022, and submit a final report by June 30, 2023, to the educational opportunity gap oversight and accountability committee, the governor, the superintendent of public instruction, the state board of education, and the education committees of the legislature.

\*Sec. 121 was partially vetoed. See message at end of chapter.

\*Sec. 122. 2021 c 334 s 123 (uncodified) is amended to read as follows:

<b>FOR THE COMMISSION ON ASIAN PACIFIC AMERICAN AFFAIRS</b>	
General Fund—State Appropriation (FY 2022) . . . . .	(( <del>\$448,000</del> ))
	<u>\$554,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	(( <del>\$462,000</del> ))
	<u>\$857,000</u>
TOTAL APPROPRIATION . . . . .	(( <del>\$910,000</del> ))
	<u>\$1,411,000</u>

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

(1) \$40,000 of the general fund—state appropriation for fiscal year 2022 and \$160,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to collaborate with the office of equity to engage a contractor to conduct a detailed analysis of the opportunity gap for Asian American students; develop recommendations for continuing efforts to close the educational opportunity gap while meeting the state's academic achievement indicators as identified in the state's every student succeeds act consolidated plan; and identify performance measures to monitor adequate yearly progress. The contractor shall submit a study update by December 1, 2022, and submit a final report by June 30, 2023, to the educational opportunity gap oversight and accountability committee, the governor, the

superintendent of public instruction, the state board of education, and the education committees of the legislature.

(2) \$40,000 of the general fund—state appropriation for fiscal year 2022 and \$160,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to collaborate with the office of equity to engage a contractor to conduct a detailed analysis of the opportunity gap for Native Hawaiian and Pacific Islander students; develop recommendations for continuing efforts to close the educational opportunity gap while meeting the state's academic achievement indicators as identified in the state's every student succeeds act consolidated plan; and identify performance measures to monitor adequate yearly progress. The contractor shall submit a study update by December 1, 2022, and submit a final report by June 30, 2023, to the educational opportunity gap oversight and accountability committee, the governor, the superintendent of public instruction, the state board of education, and the education committees of the legislature.

*\*Sec. 122 was partially vetoed. See message at end of chapter.*

Sec. 123. 2021 c 334 s 124 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER**

General Fund—State Appropriation (FY 2022) . . . . .	\$250,000
General Fund—State Appropriation (FY 2023) . . . . .	\$250,000
State Treasurer's Service Account—State Appropriation. . . . .	(\$20,375,000)
	<u>\$21,396,000</u>
TOTAL APPROPRIATION . . . . .	(\$20,875,000)
	<u>\$21,896,000</u>

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

(1) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1189 (tax increment financing). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(2) \$450,000 of the state treasurer's service account—state appropriation is provided to establish a committee on the program impacts of the Washington future fund "baby bonds" investment model on wealth gaps and provides expenditure authority for one additional FTE for ongoing policy and program analysis. The committee shall consult with experts to study and gather data on inequities including racial wealth gaps in Washington and examine how investment programs such as the Washington future fund program or similar "baby bonds" investment programs can impact wealth inequities and the future financial stability of the Washington state treasury. The committee will analyze the Washington future fund and other "baby bonds" investment models and provide recommendations for program implementation.

(a) At a minimum, the committee will consist of the state treasurer, or the state treasurer's designee, as chair of the committee, one member from each of the two largest caucuses of the senate appointed by the president of the senate, one member from each of the two largest caucuses of the house of representatives appointed by the speaker of the house of representatives, three

members from communities with lived experience as appointed by the state treasurer, and three members from economic empowerment organizations as appointed by the state treasurer. The committee will ensure that opportunity for input from interested stakeholders is provided. The state treasurer's office shall provide staff resources and assistance to the committee as needed.

(b) The committee may consult with the state investment board, the Washington health care authority, the Washington state housing finance commission, the department of social and health services, the department of commerce, and other agencies as necessary.

(c) When analyzing the Washington future fund and other "baby bonds" investment models, the committee must:

(i) Study how similar programs have been developed and established in other jurisdictions:

(ii) Address eligibility criteria for account establishment, residency requirements, eligibility for account access, and approved use of funds;

(iii) Address all financial and fiscal aspects of the program, including the long-term costs of establishing the fund, estimated annual appropriations, how funds would be invested and estimated payouts, what agency or agencies would be responsible for management of the accounts, what agency or agencies would be responsible for verifying applicant eligibility, and administrative and technology costs of establishing and maintaining the program; and

(iv) Address any legal barriers or risks in establishing the program including state constitutional limitations and avoiding the creation of fiduciary duties or contractual rights with program participants.

(d) The committee will report on the findings of the data collection, analysis, and any recommendations for legislative action to the legislature by December 1, 2022.

(e) The state treasurer may include these recommendations in draft legislation for the Washington future fund.

**Sec. 124.** 2021 c 334 s 125 (uncodified) is amended to read as follows:

**FOR THE STATE AUDITOR**

General Fund—State Appropriation (FY 2022) . . . . . ~~(\$613,000)~~  
\$463,000

General Fund—State Appropriation (FY 2023) . . . . . ~~(\$1,062,000)~~  
\$1,812,000

Auditing Services Revolving Account—State  
Appropriation . . . . . ~~(\$14,456,000)~~  
\$16,339,000

Performance Audits of Government Account—State  
Appropriation . . . . . ~~(\$1,683,000)~~  
\$1,722,000

TOTAL APPROPRIATION . . . . . ~~(\$17,814,000)~~  
\$20,336,000

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

(1) \$1,585,000 of the performance audit of government account—state appropriation is provided solely for staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct

school district program audits of state-funded public school programs; establish the specific amount of state funding adjustments whenever audit exceptions occur and the amount is not firmly established in the course of regular public school audits; and to assist the state special education safety net committee when requested.

(2) Within existing resources of the performance audits of government account, the state auditor's office shall conduct a performance audit or accountability audit of Washington charter public schools to satisfy the requirement to contract for an independent performance audit pursuant to RCW 28A.710.030(2).

(3) \$825,000 of the auditing services revolving account—state appropriation is provided solely for accountability and risk based audits.

(4) ~~(\$585,000)~~ \$435,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$1,030,000)~~ \$1,180,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1089 (law enforcement audits). ~~(If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.)~~

(5) \$600,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the state auditor to conduct critical infrastructure penetration test audits on local governments.

(6) By January 31, 2023, the state auditor must provide a publicly accessible searchable system on its website containing the project information and other expenditure information included in the annual report required under RCW 82.14.370(3) for each county. The searchable system must also include the total amount of revenue collected by the county under this section in the prior fiscal year. This searchable system applies to reports filed in 2022 and thereafter.

**Sec. 125.** 2021 c 334 s 126 (uncodified) is amended to read as follows:

**FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS**

General Fund—State Appropriation (FY 2022) . . . . .	<del>(\$252,000)</del>
	<u>\$251,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	<del>(\$279,000)</del>
	<u>\$283,000</u>
TOTAL APPROPRIATION . . . . .	<del>(\$531,000)</del>
	<u>\$534,000</u>

**Sec. 126.** 2021 c 334 s 127 (uncodified) is amended to read as follows:

**FOR THE ATTORNEY GENERAL**

General Fund—State Appropriation (FY 2022) . . . . .	<del>(\$18,708,000)</del>
	<u>\$22,392,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	<del>(\$23,379,000)</del>
	<u>\$27,543,000</u>
General Fund—Federal Appropriation . . . . .	<del>(\$18,226,000)</del>
	<u>\$21,913,000</u>
Public Service Revolving Account—State Appropriation . . . . .	<del>(\$4,145,000)</del>
	<u>\$4,331,000</u>
New Motor Vehicle Arbitration Account—State Appropriation . . . . .	<del>(\$1,721,000)</del>

	<u>\$1,781,000</u>
Medicaid Fraud Penalty Account—State Appropriation . . . . .	(( <del>\$5,862,000</del> ))
	<u>\$6,098,000</u>
Child Rescue Fund—State Appropriation . . . . .	\$80,000
Legal Services Revolving Account—State Appropriation . . . . .	(( <del>\$300,291,000</del> ))
	<u>\$340,402,000</u>
Local Government Archives Account—State	
Appropriation. . . . .	(( <del>\$1,004,000</del> ))
	<u>\$1,045,000</u>
Tobacco Prevention and Control Account—State	
Appropriation. . . . .	\$275,000
(( <del>Consumer Privacy Account—State Appropriation . . . . .</del>	(( <del>\$1,241,000</del> ))
TOTAL APPROPRIATION . . . . .	(( <del>\$374,932,000</del> ))
	<u>\$425,860,000</u>

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

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year. As part of its by agency report to the legislative fiscal committees and the office of financial management, the office of the attorney general shall include information detailing the agency's expenditures for its agency-wide overhead and a breakdown by division of division administration expenses.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs and ranking members of the senate committee on ways and means and the house of representatives committee on appropriations.

(3) The attorney general shall annually report to the fiscal committees of the legislature all new cy pres awards and settlements and all new accounts, disclosing their intended uses, balances, the nature of the claim or account, proposals, and intended timeframes for the expenditure of each amount. The report shall be distributed electronically and posted on the attorney general's web site. The report shall not be printed on paper or distributed physically.

(4) \$161,000 of the general fund—state appropriation for fiscal year 2022 and \$161,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the civil rights unit to provide additional services in defense and protection of civil and constitutional rights for people in Washington.

(5) \$8,392,000 of the legal services revolving account—state appropriation is provided solely for child welfare and permanency staff.

(6) \$617,000 of the general fund—state appropriation for fiscal year 2022 and \$617,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for multi-year arbitrations of the state's diligent enforcement of its obligations to receive amounts withheld from tobacco master settlement agreement payments.



(7) \$1,600,000 of the legal services revolving fund—state appropriation is provided solely for the office to compel the United States department of energy to meet Hanford cleanup deadlines.

(8) \$28,000 of the legal services revolving fund—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5022 (recycling, waste and litter). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(9) \$584,000 of the legal services revolving fund—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5051 (peace & correction officers). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

~~(10) ((\$1,241,000 of the consumer privacy account—state appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5062 (data). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(11))~~ \$122,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5096 (capital gains tax). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(12))~~ (11) \$256,000 of the legal services revolving fund—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5097 (paid leave coverage). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(13) \$170,000)~~ (12) \$284,000 of the legal services revolving fund—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5126 (climate commitment). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(14))~~ (13) \$395,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5141 (environmental justice task force). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(15))~~ (14) \$1,198,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5163 (conditionally released SVPs). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(16))~~ (15) \$218,000 of the general fund—state appropriation for fiscal year 2022 and \$5,107,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5259 (law enforcement data). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(17) \$1,485,000)~~ (16) \$693,000 of the general fund—state appropriation for fiscal year 2022 and ~~((958,000))~~ \$1,750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of a program for receiving and responding to tips from the public regarding risks or potential risks to the safety or well-being of youth, called the YES tip line program. Risks to safety or well-being may include, but are not limited to, harm or threats of harm to self or others, sexual abuse, assault, rape, bullying or cyberbullying, substance use, and criminal acts. Any person contacting the YES tip line, whether for themselves or for another person, must receive timely

assistance and not be turned away. The program must operate within the guidelines of this subsection.

(a) During the development and implementation of the YES tip line program the attorney general shall convene an advisory committee consisting of representatives from the Washington state patrol, the department of health, the health care authority, the office of the superintendent of public instruction, the Washington student achievement council, the Washington association of educational service districts, and other participants the attorney general appoints.

(b) The attorney general shall develop and implement policies and processes for:

(i) Assessing tips based on the level of severity, urgency, and assistance needed using best triage practices including the YES tip line;

(ii) Risk assessment for referral of persons contacting the YES tip line to service providers;

(iii) Threat assessment that identifies circumstances requiring the YES tip line to alert law enforcement, mental health services, or other first responders immediately when immediate emergency response to a tip is warranted;

(iv) Referral and follow-up on tips to schools or postsecondary institution teams, local crisis services, law enforcement, and other entities;

(v) YES tip line information data retention and reporting requirements;

(vi) Ensuring the confidentiality of persons submitting a tip and to allow for disclosure when necessary to respond to a specific emergency threat to life; and

(vii) Systematic review, analysis, and reporting by the YES tip line program of YES tip line data including, but not limited to, reporting program utilization and evaluating whether the YES tip line is being implemented equitably across the state.

(c) The YES tip line shall be operated by a vendor selected by the attorney general through a competitive contracting process. The attorney general shall ensure that the YES tip line program vendor and its personnel are properly trained and resourced. The contract must require the vendor to be bound confidentiality policies developed by the office. The contract must also provide that the state of Washington owns the data and information produced from the YES tip line and that vendor must comply with the state's data retention, use, and security requirements.

(d) The YES tip line program must develop and maintain a reference and best practices tool kit for law enforcement and mental health officials that identifies statewide and community mental health resources, services, and contacts, and provides best practices and strategies for investigators to use in investigating cases and assisting youths and their parents and guardians.

(e) The YES tip line program must promote and market the program and YES tip line to youth, families, community members, schools, and others statewide to build awareness of the program's resources and the YES tip line. Youth perspectives must be included and consulted in tip line development and implementation including creating marketing campaigns and materials required for the YES tip line program. The insights of youth representing marginalized and minority communities must be prioritized for their invaluable insight. The attorney general may determine the criteria for honorariums and award youth who participate in the tip line development and implementation an honorarium of up to \$200 per day.

(f) In addition to honorarium amounts, youth are eligible for reasonable allowances for reimbursement, lodging, and travel expenses as provided in RCW 43.03.050 and 43.03.060.

(g) Nothing in this subsection creates an employment relationship, or any membership or qualification in any state or other publicly supported retirement system, due to the payment of an honorarium or lodging and travel expenses provided under this subsection where such a relationship, membership, or qualification did not already exist.

~~((19))~~ (17) \$196,000 of the legal services revolving account—state appropriation is provided solely to provide staff support to the joint legislative task force on jail standards created in section 957 of this act.

~~((20))~~ (18) \$38,000 of the legal services revolving account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1148 (acute care hospitals). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(21))~~ (19) \$294,000 of the legal services revolving account—state appropriation is provided solely for implementation of Substitute House Bill No. 1259 (women & minority contracting). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(22))~~ (20) \$1,207,000 of the legal services revolving account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1219 (youth counsel/dependency). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(23))~~ (21) \$28,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1089 (law enforcement audits). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(24))~~ (22) \$123,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Third Substitute House Bill No. 1091 (transportation fuel/carbon). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(25))~~ (23) \$2,080,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1194 (parent-child visitation). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(26))~~ (24) \$121,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1073 (paid leave coverage). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(27))~~ (25) \$247,000 of the general fund—state appropriation for fiscal year 2022 and \$247,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1310 (uses of force by officers). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(28))~~ (26) \$25,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1109 (victims of sexual assault). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(29))~~ (27) \$146,000 of the legal services revolving fund—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5172 (agricultural overtime). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(28) \$275,000 of the general fund—state appropriation for fiscal year 2022 and \$400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the attorney general to support the Washington state missing and murdered indigenous women and people task force created in section 943 of this act.

(29) \$5,743,000 of the legal services revolving fund—state appropriation is provided solely for additional legal services to address additional legal services necessary for dependency actions where the state and federal Indian child welfare act apply. The office must report to the fiscal committees of the legislature within 90 days of the close of fiscal year 2023 the following information for new cases initiated in fiscal year 2023 to measure quantity and use of this funding:

(a) The number and proportion of cases where the state and federal Indian child welfare act (ICWA) applies as compared to non-ICWA new cases;

(b) The amount of time spent advising on, preparing for court, and litigating issues and elements related to ICWA's requirements as compared to the amount of time advising on, preparing for court, and litigating issues and elements that are not related to ICWA's requirements;

(c) The length of state and federal Indian child welfare act cases as compared to non-ICWA cases measured by time or number of court hearings; and

(d) Any other information or metric the office determines is appropriate to measure the quantity and use of the funding in this subsection.

(30) \$470,000 of the general fund—state appropriation for fiscal year 2022 and \$280,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for legal services in *Wahkiakum School District v. State*.

(31) \$1,910,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the office to pass through to King county to adequately fund and retain its prosecution services pursuant to chapter 71.09 RCW in King county.

(32) \$728,000 of the general fund—state appropriation for fiscal year 2022 and \$693,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for legal services related to the voting rights case *Palmer, et al v. State*.

(33) \$752,000 of the general fund—state appropriation for fiscal year 2023 and \$119,000 of the legal services revolving account—state appropriation are provided solely for implementation of Substitute House Bill No. 2076 (transp. network companies). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(34) \$33,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1815 (catalytic converter theft). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(35) \$65,000 of the legal services revolving account—state appropriation is provided solely for implementation of Substitute House Bill No. 1747 (child

relative placements). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(36) \$17,000 of the legal services revolving account—state appropriation is provided solely for implementation of Substitute House Bill No. 1286 (psychology compact). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(37) \$133,000 of the legal services revolving account—state appropriation is provided solely for implementation of Substitute House Bill No. 1735 (use of force). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(38)(a) \$125,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a study regarding state and local responses to acts or potential acts of domestic terrorism in Washington state.

(b) In conducting the study, the office must review laws and policies regarding domestic terrorism, including but not limited to:

(i) Federal, state, and local laws regarding acts of domestic terrorism, including how a criminal incident is determined to be an act of domestic terrorism;

(ii) State and local data collection, tracking, and reporting practices as related to acts of domestic terrorism; and

(iii) State and local policies regarding responding to acts of domestic terrorism.

(c) By December 15, 2022, the office must submit a report to the appropriate committees of the legislature that includes but is not limited to:

(i) A summary of current laws and policies as identified in (b) of this subsection;

(ii) Recommended best practices for:

(A) Standardizing and improving data collection, tracking, and reporting on acts of domestic terrorism at the state and local level; and

(B) Strengthening law enforcement, prosecutorial, and other local government responses to a potential act of domestic terrorism; and

(iii) Recommendations for any statutory changes that may be necessary for clarity and consistency.

(d) The office may consult with experts or professionals involved or having expertise in the topic of domestic terrorism to complete the study.

(39) \$58,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to support the sexual assault forensic examination best practices advisory group. The office of the attorney general shall reconvene a sexual assault forensic examination best practices advisory group to continue the work of the previous sexual assault forensic examination best practices advisory group as established in section 1, chapter 93, Laws of 2019. The advisory group must review best practice models for managing all aspects of sexual assault investigations and for reducing the number of untested sexual assault kits in Washington state. The advisory group must meet no less than twice annually.

(40) \$25,000 of the legal services revolving fund—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5761 (wage and salary information). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(41) The attorney general must deposit the state's portion of any proceeds received during the 2021-2023 fiscal biennium from the settlement with Purdue Pharma and the Sackler families into the state general fund to be appropriated for opioid abatement programs and services.

Sec. 127. 2021 c 334 s 128 (uncodified) is amended to read as follows:

**FOR THE CASELOAD FORECAST COUNCIL**

General Fund—State Appropriation (FY 2022) . . . . .	<del>(\$1,990,000)</del>
	<u>\$1,981,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	<del>(\$1,982,000)</del>
	<u>\$2,223,000</u>
Workforce Education Investment Account—State Appropriation . . . . .	<del>(\$326,000)</del>
	<u>\$331,000</u>
TOTAL APPROPRIATION . . . . .	<del>(\$4,298,000)</del>
	<u>\$4,535,000</u>

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

(1) ~~(\$326,000)~~ \$331,000 of the workforce education investment account—state appropriation is provided solely to forecast the caseload for the Washington college grant program.

(2) Within existing resources, and beginning with the November 2021 forecast, the caseload forecast council shall produce an unofficial forecast of the long-term caseload for juvenile rehabilitation as a courtesy.

(3) \$192,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5268 (dev. disability services). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

\*Sec. 128. 2021 c 334 s 129 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

General Fund—State Appropriation (FY 2022) . . . . .	<del>(\$193,804,000)</del>
	<u>\$201,157,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	<del>(\$171,190,000)</del>
	<u>\$550,623,000</u>
General Fund—Federal Appropriation . . . . .	<del>(\$1,365,225,000)</del>
	<u>\$1,450,865,000</u>
General Fund—Private/Local Appropriation . . . . .	<del>(\$8,862,000)</del>
	<u>\$9,083,000</u>
Public Works Assistance Account—State Appropriation . . . . .	<del>(\$8,134,000)</del>
	<u>\$8,420,000</u>
Lead Paint Account—State Appropriation . . . . .	\$112,000
Building Code Council Account—State Appropriation . . . . .	\$17,000
Liquor Excise Tax Account—State Appropriation . . . . .	<del>(\$1,262,000)</del>
	<u>\$1,316,000</u>
Home Security Fund Account—State Appropriation . . . . .	<del>(\$326,272,000)</del>
	<u>\$326,423,000</u>
Affordable Housing for All Account—State Appropriation . . . . .	<del>(\$105,230,000)</del>
	<u>\$105,264,000</u>

Financial Fraud and Identity Theft Crimes Investigation and Prosecution Account—State Appropriation. . . . .	(((\$2,671,000)) <u>\$2,678,000</u> )
Low-Income Weatherization and Structural Rehabilitation Assistance Account—State Appropriation. . . . .	\$1,400,000
Statewide Tourism Marketing Account—State Appropriation. . . . .	\$3,034,000
Community and Economic Development Fee Account—State Appropriation. . . . .	(((\$4,117,000)) <u>\$4,252,000</u> )
Growth Management Planning and Environmental Review Fund—State Appropriation . . . . .	(((\$5,785,000)) <u>\$5,802,000</u> )
Liquor Revolving Account—State Appropriation . . . . .	(((\$5,920,000)) <u>\$5,921,000</u> )
Washington Housing Trust Account—State Appropriation . . . . .	(((\$20,455,000)) <u>\$20,773,000</u> )
Prostitution Prevention and Intervention Account— State Appropriation . . . . .	(((\$26,000)) <u>\$146,000</u> )
Public Facility Construction Loan Revolving Account— State Appropriation . . . . .	(((\$1,229,000)) <u>\$1,278,000</u> )
Model Toxics Control Stormwater Account—State Appropriation. . . . .	\$100,000
Dedicated Marijuana Account—State Appropriation (FY 2022). . . . .	\$1,813,000
Dedicated Marijuana Account—State Appropriation (FY 2023). . . . .	(((\$1,809,000)) <u>\$3,200,000</u> )
Andy Hill Cancer Research Endowment Fund Match Transfer Account—State Appropriation . . . . .	(((\$11,711,000)) <u>\$50,281,000</u> )
Community Preservation and Development Authority Account—State Appropriation . . . . .	(((\$500,000)) <u>\$2,500,000</u> )
Economic Development Strategic Reserve Account—State Appropriation. . . . .	\$2,798,000
Coronavirus State Fiscal Recovery Fund—Federal Appropriation. . . . .	(((\$472,610,000)) <u>\$937,440,000</u> )
<u>Apple Health and Homes Account—State Appropriation . . . . .</u>	<u>\$8,740,000</u>
<u>Electric Vehicle Incentive Account—State Appropriation. . . . .</u>	<u>\$25,000,000</u>
TOTAL APPROPRIATION . . . . .	(((\$2,716,086,000)) <u>\$3,730,436,000</u> )

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

(1) Repayments of outstanding mortgage and rental assistance program loans administered by the department under RCW 43.63A.640 shall be remitted to the department, including any current revolving account balances. The department shall collect payments on outstanding loans, and deposit them into the state general fund. Repayments of funds owed under the program shall be remitted to the department according to the terms included in the original loan agreements.

(2) \$3,000,000 of the general fund—state appropriation for fiscal year 2022 and (~~\$3,000,000~~) \$7,096,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to resolution Washington to build statewide capacity for alternative dispute resolution centers and dispute resolution programs that guarantee that citizens have access to low-cost resolution as an alternative to litigation.

(3) \$375,000 of the general fund—state appropriation for fiscal year 2022 and \$375,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to the retired senior volunteer program.

(4) The department shall administer its growth management act technical assistance and pass-through grants so that smaller cities and counties receive proportionately more assistance than larger cities or counties.

(5) \$375,000 of the general fund—state appropriation for fiscal year 2022 and \$375,000 of the general fund—state appropriation for fiscal year 2023 are provided solely as pass-through funding to Walla Walla Community College for its water and environmental center.

(6) \$4,304,000 of the general fund—state appropriation for fiscal year 2022 and \$4,304,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for associate development organizations. During the 2021-2023 biennium, the department shall consider an associate development organization's total resources when making contracting and fund allocation decisions, in addition to the schedule provided in RCW 43.330.086. The department must distribute the funding as follows:

(a) For associate development organizations serving urban counties, which are counties other than rural counties as defined in RCW 82.14.370, a locally matched allocation of up to \$1.00 per capita, totaling no more than \$300,000 per organization; and

(b) For associate development organizations in rural counties, as defined in RCW 82.14.370, a \$1.00 per capita allocation with a base allocation of \$75,000.

(7) \$5,907,000 of the liquor revolving account—state appropriation is provided solely for the department to contract with the municipal research and services center of Washington.

(8) The department is authorized to require an applicant to pay an application fee to cover the cost of reviewing the project and preparing an advisory opinion on whether a proposed electric generation project or conservation resource qualifies to meet mandatory conservation targets.

(9) Within existing resources, the department shall provide administrative and other indirect support to the developmental disabilities council.



(10) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the northwest agriculture business center.

(11) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the regulatory roadmap program for the construction industry and to identify and coordinate with businesses in key industry sectors to develop additional regulatory roadmap tools.

(12) (~~(\$1,000,000)~~) \$750,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$1,000,000)~~) \$1,250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington new Americans program. The department may require a cash match or in-kind contributions to be eligible for state funding.

(13) \$643,000 of the general fund—state appropriation for fiscal year 2022 and \$643,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with a private, nonprofit organization to provide developmental disability ombuds services.

(14) \$1,000,000 of the home security fund—state appropriation, \$2,000,000 of the Washington housing trust account—state appropriation, and \$1,000,000 of the affordable housing for all account—state appropriation are provided solely for the department of commerce for services to homeless families and youth through the Washington youth and families fund.

(15) \$2,000,000 of the home security fund—state appropriation is provided solely for the administration of the grant program required in chapter 43.185C RCW, linking homeless students and their families with stable housing.

(16)(a) \$1,980,000 of the general fund—state appropriation for fiscal year 2022 and \$1,980,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for community beds for individuals with a history of mental illness. Currently, there is little to no housing specific to populations with these co-occurring disorders; therefore, the department must consider how best to develop new bed capacity in combination with individualized support services, such as intensive case management and care coordination, clinical supervision, mental health, substance abuse treatment, and vocational and employment services. Case-management and care coordination services must be provided. Increased case-managed housing will help to reduce the use of jails and emergency services and will help to reduce admissions to the state psychiatric hospitals. The department must coordinate with the health care authority and the department of social and health services in establishing conditions for the awarding of these funds. The department must contract with local entities to provide a mix of (i) shared permanent supportive housing; (ii) independent permanent supportive housing; and (iii) low and no-barrier housing beds for people with a criminal history, substance abuse disorder, and/or mental illness.

(b) Priority for permanent supportive housing must be given to individuals on the discharge list at the state psychiatric hospitals or in community psychiatric inpatient beds whose conditions present significant barriers to timely discharge.

(17) \$557,000 of the general fund—state appropriation for fiscal year 2022 and \$557,000 of the general fund—state appropriation for fiscal year 2023 are

provided solely for the department to design and administer the achieving a better life experience program.

(18) The department is authorized to suspend issuing any nonstatutorily required grants or contracts of an amount less than \$1,000,000 per year.

(19) \$1,070,000 of the general fund—state appropriation for fiscal year 2022 and \$1,070,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the small business export assistance program. The department must ensure that at least one employee is located outside the city of Seattle for purposes of assisting rural businesses with export strategies.

(20) \$60,000 of the general fund—state appropriation for fiscal year 2022 and \$60,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to submit the necessary Washington state membership dues for the Pacific Northwest economic region.

(21) (~~(\$2,000,000)~~) \$2,200,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$2,000,000)~~) \$4,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with organizations and attorneys to provide either legal representation or referral services for legal representation, or both, to indigent persons who are in need of legal services for matters related to their immigration status. Persons eligible for assistance under any contract entered into pursuant to this subsection must be determined to be indigent under standards developed under chapter 10.101 RCW. Of the amounts provided in this section, \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$2,000,000 of the general fund—state appropriation for fiscal year 2023 must be used for pro bono or low bono legal services to assist indigent Washington residents, who were temporarily paroled into the United States in 2021 or 2022, with asylum applications or other matters related to adjusting immigration status.

(22)(a) \$37,000,000 of the affordable housing for all account—state appropriation is provided solely for grants to support the building operation, maintenance, and service costs of permanent supportive housing projects or units within housing projects that have or will receive funding from the housing trust fund—state account or other public capital funding that:

- (i) Is dedicated as permanent supportive housing units;
- (ii) Is occupied by low-income households with incomes at or below thirty percent of the area median income; and
- (iii) Requires a supplement to rent income to cover ongoing property operating, maintenance, and service expenses.

(b) Permanent supportive housing projects receiving federal operating subsidies that do not fully cover the operation, maintenance, and service costs of the projects are eligible to receive grants as described in this subsection.

(c) The department may use a reasonable amount of funding provided in this subsection to administer the grants.

(23) \$7,000,000 of the home security fund—state appropriation is provided solely for the office of homeless youth prevention and protection programs to:

- (a) Expand outreach, services, and housing for homeless youth and young adults including but not limited to secure crisis residential centers, crisis residential centers, and HOPE beds, so that resources are equitably distributed across the state;

(b) Contract with other public agency partners to test innovative program models that prevent youth from exiting public systems into homelessness; and

(c) Support the development of an integrated services model, increase performance outcomes, and enable providers to have the necessary skills and expertise to effectively operate youth programs.

(24) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of homeless youth to fund program models that prevent youth from exiting public systems into homelessness.

(25) (~~(\$3,000,000)~~) \$2,408,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$5,000,000)~~) \$5,592,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of homeless youth to build infrastructure and services to support a continuum of interventions, including but not limited to prevention, crisis response, and long-term housing, to reduce youth homelessness in communities identified as part of the anchor community initiative.

(26) \$2,125,000 of the general fund—state appropriation for fiscal year 2022 and \$2,125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of homeless youth to contract with one or more nonprofit organizations to provide youth services and young adult housing on a multi-acre youth campus located in the city of Tacoma. Youth services include, but are not limited to, HOPE beds and crisis residential centers to provide temporary shelter and permanency planning for youth under the age of 18. Young adult housing includes, but is not limited to, rental assistance and case management for young adults ages 18 to 24. The department shall submit an annual report to the legislature on the use of the funds. The first report is due June 30, 2022, and each June 30th thereafter. The report shall include but is not limited to:

(a) A breakdown of expenditures by program and expense type, including the cost per bed;

(b) The number of youth and young adults helped by each program;

(c) The number of youth and young adults on the waiting list for programs, if any; and

(d) Any other metric or measure the department deems appropriate to evaluate the effectiveness of the use of the funds.

(27) \$62,720,000 of the general fund—state appropriation for fiscal year 2022, \$65,330,000 of the general fund—state appropriation for fiscal year 2023, and \$2,610,000 of the coronavirus state fiscal recovery fund—federal appropriation are provided solely for the essential needs and housing support program and related services. The department may use a portion of the funds provided in this subsection to continue the pilot program established in section 127(106) of chapter 357, Laws of 2020, by providing grants to participating counties who request additional funding in order to continue serving participating and eligible clients.

(28) \$1,436,000 of the general fund—state appropriation for fiscal year 2022 and \$1,436,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to identify and invest in strategic growth areas, support key sectors, and align existing economic development programs and priorities. The department must consider Washington's position as

the most trade-dependent state when identifying priority investments. The department must engage states and provinces in the northwest as well as associate development organizations, small business development centers, chambers of commerce, ports, and other partners to leverage the funds provided. Sector leads established by the department must include the industries of: (a) Aerospace; (b) clean technology and renewable and nonrenewable energy; (c) wood products and other natural resource industries; (d) information and communication technology; (e) life sciences and global health; (f) maritime; and (g) military and defense. The department may establish these sector leads by hiring new staff, expanding the duties of current staff, or working with partner organizations and other agencies to serve in the role of sector lead.

(29) The department must develop a model ordinance for cities and counties to utilize for siting community based behavioral health facilities.

(30) \$198,000 of the general fund—state appropriation for fiscal year 2022 and \$198,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to retain a behavioral health facilities siting administrator within the department to coordinate development of effective behavioral health housing options and provide technical assistance in siting of behavioral health treatment facilities statewide to aide in the governor's plan to discharge individuals from the state psychiatric hospitals into community settings. This position must work closely with the local government legislative authorities, planning departments, behavioral health providers, health care authority, department of social and health services, and other entities to facilitate linkages among disparate behavioral health community bed capacity-building efforts. This position must work to integrate building behavioral health treatment and infrastructure capacity in addition to ongoing supportive housing benefits.

(31) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with an entity located in the Beacon hill/Chinatown international district area of Seattle to provide low income housing, low income housing support services, or both. To the extent practicable, the chosen location must be collocated with other programs supporting the needs of children, the elderly, or persons with disabilities.

(32) \$1,500,000 of the general fund—state appropriation for fiscal year 2022, (~~(\$1,500,000)~~) \$4,740,000 of the general fund—state appropriation for fiscal year 2023 and \$4,500,000 of the home security fund—state appropriation are provided solely for the consolidated homeless grant program.

(a) Of the amounts provided in this subsection, \$4,500,000 of the home security fund—state appropriation is provided solely for permanent supportive housing targeted at those families who are chronically homeless and where at least one member of the family has a disability. The department will also connect these families to medicaid supportive services.

(b) Of the amounts provided in this subsection, \$1,000,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for diversion services for those families and individuals who are at substantial risk of losing stable housing or who have recently become homeless and are determined to have a high probability of returning to stable housing.

(c) Of the amounts provided in this subsection, \$3,240,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for up to nine months of rental assistance for individuals enrolled in the foundational community supports initiative who are transitioning off of benefits under RCW 74.04.805 due to increased income or other changes in eligibility. The health care authority, department of social and health services, and department of commerce shall collaborate on this effort.

(33) ~~(\$11,711,000)~~ \$50,281,000 of the Andy Hill cancer research endowment fund match transfer account—state appropriation is provided solely for the Andy Hill cancer research endowment program. Amounts provided in this subsection may be used for grants and administration costs.

(34) \$550,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$150,000)~~ \$550,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the operations of the long-term care ombudsman program.

(35) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to produce the biennial report identifying a list of projects to address incompatible developments near military installations as provided in RCW 43.330.520.

(36) \$35,000,000 of the home security fund—state appropriation is provided solely for increasing local temporary shelter capacity. The amount provided in this subsection is subject to the following conditions and limitations:

(a) A city or county applying for grant funding shall submit a sheltering proposal that aligns with its local homeless housing plan under RCW 43.185C.050. This proposal must include at a minimum:

(i) A strategy for outreach to bring currently unsheltered individuals into shelter;

(ii) Strategies for connecting sheltered individuals to services including but not limited to: Behavioral health, chemical dependency, education or workforce training, employment services, and permanent supportive housing services;

(iii) An estimate on average length of stay;

(iv) An estimate of the percentage of persons sheltered who will exit to permanent housing destinations and an estimate of those that are expected to return to homelessness;

(v) An assessment of existing shelter capacity in the jurisdiction, and the net increase in shelter capacity that will be funded with the state grant; and

(vi) Other appropriate measures as determined by the department.

(b) ~~((The department shall not reimburse more than \$56 per day per net additional person sheltered above the baseline of shelter occupancy prior to award of the funding.))~~ Eligible uses of funds include shelter operations, shelter maintenance, shelter rent, loan repayment, case management, navigation to other services, efforts to address potential impacts of shelters on surrounding neighborhoods, capital improvements and construction, and outreach directly related to bringing unsheltered people into shelter. The department shall coordinate with local governments to encourage cost-sharing through local matching funds.

(c) The department shall not reimburse more than \$10,000 per shelter bed prior to occupancy, for costs associated with creating additional shelter capacity

or improving existing shelters to improve occupancy rates and successful outcomes. Eligible costs prior to occupancy include acquisition, construction, equipment, staff costs, and other costs directly related to creating additional shelter capacity.

(d) For the purposes of this subsection "shelter" means any facility, the primary purpose of which is to provide space for homeless in general or for specific populations of homeless. The shelter must: Be structurally sound to protect occupants from the elements and not pose any threat to health or safety, have means of natural or mechanical ventilation, and be accessible to persons with disabilities, and the site must have hygiene facilities, which must be accessible but do not need to be in the structure.

(37) (~~(\$1,007,000)~~) \$950,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$1,007,000)~~) \$1,064,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to administer a transitional housing pilot program for nondependent homeless youth. In developing the pilot program, the department will work with the adolescent unit within the department of children, youth, and families, which is focused on cross-system challenges impacting youth, including homelessness.

(38) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to establish representation in key international markets that will provide the greatest opportunities for increased trade and investment for small businesses in the state of Washington. Prior to entering into any contract for representation, the department must consult with associate development organizations and other organizations and associations that represent small business, rural industries, and disadvantaged business enterprises.

(39) \$80,000 of the general fund—state appropriation for fiscal year 2022 and \$80,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to establish an identification assistance and support program to assist homeless persons in collecting documentation and procuring an identicard issued by the department of licensing. This program may be operated through a contract for services. The program shall operate in one county west of the crest of the Cascade mountain range with a population of one million or more and one county east of the crest of the Cascade mountain range with a population of five hundred thousand or more.

(40) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of homeless youth prevention and protection programs to create a centralized diversion fund to serve homeless or at-risk youth and young adults, including those who are unsheltered, exiting inpatient programs, or in school. Funding provided in this subsection may be used for short-term rental assistance, offsetting costs for first and last month's rent and security deposits, transportation costs to go to work, and assistance in obtaining photo identification or birth certificates.

(41) \$100,000 of the model toxics control stormwater account—state appropriation is provided solely for planning work related to stormwater runoff at the aurora bridge and I-5 ship canal bridge. Planning work may include, but is

not limited to, coordination with project partners, community engagement, conducting engineering studies, and staff support.

(42) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to assist people with limited incomes in urban areas of the state start and sustain small businesses. The grant recipient must be a nonprofit organization involving a network of microenterprise organizations and professionals to support micro entrepreneurship and access to economic development resources.

(43) (~~(\$500,000)~~) \$1,500,000 of the community preservation and development authority account—state/operating appropriation is provided solely for the operations of the Pioneer Square-International District community preservation and development authority established in RCW 43.167.060.

(44) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants and associated technical assistance and administrative costs to foster collaborative partnerships that expand child care capacity in communities. Eligible applicants include nonprofit organizations, school districts, educational service districts, and local governments. These funds may be expended only after the approval of the director of the department of commerce and must be used to support planning and activities that help communities address the shortage of child care, prioritizing partnerships serving in whole or in part areas identified as child care access deserts.

(45) (~~(\$255,000,000)~~) \$278,476,000 of the general fund—federal appropriation (ARPA) and \$403,000,000 of the coronavirus state fiscal recovery account—federal appropriation are provided solely for the department to administer an emergency rental assistance program. The department shall distribute funding in the form of grants to local housing providers. In making distributions, the department must consider the number of unemployed persons and renters in each jurisdiction served by the provider as well as consider any funding that jurisdiction, including cities within each county, received directly from the federal government for emergency rental assistance. Of the amounts provided in this subsection:

(a) (~~(\$255,000,000)~~) \$278,476,000 of the general fund—federal appropriation (ARPA) is provided solely for grants to provide emergency rental and utility assistance pursuant to P.L. 117-2. A provider may use up to 14.5 percent of the grant award provided under this subsection for administrative costs and the remainder must be used for financial assistance as defined in P.L. 117-2. Unless otherwise prohibited under federal guidance, a housing provider may provide financial assistance for an eligible household's rent and rental arrears of up to 150 percent of the fair market rent for the area in which the household resides, as determined by the department of housing and urban development.

(b)(i) \$403,000,000 of the coronavirus state fiscal recovery account—federal appropriation is provided solely for grants to provide emergency rental and utility assistance, subject to (b)(ii) of this subsection. Providers must make rental payments directly to landlords and utility payments directly to utility providers. To be eligible for assistance under this subsection, households must, at a minimum, have an income at or below 80 percent of the area median income

and must have a missed or partially paid rent payment. The department may establish additional eligibility criteria to target these resources to households most likely to become homeless if they do not receive rental assistance. A provider may provide financial assistance for an eligible household's rent and rental arrears of up to 150 percent of the fair market rent for the area in which the household resides, as determined by the department of housing and urban development.

(ii) From the amount provided in (b) of this subsection, each local housing provider must subgrant with community organizations that serve historically disadvantaged populations within their jurisdiction. Subgrants may be used for program outreach and assisting community members in applying for assistance under (a) and (b) of this subsection. The amount of the subgrant must be at least five percent of the total funding each provider received under (a) and (b) of this subsection.

(c) The department may retain up to 0.5 percent of the amounts provided in this subsection for administration of the program.

(46) \$7,500,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to provide grants to entities that provide digital navigator services, devices, and subscriptions. These services must include but are not limited to one-on-one assistance for people with limited access to services, including individuals seeking work, families supporting students, English language learners, medicaid clients, people experiencing poverty, and elders. Of the amounts provided in this subsection, the department must prioritize allocating \$1,500,000 as grants or portions of grants that serve medicaid clients.

(47) \$240,000 of the general fund—state appropriation for fiscal year 2022 ~~((and)), \$240,000 of the general fund—state appropriation for fiscal year 2023,~~ and \$1,000,000 of the community preservation and development authority account—state appropriation are provided solely for the operations of the Central district community preservation and development authority established in RCW 43.167.070.

(48) \$607,000 of the general fund—state appropriation for fiscal year 2022 and \$607,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to assist homeowners at risk of foreclosure pursuant to chapter 61.24 RCW. Funding provided in this section may be used for activities to prevent mortgage or tax lien foreclosure, housing counselors, a foreclosure prevention hotline, legal services for low-income individuals, mediation, and other activities that promote homeownership. The department may contract with other foreclosure fairness program state partners to carry out this work.

(49) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with a nonprofit entity located in Seattle that focuses on poverty reduction and racial equity to convene and staff a poverty reduction workgroup steering committee comprised of individuals that have lived experience with poverty. Funding provided in this section may be used to reimburse steering committee members for travel, child care, and other costs associated with participation in the steering committee.



(50) \$29,255,000 of the general fund—federal appropriation (CRF) and (~~(\$230,000,000)~~) \$284,200,000 of the general fund—federal appropriation (CRRSA), not to exceed the amount appropriated in section 3, chapter 3, Laws of 2021, that is unobligated at the end of fiscal year 2021, are provided solely for rental assistance and housing and are subject to the same terms and conditions as the appropriation in section 3, chapter 3, Laws of 2021, as amended in section 1905 of this act.

(51) \$4,800,000 of the general fund—federal appropriation (CRF), not to exceed the amount appropriated in section 4, chapter 3, Laws of 2021, that is unobligated at the end of fiscal year 2021, is provided solely for working Washington grants and is subject to the same terms and conditions as the appropriation in section 4, chapter 3, Laws of 2021.

(52) (~~(\$1,602,000)~~) \$1,147,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$1,174,000)~~) \$1,629,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the statewide broadband office established in RCW 43.330.532.

(53) \$450,000 of the general fund—state appropriation for fiscal year 2022 and \$450,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization for an initiative to advance affordable housing projects and education centers on public or tax-exempt land. The department must award the grant to an organization with an office located in the city of Seattle that has experience in catalyzing early learning and affordable housing developments. The grant recipient must use the funding to:

(a) Implement strategies to accelerate development of affordable housing projects with space for early learning centers or community space on underutilized tax-exempt properties;

(b) Analyze the suitability of properties for affordable housing, early learning centers, or community space through completing due diligence, conceptual design, and financial analysis activities;

(c) Organize community partners and build capacity to develop these sites, as well as coordinate negotiations among partners and public owners;

(d) Facilitate collaboration and co-development between affordable housing, early learning centers, or community space; and

(e) Catalyze the redevelopment of at least 10 sites to create approximately 1,500 affordable homes.

(54) \$2,000,000 of the general fund—state appropriation for fiscal year 2022 (~~(\*)~~) and \$2,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization located in King county to operate a hunger relief response program serving individuals living in permanent supportive housing.

(55) \$75,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a grant to a nonprofit organization located in the city of Federal Way that conducts collaborative policy development and provides access to resources and consultation to historically disadvantaged communities. The grant funding must be used for capacity-building activities to support community-based organizations serving youth and young adults in the city of Federal Way.

(56) \$400,000 of the general fund—state appropriation for fiscal year 2022 and \$400,000 of the general fund—state appropriation for fiscal year 2023 are

provided solely for capacity-building grants through the Latino community fund for emergency response services, educational programs, and human services support for children and families in rural and underserved communities.

(57) \$12,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for a single contract with the non-profit statewide tourism marketing organization that is party to the contract pursuant to RCW 43.384.020. The funds will be used to assist recovery for tourism-related businesses, generate tourism demand for Washington communities and businesses, and sustain recovery market share with competing Western states. The department and the contractor shall submit a report to the legislature June 30, 2022, and June 30, 2023.

(58) \$354,000 of the general fund—state appropriation for fiscal year 2022 and \$354,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to the Port Gamble S'Klallam tribe for a reentry program providing tailored support services to moderate-needs and high-needs individuals leaving local or tribal incarceration, with the goals of reducing criminal recidivism and fostering community wellbeing. Services may be provided to clients pre-release and post-release.

(59) (~~(\$347,000)~~) \$217,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$347,000)~~) \$477,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization serving King and Snohomish counties for a program conducted in partnership with King county serving criminal justice-involved individuals who have experienced domestic, sexual, or gender-based violence. The grant recipient may use the funding for costs including but not limited to legal advocacy, outreach, connecting clients to housing and other resources, data analytics, and staffing.

(60) \$50,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the city of Kent to contract with one or more nonprofit organizations to serve community immersion law enforcement trainees through mentorship or community-based placement, or both.

(61) \$400,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$400,000)~~) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of homeless youth to administer a competitive grant process to award funding to licensed youth shelters, HOPE centers, and crisis residential centers to provide behavioral health support services for youth in crisis, and to increase funding for current grantees.

(62) (~~(\$950,000)~~) \$310,000 of the general fund—state appropriation for fiscal year 2022 (~~(is)~~) and \$640,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit located in King county that develops training and support for low-income individuals, with a focus on women and people of color, to move into the construction industry for living wage jobs. The grant funding must be used to develop a pre-apprenticeship program that, through the construction of units, integrates housing and workforce development in service of the following goals:

- (a) Creating a blueprint to integrating workforce development and housing for local jurisdictions;
- (b) Providing construction training to underserved populations;
- (c) Creating a pathway for trainees to enter construction careers; and

(d) Addressing the systemic effects of sexism and racism in housing, wealth, education, training, employment, and career development.

(63) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$50,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization operating an emergency shelter located in the Yakima valley for case management, outreach, and other homeless services.

(64) \$350,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization for activities to advance affordable housing. The grant recipient must be an organization that partners in equitable, transit-oriented development. The grant recipient must use the funding to:

(a) Facilitate partnerships to enable equitable transit-oriented development across the Puget Sound region that builds housing at scale; and

(b) Assist the cities of Tacoma, Renton, and Everett, as well as other cities, in:

(i) Creating or updating local subarea plans to be consistent with the regional growth strategy for future population growth to be near high capacity transit and to facilitate development within the station area that will produce a mix of affordable housing;

(ii) Ensuring equitable transit-oriented development processes and outcomes that minimize displacement; and

(iii) Identifying strategies for land acquisition and assembly around high capacity transit stations that will result in a mix of housing.

(65) \$700,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$700,000)~~ \$3,700,000) of the general fund—state appropriation for fiscal year 2023 are provided solely for a nonprofit organization whose sole purpose is to provide grants, capacity building, and technical assistance support to a network of microenterprise development organizations. The microenterprise development organizations will support rural and urban Black, indigenous and people of color owned businesses, veteran owned businesses, and limited resourced and other hard to serve businesses with five or fewer employees throughout the state with business training, technical assistance, and microloans.

(66) \$1,175,000 of the general fund—state appropriation for fiscal year 2022 and \$175,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to support implementation of the 2021 state energy strategy as it pertains to emissions from energy use in new and existing buildings, including measures to support local government emission reductions, workforce measures, and utility electrification benefits.

(67) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to identify and develop effective interventions and responses to primary and secondary workplace trauma experienced by direct service staff who work in homeless shelters, homeless outreach, and permanent supportive housing. The department must collect data through methods such as surveys, interviews, and small group conversations, and engage interested parties, including but not limited to direct service staff. The department may contract with a third party to complete the work required in

this subsection. By June 1, 2023, the department shall submit a report identifying interventions and providing recommendations to the appropriate committees of the legislature.

(68)(a) \$340,000 of the general fund—state appropriation for fiscal year 2022 and \$85,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with the University of Washington college of built environments to create a database and reporting system for promoting transparency on procurement of building materials that make up the primary structure and enclosure used for state-funded construction projects. The department and university may use publicly available information and data sources as well as consult with outside experts to create the database. The database may include fields for environmental product declarations, product quantity, manufacturer location, global warming potential, health certifications, supplier codes of conduct, and working conditions.

(b) When developing the reporting system required under (a) of this subsection, the department and the University of Washington must conduct a case study analysis. In conducting the analysis, the department and the university must identify up to 10 case studies of publicly funded projects and analyze considerations including but not limited to cost impacts, materials procured, embodied carbon contribution to reducing greenhouse gas emissions, and supply chain considerations. By January 1, 2022, the department and the university shall submit a progress report on the case study analysis to the legislature. By November 1, 2022, the department and the university shall submit a final report to the legislature with findings from the case study analysis and recommendations for the reporting system based on lessons learned.

(69) \$175,000 of the general fund—state appropriation for fiscal year 2022 and \$175,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization to provide job readiness skills and training to traditionally underrepresented populations to support the transition to a registered apprenticeship, trade training, or employment. The grant recipient must be a nonprofit organization serving traditionally underrepresented populations in King and Pierce counties, with a focus on youth development programs. The grant funding must be used for activities including but not limited to counseling and training in support of the goals of:

(a) Minimizing barriers to transitioning to an apprenticeship, trade training program, or employment for participants;

(b) Increasing participants' workforce and life balance skills; and

(c) Increasing participants' specialized skills and knowledge in targeted industries, including construction, urban agriculture, and maritime trades.

(70)(a) \$51,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$51,000)~~ \$121,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the statewide broadband office to cofacilitate the Washington digital equity forum with the Washington state office of equity. ~~((The purpose of the forum is to develop recommendations to advance digital connectivity in Washington state. In developing its recommendations, the forum must:~~

~~(i) Develop goals that are consistent with the goals of the governor's statewide broadband office, as provided in RCW 43.330.536;~~

~~(ii) Strengthen public-private partnerships;~~

(iii) Solicit public input through public hearings or informational sessions;  
 (iv) Work to increase collaboration and communication between local, state, and federal governments and agencies; and

(v) Recommend reforms to universal service mechanisms.)

(b) ~~((The directors of the governor's statewide broadband office and the Washington state office of equity are responsible for appointing participating members of the forum, and appointments require the approval of both directors. In making appointments, the directors must prioritize appointees representing:~~

~~(i) Federally recognized tribes;~~

~~(ii) State agencies involved in digital equity; and~~

~~(iii) Underserved and unserved communities, including historically disadvantaged communities.~~

~~(c) The director of the governor's statewide broadband office, or the director's designee, and the director of the Washington state office of equity, or the director's designee, shall serve as administrative cochairs of the forum.~~

~~(d) In addition to members appointed by the directors, four legislators may serve on the digital equity forum in an ex officio capacity. Legislative participants must be appointed as follows:~~

~~(i) The speaker of the house of representatives must appoint one member from each of the two largest caucuses of the house of representatives; and~~

~~(ii) The president of the senate must appoint one member from each of the two largest caucuses of the senate.~~

~~(e) Each member of the digital equity forum shall serve without compensation but may be reimbursed for travel expenses as authorized in RCW 43.03.050 and 43.03.060. Legislative members of the forum are reimbursed for travel expenses in accordance with RCW 44.04.120. (f) The statewide broadband office must provide staff support for the digital equity forum. By January 1, 2023, the statewide broadband office must transmit the recommendations of the digital equity forum developed under (a) of this subsection to the legislature, consistent with RCW 43.01.036.) Of the amounts provided in this subsection, \$70,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1723 (telecommunications access). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection (70)(b) shall lapse.~~

(71) \$500,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for grants to law enforcement agencies to implement group violence intervention strategies in areas with high rates of gun violence. Grant funding will be awarded to two sites, with priority given to Yakima county and south King county. The sites must be located in areas with high rates of gun violence, include collaboration with the local leaders and community members, use data to identify the individuals most at risk to perpetrate gun violence for interventions, and include a component that connects individuals to services. In selecting the sites, the department must give priority to sites meeting these criteria that also can leverage existing local or federal resources.

(72) ~~(\$350,000 of the general fund—state appropriation for fiscal year 2022 ((is)) and \$350,000 of the general fund—state appropriation for fiscal year 2023~~ are provided solely for a contract for a business recovery program serving the city of Federal Way and surrounding area. The contract recipient must be a

nongovernmental organization located in the city of Federal Way whose primary focus is the economic development of the city of Federal Way and surrounding area. The contract funding must be used for:

(a) Business development training and education for small businesses located in or serving the city of Federal Way and surrounding area, with a focus on Black, indigenous, and people of color-owned, women-owned, and veteran-owned businesses;

(b) Workforce programming for skill set development, especially as related to business retention and expansion; and

(c) Research and collection of economic baseline data for the city of Federal Way and surrounding area for the development of data-driven programming, with a focus on key economic recovery indicators.

(73) \$202,000 of the general fund—state appropriation for fiscal year 2022 and \$89,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization to provide emergency housing, permanent supportive housing, and wraparound services focusing on Black transgender and nonbinary individuals who are currently experiencing or at risk of homelessness. The grant recipient must be a nonprofit organization with locations in the cities of Seattle and Tacoma that provides legal and other services for LGBTQ individuals in Washington. The grant recipient may subgrant or subcontract with other organizations to provide emergency housing, permanent supportive housing, and wraparound services.

(74) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit for a smart buildings education program to educate building owners and operators on smart building practices and technologies, including the development of onsite and digital trainings that detail how to operate residential and commercial facilities in an energy efficient manner. The grant recipient must be located in a city with a population of more than 700,000 and must serve anyone within Washington with an interest in better understanding energy efficiency in commercial and institutional buildings.

(75) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to establish a sector lead position for the creative industries, including but not limited to the performing arts, literary arts, music, and film. The sector lead must work with interested parties to further the goals of creating economic development opportunities, retaining and growing jobs, and supporting small business development and expansion within the creative industries.

(76) \$221,920,000 of the home security fund—state appropriation and \$58,400,000 of the affordable housing for all account—state appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1277 (housing/revenue source). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~ Of the amounts provided in this subsection:

(a) \$88,768,000 of the home security fund—state appropriation is provided solely to implement the eviction prevention rental assistance program created in the bill; and

(b) \$133,152,000 of the home security fund—state appropriation is provided solely for project-based vouchers and related services, rapid rehousing, housing acquisition, and supportive services for individuals and families accessing vouchers and rapid rehousing. Of the total amount provided in this subsection, at least \$20,000,000 must be used for hotel and motel vouchers, rapid rehousing, and supportive services for individuals and families accessing vouchers and rapid rehousing.

(77) \$59,000 of the general fund—state appropriation for fiscal year 2022 and \$696,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1086 (behavioral health consumers). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(78) \$163,000 of the dedicated marijuana account—state appropriation for fiscal year 2022 and \$159,000 of the dedicated marijuana account—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1443 (cannabis industry/equity). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(79) \$298,000 of the general fund—state appropriation for fiscal year 2022 and \$404,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1220 (emergency shelters & housing). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(80) ~~(\$306,000)~~ \$121,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$483,000)~~ \$668,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(81) \$21,000 of the general fund—state appropriation for fiscal year 2022 and \$42,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Third Substitute House Bill No. 1091 (transportation fuel/carbon). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(82) \$42,000 of the general fund—state appropriation for fiscal year 2022 and \$42,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute House Bill No. 1168 (long-term forest health). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(83) \$2,798,000 of the economic development strategic reserve account manufacturing cluster acceleration subaccount—state appropriation is provided solely for implementation of Substitute House Bill No. 1170 (manufacturing). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(84) ~~(\$187,000,000)~~ \$174,000,000 of the general fund—federal appropriation (ARPA) ~~((is))~~ and \$4,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a homeowner assistance program to provide mortgage, foreclosure, and other assistance to eligible homeowners pursuant to P.L. 117-2. The department may subgrant or

contract with other entities to provide assistance under the program. Of the amount provided in this subsection, (~~(\$13,000,000)~~) \$2,000,000 of the general fund—federal appropriation (ARPA) (~~(is)~~) and \$4,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for foreclosure assistance.

(85) \$9,864,000 of the general fund—state appropriation for fiscal year 2022 and \$9,864,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for long-term rental subsidies for individuals with mental health or substance use disorders. This funding may be used for individuals enrolled in the foundational community support program while waiting for a longer term resource for rental support or for individuals transitioning from behavioral health treatment facilities or local jails. Individuals who would otherwise be eligible for the foundational community support program but are not eligible because of their citizenship status may also be served. By December 1, 2021, and December 1, 2022, the department must submit a report identifying the expenditures and number of individuals receiving long-term rental supports through the agency budget broken out by region, treatment need, and the demographics of those served during the prior fiscal year.

(86)(a) (~~(\$50,000,000)~~) \$70,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to provide grants to small businesses through the working Washington grant program.

(b) Of the amount provided in this subsection, (~~(\$30,000,000)~~) \$42,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely to assist businesses maintain their operations. To be eligible for a grant under this subsection, the business must:

(i) Apply for or have applied for the grant;

(ii) (~~Have reported annual gross receipts of \$5,000,000 or less to the department of revenue for calendar year 2019~~) Have not reported annual gross receipts of more than \$5,000,000 in calendar year 2019;

(iii) Have expenses that are necessary to continue business operations and the expense is not a federal, state, or local tax, fee, license, or other government revenue;

(iv) Self-attest that the expense is not funded by any other government or private entity;

(v) Have experienced a reduction in business income or activity related to COVID-19 or state or local actions in response to COVID-19; and

(vi) Agree to operate in accordance with the requirements of applicable federal, state, and local public health guidance and directives.

(c) Of the amount provided in this subsection, (~~(\$20,000,000)~~) \$28,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely to assist the reopening of businesses that temporarily totally closed their operations. To be eligible for a grant under this subsection, the business must:

(i) Apply for the grant;

(ii) (~~Have reported annual gross receipts of \$5,000,000 or less to the department of revenue for calendar year 2019~~) Have not reported annual gross receipts of more than \$5,000,000 in calendar year 2019;

(iii) Demonstrate the business was actively engaged in business, and as a result of the governor's proclamations 20-25.8, issued on November 15, 2020,



through 20-25.12 ("stay safe-stay healthy"), temporarily totally closed operations. Demonstration of active engagement in business can be given through but is not limited to taxable activity reported to the department of revenue. The department may use other methods to determine if this criterion has been met;

(iv) Have expenses that are necessary to reopen business operations and the expense is not a federal, state, or local tax, fee, license, or other government revenue;

(v) Self-attest that the expense is not funded by any other government or private entity; and

(vi) Agree to operate in accordance with the requirements of applicable federal, state, and local public health guidance and directives.

(d) Grant awards are subject to the availability of amounts appropriated in this subsection. The department must conduct outreach to underrepresented and unserved communities observed from prior rounds of awards. The department must ensure equitable distributions of grant funding, including considerations for geographic location and businesses owned by members of historically disadvantaged communities.

(e)(i) Eligible businesses may receive up to a \$75,000 grant.

(ii) ~~(If a business received one or more working Washington small business grants before July 1, 2021, including grants provided pursuant to chapter 3, Laws of 2021, the grant awarded under this subsection must be reduced to reflect the amounts received from previous working Washington small business grants.)~~ If a business was awarded one or more working Washington small business grants after February 1, 2021, the grant award under this subsection may be reduced to reflect the amounts received from previous working Washington small business grants. The department may prioritize businesses and nonprofit organizations that have not yet received a grant under the working Washington small business grant program.

(f) For purposes of this subsection, reopening costs include, but are not limited to:

(i) Upgrading physical workplaces to adhere to new safety or sanitation standards;

(ii) Procuring required personal protective supplies for employees and business patrons and clients;

(iii) Updating business plans;

(iv) Employee costs, including payroll, training, and onboarding;

(v) Rent, lease, mortgage, insurance, and utility payments; and

(vi) Securing inventory, supplies, and services for operations.

(g) Nonprofit organizations are eligible to receive funding under (b) or (c) of this subsection if they have a primary business activity that has been impacted as described in (b)(v) or (c)(iii) of this subsection.

(h) The department is authorized to shift funding among the purposes in (b) and (c) of this subsection based on overutilization or underutilization of the different types of grants.

(i) Of the total amount provided in this subsection, ~~((the department must prioritize allocating the funds as follows:~~

~~(A) \$25,000,000))~~ \$45,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for grants under (b) or (c) of this

subsection to eligible businesses and nonprofit organizations in the arts, heritage, and science sectors, including those that operate live entertainment venues(~~(c) and~~

~~(B) \$25,000,000 for grants under (b) or (c) of this subsection to eligible businesses and nonprofit organizations located in counties that are in phase 2 of the governor's "healthy Washington: roadmap to recovery" plan at the time the business or nonprofit organization applies for funding).~~ The department must develop criteria for successful applications under this subsection in combination with the Washington state arts commission.

(87) \$138,000,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to implement small business capital access and other credit support programs under the state small business credit initiative, pursuant to P.L. 117-2. The department may contract with other entities to implement the capital access program and other credit support programs. The department is highly encouraged to use local nonprofit community development financial institutions to deliver access to credit to the maximum extent allowed by federal law, rules, and guidelines. The department must apply for the maximum possible allocation of federal funding under P.L. 117-2, including but not limited to funds set aside for extremely small businesses and business enterprises owned and controlled by socially and economically disadvantaged individuals. The funding provided in this section also includes federal funds allocated to the state for technical assistance to businesses. The department must ensure businesses owned and controlled by socially and economically disadvantaged individuals, as defined in P.L. 117-2, have equitable access to program services.

(88)(a) \$6,000,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to create a grant program to reimburse local governments for eligible costs of providing emergency noncongregate sheltering during the COVID-19 public health emergency.

(b) A city or county is eligible to apply for grant funding if it:

(i) Applies to the federal emergency management agency public assistance program for reimbursement of costs to provide emergency non-congregate sheltering; and

(ii) Incurs eligible costs.

(c) Eligible costs are costs to provide emergency noncongregate sheltering that:

(i) Were deemed eligible for reimbursement in the federal emergency management agency policy 104-009-18, version 3, titled *FEMA emergency non-congregate sheltering during the COVID-19 public health emergency (interim)* and dated January 29, 2021; and

(ii) Are incurred by the applicant beginning January 21, 2021, through September 30, 2021.

(d) The department must give priority to applicants who demonstrate use of funds received under P.L. 117-2 for the acquisition, development, and operation of noncongregate sheltering.

(e) The department must coordinate with the military department to confirm that grant recipients have applied to the federal emergency management agency public assistance program for costs identified in their grant application.

(f) For the purposes of this subsection, "noncongregate sheltering" means sheltering provided in locations where each individual or household has living space that offers some level of privacy such as hotels, motels, or dormitories.

(89)(a) (~~(\$400,000)~~) \$225,000 of the general fund—state appropriation for fiscal year 2022 (~~(is)~~) and \$175,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to conduct a comprehensive equity review of state capital grant programs administered by the department. The department may, in consultation with interested parties identified in subsection (d) of this section, contract with a consultant to assist with the community engagement and review necessary to complete this review process.

(b) The purposes of this comprehensive equity review are: To reduce barriers to historically underserved populations' participation in the capital grant programs; to redress inequities in existing capital grant policies and programs; and to improve the equitable delivery of resources and benefits in these programs.

(c) In completing the comprehensive equity review required under this section, the department shall: (i) Identify changes to policy and operational norms and practices in furtherance of the equity review purposes identified in (b) of this subsection; (ii) identify new investments and programs that prioritize populations and communities that have been historically underserved by capital grant policies and programs; and (iii) include consideration of historic and systemic barriers that may arise due to any of the following factors: (A) Race; (B) ethnicity; (C) religion; (D) income; (E) geography; (F) disability; and (G) educational attainment.

(d) The department must collaborate with the Washington state commission on African American affairs; the Washington state commission on Asian Pacific American affairs; the Washington state commission on Hispanic affairs; the governor's office of Indian affairs; the governor's committee on disability issues and employment; the office of equity; the office of minority and women's business enterprises; the environmental justice council if established by passage of Engrossed Second Substitute Senate Bill No. 5141; and other interested parties as appropriate to develop and conduct a community engagement process to inform the review.

(e) The department shall complete the comprehensive equity review under this section and submit a final report, containing all of the elements and considerations specified in this section, to the legislature by June 30, 2022.

(90) (~~(\$23,000,000)~~) \$23,444,000 of the general fund—federal appropriation (ARPA) is provided solely for the HOME investment partnerships program pursuant to P.L. 117-2. Of the amount provided in this subsection, \$18,000,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to issue competitive financial assistance to eligible organizations under RCW 43.185A.040 for the acquisition and development of noncongregate shelter units, subject to the following conditions and limitations:

(a) Grants provided under this subsection may be used to acquire real property for quick conversion into noncongregate shelter units or for renovation and building update costs associated with establishment of the acquired facilities. Grants provided under this subsection may not be used for operating or maintenance costs associated with providing housing, supportive services, or debt service. For the purposes of this subsection, "noncongregate" shelter units

means units provided in locations where each individual or household has living space that offers some level of privacy, such as hotels, motels, or dormitories.

(b) Units acquired or developed under this subsection must serve qualifying individuals or families as defined in P.L. 117-2.

(c) The department must establish criteria for the issuance of the grants, which must follow the guidelines and compliance requirements of the housing trust fund program and the federal HOME investment partnership program. The criteria must include:

(i) The date upon which structural modifications or construction 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 opening the units; and

(iv) A financial plan demonstrating the ability to maintain and operate the property and support its intended tenants throughout the end of the grant contract.

(d) The department must provide a progress report on its website by November 1, 2022. 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, number of units, and anticipated completion date.

(e) The funding in this subsection is not subject to the 90 day application periods in RCW 43.185.070 or 43.185A.050.

(91) \$391,000 of the general fund—state appropriation for fiscal year 2022 and \$391,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for Pacific county to operate or participate in a drug task force to enhance coordination and intelligence while facilitating multijurisdictional criminal investigations.

(92) \$150,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a grant to a nonprofit organization providing housing services in western Washington to conduct a master planning process for the development of a family-centered drug treatment and housing program. The grant recipient must be a nonprofit organization that has experience administering a comparable program in another region of the state. The program must provide housing units for families with members who have substance use disorders and who are involved in the child welfare system, and services including but not limited to case management, counseling, substance use disorder treatment, and parenting skills classes. The program site must be located within or in close proximity to King county, and include living quarters for families, space for services, and childcare and play areas for children. The nonprofit must include housing developers, service providers, and other interested parties in the master planning process. By December 31, 2021, the nonprofit must submit the plan to the department, the senate ways and means committee, and the house capital budget committee.

(93) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization to assist fathers

transitioning from incarceration to family reunification. The grant recipient must have experience contracting with the department of corrections to support offender betterment projects and the department of social and health services to provide access and visitation services.

(94) (~~(\$7,500,000)~~) \$4,000,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$2,500,000)~~) \$6,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to community organizations that serve historically disadvantaged populations to conduct outreach and assist community members in applying for state and federal assistance programs, including but not limited to those administered by the departments of social and health services; commerce; and children, youth, and families. By June 31, 2023, the department must provide to the appropriate committees of the legislature a detailed report of the activities funded in this subsection. The report must include, but is not limited to:

(a) A list of grant recipients, their location, and the grant amount each received;

(b) Input from grantees on best practices for engagement with populations experiencing systemic inequities;

(c) Suggestions from the department and grant recipients on how to engage populations experiencing systemic inequities with future programming; and

(d) Other information and recommendations on need for this type of outreach work in future grant programs.

(95) \$375,000 of the general fund—state appropriation for fiscal year 2022 and \$375,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to accelerate implementation of the low-income rural home rehabilitation program by contracting with up to seven home rehabilitation agencies, as defined under WAC 365-175-030, in a variety of regions of the state. Funding provided in this subsection may be used by home rehabilitation agencies for program support in order to increase the number of households participating in the program. Home rehabilitation agencies receiving funding under this subsection must provide the department with a summary of their direct and indirect costs associated with implementing the program.

(96) \$450,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for pre-development activities for state-operated or contracted residential or supportive housing facilities at the Pacific hospital preservation and development authority buildings three through ten in Seattle, to help carry out Washington state's plans for new community-based residential facilities, including supportive housing. The facilities may be used for behavioral health, long-term care, developmentally disabled community housing, recovery residences, state-operated living alternatives, group homes, or family-centered substance use disorder recovery housing. The amounts provided in this subsection may be used for concept development, planning, lease payments, and other related expenses for pre-development of state- or nonprofit-operated residential facilities identified by the health care authority or the departments of social and health services, children, youth, and families, and commerce. The department is authorized to enter into a short-term lease, with an option to enter into a multiyear extension, for the Pacific hospital preservation and development authority quarters buildings three through ten.

(97) \$80,000 of the general fund—state appropriation for fiscal year 2022 and \$80,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization dedicated to supporting forest health restoration located in Okanogan county for work toward a biochar research and demonstration project and initial efforts toward full-size operation of an industrial-sized facility in the Methow valley.

(98) \$6,800,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$8,200,000)~~ \$15,700,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants ~~((to crime victim services providers for victim assistance programs. The department must distribute the funds in accordance with the methodologies used to distribute federal victims of crime act victim assistance funding))~~ to ensure continuity of crime victim services impacted by reductions in federal victims of crime act funding and help address increased demand for crime victim services attributable to the COVID-19 pandemic. The department shall consult with crime victim service providers and other stakeholders to inform a plan to invest any amount above what is required to maintain existing services in immediate, short-term needs and in a manner that is consistent with the office of crime victims advocacy's state plan.

(99)(a) ~~(\$225,000)~~ \$115,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$225,000)~~ \$335,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to appoint and maintain an aviation and aerospace advisory committee to generally advise the director of the department and the secretary of the department of transportation on matters related to aviation and aerospace in Washington state. The advisory committee must develop recommendations regarding operating budget and capital budget requests relating to aviation and aerospace needs, and strategies to enhance the safe and effective use of public use airports and aerospace facilities in Washington state. The aviation and aerospace advisory committee must also advise the director and secretary, or their designees, and make recommendations on the following matters:

- (i) Employment of emerging aviation and aerospace technologies to include unmanned, autonomous, and alternative propulsion systems;
- (ii) New, changed, or proposed federal regulations;
- (iii) Industry needs to remain nationally and internationally competitive;
- (iv) Policy considerations;
- (v) Funding priorities and capital project needs;
- (vi) Methods to reduce greenhouse gas emissions;
- (vii) Workforce development needs and opportunities;
- (viii) Multimodal requirements; and
- (ix) Other matters pertaining to the aviation and aerospace industries as the aviation and aerospace advisory committee deems appropriate.

(b) The director of the department of commerce, or the director's designee, shall appoint members to the aviation and aerospace advisory committee including, at a minimum:

- (i) Two county commissioners, one from east of the crest of the Cascade mountains and one from west of the crest of the Cascade mountains;
- (ii) An owner of an aviation company and an owner of an aerospace company or their representatives;

(iii) The director of the aviation division of the department of transportation, or the director's designee;

(iv) Two individuals who are top executive officials of a commercial service airport, typically with the title of chief executive officer, airport director, or executive director, one from an airport located east of the crest of the Cascade mountains and one from an airport located west of the crest of the Cascade mountains;

(v) Advisory members from the federal aviation administration;

(vi) The aerospace lead from the department of commerce or a representative of the department;

(vii) A representative of a statewide environmental organization;

(viii) A representative of the military department;

(ix) A representative of the state board for community and technical colleges;

(x) Representatives from airport associations;

(xi) Representatives from an aviation and aerospace educational program; and

(xii) Representatives from both aviation and aerospace associations.

(c) The director of the department and the secretary of the department of transportation, or their designees, shall serve as the administrative cochair of the aviation and aerospace advisory committee.

(d) The department must provide staff support for all aviation and aerospace advisory committee meetings.

(e) The aviation and aerospace advisory committee must meet at the call of the administrative cochair for any purpose that directly relates to the duties set forth in (a) of this subsection, or as otherwise requested by the director, secretary, or their designees as the administrative cochair.

(f) In consultation with the aviation and aerospace advisory committee, the department must develop a strategic plan for the department's aerospace, aviation, and airport economic development program. The strategic plan should identify: (i) Changing market conditions in the aerospace industry; (ii) emerging opportunities to diversify and grow Washington's aerospace sector; and (iii) strategies and action steps to build on the state's core strengths in aerospace infrastructure and workforce expertise to diversify and grow employment in Washington's aerospace sector. The department must submit the strategic plan to the appropriate committees of the legislature by June 30, 2023.

(g) The cochair may seek recommendations and input from the aviation and aerospace advisory committee to inform the legislature on aviation and aerospace issues.

(100)(a) (~~(\$300,000)~~) \$270,000 of the general fund—state appropriation for fiscal year 2022 (~~(is)~~) and \$30,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to convene a work group on reducing racial disparities in Washington state homeownership rates. The goals of the work group are to assess perspectives on housing and lending laws, policies, and practices; facilitate discussion among interested parties; and develop budgetary, administrative policy, and legislative recommendations.

(b) The director of the department, or the director's designee, must chair the work group. The department must, in consultation with the Washington state office of equity and the governor's office of Indian affairs, appoint a minimum of

twelve members to the work group representing groups including but not limited to:

(i) Organizations and state entities led by and serving Black, indigenous, and people of color;

(ii) State or local government agencies with expertise in housing and lending laws;

(iii) Associations representing cities and housing authorities; and

(iv) Professionals from private-sector industries including but not limited to banks, credit unions, mortgage brokers, and housing developers.

(c) The department must convene the first meeting of the work group by August 1, 2021. The department must submit a final report to the governor and appropriate committees of the legislature by August 1, 2022. The final report must:

(i) Evaluate the distribution of state affordable housing funds and its impact on the creation of homeownership units serving Black, indigenous, and people of color;

(ii) Evaluate the eligibility requirements, access, and use of state-funded down payment assistance funds, and their impact on homeownership rate disparities;

(iii) Review barriers preventing Black, indigenous, and people of color from accessing credit and loans through traditional banks for residential loans; and

(iv) Provide budgetary, administrative policy, and legislative recommendations to increase ownership unit development and access to credit.

(101) \$225,000 of the general fund—state appropriation for fiscal year 2022 and \$225,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to convene a task force to make recommendations regarding needed reforms to the state's growth policy framework, including the growth management act, state environmental policy act, and other statutes related to growth, change, economic development, housing, social equity, and environmental conservation. The process will build upon the findings, concepts, and recommendations in recent state-funded reports, including the "road map to Washington's future" issued by the William D. Ruckelshaus center in 2019, the report of the environmental justice task force issued in 2020, and "updating Washington's growth policy framework" issued by the University of Washington in 2021. The task force must involve diverse perspectives including but not limited to representatives of counties, cities, special districts, the real estate, building, and agricultural industries, planning and environmental organizations, tribal governments, and state agencies. Special effort must be made to include in these discussions the lived experiences and perspectives of people and communities who have too often been excluded from public policy decision-making and unevenly impacted by those decisions. The work group must report on its activities and recommendations prior to the 2022 and 2023 legislative sessions.

(102) \$80,000 of the general fund—state appropriation for fiscal year 2022 and \$80,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization located in the city of Seattle for providing resident services and on-site programming for affordable housing residents in Delridge, supporting local youth with leadership pathways,



and other community development initiatives that improve the health and well-being of southwest Seattle residents.

(103) \$61,000 of the general fund—state appropriation for fiscal year 2022 and \$31,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for San Juan county health and community services to enter into an agreement with the United States geological survey to evaluate available groundwater, surface water, and meteorological data for the county, complete recharge estimations for the county, and update the water balance for the county.

(104) \$140,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to contract with businesses ending slavery and trafficking for a human trafficking initiative.

(a) Of the amounts provided in this subsection, \$60,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to extend job readiness services and employment opportunities for survivors of human trafficking and persons at risk of human trafficking, in near-airport communities in south King county.

(b) Of the amounts provided in this subsection, \$80,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to develop a national awareness campaign. The campaign will increase signage in seaports, airports, and near-airport communities so that people who are vulnerable to trafficking or experiencing human trafficking can access assistance through the national human trafficking hotline.

(105) \$278,000 of the general fund—state appropriation for fiscal year 2022 and \$277,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization within the city of Tacoma for social services and educational programming to assist Latino and indigenous communities in honoring heritage and culture, becoming proficient in civic education, and overcoming barriers to social, political, racial, economic, and cultural community development.

(106) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to provide college accredited courses through alternative methods to disadvantaged adults, such as those experiencing homelessness, who are low-income, come from generational poverty, or have a disabling condition, including those that are further impacted by systemic racism, who do not believe they can be successful or have not yet contemplated college for their future with the intent of engaging these individuals in further education to increase their lifelong wage potential.

(107)(a) (~~(\$351,000)~~) \$151,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$332,000)~~) \$532,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with a nonprofit organization with demonstrated expertise in the creative arts and strategic planning to establish a Washington state creative economy work group that within two years, and with the advice of the work group, develops a strategic plan to improve the Washington state creative economy that can be rolled out in incremental phases to reach identified economic, social justice, and business development goals.

(b) The goal of the strategic plan must be to ensure that the state of Washington is competitive with respect to attracting creative economy business,

retaining talent within the state, and developing marketable content that can be exported for national and international consumption and monetization. The strategic plan must address support for the creative community within historically marginalized communities, as well as the creative economy at large, and take into account the diverse interests, strengths, and needs of Washington's population on both sides of the Cascade mountains.

(c) The chair of the work group must be the director of the nonprofit organization contracted with by the department or the director's designee, and must have significant experience working as an artist, producer, or director and in business development, including drafting business plans and multidisciplinary planning documents. The chair must appoint representatives to the work group who represent the range of demographic diversity across the state of Washington, including:

- (i) A representative from the Washington state association of counties;
- (ii) A representative from the association of Washington cities;
- (iii) A representative from the Washington state arts commission;
- (iv) A representative from the Washington state labor council;
- (v) A representative from the banking industry with experience in matters involving the federal small business administration;
- (vi) An appropriate number of representatives from the Washington state arts community including, but not limited to, the following sectors:
  - (A) Film, television, and video production;
  - (B) Recorded audio and music production;
  - (C) Animation production;
  - (D) Video game development;
  - (E) Live theater, orchestra, dance, and opera;
  - (F) Live music performance;
  - (G) Visual arts, including sculpture, painting, graphic design, and photography;
  - (H) Production facilities, such as film and television studios; and
  - (I) Live music or performing arts venues;
- (vii) A representative from a certified public accounting firm or other company with experience in financial modeling and in the creative arts;
- (viii) A representative selected by the Washington state commission on African American affairs, the Washington state commission on Hispanic affairs, the governor's office of Indian affairs, and the Washington state commission on Asian Pacific American affairs to represent the entities on the work group;
- (ix) A representative of a federally recognized Indian tribe with a reservation located east of the crest of the Cascade mountains;
- (x) A representative of a federally recognized Indian tribe with a reservation located west of the crest of the Cascade mountains; and
- (xi) Other state agency representatives or stakeholder group representatives, at the discretion of the work group, for the purpose of participating in specific topic discussions.

(d) In developing the strategic plan for the Washington state creative economy, the work group must:

- (i) Identify existing studies of aspects affecting the creative economy, including studies relating to tax issues, legislation, finance, population and demographics, and employment;

(ii) Conduct a comparative analysis with other jurisdictions that have successfully developed creative economy plans and programs, including the states of Georgia and New Mexico, and the provinces of British Columbia and Ontario, Canada;

(iii) Conduct in-depth interviews to identify best practices for structuring a strategic plan for the state of Washington;

(iv) Evaluate existing banking models for financing creative economy projects in the private sector and develop a financial model to promote investment in Washington's creative economy;

(v) Evaluate existing state and county tax incentives and make recommendations for improvements to support the creative economy;

(vi) Identify the role that counties and cities play with respect to the strategic plan, and identify specific counties and cities that may need or want a stronger creative economy;

(vii) Identify opportunities for synergies with new business models and the integration of new technologies; and

(viii) Identify the role that state education programs in the creative arts play in the creative economy and with respect to advancing the strategic plan.

(e) The department of commerce shall facilitate the timely transmission of information and documents from all appropriate state departments and agencies to the nonprofit organization contracted under this subsection. The work group must report its findings and recommendations to the appropriate committees of the legislature by December 1, 2022. The contracted nonprofit must administer the expenses of the work group.

(108) (~~(\$300,000)~~) \$153,000 of the general fund—state appropriation for fiscal year 2022 (~~(is)~~) and \$147,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit museum and science and technology center located in the city of Seattle that provides youth educational programming related to discovery, experimentation, and critical thinking in the sciences for a maker and innovation lab and to develop and operate new experiential learning opportunities.

(109) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to contract with a statewide association that supports a network of local asset building coalitions for programs to increase the financial stability of low-income Washingtonians adversely affected economically by COVID-19 through increasing participation in earned income tax credit refunds, the Washington retirement marketplace, and programs that build personal savings.

(110) (~~(\$421,000)~~) \$971,000 of the general fund—state appropriation for fiscal year 2022 (~~(is)~~) and \$3,561,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to continue starting up the Washington state office of firearm safety and violence prevention, including the creation of a state and federal grant funding plan to direct resources to cities that are most impacted by community violence. Of the amounts provided in this subsection:

(a) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$600,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for community-based violence prevention and intervention services to individuals identified through the King county shots fired social

network analysis. The department must complete an evaluation of the program and provide a report to the governor and the appropriate legislative committees by June 30, 2023.

(b)(i) \$450,000 of the general fund—state appropriation for fiscal year 2022 and \$1,800,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant program through the office of firearm safety and violence prevention for evidence-based services to youth who are at high risk to perpetrate gun violence and who reside in areas with high rates of gun violence. Priority shall be given to:

(A) One site serving in Yakima county, one site in south King county, one site in Federal Way, and one site in Tacoma;

(B) Sites that partner with the University of Washington public behavioral health & justice policy division to deliver culturally relevant family integrated transition services through use of credible messenger advocates;

(C) Sites that partner with the University of Washington Harborview firearm injury and policy research program for social impact evaluation; and

(D) Sites that partner an organization focused on evidence-based implementation management identified by the department.

(ii) The department must complete an evaluation of the program and provide a report to the governor and the appropriate legislative committees by June 30, 2023.

(111) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to conduct a study and report to the legislature on city and county implementation of the multifamily housing property tax exemption. The report must:

(a) Review whether cities have practices in five areas:

(i) Evaluating the financial feasibility and total costs of proposed developments under the exemption;

(ii) Monitoring rent, occupancy, and demographics of tenants of exempt housing;

(iii) Identifying direct or indirect displacement risks, and changes in income and rent distributions associated with new housing development, and plans and approaches;

(iv) Identifying practices that encourage permanent affordable rental opportunities; and

(v) Monitoring whether the exemption assists cities in meeting goals under the growth management act;

(b) Identify at least five case studies on a range of cities and provide analysis:

(i) Comparing the rent in income restricted units to market rate units in the same development and to the surrounding area;

(ii) Comparing the anticipated impact on rents and project budgets, and on public benefit under eight-year, 12-year, and 20-year property tax exemption scenarios;

(iii) Looking at permanent affordable rentals; and

(iv) Evaluating changes in income distribution, rent distribution, commute/location, and displacement risks in areas with exempt housing; and

(c) Estimate other state and local tax revenue generated by new housing developments and how it compares to the property tax exemption.

(112) \$195,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a grant to Spokane county for costs related to redistricting activities required by chapter 36.32 RCW.

(113) \$130,000 of the general fund—state appropriation for fiscal year 2022 and \$130,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with a nonprofit organization to provide tiny homes for veterans.

(114) ~~(\$210,000)~~ \$170,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$90,000)~~ \$130,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to perform an analysis of the property operations and maintenance costs and tenant supportive services costs for affordable housing projects that receive funding from the Washington housing trust fund. The projects to be analyzed must include, but are not limited to, permanent supportive housing and youth housing taking into consideration housing projects that have been in service for a sufficient time that actual costs can be determined. The analysis shall include a categorized overview of the expenses and fund sources related to the maintenance, operations, and supportive services necessary for the affordable housing projects to be successful in housing the intended population, as well as identify other available funding sources for these costs. The analysis must also explore the timing and alignment challenges for pairing operational and supportive services funding with the initial capital investments, and make recommendations relating to any benchmarks that can be established regarding future costs that would impact the operating budget, and about the state's role in planning, support, and oversight to ensure long-term sustainability of these projects. The department may hire a consultant to conduct this study. The department shall report its findings and recommendations to the office of financial management and the appropriate committees of the legislature by December 1, 2022.

(115) \$157,000 of the general fund—state appropriation for fiscal year 2022 and \$154,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute Senate Bill No. 5383 (public telecom services). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(116) \$1,555,000 of the general fund—state appropriation for fiscal year 2022 ~~((is))~~ and \$1,592,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5141 (environmental justice task force). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(117) \$946,000 of the general fund—state appropriation for fiscal year 2022 and \$921,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute Senate Bill No. 5368 (rural economic development). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(118) \$114,000 of the general fund—state appropriation for fiscal year 2022 and \$110,000 of the general fund—state appropriation for fiscal year 2023 are

provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5287 (affordable housing incentives). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(119) ~~(\$250,000)~~ \$1,026,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$250,000)~~ \$1,026,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Senate Bill No. 5345 (industrial waste program). Of the amounts provided in this subsection, \$175,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$175,000)~~ \$951,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to local industrial waste symbiosis projects as provided in the bill. ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(120) ~~(\$1,250,000)~~ \$700,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$1,250,000)~~ \$1,800,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5353 (law enforcement community engagement). Of the amounts provided in this subsection, ~~(\$500,000)~~ \$50,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$500,000)~~ \$950,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants awarded under this bill. ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(121) \$66,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Second Substitute Senate Bill No. 5183 (nonfatal strangulation). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(122) \$40,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Substitute Senate Bill No. 5126 (climate commitment). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(123) \$2,500,000 of the general fund—state appropriation for fiscal year 2022 and \$2,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to administer a competitive grant program for grants to community-based programs to provide reentry services for formerly incarcerated persons and supports to facilitate successful transitions to the community. The department must work in collaboration with the statewide reentry council to administer the program. Applicants must provide a project proposal to the department as a part of the application process. Grant awards provided under this subsection may be used for costs including but not limited to housing, case management and navigators, employment services, family reunification, and legal services to respond to collateral impacts of reentry. The department must award at least 30 percent of the funding provided in this subsection to applicants located in rural counties.

(124) ~~(\$2,500,000)~~ \$2,000,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$2,500,000)~~ \$3,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to administer grants to diaper banks for the purchase of diapers, wipes, and other essential baby products, for distribution to families in need. The department must give priority to providers serving or located in marginalized, low-income

communities or communities of color; and providers that help support racial equity.

(125)(a) \$5,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to provide grant funds to Clallam county to support the preservation of private marine transportation activities and jobs associated with such activities that have been directly impacted by the closure of the United States-Canada border during the COVID-19 pandemic.

(b) To be eligible for a grant from the county under this subsection the business must:

(i) Apply for or have applied for the grant from the county;

(ii) Have expenses that are necessary to continue business operations and the expense is not a federal, state, or local tax, fee, license, or other government revenue;

(iii) Provide documentation to demonstrate that the expense is not funded by any other government or private entity;

(iv) Demonstrate the business was actively engaged in business, and as a result of the border closures the business temporarily totally closed operations;

(v) Have experienced at least a significant reduction in business income or activity related to United States-Canada border closures;

(vi) Agree to operate in accordance with the requirements of applicable federal, state, and local public regulations including health and safety measures;

(vii) Demonstrate significant economic contribution of their business to the state and local economy; and

(viii) Be a majority United States owned entity operating a United States flag vessel registered and operated under the laws of the United States.

(c) Grant funds may be used only for expenses incurred on or after March 1, 2020. Eligible expenses for grant funds include:

(i) Upgrading physical workplaces to adhere to new safety or sanitation standards;

(ii) Procuring required personal protective supplies for employees and business patrons and clients;

(iii) Updating business plans;

(iv) Employee costs, including payroll, training, and onboarding;

(v) Rent, lease, mortgage, insurance, and utility payments;

(vi) Securing inventory, supplies, and services for operations; and

(vii) Maintenance and operations costs associated with vessel operations.

(d) The county must submit a report to the department by June 30, 2022, outlining the use of funds, specific expenditures of the grantees, and revenue and expenses of the grantees including additional government or private funds or grants received.

(126) (~~(\$1,656,000)~~) \$1,162,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$1,615,000)~~) \$2,109,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to publish the guidelines and guidance set forth in (a), (b), and (c) of this subsection. The department shall publish the guidelines and guidance described in (a), (b), and (c) of this subsection no later than June 30, 2023. From amounts provided in this subsection, pursuant to an interagency agreement, the department shall provide funding to the department of ecology, the department

of health, the department of fish and wildlife, the department of natural resources, the department of health, and the emergency management division of the military department to fund activities that support the work specified in (a), (b) and (c) of this subsection.

(a) The department, in consultation with the department of ecology, the department of health, and the department of transportation, shall publish guidelines that provide a set of actions counties and cities may take, under existing statutory authority, through updates to their comprehensive plans and development regulations that have a demonstrated ability to reduce greenhouse gas emissions in order to achieve the statewide greenhouse gas emissions reductions set forth in RCW 70A.45.020(1), allowing for consideration of the emissions reductions achieved through the adoption of statewide programs. The guidelines must prioritize reductions in communities that have experienced disproportionate harm due to air pollution and may draw upon the most recent health disparities data from the department of health to identify high pollution areas and disproportionately burdened communities.

(b) The department, in consultation with the department of transportation, shall publish guidelines that specify a set of actions counties and cities may take through updates to their comprehensive plans and development regulations that have a demonstrated ability to reduce per capita vehicle miles traveled, including measures that are designed to be achievable throughout the state, including in small cities and rural cities.

(c) The department shall develop, in collaboration with the department of ecology, the department of fish and wildlife, the department of natural resources, the department of health, and the emergency management division of the military department, as well as any federally recognized tribe who chooses to voluntarily participate, guidance that creates a model climate change and resiliency element that may be used by counties, cities, and multiple-county planning regions for developing and implementing climate change and resiliency plans and policies subject to the following provisions:

(i) The model element should provide guidance on identifying, designing, and investing in infrastructure that supports community resilience to climate impacts, including the protection, restoration, and enhancement of natural infrastructure as well as traditional infrastructure and protecting natural areas resilient to climate impacts, as well as areas of vital habitat for safe passage and species migration;

(ii) The model element should provide guidance on identifying and addressing natural hazards created or aggravated by climate change, including sea level rise, landslides, flooding, drought, heat, smoke, wildfires, and other effects of reasonably anticipated changes to temperature and precipitation patterns;

(iii) The model element must recognize and promote as many cobenefits of climate resilience as possible, such as salmon recovery, ecosystem services, and supporting treaty rights; and

(iv) The model element must prioritize actions in communities that will disproportionately suffer from compounding environmental impacts and will be most impacted by natural hazards due to climate change and may draw upon the most recent health disparities data from the department of health to identify disproportionately burdened communities.



(d) If the department publishes any subsequent updates to the guidelines published pursuant to (a) or (b) of this subsection, the department shall include in any such update a determination of whether adequate progress has been made toward the statewide greenhouse gas and per capita vehicle miles traveled reduction goals. If adequate progress is not being made, the department must identify in any updates to the guidelines what additional measures cities and counties may take in order to make further progress.

(e) The department, in the course of implementing this subsection, shall provide and prioritize options that support housing diversity and that assist counties and cities in meeting greenhouse gas emissions reduction and other requirements established under chapter 70A.45 RCW.

(127) \$240,000 of the general fund—state appropriation for fiscal year 2022 and \$95,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to collaborate with the department of children, youth, and families to jointly convene and facilitate a child care collaborative task force to continue the work of the task force created in chapter 368, Laws of 2019 (2SHB 1344) to establish a true cost of quality of child care. The task force shall report its findings and recommendations to the governor and the appropriate committees of the legislature by November 1, 2022.

(128) \$10,000,000 of the Washington housing trust account—state appropriation is provided solely for housing that serves people with intellectual and developmental disabilities.

(129) \$10,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department for grants for updating and implementing comprehensive plans and development regulations in order to implement the requirements of the growth management act.

(a) In allocating grant funding to local jurisdictions, awards must be based on a formula, determined by the department, to ensure that grants are distributed equitably among cities and counties. Grants will be used primarily to fund the review and update requirements for counties and cities required by RCW 36.70A.130. Funding provided on this formula basis shall cover additional county and city costs, if applicable, to implement chapter 254, Laws of 2021 (Engrossed Second Substitute House Bill No. 1220).

(b) Within the amounts not utilized under (a) of this subsection, the department shall establish a competitive grant program to implement requirements of the growth management act.

(c) Up to \$500,000 per biennium may be allocated toward growth management policy research and development or to assess the ongoing effectiveness of existing growth management policy.

(d) The department must develop a process for consulting with local governments, affected stakeholders, and the legislature to establish emphasis areas for competitive grant distribution and for research priorities. The department must complete a report on emphasis areas and research priorities by June 30, 2023.

(130) \$87,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1914 (motion picture program). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(131) \$4,500,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a grant to the city of Seattle for deposit into the Skagit environmental endowment fund to support the protection of the headwaters of the Skagit river watershed through the acquisition of land, mining, and/or timber rights. This grant must be matched by nonstate sources.

(132)(a) \$45,050,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for a targeted grant program to transition persons residing on state-owned rights-of-way to safer housing opportunities, with an emphasis on permanent housing solutions. Eligible grant recipients include local governments and nonprofit organizations operating to provide housing or services. Recipients may use grant funding to provide outreach, housing, transportation, and other services needed to assist individuals residing on public rights-of-way with moving into housing.

(b) Prior to awarding grants under (a) of this subsection, the department must work with the department of transportation, representatives of local governments, and representatives of nonprofit housing and homeless services providers to determine the process and criteria that will be used to award grants. Grant criteria must include, but are not limited to:

(i) Whether a site where the grantee will conduct outreach and engagement has been identified by the department of transportation as a location where individuals residing on the public right-of-way are in specific circumstances or physical locations that expose them to especially or imminently unsafe conditions, including but not limited to active construction zones and risks of landslides, or when the location of an individual poses a significant threat to the safety of others;

(ii) Local government readiness and capacity to enter into and fulfill the grant requirements as applicable; and

(iii) Other criteria as identified by the department.

(c) When awarding grants under (a) of this subsection, the department must prioritize applicants that focus on permanent housing solutions.

(d) Grant recipients under (a) of this subsection must enter into a memorandum of understanding with the department, and other state agencies if applicable, as a condition of receiving funds. Memoranda of understanding must specify the responsibilities of the grant recipients and the state agencies, and must include specific measurable outcomes for each entity signing the memorandum. The department must publish all signed memoranda on the department's website and must publish an update on outcomes for each memorandum at least every 60 days. At a minimum, outcomes must include:

(i) The number of people living on the right-of-way whom the parties engage;

(ii) The demographics of those engaged;

(iii) The type and duration of engagement with individuals living on rights-of-way;

(iv) The types of housing options that were offered;

(v) The number of individuals who accepted offered housing;

(vi) The types of assistance provided to move individuals into offered housing;

(vii) Any services and benefits in which an individual was successfully enrolled; and

(vii) The housing outcomes of individuals who were placed into housing six months and one year after placement.

(e) Grant recipients under (a) of this subsection may not transition individuals from public rights-of-way unless they in good faith offer individuals a housing option that is safer than their current living situation. The department must establish criteria regarding the safety, accessibility, and habitability of housing options to be offered by grant recipients to ensure that such options are a meaningful improvement over an individual's current living situation and that grant recipients provide options that are well-matched to an individual's assessed needs.

(f) The department must submit a preliminary report to the appropriate policy and fiscal committees of the legislature by December 15, 2022, and a full report by September 30, 2023. The reports must identify barriers to housing and gaps in services that prevented or otherwise impacted the housing outcomes of individuals engaged by the grantees, and policy and budgetary recommendations to improve the transition of individuals residing on public rights-of-way to permanent housing.

(133) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract with a consultant to study incorporating the unincorporated communities of Fredrickson, Midland, North Clover Creek-Collins, Parkland, Spanaway, Summit-Waller, and Summit View into a single city. The study must include, but not be limited to, the impacts of incorporation on the local tax base, crime, homelessness, infrastructure, public services, and behavioral health services, in the listed communities. The department must submit the study to the office of financial management and the appropriate committees of the legislature by June 1, 2023.

(134) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to develop a community reinvestment plan to guide the distribution of grants from the community reinvestment account created in section 947 of this act.

(a) The department shall, in partnership with the office of equity, and "by and for community organizations" as defined by the office of equity, develop a community reinvestment plan for how funds would be distributed to address racial, economic, and social disparities in communities across the state created by the historical design and enforcement of state and federal criminal laws and penalties for drug possession. The community reinvestment plan should address funding in the following areas:

(i) 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;

(ii) Civil and criminal legal assistance to provide postconviction relief and case assistance, including the expungement of criminal records and vacation of criminal convictions;

(iii) Community-based violence intervention and prevention services; and

(iv) Reentry services to facilitate successful transitions for persons formerly incarcerated in an adult correctional facility or juvenile residential facility in Washington.

(b) The plan must include a timeline for regular review by the department and the office of equity, criteria for eligible communities and programs, development of accountability measures to ensure that distribution and use of funding meets intended purposes, and tracking of outcomes for the funds. At a minimum, the plan must address how the community reinvestment account funding will:

(i) Produce significant long-term economic benefits to the state, a region of the state, or a particular community in the state;

(ii) Result in significant long-term economic benefits in the form of new jobs, job retention, increased personal wealth, or higher incomes for citizens of the state or a particular community in the state; and

(iii) Ensure that:

(A) Projects or programs do not require continuing state support;

(B) An expenditure will not supplant private investment;

(C) An expenditure is accompanied by additional public or private investment; and

(D) Nonprofit, faith-based, and grassroots organizations are prioritized for funding.

(c) In developing the plan, the department is encouraged to incorporate existing and ongoing work from relevant task forces and work groups including, but not limited to, the social equity in cannabis task force, the reentry council, and the homeownership disparities work group.

(d) The department shall submit a preliminary report to the governor and relevant committees of the legislature by December 1, 2022. A final report on the implementation plan must be submitted to the governor and relevant committees of the legislature by June 30, 2023.

(135) \$10,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to conduct outreach activities for the working families tax exemption established in RCW 82.08.0206 and the federal earned income tax credit. Of the amounts provided in this subsection:

(a) \$6,860,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for grants to community-based organizations to conduct outreach activities and application assistance for individuals eligible for the working families tax exemption. In awarding the funds, the department must award grants to at least two community-based organizations in each county. Of the amounts provided in this subsection (135)(a), 25 percent must be used for outreach activities serving tribal and urban Indian communities, communities of color, and households in rural areas.

(b) \$2,860,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for grants to community-based organizations to conduct outreach activities and application assistance for individuals eligible for the working families tax exemption who file or may be eligible to file using a valid individual taxpayer identification number. Grant recipients may also use grant funds to assist individuals in obtaining valid individual tax identification numbers.

(c) \$280,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to provide oversight, technical assistance, and training for grant recipients; conduct language access activities; create a statewide outreach plan; and for other administrative costs.

(136) \$5,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for grants to nonprofit arts, heritage, science, and culture organizations for costs associated with COVID-19 testing and safety monitoring required by state and local governments and by union contracts. To receive a grant under this section, an applicant must certify that they have reported annual gross receipts of greater than \$5,000,000 in calendar year 2019, and that they applied for but did not receive funding from a state or federal source for the same eligible costs.

(137) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit organization to provide programming that offers pathways to higher education and career opportunities in the arts, entertainment, and related creative industries for youth and young adults in south King county, with a focus on low-income individuals and historically disadvantaged populations. The grant recipient must be a nonprofit organization headquartered in the city of Federal Way that: Has experience working with BIPOC communities; serves youth and young adults through programs focused on cultivating creative talents through the professional entertainment and arts industries; can directly facilitate the placement of program participants in industry-related internships and job opportunities; and can demonstrate a working relationship or strategic partnerships with global commercial entertainment and digital arts industry experts, networks, and companies in areas such as music, film, television, and fashion. The organization may use the grant for activities including, but not limited to, workshops and other events that support the goal of improving the business and professional skills of youth and young adults interested in the arts and entertainment industries.

*(138) \$50,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract with a third-party facilitator to provide staff support for the joint legislative task force on best practices for broadband deployment created in section 945 of this act.*

(139) \$75,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department of commerce to develop a report on the behavioral health and long-term care facilities and residential settings that provide services within the continuum of care for individuals who are discharged from state psychiatric hospitals. For the purposes of this subsection, "continuum of care" means transitional housing or residential placements that provide supportive services and skill development needed for individuals to be permanently housed, and permanent supportive housing or residential placements that provide individuals with an appropriate place to live with services available as needed. The report must map the geographic location of each facility or residential setting, and it must highlight geographic gaps in service availability. In preparing the report, the department must coordinate with the department of social and health services, the department of health, and the health care authority. The department must submit its report to the governor and appropriate legislative committees no later than December 1, 2022.

(140) \$5,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to establish a grant program to assist businesses and nonprofits that are dependent to maintain their

operations on the economic activity created through conventions hosted in Washington state. The amount provided under this subsection is subject to the following conditions and limitations:

(a) To be eligible for a grant under this subsection, a business must:

(i) Apply for or have applied for the grant;

(ii) Have not reported annual gross receipts of more than \$100,000,000 in calendar year 2019;

(iii) Have expenses that are necessary to continue business operations and the expense is not a federal, state, or local tax, fee, license, or other government revenue;

(iv) Self-attest that the expense is not funded by any other government or private entity;

(v) Have experienced a reduction in business income or activity related to COVID-19 or state or local actions in response to COVID-19;

(vi) Agree to operate in accordance with the requirements of applicable federal, state, and local public health guidance and directives; and

(vii) Have met one or more of the following criteria:

(A) Hosted a convention in Washington state;

(B) Provided support services to conventions in Washington state; or

(C) Depended on the function of conventions to sell goods and services in Washington state.

(b)(i) Eligible businesses may receive a grant of up to \$500,000 for revenue lost due to a cancellation or a reduction of participants in a convention hosted in Washington state in 2020 or 2021.

(ii) To receive a grant under this subsection, eligible businesses must provide the department with:

(A) Financial records from 2019 that provide a basis for revenue received from convention activity in Washington state prior to the COVID-19 pandemic; and

(B) Financial records from 2020 and 2021 that show a reduction in gross revenue received from convention activity in Washington state during the COVID-19 pandemic.

(iii) If a business received one or more working Washington small business grants, the grant awarded under this subsection must be reduced to reflect the amounts received from previous working Washington small business grants.

(c) Nonprofit organizations are eligible to receive funding under this subsection if they have a primary business activity that has been impacted as described in (a)(v) of this subsection.

(d) The department may use up to 10 percent of the amount provided in this subsection for administrative costs.

(141) \$325,000 of the general fund—state appropriation for fiscal year 2022 and \$325,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization located in the city of Redmond that serves Latino low-income, immigrant, and Spanish-speaking communities in King and Snohomish counties through arts and culture events and community services. Grant funding may be used to expand existing programs including, but not limited to, rent assistance, vaccination assistance, COVID-19 outreach, microbusiness support, and other community services.

(142) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a program to build capacity and promote the development of nonprofit community land trust organizations in the state. Funds shall be granted by the department to one or more nonprofit organizations with technical expertise on community land trusts. These funds shall be used to provide technical assistance and training to help community land trusts increase the production of affordable housing.

(143) \$900,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit organization to conduct community outreach and culturally relevant training on prevention of digital fraud and other consumer fraud, with a focus on serving low-income, rural, and BIPOC communities. The grant recipient must be the Washington state affiliate of a national nonprofit organization that provides services, research, and advocacy for individuals aged 50 and up. Funding may be used to expand existing consumer fraud education programs; partner with locally trusted community-based organizations to provide public awareness of digital and other consumer fraud; and conduct research to capture baseline data regarding digital and fraud literacy in Washington state.

(144) \$631,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the developmental disabilities council's efforts to partner with racially diverse communities across the state and to build the capacity of a coalition of intellectual and developmental disabilities self-advocates and advocates. Of the amounts provided in this subsection:

(a) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the developmental disabilities council to enter into a contract with a nonprofit organization led by individuals who are Black, indigenous, or people of color to facilitate the development and implementation of recommendations on ways to reduce barriers to services and improve access to services for individuals with intellectual and developmental disabilities who are from immigrant communities, communities of color, and other underserved communities. The contract must require the nonprofit organization to prepare a racial equity plan for ongoing policy development within the intellectual and developmental disabilities service delivery system for submittal to the developmental disabilities council. The developmental disabilities council must submit the plan to the governor and appropriate legislative committees no later than June 30, 2023.

(b) \$131,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for one full-time equivalent policy analyst to manage the developmental disabilities council's overall policy development and diversity, equity, and inclusion efforts. The policy analyst shall serve as a liaison between self-advocates, advocates, community members, and the nonprofit organization under contract in (a) of this subsection.

(145) \$584,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a dispute resolution center located in the city of Seattle and serving King county to develop a basic mediation training curriculum for organizations that serve communities in south King county, with a focus on organizations serving and operated by members of historically disadvantaged communities. The grant recipient may use the funding for activities including, but not limited to, conducting a needs assessment.

developing and designing the curriculum, engaging subject matter experts, and conducting training sessions.

(146) \$45,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the eviction prevention rental assistance program created in RCW 43.185C.185.

(147) \$4,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant program to community-based organizations that provide services for survivors of domestic violence. Grant recipients may use funding for domestic violence survivor advocates to provide case management, safety planning, and other services for survivors, and as flexible funding to meet the immediate needs of survivors of domestic violence.

(148) \$15,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely to expand the small business resiliency network program. Program expansion activities may include:

(a) Providing funding for new or existing network partners to provide wraparound services and support to assist small business owners, including support in accessing financing; and

(b) Establishing a credit repair pilot program by contracting with community foundations and nonprofit credit unions with existing character-based lending programs to provide credit counseling and other services to build or improve credit for small businesses and entrepreneurs who are unable to access conventional lending.

(149) \$40,000 of the general fund—state appropriation for fiscal year 2022 and \$290,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization that operates a resource center in the city of Ferndale to expand social services programs. Eligible social services programs include, but are not limited to, basic needs supports for low-income and vulnerable families; emergency preparedness programs that connect community volunteers to opportunities to assist community members during emergencies; and conducting antiracist events and learning opportunities in order to build community.

(150) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of firearm safety and violence prevention for programs relating to firearm removals in domestic violence cases. Programs may include:

(a) Grants for local law enforcement agencies to coordinate the removal of firearms pursuant to RCW 9.41.800 and 9.41.801 in civil and criminal domestic violence cases at a regional level; and

(b) Activities to increase statewide adherence to RCW 9.41.800 and 9.41.801, including, but not limited to, technical assistance, training, and collecting data from local law enforcement agencies relating to firearm removals in cases where a court orders the surrender of weapons.

(151) \$55,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to administer stipends to eligible homeless service provider employees for their immediate economic needs and to conduct a homeless service provider workforce study.

(a) Of the amount provided in this subsection:

(i) \$27,250,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for a stipend payment of up to \$2,000 for



eligible homeless service provider employees with an income at or below 80 percent of the area median income. An individual who works for two or more eligible entities in an eligible position may only receive one stipend under this subsection.

(ii) \$27,250,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for a second stipend payment of up to \$2,000 for individuals who received an initial stipend payment under (i) of this subsection (151)(a) and who are still employed at the same eligible entity six months after receipt of the first stipend payment. An individual who works for two or more eligible entities in an eligible position may only receive one stipend under this subsection.

(iii)(A) \$500,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to contract with a third-party entity to conduct a study on the workforce needs of nonprofit organizations employing eligible homeless service provider employees, with the goal of developing state-level strategies for improving workforce retention among organizations providing homeless services.

(B) The study must examine topics including, but not limited to, pay and benefits; training and supervision; caseloads; safety and morale; and other factors impacting hiring and retention.

(C) The study must examine the potential impact on workforce retention of inflationary increases for administrative allowances and other automatic escalators on state-funded homelessness service contracts, including contracts administered by the office of homeless youth.

(D) The study must include a pay equity and comparable worth analysis that compares eligible homeless service provider positions with jobs with similar complexity, difficulty, and educational and skill requirements in the public and private sectors that were deemed essential during the COVID-19 pandemic.

(E) In conducting the study, the third-party entity must consult with eligible homeless service provider employees; employees of eligible entities with lived experience of homelessness; and organizations led by or serving BIPOC populations.

(F) The department must report the results of the study, including any policy recommendations, to the appropriate committees of the legislature by September 30, 2023.

(b) The department must contract with an entity located in Washington state to administer the stipend payments in (a)(i) and (ii) of this subsection. The entity must demonstrate an ability to efficiently administer stipend payments statewide by showing successful administration of similar programs; an ability to adhere to federal tax requirements, including sending stipend recipients 1099 or other required tax forms; and an ability to track and report on demographic data of stipend recipients and fulfill other reporting requirements as determined by the department. The entity must conduct marketing and outreach for the program by September 1, 2022, and begin administering stipend payments under (a)(i) of this subsection by October 1, 2022. The administrator must pay the stipends on a first-come, first-served basis and there is no individual entitlement to receive a stipend.

(c) The department is authorized to shift funding among the purposes in (a)(i) and (ii) of this subsection based on the level of demonstrated need.

(d) The department may retain up to five percent of the funding allocated under (a) of this subsection for administrative costs.

(e) The administrating entity selected under (b) of this subsection may use up to 15 percent of the funding allocated under (a)(i) and (ii) of this subsection for administrative costs and up to five percent of the funding allocated under (a)(i) and (ii) of this subsection for outreach and marketing costs.

(f) For the purposes of this subsection:

(i) "Eligible homeless service provider employee" means an individual currently employed on a full-time or part-time basis at an eligible entity that works directly on-site with persons experiencing homelessness or residents of transitional or permanent supportive housing. This includes, but is not limited to, emergency shelter and transitional housing staff; street outreach workers; caseworkers; peer advisors; reception and administrative support staff; maintenance and custodial staff; and individuals providing direct services for homeless youth and young adults. This does not include executive and senior administrative employees of an eligible entity. Nothing in this subsection creates an employment relationship, or any membership or qualification in any state or other publicly supported retirement system, due to the payment of a stipend.

(ii) "Eligible entity" means an organization with whom state agencies or local governments grant or subcontract to provide homeless services under their homeless housing program as defined in RCW 43.185C.010.

(iii) "Immediate economic needs" means costs including, but not limited to, rent or mortgage payments; utilities and other household bills; medical expenses; student loan payments; transportation-related costs; child care-related costs; behavioral health-related costs; and other basic necessities.

(152)(a) \$100,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to administer a business assistance program for qualifying hospitality industry businesses that have been negatively impacted by the COVID-19 public health emergency or its negative economic impacts. The department must administer the program under appropriate agreements. For the purposes of this subsection, "qualifying hospitality industry businesses" means restaurants, hotels, motels, and other businesses in the hospitality industry as determined by the department.

(b) Of the amount provided in this subsection, \$15,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for grants to reimburse lodging establishments that have experienced losses during the state's eviction moratorium pursuant to the governor's proclamations. The department must work with impacted lodging establishments to develop criteria for the administration of this grant program. The department will verify actual eligible losses to be reimbursed. Actual eligible losses include room charges not paid by persons who stayed during the moratorium, any legal expenses incurred by lodging establishments as a result of the moratorium, and any repair expenses directly attributed to damages to rooms. For the purposes of this subsection (152)(b), "lodging establishment" means a hotel, motel, or similar establishment taxable by the state under chapter 82.08 RCW that has 40 or more lodging units.

(153) \$3,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for housing assistance for victims of human trafficking. The department must allocate funding through contracts with service providers

that have current contracts with the office of crime victims advocacy to provide services for victims of human trafficking. A provider must use at least 80 percent of contracted funds for rental payments to landlords and the remainder for other program operation costs, including services addressing barriers to acquiring housing that are common for victims of human trafficking.

(154) \$25,000 of the general fund—state appropriation for fiscal year 2022 and \$75,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization operating a low-barrier emergency shelter located in the town of Wapato serving Native and non-Native chronically homeless individuals. Grant funds must be used to provide daytime services such as meals and hygiene services; case management; outreach; and other homeless services.

(155) \$75,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract with a nonprofit organization in Kitsap county to provide services for families experiencing domestic violence. Amounts provided in this subsection must be used to expand supports for survivors and their children fleeing immediately dangerous situations, including emergency shelter, case management, housing advocacy, child care, mental health services, and resources and referrals. The nonprofit organization must be located in Kitsap county and must operate a state-certified domestic violence shelter.

(156) \$3,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to the city of Kent for operational improvements and other actions to improve safety and reduce train noise, with the goal of increasing quality of life and facilitating transit-oriented living in downtown Kent.

(157)(a) \$750,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to establish a lifeline support system pilot project to assist individuals who have experienced or are at risk of entering into public systems of care. Public systems of care include office of homeless youth prevention and protection shelter and housing programs, the juvenile justice system, dependency under chapter 13.34 RCW, and inpatient behavioral health treatment.

(b)(i) The lifeline must function as a no-wrong-door access point for support and connections to services for qualifying individuals who require assistance to overcome a life challenge that could escalate into a crisis, or who are in need of general mentorship and counsel. The lifeline support system must facilitate and promote partnerships across state agencies, federally recognized tribes, counties, and community-based providers to coordinate trauma-informed and culturally responsive services for youth and young adults and their supports. The department is authorized to implement lifeline services through contracts with community partners and nonprofit organizations.

(ii) The department must establish a lifeline fund. Moneys in the fund can be used to assist community partners and nonprofit organizations to implement lifeline services when they cannot identify an existing resource to resolve a beneficiary need. The department must establish an application process and criteria for the fund.

(c) The department and a nonprofit organization, selected by the office of homeless youth, shall coconvene a work group that will design a lifeline support

services system and framework for statewide implementation. This group shall have an inaugural meeting no later than August 31, 2022, and have a design ready no later than October 31, 2022. By December 31, 2022, the department, with assistance from the work group, must provide a report to the appropriate committees of the legislature on approaches to continue this pilot project in the 2023-2025 fiscal biennium.

(d) By June 30, 2023, the department, with assistance from the nonprofit organization that coconvened the work group, shall provide a report to the legislature describing the success and shortcomings of the lifeline support system, as well as other data such as request-for-service conclusions and the demographics of beneficiaries. The report must include a recommendation for how the state can permanently establish the lifeline.

(158) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit organization that provides services to survivors of domestic violence in north and east King county. Grant funding may be used for services including, but not limited to, staffing support for emergency and advocacy services and costs to expand emergency and transitional housing services for survivors of domestic violence with the greatest safety risks and highest barriers to acquiring safe housing.

(159) \$850,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit organization for costs to operate a low-barrier homeless shelter and provide housing intervention and placement services. The grant recipient must be a nonprofit organization that provides permanent supportive housing services, provides homeless services for youth and young adults, and operates a low-barrier homeless shelter for women over the age of 18 in the city of Spokane.

(160) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a contract with a nonprofit to provide technical assistance to manufactured home community resident organizations who wish to convert the park in which they reside to resident ownership, pursuant to RCW 59.22.039. Technical assistance includes, but is not limited to, assistance with prepurchase efforts and resident outreach and engagement activities prior to filing an intent to purchase.

(161) \$900,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract with one or more community-based organizations to administer a homeownership assistance program for low-income households who have been displaced from their manufactured/mobile homes due to the closure or conversion of a mobile home park or manufactured housing community in south King county. The program may offer services including credit counseling; financial education courses; assistance in locating, understanding, and preparing necessary financial and legal documentation for homeownership; outreach and engagement services, including in-language services; and other technical support to prepare households for homeownership.

(162) \$185,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit organization to provide advocacy, translation, emergency housing, and other services for victims of domestic violence, with a focus on serving members of the Latino and indigenous communities. The grant recipient must be a community-based nonprofit organization located in the city of Tacoma that provides educational programs,

crisis intervention, family outreach services, arts and culture programming, and advocacy with a focus on serving Latino and indigenous communities.

(163) \$1,400,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract with the municipal research and services center, in coordination with the Washington procurement technical assistance center, to provide training and technical assistance to local governments and contractors on public works contracting. Training topics may include utilization of supplemental bidding criteria, utilization of alternate public works, contracting, cost estimating, obtaining performance and payment bonds, and increasing participation of women-owned and minority-owned businesses.

(164) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit organization in the city of Tacoma that provides on-water marine science and maritime programs, as well as mentoring and community service opportunities, for youth and young adults. Grant funding must be used to expand program participation of youth and young adults from underserved and underrepresented communities.

(165) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to the city of Poulsbo to expand the service capacity of the fire cares behavioral health mobile outreach program.

(166) \$600,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for concept development, design, and planning of state-operated or contracted residential housing facilities and services at the Pacific hospital preservation and development authority quarters buildings three through ten in Seattle. The residential housing facilities may be used for recovery residences, group care, transitional housing, supportive housing, or family-centered substance use disorder recovery housing. Of the amounts provided in this subsection:

(a) \$375,000 of the general fund—state appropriation for fiscal year 2023 is for lease payments for the Pacific hospital preservation and development authority quarters buildings three through ten.

(b) \$75,000 of the general fund—state appropriation for fiscal year 2023 is for the department to convene a work group to develop a programming plan for utilization of the repurposed quarters buildings three through ten, subject to the following requirements:

(i) The department must contract with a nonprofit organization to facilitate the work group. The nonprofit organization must be located in the city of Seattle with experience working with systems of care, including foster care, juvenile justice, and behavioral health, and have statewide experience as an advocate, provider, and convener of programming needs for youth and young adults.

(ii) The work group must include members representing the department of children, youth, and families; the health care authority; social service providers led by and serving people of color; social service providers whose leadership represent and who serve LGBTQ youth and young adults; and persons with lived experience.

(iii) By December 31, 2022, the department must submit a report to the appropriate committees of the legislature with recommendations on housing and program models, service arrays, and estimates of operation costs.

(167) \$34,500,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for a small business innovation and

competitiveness fund program to spur small business recovery, startup, and growth, with a focus on initiatives that will serve BIPOC entrepreneurs and small businesses located in underserved, low-income, and rural areas.

(a) The department must competitively award grants to nonprofit organizations that work with or provide assistance to small businesses.

(b) Grant funding may be used for activities such as:

(i) Small business incubator programs;

(ii) Small business accelerator programs;

(iii) Local procurement initiatives;

(iv) Small business competitiveness programs focused on hiring and retention;

(v) Improvements and repairs to physical workplaces, including in response to public health guidelines or acts of vandalism; and

(vi) Other initiatives as determined by the department.

(c) The department may require applicants to provide a description of how proposed initiatives will benefit small businesses and entrepreneurs that are not members of the recipient organization, if applicable.

(d) The department may encourage, but may not require, a local one-to-one match of state funding awarded under the program.

(e) The department may establish regional targets or other benchmarks to ensure equitable geographic distribution of funding. If regional targets or benchmarks are adopted, the department must assess and report to the legislature on the program's performance by June 1, 2023.

(f) In developing the program, the department must consult with economic development professionals and small business support organizations. The department may consult with other interested parties at its discretion.

(168) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract for technical assistance services for small businesses owned or operated by members of historically disadvantaged populations located in western Washington, with a focus on Black-owned small businesses. The contract recipient must be a business in the arts, entertainment, and media services sector based in the city of Federal Way and with experience working with BIPOC communities. Technical assistance includes but is not limited to services such as: Business and intellectual property development; franchise development and expansion; digital and social media marketing and brand development; community outreach; opportunities to meet potential strategic partners or corporate sponsors; executive workshops; networking events; small business coaching; and start-up assistance.

(169) \$97,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to examine actual and potential school director compensation, including salaries, per diem rates, expense reimbursements, and health care benefits for the purpose of determining what changes in statute or practice, if any, would be necessary to align provisions governing school director compensation with those governing the compensation of other elected officials with comparable duties and responsibilities.

(a) The examination required by this subsection, at a minimum, must address:

(i) The duties and responsibilities of school directors and to what extent those duties, and the factors relevant to their completion, may have changed in the previous 10 years;

(ii) Demographic data about school district boards of directors and the communities they represent for the purpose of understanding the diversity of school district boards of directors and whether that diversity reflects the communities they serve;

(iii) The significant variances in school district budgets, student enrollments, tax bases, and revenues;

(iv) Options for periodically updating school director compensation, including the frequency and timing of potential compensation reviews, potential entities that may be qualified to conduct the reviews, and considerations related to inflationary indices or other measures that reflect cost-of-living changes; and

(v) Options for funding the actual and potential costs of school director compensation, including salaries, per diem amounts, expense reimbursements, and health care benefits.

(b) In completing the examination required by this subsection, the department shall consult with interested parties, including the office of the superintendent of public instruction, the Washington state school directors' association, the Washington association of school administrators, and educational service districts.

(c) The department shall, in accordance with RCW 43.01.036, report its findings and recommendations to the governor, the superintendent of public instruction, and the committees of the legislature with jurisdiction over fiscal matters and K-12 education by January 6, 2023.

(170) \$175,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to the south King fire and rescue district located in south King county to implement a workforce development initiative, with the goals of increasing recruitment and retention of employees from south King county communities and increasing the diversity of the district's workforce.

(171) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract for a diversity, equity, and inclusion initiative focused on youth sports and other activities, with an emphasis on basketball. The contract recipient must be a nongovernmental entity that serves as a resource for professional, amateur, collegiate, and youth sports organizations and venues in the greater Seattle region. Contract funding may be used to provide engagement and support for Washington state youth basketball organizations, with a focus on organizations in the Puget Sound region, and to provide assistance for activities including sport academies, youth leagues and sport camps, promotion of community basketball events, scholarships, and an equity in sports summit.

(172) \$400,000 of the general fund—state appropriation for fiscal year 2022 and \$850,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization located in the city of Seattle that provides legal assistance and representation to survivors of sexual and gender-based violence to expand their current services, including but not limited to legal assistance and representation; technical assistance for advocates, providers, and attorneys; community education and trainings; and other legal support services. In providing services, the grant recipient must protect the

privacy, safety, and civil rights of survivors and utilize trauma-informed practices and equity principles.

(173) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a contract for a small business assistance program serving the city of Silverdale and central Kitsap county. The contract recipient must be a nongovernmental organization located in the city of Silverdale whose primary focus is the economic development of the city of Silverdale and central Kitsap county. The contract funding must be used to provide financial assistance in the form of grants or loans and other entrepreneurship opportunities for small businesses that have experienced a loss of business income or activity or have been otherwise economically disadvantaged during the COVID-19 pandemic. The contract recipient must conduct targeted outreach and education to ensure small businesses owned by members of historically marginalized communities are aware of business assistance opportunities available through the program.

(174) \$300,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit organization for activities that will improve access to child care in southwest Washington, including but not limited to activities to begin using a shared services model for regional child care providers, and to convene a short-term work group on expanding child care access and affordability in the region. The grant recipient must be a nonprofit organization located in the city of Vancouver that is the lead organization in a collaborative partnership to expand child care capacity in southwest Washington.

(175) \$135,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit organization to provide sexual assault prevention programming to middle and high schools in the Tacoma school district. The grant recipient must be a nonprofit organization serving the city of Tacoma that provides education, intervention, and social advocacy programs for victims of sexual assault, domestic violence, human trafficking, and other forms of abuse.

(176) \$80,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for a grant to a nonprofit organization for information technology needs, including, but not limited to, hardware, software, and other subscriptions, so that the recipient may continue and expand services to address poverty. The grant recipient must be a nonprofit organization that works with public, private, and nonprofit partners to address poverty in Snohomish county, with a focus on serving families with young children.

***(177) \$5,410,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1099 (comprehensive planning). Amounts provided in this subsection include funding sufficient for local governments that are subject to the requirements of that bill to implement the bill. If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.***

(178) \$27,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the landlord mitigation program created in RCW 43.31.605(1). Of the amount provided in this subsection, \$2,000,000 of the general fund—state appropriation for fiscal year 2023 is for program claims made pursuant to Substitute House Bill No. 1593 (landlord mitigation/victims).



(179) \$1,161,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1571 (indigenous persons/services). Of the amount provided in this subsection, \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for grants awarded under Substitute House Bill No. 1571. If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(180) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute House Bill No. 1629 (aerial imaging technology). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(181) \$486,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1717 (tribal participation). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(182) \$953,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1723 (telecommunications access). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(183) \$155,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1724 (supportive housing resources). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(184)(a) \$7,790,000 of the apple health and homes account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1866 (supportive housing). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(b) Of the amount provided in this subsection, \$6,500,000 of the apple health and homes account—state appropriation is provided solely for permanent supportive housing services including operations, maintenance, and service costs of permanent supportive housing units; project-based vouchers; rental subsidies; and provider grants. These funds shall not be used for costs that are eligible for coverage through the foundational community supports program established pursuant to the health care authority's federal medicaid transformation project waiver.

(185) \$4,434,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1905 (homelessness/youth discharge). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse. Of the amount provided in this subsection:

(a) \$1,600,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for flexible funding administered by the office of homeless youth to support persons under the age of 25 exiting publicly funded systems of care that need discrete support or funding to secure safe housing;

(b) \$625,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for grants to counties to administer housing stability for youth in crisis programs; and

(c) \$2,018,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for system of care grants. Of this amount, \$500,000 of the

general fund—state appropriation for fiscal year 2023 is provided solely for grants to assist young adults discharging from inpatient behavioral health treatment facilities to obtain housing.

(186)(a) \$20,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for a small business disaster recovery financial assistance program to provide resources to small businesses that have sustained physical damage or economic loss due to a natural or other comparable disaster.

(b) The department may provide financial assistance in the form of grants to eligible businesses. Grant funds may be used for payroll, utilities and rent, marketing and advertising, building improvements or repairs, replacing damaged inventory and equipment, and other operations and business expenses.

(c) A business is eligible to apply for financial assistance through the program if they provide documentation to the department of:

(i) Annual gross receipts of \$5,000,000 or less; and

(ii) A reduction in business income or activity as a result of a natural disaster such as a flood, earthquake, or wildfire, or a comparable disaster such as major utility disruptions resulting in property damage or prolonged outages.

(d) A department must provide assistance to an eligible business within three months of receiving an application.

(e) The department must coordinate with local economic development entities in conducting outreach to small businesses in order to increase awareness and understanding of the program.

(f) Of the amounts provided in this subsection, \$10,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for financial assistance for eligible businesses located in northwest Washington.

(187) \$214,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1015 (equitable access to credit). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(188)(a) \$950,000 of the apple health and homes account—state appropriation is provided solely for a grant to a nonprofit organization for an initiative to advance supportive housing projects, including those funded through the apple health and homes program created in Engrossed Substitute House Bill No. 1866 (supportive housing). The department is directed to extend the contract of the grantee of the 2021 request for qualifications and quotations advancing affordable housing and education centers due to the recipient's national experience with programs to sustain and rapidly expand housing for persons experiencing homelessness or at risk of homelessness, and who are, thereby, inherently impacted by COVID-19.

(b) The grant recipient must use the funding to:

(i) Partner with state, regional, and local public entities, nonprofit housing developers, and service providers to develop a broad range of housing types for supportive housing;

(ii) Provide technical assistance on the constructive alignment of yet-to-be-acquired state or local capital funds, and other services, for the construction, acquisition, refurbishment, redevelopment, master leasing of properties for noncongregate housing, or conversion of units from nonresidential to residential, of dwelling units for supportive housing;

(iii) Analyze the suitability of properties and sites, including existing buildings for supportive housing, through completing due diligence, conceptual design, and financial analysis activities, applying and implementing an equity lens in site selection, program planning, development, and operations;

(iv) Advise and collaborate with the office of health and homes to prepare projects for capital funding;

(v) Advise on supportive housing best practices;

(vi) Advise on service delivery for vulnerable populations;

(vii) Advise on local community engagement, especially with populations with lived experience of homelessness; and

(viii) Subcontract for specialized predevelopment services as needed.

(189) \$7,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to administer grants to eligible cities for actions relating to adopting ordinances that would authorize middle housing types on at least 30 percent of lots currently zoned as single family residential.

(a) For the purposes of this subsection, a city is eligible to receive a grant if:

(i) The city is required to plan under RCW 36.70A.040; and

(ii) The city is required to take action on or before June 30, 2024, to review and, if needed, revise its comprehensive plan and development regulations pursuant to RCW 36.70A.130(5)(a).

(b) Grant recipients must use grant funding for costs to conduct at least three of the following activities:

(i) Analyzing comprehensive plan policies and municipal code to determine the extent of amendments required to meet the goal of authorizing middle housing types on at least 30 percent of lots currently zoned as single family residential;

(ii) Preparing informational material for the public;

(iii) Conducting outreach, including with the assistance of community-based organizations, to inform and solicit feedback from a representative group of renters and owner-occupied households in residential neighborhoods, and from for-profit and nonprofit residential developers;

(iv) Drafting proposed amendments to zoning ordinances for consideration by the city planning commission and city council;

(v) Holding city planning commission public hearings;

(vi) Publicizing and presenting the city planning commission's recommendations to the city council; and

(vii) Holding city council public hearings on the planning commission's recommendations.

(c) Before updating their zoning ordinances, a city must use a racial equity analysis and establish antidisplacement policies as required under RCW 36.70A.070(2)(e) through (h) to ensure there will be no net displacement of very low, low, or moderate-income households, as defined in RCW 43.63A.510, or individuals from racial, ethnic, and religious communities which have been subject to discriminatory housing policies in the past.

(d) The department shall prioritize applicants who:

(i) Aim to authorize middle housing types in the greatest proportion of zones; and

(ii) Subcontract with multiple community-based organizations that represent different vulnerable populations in overburdened communities, as

defined in RCW 70A.02.010, that have traditionally been disparately impacted by planning and zoning policies and practices, to engage in eligible activities as described in (b) of this subsection.

(e) For the purposes of this subsection, "middle housing types" include duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, courtyard apartments, cottage housing, and stacked flats.

(190)(a) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to administer an energy efficient housing pilot program with the goal of reducing energy consumption and related expenses for low-income agricultural workers in the Yakima valley. Funding must be distributed in the form of grants to community-based organizations, with priority given to organizations with a proven track record of assisting agricultural workers.

(b) Grant recipients may use the funds awarded under (a) of this subsection to conduct the following activities for eligible housing:

(i) Install photovoltaic solar panel systems, solar water heating systems, and battery backups;

(ii) Replace energy inefficient appliances with energy star certified appliances;

(iii) Replace existing lighting with light emitting diode lighting; and

(iv) Conduct weatherization of homes and other residences.

(c) Eligible housing includes:

(i) Homes owned and occupied by agricultural workers; and

(ii) Homes, apartments, and other residential facilities providing rental housing to agricultural workers, provided that the owners of the facilities pass the savings in energy costs to agricultural worker tenants and commit to the use of the facilities as agricultural worker housing for 15 years as a condition of accepting assistance as described in (b) of this subsection.

(d) For the purposes of this subsection, "agricultural workers" means workers on farms and workers performing packing or processing work of agricultural products. "Agricultural workers" does not mean the owners of agricultural enterprises.

(191)(a) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a contract with a community-based nonprofit organization located in the Yakima valley to develop a community consortium for the purpose of developing and implementing strategies for the prevention of gang violence in Yakima county.

(b) The consortium must include representation from community-based organizations, gang-involved youth, law enforcement agencies, and state agencies involved in juvenile justice.

(c) The consortium must develop after-school activities such as counseling, tutoring, and computer literacy for gang-involved youth, in conjunction with local school districts.

(d) The consortium must, in conjunction with a public radio station, conduct a Spanish-language public radio media outreach campaign with the aim of linking gang-involved youth with employment, educational, and training opportunities. In conducting the outreach campaign, the consortium may work with schools, grassroots organizations, faith-based groups, law enforcement, families, and juvenile justice agencies.

(e) In developing its outreach and intervention activities, the consortium may facilitate workshops and conferences, either in person or virtual, with educators, parents, and youth.

(f) By June 30, 2023, the department must provide a report to the appropriate committees of the legislature. The report must include:

(i) A description of the gang violence prevention programs conducted by the consortium and how they were implemented;

(ii) A description of any virtual community events, workshops, and conferences held; and

(iii) The number of individuals who participated in or received services through the programs conducted by the consortium, including any relevant demographic data for those individuals.

(192)(a) \$5,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to administer grants to strengthen family resource center services and increase capacity statewide. Grant funding may be used: For an organization to provide new services in order to meet the statutory requirements of a family resource center, as defined in RCW 43.216.010; to increase capacity or enhance service provision at current family resource centers, including but not limited to direct staffing and administrative costs; and to conduct data collection, evaluation, and continuous quality improvement activities. The department may award an amount from \$30,000 up to \$200,000 per grant recipient.

(b) Eligible applicants for a grant under (a) of this subsection include current family resource centers, as defined in RCW 43.330.010, or organizations in the process of becoming qualified as family resource centers. Applicants must affirm their ability and willingness to serve all families requesting services in order to receive a grant. Applicants must currently be or agree to become a member of a statewide family resource center network during the grant award period in order to receive a grant.

(c) The department must co-convene an advisory group with the department of children, youth, and families that includes representatives from family resource centers; parents, caregivers, and individuals who have used family resource center services; and other stakeholders as determined by the department. The department must develop application guidelines and award funding to eligible applicants in consultation with the department of children, youth, and families and the advisory group. Advisory group members representing family resource centers or other organizations that apply for grant funding may not participate in the process of determining grant award recipients.

(d) In distributing grant funding, the department must, to the extent it is practicable, award 75 percent of funding to organizations located west of the crest of the Cascade mountains, and 25 percent of funding to organizations located east of the crest of the Cascade mountains.

(e) By July 1, 2023, grant recipients must submit a report to the department on the use of grant funding, including but not limited to progress in attaining status as a family resource center, if applicable; the number and type of services offered to families; demographic and income data for families served; and family postservice outcomes. By September 1, 2023, the department must submit a report to the legislature on topics including but not limited to the grant

application process; needs identified by family resource centers; and use of funds by grant recipients.

(193)(a) \$2,800,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of firearm safety and violence prevention for a healthy youth and violence prevention initiative with the goal of preventing violence, decreasing engagement with the juvenile justice system, and encouraging health and well-being for youth and young adults ages 12 to 24. As part of the initiative, the office must partner with community-based organizations to serve as regional coordinators who will:

(i) Connect youth and young adults ages 12 to 24 who are most vulnerable to violence with programs that provide services including, but not limited to, street outreach, youth employment and preapprenticeship programs, case management, behavioral health services, and other services as appropriate; and

(ii) Assist local governments, service providers, and nonprofit organizations in accessing and leveraging federal, state, and local funding for violence prevention and related services.

(b) In developing the healthy youth and violence prevention initiative, the office must consult with interested parties including members of the legislature, community members with expertise in public health strategies to address youth violence, and people impacted by youth and young adult violence.

(c) Of the amount provided in this subsection:

(i) \$2,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant for a demonstration program serving south King county. The grant recipient must be a nonprofit health system currently administering a violence prevention initiative in King and Pierce counties. The grant recipient may subgrant or subcontract funds to programs providing services as described in (a)(i) of this subsection.

(ii) \$600,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for planning grants for future programs serving Pierce county, Yakima county, and the city of Vancouver. Grant recipients must be community-based nonprofit organizations.

(iii) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office to develop a database and reporting system for regional coordinators to report program outcomes for service providers receiving grants or subgrants through the initiative. The database must be accessible to and utilized by all organizations serving as regional coordinators. In developing the database fields, the office must, to the extent it is feasible, use categories identified as part of the developmental assets framework developed by the Search Institute.

(194)(a) \$25,000 of the general fund—state appropriation for fiscal year 2022 and \$225,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to conduct an evaluation of the costs for cities and counties to review and revise their comprehensive plans to ensure compliance with chapter 36.70A RCW. The evaluation must include, at a minimum, the costs for each general jurisdiction size and type, and the costs to complete various types of planning requirements, including:

(i) Meeting the requirements of a new goal in RCW 36.70A.020;

(ii) Meeting the requirements of a new comprehensive plan element in RCW 36.70A.070;

- (iii) Updating a critical areas ordinance;
- (iv) Updating a shoreline master program ordinance;
- (v) Making a minor update of a comprehensive plan element;
- (vi) Making a complex update of a comprehensive plan element;
- (vii) Updating a development regulation; and
- (viii) Implementing a new development regulation.

(b) The department must consult with the Washington state association of counties and the association of Washington cities in conducting the evaluation.

(c) The department must submit a report of the results of the evaluation to the legislature by December 1, 2022.

(195) \$2,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to provide support to a public-private partnership that leverages private sector leadership and is composed of multiple interests, including public and private project developers, manufacturers and end users, research institutions, academia, government, and communities around the state, to develop and submit a competitive application for the federal department of energy regional clean hydrogen hubs grant. The application must focus on the sectors of the economy that are hardest to decarbonize, including industry, heavy transportation, maritime, and aviation.

(196) \$3,335,000 of the general fund—state appropriation for fiscal year 2022 and \$2,223,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to counties to stabilize newly arriving refugees from the 2022 Ukraine-Russia conflict.

(197) \$50,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for digital equity and broadband access programs. Programs funded under this subsection may include programs to fulfill the recommendations of the Washington digital equity forum; programs to conduct activities identified by the statewide broadband office when developing the digital equity plan required as part of the state digital equity capacity grant program created in P.L. 117-58; and programs to increase broadband access for low-income and rural communities, including through low-orbit satellite broadband networks.

(198)(a) \$25,000,000 of the electric vehicle incentive account—state appropriation is provided solely for the department to implement programs and incentives that promote the purchase of or conversion to alternative fuel vehicles. The department must work with the interagency electric vehicle coordinating council created in Engrossed Substitute Senate Bill No. 5974 (transportation resources) to develop and implement alternative fuel vehicle programs and incentives.

(b) In developing and implementing programs and incentives under this subsection, the department must prioritize programs and incentives that:

(i) Will serve individuals living in an overburdened community, as defined in RCW 70A.02.010;

(ii) Will serve individuals who are in greatest need of this assistance in order to reduce the carbon emissions and other environmental impacts of their current mode of transportation in the overburdened community in which they live; and

(iii) Will serve low-income communities, communities with the greatest health disparities, and communities of color that are most likely to receive the greatest health benefits from the programs through a reduction in greenhouse gas

emissions and other pollutants that will result in improved groundwater and stormwater quality, improved air quality, and reductions in noise pollution.

(199) \$100,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for grants for public and private water, sewer, garbage, electric, and natural gas utilities to address low-income customer arrearages compounded by the COVID-19 pandemic and the related economic downturn that were accrued between March 1, 2020, and December 31, 2021.

(a) By May 27, 2022, each utility that wishes to participate, must opt-in to the grant program by providing the department the following information:

(i) Current arrearage balances for residential customers as of March 31, 2022; and

(ii) Available information on arrearage balances of low-income customers, including customers who received assistance from the low-income home energy assistance program, low-income water assistance program, or ratepayer-funded assistance programs between April 1, 2020, and March 31, 2022, as of March 31, 2022. If a utility does not have access to information regarding customer participation in these programs, the department must distribute funding to the community action program serving the same service area as the utility instead of the utility.

(b) In determining the amount of funding each utility may receive, the department must consider:

(i) Each participating utility's proportion of the aggregate amount of arrearages among all participating utilities;

(ii) Utility service areas that are situated in locations experiencing disproportionate environmental health disparities;

(iii) American community survey poverty data; and

(iv) Whether the utility has leveraged other fund sources to reduce customer arrearages.

(c) The department may retain up to one percent of the funding provided in this subsection to administer the program.

(d) Each utility shall disburse funds directly to customer accounts by December 31, 2022. Funding shall only be distributed to customers that have participated in the low-income home energy assistance program, low-income water assistance program, or ratepayer-funded assistance programs.

(e) Utilities may, but are not required to, work with other utilities or use community action agencies to administer these funds following the eligibility criteria for the low-income home energy assistance program and the low-income household water assistance program.

(f) By March 1, 2023, each utility who opted into the grant program must report to the department, utilities and transportation commission, and state auditor on how the funds were utilized and how many customers were supported.

(g) Utilities may account for and recover in rates administrative costs associated with the disbursement of funds provided in this subsection.

(200) \$4,092,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Senate Bill No. 5566 (independent youth housing). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.



(201) \$7,300,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to increase funding for the community services block grant program. Distribution of these funds to community action agencies shall prioritize racial equity and undoing inequity from historic underinvestment in Black, indigenous, and people of color and rural communities.

(202) \$1,124,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to expand health care access points with increased services from the Tubman center for health and freedom to address disparate health outcomes of Black Washingtonians.

(203) \$3,335,000 of the general fund—state appropriation for fiscal year 2022 and \$2,223,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to Snohomish county to stabilize newly arriving refugees from the 2021 Afghanistan conflict.

(204) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a peer-led community and hospitality space located in south King county to expand services for women engaging in the sex trade.

(205) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization to develop a K-12 school building ventilation technical assistance, outreach, and education program. The grant recipient must be located in a city with a population of more than 700,000 and must have experience administering a statewide technical assistance, outreach, and education program for building operators.

(206) \$500,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a grant to a Tacoma-based nonprofit dental clinic with a location in unincorporated Pierce county to continue to provide dental services to low-income youth.

(207) \$120,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit resource center in King county that provides sexual assault advocacy services, therapy services, and prevention and outreach to begin a three-year, multigrade sexual violence prevention program in the Renton school district.

(208) \$350,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a Tacoma-based nonprofit multicultural center to support the operations of food bank networks and to be reimbursed for equipment purchased for preventative maintenance on food bank network buildings.

(209) \$500,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a grant to a Kent-based, community-based nonprofit organization that serves culturally and linguistically diverse families of persons with developmental and intellectual disabilities for predevelopment funds to accelerate the production of new affordable housing and a multicultural community center.

(210) \$400,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a Tacoma-based business center that supports women and minority-owned businesses to expand outreach in underserved communities, providing targeted assistance where needed. Funding may also be

used to collaborate the department, the Washington economic development association, and others to develop a more effective and efficient service delivery system for Washington's women and minority-owned small businesses.

(211) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a business center that provides confidential, no-cost, one-on-one, client-centered assistance to small businesses to expand outreach in underserved communities, especially Black, indigenous, and people of color-owned businesses, providing targeted assistance where needed. Funding may also be used to collaborate the department, the Washington economic development association, and others to develop a more effective and efficient service delivery system for Washington's women and minority-owned small businesses.

(212) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of homeless youth prevention and protection programs to colead a prevention work group with the department of children, youth, and families. The work group must focus on preventing youth and young adult homelessness and other related negative outcomes. The work group shall consist of members representing the department of social and health services, the employment security department, the health care authority, the office of the superintendent of public instruction, the Washington student achievement council, the interagency work group on homelessness, community-based organizations, and young people and families with lived experience of housing instability, child welfare involvement, justice system involvement, or inpatient behavioral health involvement.

(a) The work group shall help guide implementation of:

(i) The state's strategic plan on prevention of youth homelessness;

(ii) Chapter 157, Laws of 2018 (SSB 6560);

(iii) Chapter 312, Laws of 2019 (E2SSB 5290);

(iv) Efforts to reform family reconciliation services; and

(v) Other state initiatives addressing the prevention of youth homelessness.

(b) The office of homeless youth prevention and protection programs must use the amounts provided in this subsection to contract with a community-based organization to support the involvement with the work group of young people and families with lived experience of housing instability, child welfare involvement, justice system involvement, or inpatient behavioral health involvement. The community-based organization must serve and be substantially governed by marginalized populations. The amounts provided in this subsection must supplement private funding to support the work group.

(213) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a maritime education nonprofit that will support outreach, recruitment, and maritime educational experiences at the new maritime high school in the highline public school district including developing mentorship and internship programs. Funds may be used to support the school's growth to full enrollment of 400 students, to pursue enrollment that reflects the diversity of the district, to aid recruitment activities that will include partnering with regional middle schools including hands-on learning experiences on vessels, and to support curriculum that gives students STEM skills and pathways to maritime careers, including in the sciences, vessel operations and design, and marine construction.

(214) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to strengthen capacity of the keep Washington working act work group established in RCW 43.330.510.

(215) \$250,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the transportation demand management program at the canyon park subarea in the city of Bothell.

(216) \$300,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to report how the department will collect demographic and geographic information from organizations who receive direct or indirect grants from the department.

(a) The department may contract to complete the report. The department must collaborate with the one Washington enterprise resource planning team to determine what demographic and geographic data elements would be consistent with data elements in the extended financials and procurement phase of one Washington.

(b) The report must also include accurate cost and time estimates needed to collect the demographic and geographic information from department grantees and their subgrantees. The department must consult with the office of equity to ensure that demographic tracking information can be used to help create an accurate definition of "by and for organizations." The department must report to the legislature by June 30, 2023. The report must include, but is not limited to, the following information:

(i) The cost and time required for the department to revise current grant agreements to collect demographic and geographic data;

(ii) The cost and time required for the department to incorporate the collection of demographic and geographic data into future grant agreements;

(iii) The cost and time required for the department to align demographic and geographic data points to the one Washington program to serve as a data collection system and repository of demographic and geographic data on all department grant agreements;

(iv) In addition to the one Washington program, an analysis of other information technology systems that can serve as a unified single data collection system and repository for demographic and geographic data on all department grant agreements. This analysis should compare and contrast the efficiency and effectiveness of each system with the capabilities, cost, and timeliness of using the one Washington program for this purpose; and

(v) Recommendations on grants that should be excluded from the responsibility to collect demographic and geographic data.

(217) \$88,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a Seattle-based nonprofit that teaches math using hands-on learning experiences and collaborates with community partners to create equity-based, culturally relevant math education opportunities.

(218) \$20,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to provide a grant to a public facility district created under chapter 36.100 RCW that can document losses of more than \$200,000,000 in cumulative anticipated tax, event, and marketing revenues in 2020, 2021, and 2022, including lost revenue due to cancellations or a reduction of participants in conventions that would have been hosted in Washington state, less grants or loans from federal and state government

programs. Eligible public facilities districts may receive a maximum \$20,000,000 grant. Public facility districts must provide the department with financial records that document the lost revenue to be eligible to receive a grant.

(219) \$7,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to increase existing grantee contracts providing rental or housing subsidy and services for eligible tenants in housing and homeless programs. The department will work with stakeholders and grantees to increase current contracts and distribute funds to account for increases in housing and services costs across the state.

(220)(a) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to conduct a cost-benefit analysis on the use of agrivoltaic and green roof systems on projected new buildings with a floor area of 10,000 square feet or larger to be developed over the next 20 years in communities of 50,000 or greater. The department shall consult with the department of ecology, private sector representatives, and an organization that has experience conducting cost-benefit analyses on green roofing. The cost-benefit analysis must include:

(i) The impact of widespread green and agrivoltaic roof installation on stormwater runoff and water treatment facilities in communities with a population of greater than 50,000;

(ii) Potential water quality and peak flow benefits of widespread green and agrivoltaic roof installation;

(iii) Public health impacts;

(iv) Air quality impacts;

(v) Reductions in fossil fuel use for buildings with agrivoltaic systems;

(vi) Energy efficiency of buildings with agrivoltaic systems;

(vii) Job creation; and

(viii) Agrivoltaic installation and maintenance costs.

(b) The department shall submit the report to the energy policy and fiscal committees of the legislature by June 30, 2023, that includes, but is not limited to:

(i) The results of the cost-benefit analysis in (a) of this subsection;

(ii) Recommendations on how agrivoltaic and green roofs can be integrated into new and existing building code requirements related to stormwater codes, energy codes, and the transition away from natural gas;

(iii) An examination of existing programs at the city and county level in Washington state;

(iv) A description of the policy components and framework for green and agrivoltaic roof policies and related incentive programs; and

(v) Incentive recommendations for building owners who cover more than 50 percent of the roof surface with a green or agrivoltaic roof.

(221) \$300,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a community-based organization in Whatcom county for a program that connects local food producers with retail and wholesale consumers.

(222) \$60,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to Yakima county to contract with a Yakima-based nonprofit organization to complete the planning and development of a community wildfire protection plan.

(223) \$1,091,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute Senate Bill No. 5910 (hydrogen). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(224) \$1,637,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute Senate Bill No. 5722 (greenhouse gases/buildings). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(225) \$8,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to build a mapping and forecasting tool that provides locations and information on charging and refueling infrastructure as required in chapter 300, Laws of 2021. The department shall collaborate with the interagency electric vehicle coordinating council established in Engrossed Substitute Senate Bill No. 5974 (transportation resources) when developing the tool and must work to meet benchmarks established in Engrossed Substitute Senate Bill No. 5974 (transportation resources).

(226) \$69,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant program for the development of electric vehicle charging infrastructure in rural areas, office buildings, multifamily housing, ports, schools and school districts, and state and local government offices.

(a) Grants in this subsection 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.

(b) Projects that receive funds under this subsection must be implemented by local governments, federally recognized tribal governments, or by public and private electrical utilities that serve retail customers in the state. Grant funding must be used for level 2 or higher charging infrastructure.

(c) The department must give preference to projects that provide level 3 or higher charging infrastructure.

(d) The department of commerce must coordinate with other electrification programs, including projects the department of transportation is developing, to determine the most effective distribution of the systems. The department must also collaborate with the interagency electric vehicle coordinating council established in Engrossed Substitute Senate Bill No. 5974 (transportation resources) to implement this subsection and must work to meet benchmarks established in Engrossed Substitute Senate Bill No. 5974 (transportation resources).

(227) \$37,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for grants to increase solar deployment and installation of battery storage in community buildings to enhance grid resiliency and provide backup power for critical needs, such as plug load and refrigeration for medication, during outages. Eligible uses of the amounts provided in this subsection include, but are not limited to, planning and predevelopment work with vulnerable, highly impacted, and rural communities. For the purposes of this subsection "community buildings" means K-12 schools, community colleges, community centers, recreation centers, libraries, tribal buildings, government buildings, and other publicly owned infrastructure.

(228) \$20,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant program to provide solar and battery storage community solar projects for public assistance organizations serving low-income communities.

(a) Grants are not to exceed \$20,000 per community solar project and are not to exceed 100 percent of the cost of the project, taking into account any federal tax credits or other federal or nonfederal grants or incentives that the program is benefiting from.

(b) Priority must be given to projects sited on "preferred sites" such as rooftops, structures, existing impervious surfaces, landfills, brownfields, previously developed sites, irrigation canals and ponds, stormwater collection ponds, industrial areas, dual-use solar projects that ensure ongoing agricultural operations, and other sites that do not displace critical habitat or productive farmland.

(c) For the purposes of this subsection "low-income" has the same meaning as provided in RCW 19.405.020 and "community solar project" means a solar energy system that: Has a direct current nameplate capacity that is greater than 12 kilowatts but no greater than 199 kilowatts; and has, at minimum, either two subscribers or one low-income service provider subscriber.

(229) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5758 (condominium conversions). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

**(230) \$404,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5803 (wildfires/electric utilities). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.**

(231) \$1,054,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5974 (transportation resources). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(232) \$200,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for a grant to a Tacoma-based automotive museum as businesses assistance to address COVID-19 pandemic impacts to revenues from decreased attendance and loss of other revenue generating opportunities.

(233) \$63,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5544 (blockchain work group). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(234)(a) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to develop strategies for cooperation with governmental agencies of Finland, including higher education institutions, and organizations around the following:

(i) 5G connectivity, end-user applications utilizing new connectivity, and 6G;

(ii) Safety, efficiency, and green transformation of ports and other logistics including digitalization and connectivity; and

(iii) Green transformation of transport, including circular economy solutions for batteries.

(b) By June 30, 2023, the department must provide a report on the use of funds in this subsection, any key metrics and deliverables, and any recommendations for further opportunities for collaboration.

(235)(a) \$400,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract with a national research laboratory to:

(i) Evaluate Washington's current and future electric grid resilience and reliability based on current and projected electric energy production, ability to produce energy in-state, reliance on energy production outside of the state, and energy grid interdependence with other western states;

(ii) Identify key grid resilience and reliability challenges that could emerge under multiple future scenarios given adoption of new energy technologies, changes in residential and industrial energy demand, and changes in energy production and availability from both in and out-of-state sources;

(iii) Study the impact to the future electric grid resulting from the growth of the information technology sector, including the impact of increased data center energy demand from the tax exemptions provided in RCW 82.08.986;

(iv) Review and incorporate existing models, data, and study findings to ensure a duplication of efforts does not occur and to highlight modeling gaps related to regional grid resilience planning;

(v) Convene an advisory group to inform scenario development and review results, which may include representatives from the Washington State University Pacific Northwest national laboratory advanced grid institute, energy facility site evaluation council, department of commerce, utilities and transportation commission, relevant legislative committees, energy producers, utilities, labor, environmental organizations, tribes, and communities at high risk of rolling blackouts and power supply inadequacy; and

(vi) Develop recommendations for enhancing electric grid reliability and resiliency for Washington that includes considerations of affordability, equity, and federal funding opportunities.

(b) The department shall report findings and recommendations to the appropriate committees of the legislature by December 1, 2022, in compliance with RCW 43.01.036.

*\*Sec. 128 was partially vetoed. See message at end of chapter.*

Sec. 129. 2021 c 334 s 130 (uncodified) is amended to read as follows:

**FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL**

General Fund—State Appropriation (FY 2022) . . . . .	(\$903,000)
	\$908,000
General Fund—State Appropriation (FY 2023) . . . . .	(\$964,000)
	\$1,001,000
Lottery Administrative Account—State Appropriation . . . . .	\$50,000
TOTAL APPROPRIATION . . . . .	(\$1,917,000)
	\$1,959,000

Sec. 130. 2021 c 334 s 131 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

General Fund—State Appropriation (FY 2022) . . . . .	(\$16,022,000)
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	<u>\$16,482,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	(((\$15,819,000))
	<u>\$21,640,000</u>
General Fund—Federal Appropriation . . . . .	(((\$32,507,000))
	<u>\$33,352,000</u>
General Fund—Private/Local Appropriation . . . . .	\$531,000
Economic Development Strategic Reserve Account—State Appropriation . . . . .	(((\$329,000))
	<u>\$333,000</u>
Workforce Education Investment Account—State Appropriation . . . . .	\$100,000
Personnel Service Account—State Appropriation . . . . .	(((\$23,431,000))
	<u>\$18,813,000</u>
Higher Education Personnel Services Account—State Appropriation . . . . .	\$1,497,000
Statewide Information Technology System Development ( <del>(Maintenance and Operations)</del> ) Revolving Account—State Appropriation . . . . .	(((\$102,037,000))
	<u>\$97,432,000</u>
Office of Financial Management Central Service Account—State Appropriation . . . . .	(((\$21,945,000))
	<u>\$22,453,000</u>
<u>Statewide Information Technology System Maintenance and Operations Revolving Account—State Appropriation . . . . .</u>	<u>\$4,609,000</u>
Performance Audits of Government Account—State Appropriation . . . . .	(((\$672,000))
	<u>\$692,000</u>
Coronavirus State Fiscal Recovery Fund—Federal Appropriation . . . . .	\$1,560,000
TOTAL APPROPRIATION . . . . .	(((\$216,450,000))
	<u>\$219,494,000</u>

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

- (1)(a) The student achievement council and all institutions of higher education as defined in RCW 28B.92.030 and eligible for state financial aid programs under chapters 28B.92 and 28B.118 RCW shall ensure that data needed to analyze and evaluate the effectiveness of state financial aid programs are promptly transmitted to the education data center so that it is available and easily accessible. The data to be reported must include but not be limited to:
  - (i) The number of Washington college grant and college bound recipients;
  - (ii) Persistence and completion rates of Washington college grant recipients and college bound recipients, disaggregated by institution of higher education;
  - (iii) Washington college grant recipients grade point averages; and
  - (iv) Washington college grant and college bound scholarship program costs.
- (b) The student achievement council shall submit student unit record data for state financial aid program applicants and recipients to the education data center.



(2) \$100,000 of the workforce education investment account—state appropriation is provided solely to the office of financial management to implement career connected learning.

(3)(a) (~~(\$102,037,000)~~) \$97,428,000 of the information technology system development revolving account—state appropriation, \$4,609,000 of the information technology system maintenance and operations revolving account—state appropriation, \$162,000 of the personnel services account—state appropriation, and \$162,000 of the office of financial management central services account—state appropriation are provided solely for the one Washington enterprise resource planning statewide program. Of this amount:

(i) \$7,756,000 of the information technology system development revolving account—state appropriation is provided solely for an organizational change management pool to pay for phase 1A (agency financial reporting system replacement—core financials) state agency organizational change management resources. The office of financial management will manage the pool, authorize funds, and track costs by agency by fiscal month;

(ii) \$22,000,000 of the information technology system development revolving account—state appropriation is provided solely for a technology pool to pay for phase 1A (agency financial reporting system replacement—core financials) state agency costs due to work associated with impacted financial systems and interfaces. The office of financial management will manage the pool, authorize funds, and track costs by agency by fiscal month;

(iii) \$1,326,000 of the information technology system development revolving account—state appropriation is provided solely for three dedicated information technology consultant staff to be contracted from the office of the chief information officer. These staff will work with state agencies to ensure preparation and timely decommission of information technology systems that will no longer be necessary post implementation of phase 1A (agency financial reporting system replacement—core financials);

(iv) \$4,609,000 of the information technology system (~~(development)~~) maintenance and operations revolving account—state appropriation is provided solely for maintenance and operations costs for phase 1A (agency financial reporting system replacement—core financials), which will begin in fiscal year 2023;

(v) \$9,153,000 of the information technology system development revolving account—state appropriation is provided solely for phase 1B (procurement and extended financials) in fiscal year (~~(2022)~~) 2023;

(vi) \$162,000 of the personnel services account—state appropriation is provided solely for a dedicated staff for phase 2 (human resources) coordination; and

(vii) \$162,000 of the office of financial management central services account—state appropriation is provided solely for a dedicated staff for phase 3 (budget) coordination.

(b) Beginning July 1, 2021, the office of financial management shall provide written quarterly reports, within 30 calendar days of the end of each fiscal quarter, to legislative fiscal committees and the legislative evaluation and accountability program committee to include how funding was spent compared to the budget spending plan for the prior quarter by fiscal month and what the

ensuing quarter budget will be by fiscal month. All reporting must be separated by phase of one Washington subprojects. The written report must also include:

(i) A list of quantifiable deliverables accomplished and the associated expenditures by each deliverable by fiscal month;

(ii) A report on the contract full time equivalent charged compared to the budget spending plan by month for each contracted vendor and what the ensuing contract equivalent budget spending plan assumes by fiscal month;

(iii) A report identifying each state agency that applied for and received organizational change management pool resources, the staffing equivalent used, and the cost by fiscal month by agency compared to budget spending plan;

(iv) A report identifying each state agency that applied for and received technology pool resources, the staffing equivalent used, and the cost by fiscal month by agency compared to the budget spending plan;

(v) A report on budget spending plan by fiscal month by phase compared to actual spending by fiscal month; and

(vi) A report on current financial office performance metrics that at least 10 state agencies use, to include the monthly performance data, starting July 1, 2021.

(c) Prior to spending any funds, the director of financial management must agree to the spending and sign off on the spending.

(d) This subsection is subject to the conditions, limitations, and review requirements of section 701 of this act.

(4) \$250,000 of the office of financial management central services account—state appropriation is provided solely for a dedicated information technology budget staff for the work associated with statewide information technology projects that are under the oversight of the office of the chief information officer. The staff will be responsible for providing a monthly financial report after each fiscal month close to fiscal staff of the senate ways and means and house appropriations committees to reflect at least:

(a) Fund balance of the information technology pool account after each fiscal month close;

(b) Amount by information technology project, differentiated if in the technology pool or the agency budget, of what funding has been approved to date and for the last fiscal month;

(c) Amount by agency of what funding has been approved to date and for the last fiscal month;

(d) Total amount approved to date, differentiated if in the technology pool or the agency budget, and for the last fiscal month;

(e) A projection for the information technology pool account by fiscal month through the 2021-2023 fiscal biennium close, and a calculation spent to date as a percentage of the total appropriation;

(f) A projection of each information technology project spending compared to budget spending plan by fiscal month through the 2021-2023 fiscal biennium, and a calculation of amount spent to date as a percentage of total project cost; and

(g) A list of agencies and projects that have not yet applied for nor been approved for funding by the office of financial management.

(5) (~~(\$12,741,000)~~) \$6,741,000 of the personnel service account—state appropriation is provided solely for administration of orca pass benefits included

in the 2021-2023 collective bargaining agreements and provided to nonrepresented employees. The office of financial management must bill each agency for that agency's proportionate share of the cost of orca passes. The payment from each agency must be deposited into the personnel service account and used to purchase orca passes. The office of financial management may consult with the Washington state department of transportation in the administration of these benefits.

(6) Within existing resources, the labor relations section shall produce a report annually on workforce data and trends for the previous fiscal year. At a minimum, the report must include a workforce profile; information on employee compensation, including salaries and cost of overtime; and information on retention, including average length of service and workforce turnover.

(7)(a) The office of financial management statewide leased facilities oversight team must identify opportunities to reduce statewide leased facility space given the change in business practices since 2020 whereby many state employees were mostly working remotely and may continue to do so going forward, or at least more state employees are anticipated to work remotely than in calendar year 2019.

(b) The office of financial management will work to identify opportunities for downsizing office space and increased collocation by state agencies, especially for any leases that will be up for renewal effective July 1, 2022, through June 30, 2024.

(c) The office of financial management must, in collaboration with the department of enterprise services, identify and make recommendations on reduction in leased office space by agency for fiscal years 2024 and 2025. The analysis must include detailed information on any reduced costs, such as lease contract costs, and include at least:

- (i) Agency name;
- (ii) Lease contract number and term (start and end date);
- (iii) Contract amount by fiscal year; and
- (iv) Current and future projected collocated agency tenants.

(d) The office of financial management must submit a report responsive to (a), (b), and (c) of this subsection to fiscal and appropriate policy committees of the legislature by June 30, 2022.

(8) \$105,000 of the general fund—state appropriation for fiscal year 2022 and \$68,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5163 (conditionally released sexually violent predators). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(9) \$79,000 of the general fund—state appropriation for fiscal year 2022 and \$79,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for staffing for the sentencing guidelines commission.

(10) ~~(\$90,000 of the general fund—state appropriation for fiscal year 2022 and \$166,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of financial management to complete the following activities:~~

~~(a) By December 1, 2022, and consistent with RCW 43.01.036, the office of financial management must submit a report to the legislature that assesses how to incorporate a net ecological gain standard into state land use, development,~~

~~and environmental laws and rules to achieve a goal of better statewide performance on endangered species recovery and ecological health. The report must address each environmental, development, or land use law or rule where the existing standard is less protective of ecological integrity than the standard of net ecological gain, including the shoreline management act (chapter 90.58 RCW), the growth management act (chapter 36.70A RCW), construction projects in state waters (chapter 77.55 RCW), and the model toxics control act.~~

~~(b) In developing the report under this section, the office of financial management must consult with the appropriate local governments, state agencies, federally recognized Indian tribes, and stakeholders with subject matter expertise on environmental, land use, and development laws including but not limited to cities, counties, ports, the department of ecology, the department of fish and wildlife, and the department of commerce.~~

~~(c) The report must include:~~

~~(i) Development of a definition, objectives, and goals for the standard of net ecological gain;~~

~~(ii) An assessment and comparison analysis of opportunities and challenges, including legal issues and costs on state and local governments to achievement of overall net ecological gain through both:~~

~~(A) Implementation of a standard of net ecological gain under different environmental, development, and land use laws; and~~

~~(B) An enhanced approach to implementing and monitoring no net loss in existing environmental, development, and land use laws;~~

~~(iii) Recommendations on funding, incentives, technical assistance, legal issues, monitoring, and use of scientific data, and other applicable considerations to the integration of net ecological gain into each environmental, development, and land use law or rule; and~~

~~(iv) An assessment of how applying a standard of net ecological gain in the context of each environmental, land use, or development law is likely to achieve substantial additional environmental or social co-benefits.~~

~~((11) \$158,000))~~ \$45,000 of the general fund—state appropriation for fiscal year 2022 ~~((is))~~ and \$113,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the work of the office of financial management to conduct a feasibility study and make recommendations regarding the establishment of a system for streamlining the vacation of criminal conviction records in section 953 of this act.

~~((12))~~ (11)(a) \$150,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the office of financial management to provide recommendations, as described in (b) of this subsection, on the procedure for providing an equity impact statement for legislative proposals, and content and format requirements for the equity impact statement.

(b) By July 1, 2022, the office of financial management must submit a report to the governor, appropriate committees of the legislature, and statutory commissions that details recommendations on:

(i) The procedure for providing an equity impact statement for legislative proposals;

(ii) The format and content requirements for the equity impact statement;

(iii) A plan, including information technology additions or revisions, necessary to provide equity impact statements;

(iv) Recommendations on which office or agency should be principally responsible for coordinating the provision of equity impact statements with state agencies; and

(v) Recommendations on any policy changes needed to implement the provision of equity impact statements.

(c) For the purpose of implementing this subsection, the office of financial management may contract with an entity or entities that have expertise in equity impact assessments.

(d) The office of financial management must consult with the governor's interagency council on health disparities and the office of equity in developing the procedures, and content and format requirements.

(e) For purposes of this subsection, "statutory commission" means the Washington state commission on African American affairs established in chapter 43.113 RCW, the Washington state commission on Asian Pacific American affairs established in chapter 43.117 RCW, the Washington state commission on Hispanic affairs established in chapter 43.115 RCW, the Washington state women's commission established in chapter 43.119 RCW, the Washington state LGBTQ commission established in chapter 43.114 RCW, and the human rights commission established in chapter 49.60 RCW.

~~((13))~~ (12) \$785,000 of the general fund—state appropriation for fiscal year 2022 and \$960,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1267 (police use of force). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~((4))~~ (13) \$172,000 of the general fund—state appropriation for fiscal year 2022 and \$167,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1295 (institutional ed./release). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~((5) \$300,000)~~ (14) \$150,000 of the general fund—state appropriation for fiscal year 2022 and ~~((300,000))~~ \$450,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of financial management to assist the health care authority, the department of social and health services, and the department of health in coordinating efforts to transform the behavioral health system and improve the collection and availability of data. Within these amounts, the office must provide direction and ensure coordination between state agencies in the forecasting of forensic and long-term civil commitment beds, transition of civil long-term inpatient capacity from state hospital to community settings, and efforts to improve the behavioral health crisis response system. Sufficient funding within this section is provided for the staff support and other costs related to the crisis response improvement strategy committee established in section 104 of Engrossed Second Substitute House Bill No. 1477 (national 988 system).

(15) \$40,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of financial management to review and report on vendor rates for services provided to low-income individuals at the department of children, youth, and families, the department of corrections, and the department of social and health services. The report must be submitted to the

governor and the appropriate committees of the legislature by December 1, 2022, and must include review of, at least:

- (a) The current rates for services by vendor;
- (b) A history of increases to the rates since fiscal year 2010 by vendor;
- (c) A comparison of how the vendor increases and rates compare to inflation; and
- (d) A summary of the billing methodology for the vendor rates.

(16) \$35,000 of the general fund—state appropriation for fiscal year 2022 and \$86,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 1867 (dual credit program data). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(17)(a) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office to contract with a third-party facilitator to convene an applicant background check work group. The purpose of the work group is to review existing requirements and processes for conducting applicant background checks for impacted individuals, and to provide a feasibility study and implementation plan for establishing a state office to centrally manage criminal background check processes for impacted individuals.

(b) For the purposes of this subsection, "impacted individuals" means applicants for state employment, current state employees, and individuals for whom an applicant background check is required as a condition of employment or to provide state services, including but not limited to individuals subject to the requirements of RCW 26.44.240, 28A.400.303, 43.43.830 through 43.43.845, 43.101.095, 43.216.270, 74.15.030, and 74.39A.056.

(c) The director of the office, or the director's designee, must chair the work group. The chair must appoint representatives to the work group including but not limited to:

- (i) A representative of the department of social and health services;
  - (ii) A representative of the department of children, youth, and families;
  - (iii) A representative of the Washington state patrol;
  - (iv) A representative of the department of corrections;
  - (v) A representative of the office of the superintendent of public instruction;
- and
- (vi) Other state agency representatives or representatives of interested parties, at the discretion of the chair, who have expertise in topics considered by the work group.

(d) By December 1, 2022, the work group must submit a preliminary feasibility study and implementation plan for a state central background check office to the governor and appropriate committees of the legislature. By June 1, 2023, the work group must submit a final feasibility study and implementation plan to the governor and appropriate committees of the legislature. In developing the feasibility study and implementation plan, the work group must include the following:

- (i) A review of current background check requirements and processes for impacted individuals, including:

(A) A list of all state positions and purposes that require a criminal background check as a condition of employment, certification, licensure, or unsupervised access to vulnerable persons;

(B) An analysis of any "character, suitability, and competence" components that are required in addition to an applicant background check, including whether such components are warranted and whether they result in unrealistic and unnecessary barriers or result in disproportionate negative outcomes for members of historically disadvantaged communities; and

(C) A review of current costs of applicant background checks for state agencies and impacted individuals, including a comparison of current vendor contracts for fingerprint background checks; and

(ii) A proposal and implementation plan to establish a central state office to manage applicant background check processes. In developing the proposal, the work group must consider policy and budgetary factors including, but not limited to:

(A) Cost structure and sharing for impacted agencies, including any cost savings that may occur from transitioning to a centralized criminal background check process;

(B) Information technology needs for the new office and individual agencies, including any necessary information sharing agreements;

(C) Staffing;

(D) Comparable solutions and processes in other states;

(E) Potential usage of the federal rap back system, including steps necessary to join the system and associated costs and benefits;

(F) Processes and considerations to make criminal background check results portable for impacted individuals;

(G) Steps necessary to meet federal regulatory requirements and ensure federal approval of state criminal background check processes;

(H) The impact of the proposed process changes for impacted individuals who are members of historically disadvantaged populations; and

(I) Any statutory changes that may be necessary to ensure clarity and consistency.

(18) \$337,000 of the general fund—state appropriation for fiscal year 2022, \$763,000 of the general fund—state appropriation for fiscal year 2023, and \$1,560,000 of the coronavirus state fiscal recovery fund—federal appropriation are provided solely for staff and contract costs to conduct activities related to the receipt, coordination, and tracking of federal funds.

(19) \$193,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5847 (public employee PSLF info.). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(20) \$20,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of financial management to conduct a comprehensive study on student access to health care, including behavioral health care, at Washington's public institutions of higher education. The comprehensive study must also include students enrolled in state registered apprenticeship programs. The study must be conducted in collaboration with the health benefit exchange, the health care authority, the state board for community

and technical colleges, the council of presidents, and the student achievement council.

(a) The community and technical colleges and the four-year institutions of higher education will make the following data for the 2022-23 academic year available to the office of financial management, the state board of community and technical colleges, and the student achievement council:

(i) The health insurance status of enrolled students;

(ii) The minimum requirements for enrolled students related to health insurance coverage;

(iii) Health insurance or health care coverage options available from the school;

(iv) A description of health care services and facilities available on campus for students, including type of providers, and ways students can access these services;

(v) Out-of-pocket costs associated with accessing or using on-campus health care services and facilities;

(vi) Student demographic information regarding utilization of on-campus health care services and facilities;

(vii) Barriers to accessing on-campus health care services and facilities;

(viii) How the college or university helps students obtain health care services not offered on campus; and

(ix) Information related to partnerships with off-campus health care providers or facilities to provide services to currently enrolled students.

(b) The office of financial management shall make reasonable efforts to provide the following information:

(i) The health insurance status of students enrolled in the 2022-23 academic year;

(ii) The minimum level of health insurance coverage, if any, community and technical colleges and four-year institutions of higher education require for students;

(iii) The types of health insurance schools provide for enrolled students;

(iv) The types of health care services available on campus, including primary care and specialty care, such as emergency services and behavioral health care resources;

(v) A description of health care services available in the communities around campuses, including emergency services and behavioral health providers;

(vi) Data collection gaps that exist related to student health insurance coverage and utilization of health care resources;

(vii) On-campus primary care and specialty care services that are common on school campuses; and

(viii) Other important information in addressing health insurance access and care for students at public institutions of higher education, including issues around equity.

(c) The legislature expects the office of financial management to submit a report to the appropriate health and education committees of the legislature. The final report must include a summary of the data reviewed by the office, including information specific to each type of campus and school, when available, and recommendations for the legislature and public institutions of higher education



for improving student health care coverage and access to health care services, including for students enrolled in state registered apprenticeship programs.

(21) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute Senate Bill No. 5649 (family and medical leave). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(22)(a) \$25,000 of the general fund—state appropriation for fiscal year 2022 and \$201,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to evaluate the effectiveness, utilization, and outcomes of the voluntary incentive programs for landowners and of existing regulatory programs responsible for protecting and restoring areas along streams and rivers toward achieving a science-based standard for a fully functioning riparian ecosystem. To accomplish the evaluation, the office must:

(i) Contract with an independent entity for the analysis. The contract is exempt from the competitive procurement requirements in chapter 39.26 RCW; and

(ii) Assist agencies with funding and advice to gather and provide the data necessary for the analysis.

(b) A preliminary report is due to the governor and the appropriate committees of the legislature by September 1, 2022, to inform the development of recommendations to be contained in a final report due by December 1, 2022.

(23) \$1,326,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for additional staff for information technology and payroll support for the office of independent investigations, which was created by chapter 318, Laws of 2021 (Engrossed Substitute House Bill No. 1267).

(24) Within existing resources, the education research and data center shall submit to the student achievement council the data received from institutions of higher education as described in RCW 28B.118.090. The data shall be submitted by June 30, 2022, and June 30, 2023, and include the most recent data received from institutions of higher education.

(25) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute Senate Bill No. 5793 (state boards, etc./stipends). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

**Sec. 131.** 2021 c 334 s 132 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF ADMINISTRATIVE HEARINGS**

Administrative Hearings Revolving Account—State

Appropriation. . . . .((~~\$71,650,000~~))  
\$73,391,000

Administrative Hearings Revolving Account—Local

Appropriation. . . . . \$12,000  
TOTAL APPROPRIATION . . . . .((~~\$71,662,000~~))  
\$73,403,000

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

(1) \$22,346,000 of the administrative hearings revolving account—state appropriation is provided solely for staffing to resolve unemployment insurance appeals. The funding is provided to meet the temporary increase in

unemployment insurance hearing appeals, which began in fiscal year 2021, and to reduce the appeal to resolution wait time.

(2) \$154,000 of the administrative hearings revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5051 (peace & corrections officers). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(3) \$86,000 of the administrative hearings revolving account—state appropriation is provided solely for implementation of chapter 2, Laws of 2021 (Engrossed Substitute Senate Bill No. 5061) (unemployment insurance). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(4) \$12,000 of the administrative hearings revolving account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5097 (paid leave coverage). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(5) \$150,000 of the administrative hearings revolving account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5172 (agricultural overtime). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(6) \$161,000 of the administrative hearings revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5237 (child care and early development programs). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(7) \$19,000 of the administrative hearings revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1073 (paid leave coverage). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(8) \$19,000 of the administrative hearings revolving account—state appropriation is provided solely for implementation of Substitute House Bill No. 2076 (transp. network companies). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

**Sec. 132.** 2021 c 334 s 133 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE LOTTERY**

Lottery Administrative Account—State Appropriation . . . . .	<del>(\$29,759,000)</del>
	<u>\$30,485,000</u>
TOTAL APPROPRIATION . . . . .	<del>(\$29,759,000)</del>
	<u>\$30,485,000</u>

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

(1) No portion of this appropriation may be used for acquisition of gaming system capabilities that violate state law.

(2) Pursuant to RCW 67.70.040, the commission shall take such action necessary to reduce retail commissions to an average of 5.1 percent of sales.

**\*Sec. 133.** 2021 c 334 s 134 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON HISPANIC AFFAIRS**

General Fund—State Appropriation (FY 2022) . . . . .	<del>(\$443,000)</del>
	<u>\$538,000</u>

General Fund—State Appropriation (FY 2023) . . . . .	(\$464,000)
	\$694,000
TOTAL APPROPRIATION . . . . .	(\$907,000)
	\$1,232,000

*The appropriations in this section are subject to the following conditions and limitations: \$40,000 of the general fund—state appropriation for fiscal year 2022 and \$160,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to collaborate with the office of equity to engage a contractor to conduct a detailed analysis of the opportunity gap for Hispanic and Latinx students; develop recommendations for continuing efforts to close the educational opportunity gap while meeting the state's academic achievement indicators as identified in the state's every student succeeds act consolidated plan; and identify performance measures to monitor adequate yearly progress. The contractor shall submit a study update by December 1, 2022, and submit a final report by June 30, 2023, to the educational opportunity gap oversight and accountability committee, the governor, the superintendent of public instruction, the state board of education, and the education committees of the legislature.*

\*Sec. 133 was partially vetoed. See message at end of chapter.

\*Sec. 134. 2021 c 334 s 135 (unmodified) is amended to read as follows:

**FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS**

General Fund—State Appropriation (FY 2022) . . . . .	(\$421,000)
	\$585,000
General Fund—State Appropriation (FY 2023) . . . . .	(\$431,000)
	\$1,350,000
TOTAL APPROPRIATION . . . . .	(\$852,000)
	\$1,935,000

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

(1)(a) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$700,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission on African American affairs to contract with a Washington state based organization that focuses on the health of African Americans to conduct a Black community health needs assessment. The assessment must include the following activities:

- (i) Lead and produce a statewide community assets mapping project to identify institutions, providers, and nongovernmental organizations that contribute to or have impact on Black well-being;
- (ii) Collect and organize Black community health needs data and information; and
- (iii) Identify priorities for additional phases of work.

(b) By June 30, 2023, the commission shall submit a report to the legislature with findings and recommended solutions that will inform the structure and establishment of an African American health board network.

(2) \$40,000 of the general fund—state appropriation for fiscal year 2022 and \$160,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to collaborate with the office of equity to

engage a contractor to conduct a detailed analysis of the opportunity gap for African American and Black students; develop recommendations for continuing efforts to close the educational opportunity gap while meeting the state's academic achievement indicators as identified in the state's every student succeeds act consolidated plan; and identify performance measures to monitor adequate yearly progress. The contractor shall submit a study update by December 1, 2022, and submit a final report by June 30, 2023, to the educational opportunity gap oversight and accountability committee, the governor, the superintendent of public instruction, the state board of education, and the education committees of the legislature.

\*Sec. 134 was partially vetoed. See message at end of chapter.

Sec. 135. 2021 c 334 s 136 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS**

General Fund—State Appropriation (FY 2023) . . . . .	\$609,000
Department of Retirement Systems Expense Account—	
State Appropriation . . . . .	(( <del>\$71,462,000</del> ))
	<u>\$74,308,000</u>
TOTAL APPROPRIATION . . . . .	(( <del>\$71,462,000</del> ))
	<u>\$74,917,000</u>

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

(1) \$6,007,000 of the department of retirement systems expense account—state appropriation is provided solely for pension system modernization, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(2) \$619,000 of the department of retirement systems expense account—state appropriation is provided solely for implementation of Senate Bill No. 5367 (inactive retirement accounts). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(3) \$7,000 of the department of retirement systems expense account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5399 (universal health care commission). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(4) \$286,000 of the department of retirement systems—state appropriation is provided solely for implementation of Senate Bill No. 5021 (effects of expenditure reduction). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(5) \$48,000 of the department of retirement systems—state appropriation is provided solely for implementation of Senate Bill No. 5676 (PERS/TRS 1 benefit increase). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(6) \$82,000 of the department of retirement systems—state appropriation is provided solely for implementation of House Bill No. 1669 (PSERS disability benefits). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(7) \$609,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to implement a Roth individual retirement plan option in the deferred compensation program, including implementation of Engrossed House Bill No. 1752 (deferred compensation/Roth).

\*Sec. 136. 2021 c 334 s 137 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF REVENUE**

General Fund—State Appropriation (FY 2022) . . . . .	(( <del>\$167,182,000</del> ))	
		\$172,407,000
General Fund—State Appropriation (FY 2023) . . . . .	(( <del>\$411,796,000</del> ))	
		\$415,510,000
Timber Tax Distribution Account—State Appropriation . . . . .	(( <del>\$7,314,000</del> ))	
		\$7,616,000
Business License Account—State Appropriation. . . . .	(( <del>\$20,335,000</del> ))	
		\$21,071,000
Waste Reduction, Recycling, and Litter Control Account—State Appropriation . . . . .	(( <del>\$162,000</del> ))	
		\$173,000
Model Toxics Control Operating Account—State Appropriation. . . . .	(( <del>\$118,000</del> ))	
		\$119,000
Financial Services Regulation Account—State Appropriation. . . . .		\$5,000,000
TOTAL APPROPRIATION . . . . .	(( <del>\$611,907,000</del> ))	
		\$621,896,000

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

(1) \$1,056,000 of the general fund—state appropriation for fiscal year 2022 and \$409,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to implement 2021 revenue legislation.

(2)(a) \$1,303,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to facilitate a tax structure work group, initially created within chapter 1, Laws of 2017 3rd sp. sess. (SSB 5883) and hereby reauthorized.

(b)(i) Members serving on the tax structure work group as of the effective date of this section may continue serving on the work group. Any member not wishing to continue serving on the tax structure work group must provide written notice to the work group and the vacancy must be filled as provided in (c) of this subsection.

(ii) The work group must include the following voting members:

(A) The president of the senate must appoint two members from each of the two largest caucuses of the senate;

(B) The speaker of the house of representatives must appoint two members from each of the two largest caucuses of the house of representatives; and

(C) The governor must appoint one member who represents the office of the governor.

(iii) The work group must include the following nonvoting members:

(A) One representative of the department of revenue;

(B) One representative of the association of Washington cities; and

(C) One representative of the Washington state association of counties.

(c) Elected officials not reelected to their respective offices may be relieved of their responsibilities on the tax structure work group. Vacancies on the tax structure work group must be filled within 60 days of notice of the vacancy. The work group must choose a chair or cochair from among its legislative membership. The chair is, or cochair is, responsible for convening the meetings of the work group no less than quarterly each year. Recommendations of the work group may be approved by a simple majority vote. All work group members may have a representative attend meetings of the tax structure work group in lieu of the member, but voting by proxy is not permitted. Staff support for the work group must be provided by the department. The department may engage one or more outside consultants to assist in providing support for the work group. Members of the work group must serve without compensation but may be reimbursed for travel expenses under RCW 44.04.120, 43.03.050, and 43.03.060.

(d) The duties of the work group are to:

(i) By December 1, 2019, convene no less than one meeting to elect a chair, or cochair, and conduct other business of the work group;

(ii) By December 31, 2020, the department and technical advisory group must prepare a summary report of their preliminary findings and alternatives described in (f) of this subsection;

(iii) By May 31, 2021, the work group must:

(A) Hold no less than one meeting in Olympia or virtually to review the preliminary findings described in (f) of this subsection. At least one meeting must engage stakeholder groups, as described in (e)(i) of this subsection;

(B) Begin to plan strategies to engage taxpayers and key stakeholder groups to encourage participation in the public meetings described in (f) of this subsection;

(C) Present the summary report described in (d)(ii) of this subsection in compliance with RCW 43.01.036 to the appropriate committees of the legislature;

(D) Be available to deliver a presentation to the appropriate committees of the legislature including the elements described in (e)(ii) of this subsection; and

(E) Finalize the logistics of the engagement strategies described in (d)(iv) of this subsection;

(iv) After the conclusion of the 2021 legislative session, the work group must:

(A) Hold no less than five public meetings organized by geographic region (in person or online) with special consideration for regional geographies throughout the state, rural areas, and border communities;

(B) Participate in no less than 10 existing meetings of various associations, community-based organizations, nonprofits, and similar groups in order to engage low-income and middle-income taxpayers, communities of color, senior citizens, and people with disabilities;

(C) Participate in no less than 10 existing meetings of various business and agricultural associations, chambers of commerce, ports, associate development organizations, and similar groups in order to engage small, start-up, and low-margin businesses, and other businesses;

(D) Hold no less than three listening sessions in a language other than English to engage taxpayers who speak languages including, but not limited to, Spanish, Vietnamese, Russian, and Somali;

(E) Present the findings described in (f) of this subsection and alternatives to the state's current tax structure at the public meetings utilizing a range of methods that account for different learning styles including, but not limited to, written documents, videos, animations, and graphics;

(F) Provide an opportunity at the public and other meetings for taxpayers to engage in a conversation about the state tax structure including, but not limited to, providing feedback on possible recommendations for changes to the state tax structure and asking questions about the report and findings and alternatives to the state's current tax structure presented by the work group;

(G) Utilize methods to collect taxpayer feedback before, during, or after the public meetings that may include, but is not limited to: Small group discussions, in-person written surveys, in-person visual surveys, online surveys, written testimony, and public testimony;

(H) Encourage legislators to inform their constituents about the public meetings that occur within and near their legislative districts (whether in person or online);

(I) Inform local elected officials about the public meetings that occur within and near their communities (whether in person or online);

(J) Summarize the feedback that taxpayers and other stakeholders communicated during the public meetings and other public engagement methods, and submit a final summary report, in accordance with RCW 43.01.036, to the appropriate committees of the legislature. This report may be submitted as an appendix or update to the summary report described in (d)(ii) of this subsection; and

(K) To the degree it is practicable, conduct analysis of the current tax structure and proposed alternatives to estimate the impact on taxpayers, including tax paid as a share of household income for various racial and ethnic groups as reported in the most current census data available, American community survey, or other similar data sources;

(v) During the 2022 legislative session, the work group must:

(A) Present the findings and reports described in (d)(ii) of this subsection to the appropriate committees of the legislature; and

(B) Be available to deliver a presentation to or participate in a work session for the appropriate committees of the legislature, or both;

(vi) Between the conclusion of the 2022 legislative session and December 31, 2022, the work group is directed to finalize policy recommendations and develop legislation to implement modifications to the tax structure, informed by the findings described in (d)(ii) of this subsection and the feedback received from taxpayers as reflected in the report described in (d)(iv) of this subsection. Legislative proposals recommended by the work group may not collectively result in a loss of revenue to the state as compared to the November 2022 biennial revenue forecast published by the economic and revenue forecast council. In making the recommendations, the work group must be guided by the following principles for a well designed tax system: Equity, adequacy, stability, and transparency;

(vii) During the 2023 legislative session, it is the intent of the legislature to consider the proposal described in (d)(vi) of this subsection;

(viii) If the proposal is not adopted during the 2023 legislative session, the work group is directed to host no less than three public meetings to collect feedback on the legislation proposed in the 2023 session, and may also collect feedback on other proposals under consideration by the work group, subject to the availability of funds in the 2023-2025 biennial budget. The work group is directed to modify the proposal to address the feedback collected during the public meetings;

(ix) During the 2024 legislative session, it is the intent of the legislature to consider the modified proposal described in (d)(iv) of this subsection; and

(x) By December 31, 2024, subject to the availability of funds in the 2023-2025 biennial budget, the work group is directed to submit a final report that is a compilation of all other reports previously submitted since July 1, 2019, and may include additional content to summarize final activities of the tax structure work group and related legislation, in compliance with RCW 43.01.036, to the appropriate committees of the legislature.

(e)(i) The stakeholder groups referenced by (d)(iii)(A) of this subsection must include, at a minimum, organizations and individuals representing the following:

(A) Small, start-up, or low-margin business owners and employees or associations expressly dedicated to representing these businesses, or both; and

(B) Individual taxpayers with income at or below 100 percent of area median income in their county of residence or organizations expressly dedicated to representing low-income and middle-income taxpayers, or both;

(ii) The presentation referenced in (d)(iii)(D) of this subsection must include the following elements:

(A) The findings and alternatives included in the summary report described in (d)(ii) of this subsection; and

(B) The preliminary plan to engage taxpayers directly in a robust conversation about the state's tax structure, including presenting the findings described in (f) of this subsection and alternatives to the state's current tax structure, and collecting feedback to inform development of recommendations.

(f) The duties of the department, with assistance of one or more technical advisory groups, are to:

(i) With respect to the final report of findings and alternatives submitted by the Washington state tax structure study committee to the legislature under section 138, chapter 7, Laws of 2001 2nd sp. sess.:

(A) Update the data and research that informed the recommendations and other analysis contained in the final report;

(B) Estimate how much revenue all the revenue replacement alternatives recommended in the final report would have generated for the 2017-2019 fiscal biennium if the state had implemented the alternatives on January 1, 2003;

(C) Estimate the tax rates necessary to implement all recommended revenue replacement alternatives in order to achieve the revenues generated during the 2017-2019 fiscal biennium as reported by the economic and revenue forecast council;

(D) Estimate the impact on taxpayers, including tax paid as a share of household income for various income levels, and tax paid as a share of total



business revenue for various business activities, for (f)(i)(B) and (C) of this subsection; and

(E) Estimate how much revenue would have been generated in the 2017-2019 fiscal biennium if the incremental revenue alternatives recommended in the final report would have been implemented on January 1, 2003, excluding any recommendations implemented before May 21, 2019;

(ii) With respect to the recommendations in the final report of the 2018 tax structure work group:

(A) Conduct economic modeling or comparable analysis of replacing the business and occupation tax with an alternative, such as corporate income tax or margins tax, and estimate the impact on taxpayers, such as tax paid as a share of total business revenue for various business activities, assuming the same revenues generated by business and occupation taxes during the 2017-2019 fiscal biennium as reported by the economic and revenue forecast council; and

(B) Estimate how much revenue would have been generated for the 2017-2019 fiscal biennium if the one percent revenue growth limit on regular property taxes was replaced with a limit based on population growth and inflation if the state had implemented this policy on January 1, 2003;

(iii) Analyze our economic competitiveness with border states:

(A) Estimate the revenues that would have been generated during the 2017-2019 fiscal biennium, had Washington adopted the tax structure of those states, assuming the economic tax base for the 2017-2019 fiscal biennium as reported by the economic and revenue forecast council; and

(B) Estimate the impact on taxpayers, including tax paid as a share of household income for various income levels, and tax paid as a share of total business revenue for various business activities for (f)(iii)(A) of this subsection;

(iv) Analyze our economic competitiveness in the context of a national and global economy, provide comparisons of the effective state and local tax rate of the tax structure during the 2017-2019 fiscal biennium and various alternatives under consideration, as they compare to other states and the federal government, as well as consider implications of recent changes to federal tax law;

(v) Conduct, to the degree it is practicable, tax incidence analysis of the various alternatives under consideration to account for the impacts of tax shifting, such as business taxes passed along to consumers and property taxes passed along to renters;

(vi) Present findings and alternatives, to the degree it is practicable, by geographic area, in addition to statewide; and

(vii) Conduct other analysis as directed by the work group.

(3) \$292,000 of the general fund—state appropriation for fiscal year 2022 and \$162,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of chapter 4, Laws of 2021 (SHB 1095) (emergency assistance/tax).

(4) \$212,000 of the general fund—state appropriation for fiscal year 2022 and \$33,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1477 (national 988 system). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(5) \$213,000 of the general fund—state appropriation for fiscal year 2022 and \$55,000 of the general fund—state appropriation for fiscal year 2023 are

provided solely for the implementation of Second Substitute Senate Bill No. 5000 (hydrogen/electric vehicles). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(6) \$2,489,000 of the general fund—state appropriation for fiscal year 2022 and \$4,189,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5096 (capital gains tax). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(7) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$11,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Senate Bill No. 5220 (salmon recovery grants/tax). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(8) \$7,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5251 (tax and revenue laws). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(9) \$115,000 of the general fund—state appropriation for fiscal year 2022 and \$44,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute Senate Bill No. 5396 (farmworker housing/tax). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(10) \$97,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1480 (liquor licensee privileges). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(11) \$4,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Engrossed Senate Bill No. 5454 (prop. tax/natural disasters). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(12) ~~((\$5,467,000))~~ \$5,567,000 of the general fund—state appropriation for fiscal year 2022 and ~~((\$255,513,000))~~ \$245,997,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1297 (working families tax exempt.). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~ Of the total amounts provided in this subsection:

(a) ~~((\$5,467,000))~~ \$5,567,000 of the general fund—state appropriation for fiscal year 2022 and ~~((\$13,513,000))~~ \$13,997,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for administration of the working families tax exemption program; and

(b) ~~((\$242,000,000))~~ \$232,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for remittances under the working families tax exemption program.

(13) From within the department's administrative expenditures from the unclaimed personal property account, the department must provide a report by December 1, 2022, to the governor and the legislature on the unclaimed property program. The report must include:

(a) Annual data for the years 2012 through 2022, that includes:

(i) The number of items of unclaimed property received by the program and the number of holders of unclaimed property who submitted items to the program; and

(ii) The top 10 holders who submitted unclaimed property and the percentage of those holders' submissions that have been subsequently claimed;

(b) Historic data since the inception of the program that shows:

(i) The cumulative number of all unclaimed property items and the aggregate, median, and mean value of those items at the end of each calendar year;

(ii) The annual number of unclaimed property items valued at less than \$75 and the percentage of these items for which the department made contact with a claimant that year; and

(iii) The annual number of direct mail contacts to prospective claimants made by the department and the resulting number of claims made within the following three months; and

(c) Customer service data for the period of December 1, 2020, through December 1, 2022, that includes:

(i) The average length of time between a claim was filed and when it was paid;

(ii) The number and percentage of claims initiated online but not able to be paid to the claimant and the reasons, by percentage, for the failure to successfully pay the claim; and

(iii) The monthly website traffic for the unclaimed property website.

(14) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to implement 2022 revenue legislation. Funding in this subsection is sufficient to implement legislation for which the department has administrative costs.

(15) \$146,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 2076 (transp. network companies). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(16) \$108,000 of the general fund—state appropriation for fiscal year 2022 and \$157,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement Engrossed Second Substitute House Bill No. 1015 (equitable access to credit). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(17) \$141,000 of the general fund—state appropriation for fiscal year 2022 and \$190,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement Engrossed Substitute House Bill No. 1643 (affordable housing/REET). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(18) \$197,000 of the general fund—state appropriation for fiscal year 2022 and \$245,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement Engrossed Substitute House Bill No. 1846 (data centers tax preference). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(19) \$433,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to implement Engrossed Substitute Senate Bill No. 5531

(uniform unclaimed property). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(20) \$617,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the agency to relocate staff in the Bothell office to a more affordable location that has a lower lease cost than the current facility.

(21) \$68,000 of the general fund—state appropriation for fiscal year 2022 and \$10,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Senate Bill No. 5983 (cannabinoid regulations). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(22) \$189,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to implement Engrossed Substitute Senate Bill No. 5980 (B&O tax credits). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

*\*Sec. 136 was partially vetoed. See message at end of chapter.*

**Sec. 137.** 2021 c 334 s 138 (uncodified) is amended to read as follows:

**FOR THE BOARD OF TAX APPEALS**

General Fund—State Appropriation (FY 2022) . . . . .	..(( <del>\$2,631,000</del> ))
	<u>\$2,621,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	..(( <del>\$2,652,000</del> ))
	<u>\$2,721,000</u>
TOTAL APPROPRIATION . . . . .	..(( <del>\$5,283,000</del> ))
	<u>\$5,342,000</u>

**Sec. 138.** 2021 c 334 s 139 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES**

General Fund—State Appropriation (FY 2022) . . . . .	..(( <del>\$1,975,000</del> ))
	<u>\$1,993,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	..(( <del>\$1,564,000</del> ))
	<u>\$2,001,000</u>
Minority and Women's Business Enterprises Account—	
State Appropriation . . . . .	..(( <del>\$4,607,000</del> ))
	<u>\$4,874,000</u>
TOTAL APPROPRIATION . . . . .	..(( <del>\$8,146,000</del> ))
	<u>\$8,868,000</u>

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

(1) The office of minority and women's business enterprises shall consult with the Washington state office of equity on the Washington state toolkit for equity in public spending.

(2) \$135,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Senate Bill No. 5032 (alternative public works contracting procedures). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(3) \$851,000 of the general fund—state appropriation for fiscal year 2022 and \$675,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Substitute House Bill No. 1259

(women and minority contracting). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

**Sec. 139.** 2021 c 334 s 140 (uncodified) is amended to read as follows:

**FOR THE INSURANCE COMMISSIONER**

General Fund—Federal Appropriation. . . . .	<del>(\$4,633,000)</del>
	<u>\$4,672,000</u>
Insurance Commissioner's Regulatory Account—State	
Appropriation. . . . .	<del>(\$66,336,000)</del>
	<u>\$70,706,000</u>
Insurance Commissioner's Fraud Account—State	
Appropriation. . . . .	<del>(\$3,603,000)</del>
	<u>\$3,651,000</u>
<b>TOTAL APPROPRIATION . . . . .</b>	<del><b>(\$74,572,000)</b></del>
	<u><b>\$79,029,000</b></u>

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

(1) \$234,000 of the insurance commissioner's regulatory account—state appropriation is provided solely to implement Second Substitute Senate Bill No. 5315 (captive insurance). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(2) \$64,000 of the insurance commissioner's regulatory account—state appropriation is provided solely to implement Second Substitute Senate Bill No. 5313 (health ins. discrimination). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(3) \$24,000 of the insurance commissioner's regulatory account—state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 5399 (universal health care commission). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(4) \$3,000 of the insurance commissioner's regulatory account—state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 5377 (standardized health plans). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(5) \$649,000 of the insurance commissioner's regulatory account—state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1196 (audio-only telemedicine). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(6) \$83,000 of the insurance commissioner's regulatory account—state appropriation is provided solely to implement Substitute Senate Bill No. 5003 (living donor act). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(7)(a) \$75,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for a service utilization, cost, and implementation analysis of requiring coverage for the hearing instruments benefit described in House Bill No. 1047 (hearing instruments/children) for children who are 18 years of age or younger and for children and adults.

(b) The commissioner must contract with one or more consultants to:

(i) Obtain projected utilization and cost data from Washington state health carriers for health plans, as defined in RCW 48.43.005, to provide an estimate of

aggregate statewide utilization and cost impacts of the coverage described in House Bill No. 1047 (hearing instruments/children) separately for children who are 18 years of age or younger and for children and adults, expressed as total annual cost and as a per member per month cost;

(ii) Assess the impact of federal and state health care nondiscrimination laws on the scope of the benefit described in House Bill No. 1047 (hearing instruments/children); and

(iii) Provide recommendations for distributing state payments to defray the cost of the benefit coverage described in House Bill No. 1047 (hearing instruments/children) for health carriers.

(c) The commissioner must report the findings of the analysis to the appropriate committees of the legislature by December 15, 2021.

(8)(a) \$200,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for the commissioner, in consultation with the health care authority, to complete an analysis of the cost to implement a fertility treatment benefit as described in the department of health's December 2021 mandated benefit sunrise review.

(b) The commissioner must contract with one or more consultants to obtain utilization and cost data from Washington state health carriers, as defined in RCW 48.43.005, necessary to provide an estimate of the fiscal impact of providing a fertility treatment benefit for the commercial health plan market.

(c) The analysis must include, but is not limited to, a utilization and cost analysis of each of the following services:

(i) Infertility diagnosis;

(ii) Fertility medications;

(iii) Intrauterine insemination;

(iv) In vitro fertilization; and

(v) Egg freezing.

(d) The report should include projected costs expressed both as total annual costs and per member per month costs for plan years 2024 through 2027.

(e) The commissioner must report the findings of the analysis to the governor and appropriate committees of the legislature by June 30, 2023.

(9)(a) \$200,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for a contract for an actuarial study to assess options for enhancing consumer protections, expanding access to coverage, and accompanying regulations regarding medicare supplemental insurance as defined in RCW 48.66.020. The study shall evaluate, but is not limited to, the following:

(i) For at least the most recent three years for which data is available, the total number of Washington state residents enrolled in medicare, broken down by those who are enrolled in:

(A) Traditional medicare fee-for-service only;

(B) Medicare supplemental insurance plans;

(C) Medicare advantage plans; and

(D) Medicaid and will turn age 65 during the public health emergency with respect to the coronavirus disease 2019 (COVID-19);

(ii) A demographic breakdown of the age, gender, racial, ethnic, and geographic characteristics of the individuals listed in (a)(i) of this subsection. For those younger than age 65, the breakdown should separate those eligible as a

result of disability and end-stage renal disease status. The commissioner may include additional demographic factors:

(iii) The estimated impact on premiums, enrollment, and increased access for individuals listed in (a)(i)(A) and (B) of this subsection if the state were to have an annual open enrollment period during which medicare supplemental insurance was guaranteed issue, including separate estimates for expanding coverage to include those eligible for medicare and younger than age 65;

(iv) The estimated impact on premiums, enrollment, and increased access for individuals in (a)(i)(A) and (B) of this subsection if medicare supplemental insurance was guaranteed issue throughout the year, including separate estimates for expanding coverage to include those eligible for medicare and younger than age 65;

(v) The net cost impact to consumers and any other affected parties of the options outlined in (a)(iii) and (iv) of this subsection;

(vi) An analysis of other factors that impact access and premiums for medicare-eligible individuals; and

(vii) A review of medicare supplemental insurance policy protections in other states and their impact on premiums and enrollment in these policies.

(b) By November 15, 2022, the insurance commissioner shall submit a report to the appropriate committees of the legislature with the findings of the study.

(c) The contract recipient for the actuarial study must have:

(i) A comprehensive view of the medicare supplement industry and industry expertise developed from:

(A) Consulting for a diverse group of medicare supplement stakeholders; and

(B) Working directly for insurers issuing medicare supplemental plans; and

(ii) Access to data and expertise necessary to support the study and alternative projections.

(10) \$250,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for the commissioner to contract for an assessment of federal and state authorities to provide recommendations on creating a legal framework within which continuing care retirement community products under chapter 18.390 RCW may achieve heightened consumer protections through shared regulatory oversight by the office of the insurance commissioner. The commissioner must submit a report on the assessment and recommendations to the health care committees of the legislature by December 1, 2022.

(11) \$218,000 of the insurance commissioner's regulatory account—state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1821 (telemedicine/relationship). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(12) \$442,000 of the insurance commissioner's regulatory account—state appropriation is provided solely to implement Engrossed Second Substitute House Bill No. 1688 (out-of-network health care). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(13) \$43,000 of the insurance commissioner's regulatory account—state appropriation is provided solely to implement Substitute House Bill No. 1389

(peer-to-peer vehicle sharing). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(14) \$24,000 of the insurance commissioner's regulatory account—state appropriation is provided solely to implement House Bill No. 1651 (postpartum contraception). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(15)(a) \$100,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for the commissioner to coordinate with the utilities and transportation commission to jointly study the issue of utility liability insurance and report findings to the governor and the appropriate committees of the legislature by June 1, 2023.

(b) The study shall:

(i) Review the availability and cost of liability insurance for electric utilities;

(ii) Identify obstacles to electric utility access to liability insurance, including market conditions as well as legal and regulatory requirements;

(iii) Evaluate financial risk to electric utilities, ratepayers, property owners, and others that exists as a result of the increased cost of insurance or in the event electric utilities are underinsured as a result of a lack of access to coverage; and

(iv) Make policy recommendations to improve access to liability insurance coverage for electric utilities.

(16) \$10,000 of the insurance commissioner's regulatory account—state appropriation is provided solely to implement Substitute Senate Bill No. 5546 (insulin affordability). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(17) \$10,000 of the insurance commissioner's regulatory account—state appropriation is provided solely to implement Senate Bill No. 5508 (insurance guaranty fund). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(18) \$7,000 of the insurance commissioner's regulatory account—state appropriation is provided solely to implement Substitute Senate Bill No. 5589 (primary care spending). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(19) \$43,000 of the insurance commissioner's regulatory account—state appropriation is provided solely to implement Substitute Senate Bill No. 5610 (Rx drug cost sharing). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(20) \$31,000 of the insurance commissioner's regulatory account—state appropriation is provided solely to implement Second Substitute Senate Bill No. 5532 (Rx drug affordability board). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(21) \$14,000 of the insurance commissioner's regulatory account—state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 5702 (donor human milk coverage). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

**Sec. 140.** 2021 c 334 s 141 (uncodified) is amended to read as follows:

**FOR THE STATE INVESTMENT BOARD**

State Investment Board Expense Account—State

Appropriation. . . . .(((\$65,134,000))



	<u>\$69,784,000</u>
TOTAL APPROPRIATION . . . . .	(( <del>\$65,134,000</del> ))
	<u>\$69,784,000</u>

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

(1) \$4,464,000 of the state investment board expense account—state appropriation is provided solely for investment data software, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(2) During the 2021-2023 fiscal biennium, the Washington state investment board shall provide the law enforcement officers' and firefighters' plan 2 retirement board use of the investment board main conference room. The law enforcement officers' and firefighters' plan 2 retirement board must be allowed to use the board room for at least five hours on one day per month during regular business hours. Any additional direct costs incurred by the investment board due solely to the use of the conference room by the retirement board may be reimbursed by the law enforcement officers' and firefighters' plan 2 retirement board, consistent with any investment board policies on reimbursement for this facility applied to other major clients and investment partners.

\*Sec. 141. 2021 c 334 s 142 (uncodified) is amended to read as follows:

**FOR THE LIQUOR AND CANNABIS BOARD**

General Fund—State Appropriation (FY 2022) . . . . .	(( <del>\$388,000</del> ))
	<u>\$407,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	(( <del>\$417,000</del> ))
	<u>\$1,612,000</u>
General Fund—Federal Appropriation . . . . .	(( <del>\$3,013,000</del> ))
	<u>\$3,083,000</u>
General Fund—Private/Local Appropriation . . . . .	\$75,000
Dedicated Marijuana Account—State Appropriation (FY 2022). . . . .	(( <del>\$11,575,000</del> ))
	<u>\$11,846,000</u>
Dedicated Marijuana Account—State Appropriation (FY 2023). . . . .	(( <del>\$11,608,000</del> ))
	<u>\$12,500,000</u>
Liquor Revolving Account—State Appropriation . . . . .	(( <del>\$82,347,000</del> ))
	<u>\$100,265,000</u>
TOTAL APPROPRIATION . . . . .	(( <del>\$109,423,000</del> ))
	<u>\$129,788,000</u>

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

(1) The liquor and cannabis board may require electronic payment of the ((~~marijuana~~) cannabis) excise tax levied by RCW 69.50.535. The liquor and cannabis board may allow a waiver to the electronic payment requirement for good cause as provided by rule.

(2) Of the liquor revolving account—state appropriation, ((~~\$4,939,000 for fiscal year 2022 and \$2,065,000 for fiscal year 2023 are~~)) \$20,754,000 is provided solely for the modernization of regulatory systems and are subject to the conditions, limitations, and review requirements of section 701 of this act.

(3) \$1,441,000 of the liquor revolving account—state appropriation is provided solely for the implementation of chapter 48, Laws of 2021 (E2SHB 1480) (liquor licensee privileges).

(4) \$58,000 of the liquor revolving account—state appropriation is provided solely for the implementation of chapter 6, Laws of 2021 (ESSB 5272) (liquor & cannabis board fees).

(5) \$38,000 of the dedicated marijuana account—state appropriation for fiscal year 2022 is provided solely to implement Engrossed Substitute House Bill No. 1443 (cannabis industry/equity). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this section shall lapse.))~~

(6) \$316,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementing House Bill No. 1859 (cannabis analysis labs). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(7) \$20,000 of the dedicated marijuana account—state appropriation for fiscal year 2023 is provided solely for implementing Second Substitute House Bill No. 1210 (cannabis terminology). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(8) The appropriations in this section include sufficient funding for implementation of Third Substitute House Bill No. 1359 (liquor license fees).

(9) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the board, in consultation with the office of equity and community organizations, to select a third-party contractor to prioritize applicants in the cannabis social equity program under RCW 69.50.335.

*(10) \$11,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5004 (medical marijuana tax exemption). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.*

*(11) \$324,000 of the general fund—state appropriation for fiscal year 2023 and \$1,331,000 of the liquor revolving account—state appropriation are provided solely for implementing Substitute Senate Bill No. 5983 (cannabinoid regulation). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.*

(12) \$27,000 of the liquor revolving account—state appropriation is provided solely for implementation of Senate Bill No. 5940 (liquor licenses). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(13) \$123,000 of the dedicated marijuana account—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5796 (dedicated cannabis distributions).

*\*Sec. 141 was partially vetoed. See message at end of chapter.*

**Sec. 142.** 2021 c 334 s 143 (uncodified) is amended to read as follows:

<b>FOR THE UTILITIES AND TRANSPORTATION COMMISSION</b>	
General Fund—State Appropriation (FY 2022) . . . . .	<del>(\$251,000)</del>
	\$515,000
General Fund—State Appropriation (FY 2023) . . . . .	<del>(\$199,000)</del>
	\$1,502,000
General Fund—Private/Local Appropriation . . . . .	<del>(\$16,591,000)</del>
	\$8,564,000

Public Service Revolving Account—State Appropriation . . . . .	(\$42,430,000)
	<u>\$44,196,000</u>
Public Service Revolving Account—Federal Appropriation . . . . .	\$100,000
Pipeline Safety Account—State Appropriation . . . . .	(\$3,435,000)
	<u>\$3,593,000</u>
Pipeline Safety Account—Federal Appropriation . . . . .	(\$3,140,000)
	<u>\$3,241,000</u>
TOTAL APPROPRIATION . . . . .	(\$66,146,000)
	<u>\$61,711,000</u>

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

(1) Up to \$800,000 of the public service revolving account—state appropriation in this section is for the utilities and transportation commission to supplement funds committed by a telecommunications company to expand rural broadband service on behalf of an eligible governmental entity. The amount in this subsection represents payments collected by the utilities and transportation commission pursuant to the Qwest performance assurance plan.

(2) \$137,000 of the public service revolving account—state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5126 (climate commitment act). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(3) \$179,000 of the public service revolving account—state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5295 (gas & electric rates). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(4)(a) \$251,000 of the general fund—state appropriation for fiscal year 2022 and \$199,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to examine feasible and practical pathways for investor-owned electric and natural gas utilities to contribute their share to greenhouse gas emissions reductions as described in RCW 70A.45.020, and the impacts of energy decarbonization on residential and commercial customers and the electrical and natural gas utilities that serve them.

(b) The examination required in (a) of this subsection must identify and consider:

- (i) How natural gas utilities can decarbonize;
- (ii) The impacts of increased electrification on the ability of electric utilities to deliver services to current natural gas customers reliably and affordably;
- (iii) The ability of electric utilities to procure and deliver electric power to reliably meet that load;
- (iv) The impact on regional electric system resource adequacy, and the transmission and distribution infrastructure requirements for such a transition;
- (v) The costs and benefits to residential and commercial customers, including environmental, health, and economic benefits;
- (vi) Equity considerations and impacts to low-income customers and highly impacted communities; and

(vii) Potential regulatory policy changes to facilitate decarbonization of the services that gas companies provide while ensuring customer rates are fair, just, reasonable, and sufficient.

(c) The commission may require data and analysis from investor-owned natural gas and electric utilities, and consumer owned utilities may submit data to the commission to inform the investigation. The results of the examination must be reported to the appropriate legislative committees by June 1, 2023.

(5) ~~\$76,000 of the public service revolving account—state appropriation is provided solely to implement Engrossed Third Substitute House Bill No. 1091 (transportation fuel/carbon). ((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(6) ~~\$36,000 of the public service revolving account—state appropriation is provided solely for the implementation of Substitute House Bill No. 1114 (urban heat island mitigation). ((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(7) \$667,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1723 (digital equity act). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(8) \$50,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the commission to coordinate with the office of the insurance commissioner to study the issue of utility liability insurance and report its findings to the governor and the appropriate committees of the legislature by June 1, 2023.

(9) \$68,000 of the public service revolving account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5974 (transportation resources). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(10) \$92,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute Senate Bill No. 5678 (energy project orders). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(11) \$358,000 of the general fund—state appropriation for fiscal year 2023 and \$56,000 of the pipeline safety account—state appropriation are provided solely for implementation of Substitute Senate Bill No. 5910 (hydrogen). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

**Sec. 143.** 2021 c 334 s 144 (uncodified) is amended to read as follows:

**FOR THE MILITARY DEPARTMENT**

General Fund—State Appropriation (FY 2022) . . . . .	<del>(\$10,500,000)</del>
	<u>\$10,422,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	<del>(\$9,502,000)</del>
	<u>\$13,291,000</u>
General Fund—Federal Appropriation . . . . .	<del>(\$120,157,000)</del>
	<u>\$132,559,000</u>
Enhanced 911 Account—State Appropriation . . . . .	<del>(\$53,834,000)</del>
	<u>\$54,034,000</u>
Disaster Response Account—State Appropriation . . . . .	<del>(\$42,370,000)</del>
	<u>\$75,553,000</u>

Disaster Response Account—Federal Appropriation . . . . .	(\$920,106,000)
	<u>\$1,068,847,000</u>
Military Department Rent and Lease Account—State Appropriation . . . . .	(\$994,000)
	<u>\$1,000,000</u>
Military Department Active State Service Account— State Appropriation . . . . .	\$400,000
Oil Spill Prevention Account—State Appropriation . . . . .	\$1,040,000
Worker and Community Right to Know Fund—State Appropriation . . . . .	(\$1,832,000)
	<u>\$1,919,000</u>
TOTAL APPROPRIATION . . . . .	(\$1,160,735,000)
	<u>\$1,359,065,000</u>

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

(1) The military department shall submit a report to the office of financial management and the legislative fiscal committees by February 1st and October 31st of each year detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2021-2023 biennium based on current revenue and expenditure patterns.

(2) \$40,000,000 of the general fund—federal appropriation is provided solely for homeland security, subject to the following conditions: Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee.

(3) \$11,000,000 of the enhanced 911 account—state appropriation is provided solely for financial assistance to counties.

(4) \$784,000 of the disaster response account—state appropriation is provided solely for fire suppression training, equipment, and supporting costs to national guard soldiers and airmen.

(5) \$200,000 of the military department rental and lease account—state appropriation is provided solely for maintenance staff.

(6) ~~(\$1,000,000)~~ \$300,000 of the general fund—state appropriation for fiscal year 2022 ~~(is)~~ and \$700,000 of the disaster response account—state appropriation are provided solely for grants to assist eligible individuals and families with the purchase of household appliances, home repair, and home replacement including construction, building materials, site preparation, and permitting fees. The maximum grant to an eligible individual or household is \$2,500. Grants will be awarded on a first-come, first-serve basis subject to availability of amounts provided in this subsection. For purposes of this subsection, "household appliance" means a machine that assists with household functions such as cooking, cleaning and food preservation. To be eligible, an individual or family must:

- (a) Be a resident of Douglas, Okanogan, Pierce, or Whitman county;
- (b) Have suffered damage to their home or was displaced from a rental unit used as their primary residence due to a wildfire occurring in fiscal year 2021;

(c) Not have or have inadequate private insurance to cover the cost of household appliance replacement;

(d) Not qualify for individual assistance through the federal emergency management agency; and

(e) Meet one of the following criteria:

(i) Is disabled;

(ii) Has a household income equal to or less than 80 percent of county median household income;

(iii) The home qualified for the property tax exemption program in RCW 84.36.379 through 84.36.389; or

(iv) The home qualified for the property tax deferral program in chapter 84.38 RCW.

(7) \$2,136,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to administer the emergency management performance grants according to federal laws and guidelines.

(8) \$3,808,000 of the disaster response account—state appropriation and \$46,039,000 of the disaster response account—federal appropriation are provided solely for agency costs for acquiring personal protective equipment as listed in LEAP omnibus document 2021-FEMA PPE, dated April 24, 2021. The department must coordinate with the agencies who have costs listed in LEAP omnibus document 2021-FEMA PPE, dated April 24, 2021, to ensure application to the federal emergency management agency for reimbursement.

(9)(a) \$251,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$250,000)~~) \$775,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the military department to facilitate a task force to conduct a comprehensive after-action review of the statewide pandemic response and recovery.

(b) The task force is composed of the following members:

(i) One member from each of the two largest caucuses of the senate, appointed by the president of the senate;

(ii) One member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;

(iii) The secretary of the department of health, or the secretary's designee;

(iv) The adjutant general of the military department, or the adjutant general's designee;

(v) The commissioner of the employment security department, or the commissioner's designee;

(vi) The director of the department of financial institutions, or the director's designee;

(vii) The insurance commissioner, or the commissioner's designee;

(viii) The secretary of the department of social and health services, or the secretary's designee;

(ix) The superintendent of public instruction, or the superintendent's designee;

(x) The director of the department of labor and industries, or the director's designee;

(xi) The director of the department of commerce, or the director's designee;

(xii) The director of the department of enterprise services, or the director's designee;

(xiii) The secretary of the department of transportation, or the secretary's designee;

(xiv) The director of the department of licensing, or the director's designee;

(xv) The director of the office of financial management, or the director's designee;

(xvi) The director of the health care authority, or the director's designee;

(xvii) The executive director of the pharmacy quality assurance commission, or the executive director's designee;

(xviii) One member representing the Washington association of sheriffs and police chiefs;

(xix) One member representing the association of Washington businesses; and

(xx) Additional members to be appointed by the governor, as follows:

(A) One member representing the office of the governor;

(B) One member representing the association of Washington cities;

(C) One member representing the Washington state association of counties;

(D) One member representing emergency and transitional housing providers;

(E) One member representing a statewide association representing physicians;

(F) One member representing a statewide association representing nurses;

(G) One member representing a statewide association representing hospitals;

(H) One member representing community health centers;

(I) Two members representing local public health officials;

(J) Two members representing local emergency management agencies, one member located west of the crest of the Cascade mountains and one member located east of the crest of the Cascade mountains;

(K) At least one member representing federally recognized tribes;

(L) Up to 10 members representing demographic groups that have been disproportionately impacted by the COVID-19 pandemic, that include, but are not limited to, individuals of different race, class, gender, ethnicity, and immigration status;

(M) One member representing leisure and hospitality industries;

(N) One member representing education services; and

(O) One member representing manufacturing and trade industries.

(c) The adjutant general, or the adjutant general's designee, and the secretary of the department of health, or the secretary's designee, shall cochair the task force and convene its initial meeting.

(d)(i) The task force shall conduct the comprehensive after-action review of the COVID-19 pandemic response in accordance with established national standards for emergency or disaster after-action reviews. In order to improve the response to and recovery from future pandemics, the task force shall develop lessons learned and make recommendations that include, but are not limited to, the following:

(A) Aspects of the COVID-19 response that may inform future pandemic and all-hazards responses;

(B) Emergency responses that would benefit the business community and workers during a pandemic;

(C) Standards regarding flexible rent and repayment plans for residential and commercial tenants during a pandemic;

(D) Whether establishing regional emergency management agencies would benefit Washington state emergency response to future pandemics;

(E) Gaps and needs for volunteers to support medical professionals in performing their pandemic emergency response functions within Washington state;

(F) Gaps and needs for tools to measure the scale of an impact caused by a pandemic and tailoring the pandemic response to affected regions based on the scale of the impact in those regions;

(G) Gaps and needs in health care system capacity and case tracking, monitoring, control, isolation and quarantine, and deploying medical supplies and personnel; and

(H) Implementing guidelines for school closures during a pandemic.

(ii) The topics identified in (i) of this subsection (~~((7))~~) (9)(d) are intended to be illustrative but not exhaustive. The task force should consider issues relating to equity, disparities, and discrimination in each topic it studies and for which it makes recommendations.

(e) The military department must provide staff support for the task force. The military department may employ staff and contracted support to fulfill the requirements of this subsection.

(f) The task force shall consult with owners of small businesses, epidemiologists, and representatives of immigrant communities.

(g) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members shall be reimbursed for travel expenses in accordance with chapter 43.03 RCW.

(h) The task force shall report its initial findings and recommendations to the governor and the appropriate committees of the legislature by June 30, 2022. The task force shall report its final findings and recommendations to the governor and the appropriate committees of the legislature by June 30, 2023.

(10)(a) Within amounts appropriated in this act, the department must coordinate with the department of commerce in the administration of the grant program created in section 129(88) of this act.

(b) If the federal emergency management agency provides reimbursement for any portion of the costs incurred by a city or county that were paid for using state grant funding provided under section 129(88) of this act, the military department shall remit the reimbursed funds to the state general fund.

(c) The department must provide technical assistance for the public assistance program application process to applicants to the grant program created in section 129(88) of this act.

(11) \$438,000 of the disaster response account—state appropriation is provided solely for a dedicated access and functional needs program manager, access and functional need services, and a dedicated tribal liaison to assist with disaster preparedness and response.

(12) \$275,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to provide a grant to the Ruckelshaus center to compare traditional decision making systems with other decision making structures and provide recommendations for future emergency responses.



(13) \$300,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract for the development of a plan for a state-level disaster individual assistance program. The program should be modeled after successful programs in other states and be linked to complimentary programs at agencies such as the departments of commerce and social and health services, and the office of the governor. The fully developed program will detail the establishment, operations, and maintenance of a state-level disaster individual assistance program. A report detailing findings and recommendations for creating the program shall be delivered to the appropriate legislative committees by June 30, 2023.

(14) \$15,000 of the enhanced 911 account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 5555 (safety telecommunicators). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(15) \$7,500,000 of the disaster response account—state appropriation is provided solely for the department to make grants for individual assistance to those impacted by extreme weather events and natural disasters in fiscal year 2022 and fiscal year 2023.

(16) \$4,853,000 of the disaster response account—state appropriation is provided solely for the department to use as matching funds for the federal emergency management agency building resilient infrastructure and communities (BRIC) grant program.

**Sec. 144.** 2021 c 334 s 145 (uncodified) is amended to read as follows:

<b>FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION</b>	
General Fund—State Appropriation (FY 2022) . . . . .	(((\$2,401,000))
	<u>\$2,402,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	(((\$2,371,000))
	<u>\$2,451,000</u>
Personnel Service Account—State Appropriation . . . . .	(((\$4,382,000))
	<u>\$4,455,000</u>
Higher Education Personnel Services Account—State Appropriation. . . . .	(((\$1,407,000))
	<u>\$1,428,000</u>
TOTAL APPROPRIATION . . . . .	(((\$10,561,000))
	<u>\$10,736,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$52,000 of the general fund—state appropriation for fiscal year 2022 and \$5,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Substitute Senate Bill No. 5055 (law enforcement grievances). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

**Sec. 145.** 2021 c 334 s 146 (uncodified) is amended to read as follows:

<b>FOR THE BOARD OF ACCOUNTANCY</b>	
Certified Public Accountants' Account—State Appropriation. . . . .	(((\$4,438,000))
	<u>\$4,497,000</u>
TOTAL APPROPRIATION . . . . .	(((\$4,438,000))
	<u>\$4,497,000</u>

Sec. 146. 2021 c 334 s 147 (uncodified) is amended to read as follows:

**FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS**

Volunteer Firefighters' and Reserve Officers'

Administrative Account—State Appropriation . . . . .	<del>(\$4,960,000)</del>
	<u>\$4,978,000</u>
TOTAL APPROPRIATION . . . . .	<del>(\$4,960,000)</del>
	<u>\$4,978,000</u>

The appropriation in this section is subject to the following conditions and limitations: \$3,930,000 of the volunteer firefighters' and reserve officers' administrative account—state appropriation is provided solely for a benefits management system, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

Sec. 147. 2021 c 334 s 148 (uncodified) is amended to read as follows:

**FOR THE FORENSIC INVESTIGATION COUNCIL**

Death Investigations Account—State Appropriation . . . . .	<del>(\$753,000)</del>
	<u>\$754,000</u>
TOTAL APPROPRIATION . . . . .	<del>(\$753,000)</del>
	<u>\$754,000</u>

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

(1)(a) \$250,000 of the death investigations account—state appropriation is provided solely for providing financial assistance to local jurisdictions in multiple death investigations. The forensic investigation council shall develop criteria for awarding these funds for multiple death investigations involving an unanticipated, extraordinary, and catastrophic event or those involving multiple jurisdictions.

(b) Of the amounts provided in this subsection, \$30,000 of the death investigations account—state appropriation is provided solely for the Adams county crime lab to investigate a double homicide that occurred in fiscal year 2021.

(2) \$210,000 of the death investigations account—state appropriation is provided solely for providing financial assistance to local jurisdictions in identifying human remains.

(3) Within the amount appropriated in this section, the forensic investigation council may enter into an interagency agreement with the department of enterprise services for the department to provide services related to public records requests, to include responding to, or assisting the council in responding to, public disclosure requests received by the council.

Sec. 148. 2021 c 334 s 149 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

General Fund—State Appropriation (FY 2022) . . . . .	<del>(\$5,976,000)</del>
	<u>\$7,016,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	<del>(\$5,833,000)</del>
	<u>\$12,516,000</u>
General Fund—Private/Local Appropriation . . . . .	\$102,000
Building Code Council Account—State Appropriation . . . . .	<del>(\$1,825,000)</del>
	<u>\$2,277,000</u>

TOTAL APPROPRIATION . . . . .	(\$13,736,000)
	<u>\$21,911,000</u>

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

(1) (~~(\$5,208,000)~~) \$6,151,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$5,269,000)~~) \$6,127,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the payment of facilities and services charges to include campus rent, (~~(utilities,)~~) parking, security, (~~and~~) contracts, public and historic facilities charges, and capital projects surcharges allocable to the senate, house of representatives, statute law committee, legislative support services, and joint legislative systems committee. The department shall allocate charges attributable to these agencies among the affected revolving funds. The department shall maintain an interagency agreement with these agencies to establish performance standards, prioritization of preservation and capital improvement projects, and quality assurance provisions for the delivery of services under this subsection. The legislative agencies named in this subsection shall continue to enjoy all of the same rights of occupancy and space use on the capitol campus as historically established.

(2) Before any agency may purchase a passenger motor vehicle as defined in RCW 43.19.560, the agency must have written approval from the director of the department of enterprise services. Agencies that are exempted from the requirement are the Washington state patrol, Washington state department of transportation, and the department of natural resources.

(3) From the fee charged to master contract vendors, the department shall transfer to the office of minority and women's business enterprises in equal monthly installments \$1,500,000 in fiscal year 2022 and \$1,300,000 in fiscal year 2023.

(4) Within existing resources, beginning October 31, 2021, the department, in collaboration with consolidated technology services, must provide a report to the governor and fiscal committees of the legislative by October 31 of each calendar year that reflects information technology contract information based on a contract snapshot from June 30 of that same calendar year, and must also include any contract that was active since July 1 of the previous calendar year. The department will coordinate to receive contract information for all contracts to include those where the department has delegated authority so that the report includes statewide contract information. The report must contain a list of all information technology contracts to include the agency name, contract number, vendor name, contract term start and end dates, contract dollar amount in total, and contract dollar amounts by state fiscal year. The report must also include, by contract, the contract spending projections by state fiscal year for each ensuing state fiscal year through the contract term, and note the type of service delivered. The list of contracts must be provided electronically in Excel and be sortable by all field requirements. The report must also include trend analytics on information technology contracts, and recommendations for reducing costs where possible.

(5) \$162,000 of the general fund—state appropriation in fiscal year 2022 and \$162,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to waive rent fees and charges through June

30, 2023, for vendors who are blind business enterprise program licensees by the department of services for the blind and who lease space and operate food service businesses, inclusive of delis, cafeterias, and espresso stands, in state government buildings.

(6) Within existing resources, the state building code council, in collaboration with the LGBTQ commission, must develop a plan to incorporate into future Washington state building codes options for the design and construction of inclusive bathroom facilities that are consistent with a person's own gender expression or gender identity. Coordination must begin by September 1, 2021, and a preliminary report of the plan is due by September 1, 2022.

(7)(a) The department must work with the office of financial management to identify leases that will be up for renewal effective July 1, 2022, through June 30, 2024.

(b) The department must collaborate with the office of financial management on reduction in leased office space by agency for fiscal years 2024 and 2025.

(8)(a) The department must work collaboratively with at least each state agency that has fleet vehicles to discuss the agency need for the number of fleet vehicles each agency has as of July 1, 2021. The department must identify and report, at least:

(i) The count of fleet vehicles by agency by type, and the cost by fund source by fiscal year for fiscal year 2019, 2020, 2021, 2022, and 2023 for agency fleet vehicles;

(ii) The mileage data by agency by fleet vehicle for fiscal year 2019, 2020, and 2021, and the estimates for fiscal year 2022 and 2023; and

(iii) The business justification for the amount of fleet vehicles in fiscal year 2022 and 2023, by agency, given the change in business practice from in-person to remote work and video conferencing that began in 2020.

(b) The department must submit the report to fiscal and appropriate policy committees of the legislature by December 1, 2021.

(9)(a) The department must examine the motor pool fleet to determine the need for the number of vehicles. The department must identify, at least:

(i) The count of motor pool vehicles by type;

(ii) The cost recovery needed by fiscal year for fiscal year 2021, 2022, and 2023. This must include the anticipated recovery by fund source by fiscal year for fiscal year 2021, 2022, and 2023;

(iii) The mileage data by motor pool vehicle for fiscal year 2019, 2020, and 2021, and the estimates for 2022 and 2023; and

(iv) The business justification for the amount of motor vehicles in fiscal year 2022 and 2023, given the change in business practice from in-person to remote work and video conferencing.

(b) The department must report to fiscal and appropriate policy committees of the legislature by December 1, 2021.

(10) \$69,000 of the building code council account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1184 (risk-based water quality standards). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(11)(a) \$654,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department, in collaboration with the state efficiency and environmental performance program, to:

(i) Prepare a zero emission vehicle implementation strategy, to include standard metrics and reporting requirements, for the department's managed vehicles, as outlined in executive order 21-04, to include at least passenger vehicles and maintenance vehicles;

(ii) Prepare a zero emission vehicle implementation strategy in collaboration with state agencies, to include standard metrics and reporting requirements, for state-owned agency fleet vehicles, as outlined in executive order 21-04, to include at least passenger vehicles and maintenance vehicles;

(iii) Collect and report on what vehicles from (a)(i) and (ii) of this subsection are covered under executive order 21-04 as EV ready, and at what interval by fiscal year and at what cost by vehicle make and model;

(iv) Identify current barriers to EV replacement strategies and outline strategies to overcome these barriers for (a)(i) and (ii) of this subsection and report on these discretely;

(v) Identify optimal charging hub locations by fiscal year for (a)(i) and (ii) of this subsection and the estimated costs to do so by fiscal year;

(vi) Prepare a comprehensive fleet transition schedule for (a)(i) and (ii) of this subsection;

(vii) Create implementation plan templates for use by state agencies; and

(viii) Estimate fiscal impacts of EV costs by vehicle type compared to the base funding that was used to purchase or lease the vehicles being replaced for (a)(i) and (ii) of this subsection.

(b) The department must submit a preliminary report responsive to (a)(i) through (viii) of this subsection by April 30, 2023, to the fiscal committees of the legislature, and a final report by June 30, 2023.

(12) \$2,952,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for zero emission electric vehicle supply equipment infrastructure at state-owned facilities to accommodate charging station installation. 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 at least where zero emission fleet vehicles are scheduled to be purchased in fiscal year 2023. The department must report when and where the equipment was installed, usage data at each charging station, and the state agencies and state facilities that benefit from the installation of the charging station to the fiscal committees of the legislature by June 30, 2023, for those installed in fiscal year 2023, and each fiscal year thereafter if further funding is provided. The department shall collaborate with the interagency electric vehicle coordinating council established in Engrossed Substitute Senate Bill No. 5974 (transportation resources) to implement this subsection and must work to meet benchmarks established in Engrossed Substitute Senate Bill No. 5974 (transportation resources).

**Sec. 149. 2021 c 334 s 150 (uncodified) is amended to read as follows:  
FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC  
PRESERVATION**

General Fund—State Appropriation (FY 2022) . . . . .	(\$2,736,000)
	\$2,721,000
General Fund—State Appropriation (FY 2023) . . . . .	(\$2,779,000)
	\$3,721,000
General Fund—Federal Appropriation . . . . .	(\$2,948,000)
	\$3,325,000
General Fund—Private/Local Appropriation . . . . .	\$14,000
TOTAL APPROPRIATION . . . . .	(\$8,477,000)
	\$9,781,000

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

(1) \$103,000 of the general fund—state appropriation for fiscal year 2022 and \$103,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for archaeological determinations and excavations of inadvertently discovered skeletal human remains, and removal and reinterment of such remains when necessary.

(2) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$550,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington main street program, including \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 provided solely for a pilot project grant program for affiliate main street programs. From the amount provided in this subsection, the department may provide grants of up to \$40,000 to the affiliate main street programs for staffing costs, capacity building, and other costs associated with establishing a local nonprofit organization focused solely on downtown revitalization. The department must prioritize affiliate main street programs in locations with a population under 20,000.

(3) \$92,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department of archeology and historic preservation to conduct a comprehensive study, jointly with the department of licensing, to review the definition of a cemetery, examine current protections and oversight authority, and provide recommendations for future protections and oversight authority of cemeteries in Washington state. The department may solicit input for the analysis from representatives of interested parties to include, but not be limited to, cities, counties, tribes, and law enforcement. The departments shall submit the study to the legislature by December 31, 2022.

(4) \$150,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to develop a trial mapping project that will result in information that state and local planners may use to make land use and transportation decisions through an equity lens. The department may use funding provided in this subsection to:

(a) Engage with marginalized communities and other relevant stakeholders to prioritize locations included in the trial mapping project;

(b) Create and publish documentation of historic places and buildings included in current cultural resources practice framework; and

(c) Make available geographic information system data that is compatible across state and local government mapping platforms.

(5) \$2,000 of the general fund—state appropriation for fiscal year 2022 and \$48,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to collaborate with Black and African American communities across the state to record important historic properties. The department may use funding provided in this subsection to:

(a) Use maps and engage stakeholders in the Black and African American communities to locate geographic areas where Black and African Americans lived and worked before the year 1970;

(b) Engage with Black and African American communities and stakeholders to identify places that are of historic significance;

(c) Add documentation to the department's state database of historic properties; and

(d) Create outreach products to inform and educate the public on the historic properties.

(6) \$98,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute House Bill No. 1753 (climate funding/tribes). If the bill is not enacted by June 30, 2022, the amount in this subsection shall lapse.

(7) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a nonprofit dedicated to providing an online statewide historical encyclopedia to produce and share materials that explore the history of waterfront park and Seattle's central waterfront.

\*Sec. 150. 2021 c 334 s 151 (uncodified) is amended to read as follows:

**FOR THE CONSOLIDATED TECHNOLOGY SERVICES AGENCY**

General Fund—State Appropriation (FY 2022) . . . . .	\$581,000
General Fund—State Appropriation (FY 2023) . . . . .	<del>(\$531,000)</del>
	<u>\$631,000</u>

Consolidated Technology Services Revolving Account—	
State Appropriation . . . . .	<del>(\$53,030,000)</del>
	<u>\$60,113,000</u>

TOTAL APPROPRIATION . . . . .	<del>(\$54,142,000)</del>
	<u>\$61,325,000</u>

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

(1) ~~(\$11,623,000)~~ \$11,598,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of the chief information officer. Of this amount:

(a) \$2,000,000 of the consolidated technology services revolving account—state appropriation is provided solely for experienced information technology project managers to provide critical support to agency IT projects that are under oversight from the office of the chief information officer. The staff or vendors will:

(i) Provide master level project management guidance to agency IT stakeholders;

(ii) Consider statewide best practices from the public and private sectors, independent review and analysis, vendor management, budget and timing quality assurance and other support of current or past IT projects in at least Washington state and share these with agency IT stakeholders and legislative

fiscal staff at least (~~(quarterly)~~) twice annually and post these to the statewide IT dashboard; and

(iii) Provide independent recommendations to legislative fiscal committees by December of each calendar year on oversight of IT projects to include opportunities for accountability and performance metrics.

(b) \$2,960,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of privacy and data protection.

(2) (~~(\$12,393,000)~~) \$12,168,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of cyber security.

(3) The consolidated technology services agency shall work with customer agencies using the Washington state electronic records vault (WASERV) to identify opportunities to:

(a) Reduce storage volumes and costs associated with vault records stored beyond the agencies' record retention schedules; and

(b) Assess a customized service charge as defined in chapter 304, Laws of 2017 for costs of using WASERV to prepare data compilations in response to public records requests.

(4)(a) In conjunction with the office of the chief information officer's prioritization of proposed information technology expenditures, agency budget requests for proposed information technology expenditures must include the following:

(i) The agency's priority ranking of each information technology request;

(ii) The estimated cost by fiscal year and by fund for the current biennium;

(iii) The estimated cost by fiscal year and by fund for the ensuing biennium;

(iv) The estimated total cost for the current and ensuing biennium;

(v) The total cost by fiscal year, by fund, and in total, of the information technology project since it began;

(vi) The estimated cost by fiscal year and by fund over all biennia through implementation and close out and into maintenance and operations;

(vii) The estimated cost by fiscal year and by fund for service level agreements once the project is implemented;

(viii) The estimated cost by fiscal year and by fund for agency staffing for maintenance and operations once the project is implemented; and

(ix) The expected fiscal year when the agency expects to complete the request.

(b) The office of the chief information officer and the office of financial management may request agencies to include additional information on proposed information technology expenditure requests.

(5) The consolidated technology services agency must not increase fees charged for existing services without prior approval by the office of financial management. The agency may develop fees to recover the actual cost of new infrastructure to support increased use of cloud technologies.

(6) Within existing resources, the agency must provide oversight of state procurement and contracting for information technology goods and services by the department of enterprise services.



(7) Within existing resources, the agency must host, administer, and support the state employee directory in an online format to provide public employee contact information.

***(8) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of projects identified in this report and all those projects undertaken by the coalition are planned for in a manner that ensures the efficient use of state resources, supports the adoption of a cohesive technology and data architecture, and maximizes federal financial participation. Beginning July 31, 2022, and by July 31st each year, the office of the chief information officer shall collect from the coalition information to produce summaries and budget detail sufficient to allow review, analysis, and documentation of all current and proposed expenditures for coalition information technology projects that are in progress or anticipated to start within this fiscal biennium. The office must also complete a services consultation with the coalition on any and all active coalition projects each August, effective August 1, 2022, regardless of whether any coalition agency will ask for new funding through the budget process, and include projects the coalition is working on with base funding or other funding arrangements. As a result of this consultation, the office of the chief information officer must add a prioritized recommendation of the projects reviewed and submit that to fiscal committees of the legislature each October 31st, effective October 31, 2022. The work of the coalition and any project identified as a coalition project is subject to the conditions, limitations, and review provided in section 701 of this act.***

(9) (~~(\$4,303,000)~~) \$4,330,000 of the consolidated technology services revolving account—state appropriation is provided solely for the creation and ongoing delivery of information technology services tailored to the needs of small agencies. The scope of services must include, at a minimum, full-service desktop support, service assistance, security, and consultation.

(10) \$23,150,000 of the consolidated technology services revolving account—state appropriation is provided solely for the procurement and distribution of Microsoft 365 licenses which must include advanced security features and cloud-based private branch exchange capabilities for state agencies. The office must report annually to fiscal committees of the legislature beginning December 31, 2021, and each December 31 thereafter, on the count and type of licenses distributed by consolidated technology services to each state agency. The report must also separately report on the count and type of Microsoft 365 licenses that state agencies have in addition to those that are distributed by consolidated technology services so that the total count, type of license, and cost is known for statewide Microsoft 365 licenses.

(11)(a) The statewide information technology dashboard elements must include, at a minimum, the:

- (i) Start date of the project;
- (ii) End date of the project, when the project will close out and implementation will commence;
- (iii) Term of the project in state fiscal years across all biennia to reflect the start of the project through the end of the project;
- (iv) Total project cost from start date through the end date of the project in total dollars, and a subtotal of near general fund outlook;
- (v) Near general fund outlook budget and actual spending in total dollars and by fiscal month for central service agencies that bill out project costs;
- (vi) Start date of maintenance and operations;
- (vii) Estimated annual state fiscal year cost of maintenance and operations after implementation and close out;
- (viii) Actual spending by state fiscal year and in total for state fiscal years that have closed;
- (ix) Date a feasibility study was completed; and
- (x) A list of funding received by fiscal year by enacted session law, and how much was received citing chapter law as a list of funding provided by fiscal year.

(b) The office of the chief information officer may recommend additional elements to include but must have agreement with legislative fiscal committees and the office of financial management prior to including additional elements.

(c) The agency must ensure timely posting of project data on the statewide information technology dashboard for at least each project funded in the budget and under oversight to include, at a minimum, posting on the dashboard:

- (i) The budget funded level by project for each project under oversight within 30 calendar days of the budget being signed into law;
- (ii) The project historical expenditures through fiscal year 2021, by December 31, 2021, for all projects that started prior to July 1, 2021;
- (iii) The project historical expenditures through fiscal year 2022, by December 31, 2022, for all projects that started prior to July 1, 2022; and
- (iv) Whether each project has completed a feasibility study.

(12) Within existing resources, consolidated technology services must collaborate with the department of enterprise services on the annual contract report that provides information technology contract information. Consolidated technology services will:

(a) Provide ~~((App))~~ data to the department of enterprise services annually beginning September 1, 2021, and each September 1 of each year; and

(b) Provide analysis on contract information for all agencies comparing spending across state fiscal years by, at least, the contract spending towers.

~~(13) (\$129,000 of the consolidated technology services revolving account—state appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5062 (data). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(14))~~ \$12,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the office of the chief information officer who must convene a work group to examine how automated decision making systems can best be reviewed before adoption and while in operation and be periodically

audited to ensure that such systems are fair, transparent, accountable and do not improperly advantage or disadvantage Washington residents.

(a) The work group must be composed of:

(i) A representative of the department of children, youth, and families;

(ii) A representative of the department of corrections;

(iii) A representative of the department of social and health services;

(iv) A representative of the department of enterprise services;

(v) At least two representatives from universities or research institutions who are experts in the design and effect of an algorithmic system; and

(vi) At least five representatives from advocacy organizations that represent communities that are disproportionately vulnerable to being harmed by algorithmic bias, including but not limited to, African American, Hispanic American, Native American, and Asian American communities, religious minorities, people with disabilities, and other vulnerable communities.

(b) The purpose of the work group is to develop recommendations for changes in state law and policy regarding the development, procurement, and use of automated decision systems by public agencies. The work group must examine:

(i) When state agency use of automated decision making systems should be prohibited;

(ii) When state agency use of artificial intelligence-enabled profiling systems should be prohibited;

(iii) Changes in the procurement of automated decision systems, including when the procurement must receive prior approval by the office of chief information officer;

(iv) How to review, identify, and audit systems to ensure that the system prior to procurement and after placed into service does not discriminate against an individual, or treat an individual less favorably than another, in whole or in part, on the basis of one or more factors enumerated in RCW 49.60.010;

(v) How to provide public notice when an automated decision system is in use and how to appeal such decisions;

(vi) How automated decision system data should be stored and whether such data should be shared outside the system; and

(vii) Other issues determined by the office of chief information officer or the department of enterprise services that are necessary to govern state agency procurement and use of automated decision systems.

(c) To demonstrate the impacts of its recommendations, the work group must select one of following automated decision making systems and describe how their implementation would affect the procurement of a new system and the use the existing system:

(i) The department of children, youth, and families system used to determine risk in the family child welfare system;

(ii) The department of corrections system used to determine risk for purposes of evaluating early release and/or sentencing; or

(iii) The department of social and health services system used for hospital admissions.

(d) The work group shall meet at least four times, or more frequently to accomplish its work. The office of the chief information officer must lead the

work group. Each of the state agencies identified in (a) of this subsection must provide staff support to the work group and its activities.

(e) The work group must submit a report to the fiscal committees of the legislature and the governor no later than December 1, 2021.

(f) For purposes of this subsection, "automated decision system" or "system" means any algorithm, including one incorporating machine learning or other artificial intelligence techniques, that uses data-based analysis or calculations to make or support government decisions, judgments, or conclusions that cause a Washington resident to be treated differently than another Washington resident in the nature or amount of governmental interaction with that individual including, without limitation, benefits, protections, required payments, penalties, regulations, timing, application, or process requirements.

~~((+5)) (14)~~ \$81,000 of the consolidated technology services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1274 (cloud computing solutions). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~((+6)) (15)~~(a) \$381,000 of the general fund—state appropriation for fiscal year 2022 and \$343,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the chief information officer to provide a common platform for hosting existing state data on natural hazards risks into a comprehensive, multihazard, statewide, geospatial data portal to assist with state hazard risk and resilience mapping and analysis. In performing this work, the office of the chief information officer will:

(i) Coordinate with the state emergency management division, office of the insurance commissioner, University of Washington climate impacts group and Washington sea grant, Washington State University water research center, and the state departments of ecology, health, natural resources, and transportation on the project scope, user needs, and deliverables;

(ii) Organize data in standardized and compatible formats including temporal data, where able; and

(iii) Address credentialing for secure access to protect sensitive data needed for risk analyses.

(b) By December 1, 2022, in consultation with the governor's office and the other agencies listed above, the office of the chief information officer will provide a progress report to the relevant legislative committees on the development of the platform and data sharing agreements.

(c) By June 1, 2023, in consultation with the governor's office and the other agencies listed above, the office of the chief information officer will provide a final report with recommendations for further enhancing natural hazards resiliency by using data to inform the development of a statewide resilience strategy.

(d) This subsection is subject to the conditions, limitations, and review of section 701 of this act.

~~((+7)) (16)~~ \$1,493,000 of the consolidated technology services revolving account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5432 (cybersecurity/state gov.). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(17) \$4,333,000 of the consolidated technology services revolving account—state appropriation is provided solely for implementation of the enterprise cloud computing program as outlined in the December 2020 Washington state cloud readiness report. Funding provided includes, but is not limited to, cloud service broker resources, cloud center of excellence, cloud management tools, a network assessment, cybersecurity governance, and a cloud security roadmap.

(18) \$2,375,000 of the consolidated technology services revolving account—state appropriation is provided solely for the implementation of the recommendations of the cloud transition task force report to include:

(a) Establishing a cloud readiness program to help agencies plan and prepare for transitioning to cloud computing;

(b) Establishing the cloud retraining program to provide a coordinated approach to skills development and retraining; and

(c) Staffing to define career pathways and core competencies for the state's information technology workforce.

(19) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of the chief information officer, who must:

(a) Prepare with the cooperation of state agencies and make publicly available on its website, by January 1, 2023, an initial inventory of all automated decision systems that are currently being used by state agencies; and

(b) Adopt guidance, by June 30, 2022, for state agencies regarding minimum standards that should be used for automated decision systems the agency plans to develop or procure during the 2023 fiscal year.

*\*Sec. 150 was partially vetoed. See message at end of chapter.*

**Sec. 151.** 2021 c 334 s 152 (uncodified) is amended to read as follows:  
**FOR THE BOARD OF REGISTRATION OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

Professional Engineers' Account—State Appropriation . . . . .	(\$4,190,000)
	\$4,229,000
TOTAL APPROPRIATION . . . . .	(\$4,190,000)
	\$4,229,000

**NEW SECTION. Sec. 152.** A new section is added to 2021 c 334 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF FINANCIAL INSTITUTIONS**

Financial Services Regulation Nonappropriated

Account—State Appropriation . . . . .	\$140,000
TOTAL APPROPRIATION . . . . .	\$140,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation is provided solely for the department of financial institutions to conduct a survey of foreclosure trustees doing business in the state of Washington for owner-occupied residential real property between January 1, 2017, and December 31, 2019.

(1) The survey must include:

(a) The name and place of business of the trustee, its owner, and any affiliated firms or businesses that do business in Washington;

(b) The number of notices of trustee sale filed each year for each beneficiary;

(c) Templates without personally identifiable information of all notices sent to borrowers within the survey period; and

(d) Samples of service contracts between the trustee and each beneficiary.

(2) By January 1, 2023, the department of financial institutions shall submit a report to the legislature on the results of the survey and include a discussion of the regulation of foreclosure trustees in Washington's nonjudicial foreclosure system.

NEW SECTION. **Sec. 153.** A new section is added to 2021 c 334 (uncodified) to read as follows:

**FOR THE WASHINGTON STATE LEADERSHIP BOARD**

Washington State Leadership Board Account—State

Appropriation (FY 2023) . . . . .	\$637,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$637,000</b>

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

(1) \$187,000 of the Washington state leadership board account—state appropriation is provided solely for implementation of Senate Bill No. 5750 (WA state leadership board). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(2) \$450,000 of the Washington state leadership board account—state appropriation for fiscal year 2023 is provided solely for implementing programming in RCW 43.15.030, and specifically the Washington world fellows program, sports mentoring program/boundless Washington, compassion scholars, and the Washington state leadership awards. If Senate Bill No. 5750 (WA state leadership board) is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

**PART II  
HUMAN SERVICES**

**Sec. 201.** 2021 c 334 s 201 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

(1) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing

appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The legislature finds that medicaid payment rates, as calculated by the department pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(4) The department shall to the maximum extent practicable use the same system for delivery of spoken-language interpreter services for social services appointments as the one established for medical appointments in the health care authority. When contracting directly with an individual to deliver spoken language interpreter services, the department shall only contract with language access providers who are working at a location in the state and who are state-certified or state-authorized, except that when such a provider is not available, the department may use a language access provider who meets other certifications or standards deemed to meet state standards, including interpreters in other states.

(5) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the department of social and health services are subject to technical oversight by the office of the chief information officer.

(6)(a) The department shall facilitate enrollment under the medicaid expansion for clients applying for or receiving state funded services from the department and its contractors. Prior to open enrollment, the department shall coordinate with the health care authority to provide referrals to the Washington health benefit exchange for clients that will be ineligible for medicaid.

(b) To facilitate a single point of entry across public and medical assistance programs, and to maximize the use of federal funding, the health care authority, the department of social and health services, and the health benefit exchange will coordinate efforts to expand HealthPlanfinder access to public assistance and medical eligibility staff. The department shall complete medicaid applications in the HealthPlanfinder for households receiving or applying for public assistance benefits.

(7) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including

information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that projects are planned for in a manner that ensures the efficient use of state resources, support the adoption of a cohesive technology and data architecture, and maximize((s)) federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in section 701 of this act.

(8)(a) The appropriations to the department of social and health services in this act must be expended for the programs and in the amounts specified in this act. However, after May 1, 2022, unless prohibited by this act, the department may transfer general fund—state appropriations for fiscal year 2022 among programs and subprograms after approval by the director of the office of financial management. However, the department may not transfer state appropriations that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year 2022 in response to the COVID-19 pandemic or caseload forecasts and utilization assumptions in the long-term care, developmental disabilities, and public assistance programs, the department may transfer state appropriations that are provided solely for a specified purpose. The department may not transfer funds, 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. The director of the office of financial management shall notify the appropriate fiscal committees of the legislature in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(9) The department may not transfer appropriations for the developmental disabilities program to any other program or subprograms of the department of social and health services.

**Sec. 202.** 2021 c 334 s 202 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
MENTAL HEALTH PROGRAM**

**(1) INSTITUTIONAL SERVICES**

General Fund—State Appropriation (FY 2022) . . . . .	(( <del>\$435,890,000</del> ))
	\$395,156,000
General Fund—State Appropriation (FY 2023) . . . . .	(( <del>\$436,264,000</del> ))
	\$477,498,000
General Fund—Federal Appropriation . . . . .	(( <del>\$142,531,000</del> ))
	\$183,198,000
General Fund—Private/Local Appropriation . . . . .	(( <del>\$21,540,000</del> ))
	\$15,528,000
<u>Coronavirus State Fiscal Recovery Fund—Federal</u>	
<u>Appropriation . . . . .</u>	\$5,961,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>((<del>\$1,036,225,000</del>))</b>
	<b>\$1,077,341,000</b>



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

(a) The state psychiatric hospitals may use funds appropriated in this subsection to purchase goods, services, and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) \$311,000 of the general fund—state appropriation for fiscal year 2022 and \$310,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a community partnership between western state hospital and the city of Lakewood to support community policing efforts in the Lakewood community surrounding western state hospital. The amounts provided in this subsection (1)(b) are for the salaries, benefits, supplies, and equipment for one full-time investigator, one full-time police officer, and one full-time community service officer at the city of Lakewood. The department must collect data from the city of Lakewood on the use of the funds and the number of calls responded to by the community policing program and submit a report with this information to the office of financial management and the appropriate fiscal committees of the legislature each December of the fiscal biennium.

(c) \$45,000 of the general fund—state appropriation for fiscal year 2022 and \$45,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for payment to the city of Lakewood for police services provided by the city at western state hospital and adjacent areas.

(d) \$19,000 of the general fund—state appropriation for fiscal year 2022 and \$19,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for payment to the city of Medical Lake for police services provided by the city at eastern state hospital and adjacent areas.

(e) \$135,000 of the general fund—state appropriation for fiscal year 2022 and \$135,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to maintain an on-site safety compliance officer, stationed at Western State Hospital, to provide oversight and accountability of the hospital's response to safety concerns regarding the hospital's work environment.

(f) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to track compliance with RCW 71.05.365 requirements for transition of state hospital patients into community settings within fourteen days of the determination that they no longer require active psychiatric treatment at an inpatient level of care. The department must use these funds to track the following elements related to this requirement: (i) The date on which an individual is determined to no longer require active psychiatric treatment at an inpatient level of care; (ii) the date on which the behavioral health entities and other organizations responsible for resource management services for the person is notified of this determination; and (iii) the date on which either the individual is transitioned to the community or has been re-evaluated and determined to again require active psychiatric treatment at an inpatient level of care. The department must provide this information in regular intervals to behavioral health entities and other organizations responsible for resource management services. The department must summarize the information and provide a report to the office of financial management and the appropriate

committees of the legislature on progress toward meeting the fourteen day standard by December 1, 2021, and December 1, 2022.

(g) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department, in collaboration with the health care authority, to develop and implement a predictive modeling tool which identifies clients who are at high risk of future involvement with the criminal justice system and for developing a model to estimate demand for civil and forensic state hospital bed needs pursuant to the following requirements.

(i) By the first day of each December during the biennium, the department, in coordination with the health care authority, must submit a report to the office of financial management and the appropriate committees of the legislature which summarizes how the predictive modeling tool has been implemented and includes the following: (A) The numbers of individuals identified by the tool as having a high risk of future criminal justice involvement; (B) the method and frequency for which the department is providing lists of high-risk clients to contracted managed care organizations and behavioral health administrative services organizations; (C) a summary of how the managed care organizations and behavioral health administrative services organizations are utilizing the data to improve the coordination of care for the identified individuals; and (D) a summary of the administrative data to identify whether implementation of the tool is resulting in increased access and service levels and lower recidivism rates for high-risk clients at the state and regional level.

(ii) The department must provide staff support for the forensic and long-term civil commitment bed forecast which must be conducted under the direction of the office of financial management. The forecast methodology, updates, and methodology changes must be conducted in coordination with staff from the department, the health care authority, the office of financial management, and the appropriate fiscal committees of the state legislature. The model shall incorporate factors for capacity in state hospitals as well as contracted facilities, which provide similar levels of care, referral patterns, wait lists, lengths of stay, and other factors identified as appropriate for estimating the number of beds needed to meet the demand for civil and forensic state hospital services. Factors should include identification of need for the services and analysis of the effect of community investments in behavioral health services and other types of beds that may reduce the need for long-term civil commitment needs. The forecast must be updated each February, June, and November during the biennium and the department must submit a report to the legislature and the appropriate committees of the legislature summarizing the updated forecast based on the caseload forecast council's schedule for entitlement program forecasts.

(h) \$5,049,000 of the general fund—state appropriation for fiscal year 2022 and \$5,075,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the phase-in of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. The department, in collaboration with the health care authority and the criminal justice training commission, must implement the provisions of the settlement agreement pursuant to the timeline and implementation plan provided for under

the settlement agreement. This includes implementing provisions related to competency evaluations, competency restoration, forensic navigators, crisis diversion and supports, education and training, and workforce development.

(i) \$7,147,000 of the general fund—state appropriation for fiscal year 2022 and \$7,147,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to maintain implementation of efforts to improve the timeliness of competency evaluation services for individuals who are in local jails pursuant to chapter 5, Laws of 2015 (timeliness of competency treatment and evaluation services). This funding must be used solely to maintain increases in the number of competency evaluators that began in fiscal year 2016 pursuant to the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP.

(j) \$71,690,000 of the general fund—state appropriation for fiscal year 2022, \$77,825,000 of the general fund—state appropriation for fiscal year 2023, and \$2,541,000 of the general fund—federal appropriation are provided solely for implementation of efforts to improve the timeliness of competency restoration services pursuant to chapter 5, Laws of 2015 (timeliness of competency treatment and evaluation services) and the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. These amounts must be used to maintain increases that were implemented between fiscal year 2016 and fiscal year 2021, and further increase the number of forensic beds at western state hospital during the 2021-2023 fiscal biennium. Pursuant to chapter 7, Laws of 2015 1st sp. sess. (timeliness of competency treatment and evaluation services), the department may contract some of these amounts for services at alternative locations if the secretary determines that there is a need.

(k) \$76,029,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$59,784,000)~~) \$65,875,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to continue to implement an acuity based staffing tool at western state hospital and eastern state hospital in collaboration with the hospital staffing committees. The staffing tool must be used to identify, on a daily basis, the clinical acuity on each patient ward and determine the minimum level of direct care staff by profession to be deployed to meet the needs of the patients on each ward. The department must evaluate interrater reliability of the tool within each hospital and between the two hospitals. The department must also continue to update, in collaboration with the office of financial management's labor relations office, the staffing committees, and state labor unions, an overall state hospital staffing plan that looks at all positions and functions of the facilities.

(i) Within the amounts provided in this section, the department must establish, monitor, track, and report monthly staffing and expenditures at the state hospitals, including overtime and use of locums, to the functional categories identified in the recommended staffing plan. The allotments and tracking of staffing and expenditures must include all areas of the state hospitals, must be done at the ward level, and must include contracted facilities providing forensic restoration services as well as the office of forensic mental health services.

(ii) By December 1, 2021, and December 1, 2022, the department must submit reports to the office of financial management and the appropriate committees of the legislature that provide a comparison of monthly spending, staffing levels, overtime, and use of locums for the prior year compared to allotments and to the recommended state hospital staffing model. The format for these reports must be developed in consultation with staff from the office of financial management and the appropriate committees of the legislature. The reports must include a summary of the results of the evaluation of the interrater reliability in use of the staffing acuity tool and an update from the hospital staffing committees.

(iii) Monthly staffing levels and related expenditures at the state hospitals must not exceed official allotments without prior written approval from the director of the office of financial management. In the event the director of the office of financial management approves an increase in monthly staffing levels and expenditures beyond what is budgeted, notice must be provided to the appropriate committees of the legislature within 30 days of such approval. The notice must identify the reason for the authorization to exceed budgeted staffing levels and the time frame for the authorization. Extensions of authorizations under this subsection must also be submitted to the director of the office of financial management for written approval in advance of the expiration of an authorization. The office of financial management must notify the appropriate committees of the legislature of any extensions of authorizations granted under this subsection within 30 days of granting such authorizations and identify the reason and time frame for the extension.

(l) (~~(\$10,581,000)~~) \$4,681,000 of the general fund—state appropriation for fiscal year 2022 and \$10,581,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to implement strategies to improve patient and staff safety at eastern and western state hospitals. These amounts must be used for continuing to implement a new intensive care model program at western state hospital and maintaining prior investments in training and other safety-related staff support at both hospitals. A report must be submitted by December 1, 2021, and December 1, 2022, which includes a description of the (~~(intensive care model being implemented)~~) violence reduction or safety strategy, a profile of the types of patients being served (~~(at the program)~~), the staffing model being used (~~(for the program)~~), and outcomes associated with (~~(the program)~~) each strategy. The outcomes section should include tracking data on facility-wide metrics related to patient and staff safety as well as individual outcomes related to the patients served (~~(on the unit)~~).

(m) \$2,593,000 of the general fund—state appropriation for fiscal year 2022 and \$2,593,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to increase services to patients found not guilty by reason of insanity under the *Ross v. (~~Laswhay~~)* Lashway settlement agreement.

(n) Within the amounts provided in this subsection, the department must develop and submit an annual state hospital performance report for eastern and western state hospitals. Each measure included in the performance report must include baseline performance data, agency performance targets, and performance for the most recent fiscal year. The performance report must include a one page dashboard as well as charts for each fiscal and quality of care

measure broken out by hospital and including but not limited to (i) monthly FTE expenditures compared to allotments; (ii) monthly dollar expenditures compared to allotments; (iii) monthly FTE expenditures per thousand patient bed days; (iv) monthly dollar expenditures per thousand patient bed days; (v) percentage of FTE expenditures for overtime; (vi) average length of stay by category of patient; (vii) average monthly civil wait list; (viii) average monthly forensic wait list; (ix) rate of staff assaults per thousand patient bed days; (x) rate of patient assaults per thousand patient bed days; (xi) average number of days to release after a patient has been determined to be clinically ready for discharge; and (xii) average monthly vacancy rates for key clinical positions. The department must submit the state hospital performance report to the office of financial management and the appropriate committees of the legislature by the first day of each December of the biennium.

(o) (~~(\$3,846,000)~~) \$3,773,000 of the general fund—state appropriation for fiscal year 2022, (~~(\$3,846,000)~~) \$4,099,000 of the general fund—state appropriation for fiscal year 2023, and (~~(\$7,692,000)~~) \$4,772,000 of the general fund—federal appropriation are provided solely to open a new unit at the child study treatment center which shall serve up to 18 children.

(p) (~~(\$2,941,000)~~) \$159,000 of the general fund—state appropriation for fiscal year 2023 (~~and \$2,941,000 of the general fund—federal appropriation are~~) is provided solely for the department to (~~operate~~) prepare for opening a 16 bed facility located in Clark county to provide long-term inpatient care beds as defined in RCW 71.24.025. The department must use this facility to provide treatment services for individuals who have been committed to a state hospital pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088. The department must develop and implement a protocol to assess the risk of patients being considered for placement in this facility and determine whether the level of security and treatment services is appropriate to meet the patient's needs. The department must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2022, providing a description of the protocol and a status update on progress toward opening the new facility.

(q) \$1,382,000 of the general fund—state appropriation for fiscal year 2022, \$5,092,000 of the general fund—state appropriation for fiscal year 2023, and \$5,092,000 of the general fund—federal appropriation is provided solely for the department to operate a 16 bed facility on the Maple Lane campus to provide long-term inpatient care beds as defined in RCW 71.24.025. The facility must have the capacity to provide treatment services to individuals committed under chapter 71.05 RCW including individuals who have been committed to a state hospital pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088. The department must develop and implement a protocol to assess the risk of patients being considered for placement in this facility and determine whether the level of security and treatment services is appropriate to meet the patient's needs. The department must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2021, providing a description of the protocol and a status update on progress toward opening the new facility.

(r) \$4,316,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to operate the Columbia cottage at Maple

Lane as a 30 bed facility to serve individuals who have been acquitted of a crime by reason of insanity and subsequently ordered to receive treatment services under RCW 10.77.120. The department must develop and implement a protocol to assess the risk of patients being considered for placement in this facility and determine whether the level of security and treatment services is appropriate to meet the patient's needs. The department must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2022, providing a description of the protocol and a status update on progress toward the opening of Columbia cottage.

(s) Within the amounts provided in this section, the department is provided funding to operate civil long-term inpatient beds at the state hospitals as follows:

(i) Funding is sufficient for the department to operate 192 civil beds at eastern state hospital in both fiscal year 2022 and fiscal year 2023.

(ii) Funding for civil beds at western state hospital is reduced during this period to allow for a phased reduction of six wards from 467 to 287 civil beds.

(iii) The closure of western state hospital civil wards shall be implemented according to the following schedule: (A) First ward closure by July 1, 2021; (B) second ward closure by November 1, 2021; (C) third ward closure by March 1, 2022; (D) fourth ward closure by July 1, 2022; (E) fifth ward closure by November 1, 2022; and (F) sixth ward closure by April 1, 2023.

(iv) The department shall fully operate funded civil capacity at eastern state hospital, including reopening and operating civil beds that are not needed for eastern Washington residents to provide services for western Washington residents.

(v) The department shall coordinate with the health care authority toward development of the plan for increasing community capacity for long-term inpatient services required under section 215(67) of this act.

(vi) It is the intent of the legislature to close additional civil wards at western state hospital during the 2023-2025 fiscal biennium.

(vii) It is the intent of the legislature to stop using western state hospital buildings 17, 19, 20, and 21, which were built before the 1950s, for patient care by fiscal year 2027.

(t) \$360,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to implement Engrossed Second Substitute House Bill No. 1086 (behavioral health consumers). The amount in this subsection is provided solely for the department's costs associated with providing access to and following up on referrals from behavioral health consumer advocates in state operated mental health facilities. The department must track the number of monthly cases in which access to behavioral health consumer advocates was provided for patients in state operated mental health facilities and the number of these which resulted in subsequent follow-up investigation by the department. The department must submit a preliminary report to the office of financial management and the appropriate committees of the legislature on the number of monthly cases and follow-up investigations by December 1, 2022, and a final report by June 30, 2023. ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(u) \$1,190,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute Senate Bill No. 5664

(forensic competency programs). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(v) \$36,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1890 (children behavioral health). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(w) \$455,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for western state hospital's vocational rehabilitation program and eastern state hospital's work readiness program to pay patients working in the programs an hourly wage that is equivalent to the state's minimum hourly wage under RCW 49.46.020.

(x) \$487,000 of the general fund—state appropriation for fiscal year 2022 and \$601,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for design and planning activities for the new forensic hospital being constructed on the grounds of western state hospital.

(y) \$88,000 of the general fund—state appropriation for fiscal year 2022 and \$2,920,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for relocation, storage, and other costs associated with building demolition on the western state hospital campus.

(z) \$34,289,000 of the general fund—federal appropriation (CRF) is provided solely for COVID-19 related payroll and benefit expenditures that were incurred between July 1, 2021, and December 31, 2021, for public safety and health employees whose services are presumed to be substantially dedicated to responding to the COVID-19 public health emergency. This funding expires December 31, 2021.

(2) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2022) . . . . .	(((\$5,936,000))
	<u>\$5,885,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	(((\$5,929,000))
	<u>\$6,079,000</u>
General Fund—Federal Appropriation . . . . .	(((\$366,000))
	<u>\$409,000</u>
TOTAL APPROPRIATION . . . . .	(((\$12,231,000))
	<u>\$12,373,000</u>

**Sec. 203.** 2021 c 334 s 203 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
 DEVELOPMENTAL DISABILITIES PROGRAM**

(1) COMMUNITY SERVICES

General Fund—State Appropriation (FY 2022) . . . . .	(((\$747,646,000))
	<u>\$704,242,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	(((\$948,278,000))
	<u>\$1,113,004,000</u>
General Fund—Federal Appropriation . . . . .	(((\$2,086,801,000))
	<u>\$2,303,783,000</u>
General Fund—Private/Local Appropriation . . . . .	\$4,058,000
Developmental Disabilities Community Services	
Account—State Appropriation . . . . .	\$52,000,000
TOTAL APPROPRIATION . . . . .	(((\$3,838,783,000))

\$4,177,087,000

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

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments may not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(i) The current annual renewal license fee for adult family homes is \$225 per bed beginning in fiscal year 2022 and \$225 per bed beginning in fiscal year 2023. A processing fee of \$2,750 must be charged to each adult family home when the home is initially licensed. This fee is nonrefundable. A processing fee of \$700 must be charged when adult family home providers file a change of ownership application.

(ii) The current annual renewal license fee for assisted living facilities is \$116 per bed beginning in fiscal year 2022 and \$116 per bed beginning in fiscal year 2023.

(iii) The current annual renewal license fee for nursing facilities is \$359 per bed beginning in fiscal year 2022 and \$359 per bed beginning in fiscal year 2023.

(c)(i) \$2,648,000 of the general fund—state appropriation for fiscal year 2022, \$8,946,000 of the general fund—state appropriation for fiscal year 2023, and \$16,665,000 of the general fund—federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for the 2021-2023 fiscal biennium, as provided in section 946 of this act.

(ii) \$8,764,000 of the general fund—state appropriation for fiscal year 2023 and \$11,156,000 of the general fund—federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for fiscal year 2023, as provided in section 939 of this act.

(d)(i) \$291,000 of the general fund—state appropriation for fiscal year 2022, \$992,000 of the general fund—state appropriation for fiscal year 2023, and \$1,844,000 of the general fund—federal appropriation are provided solely for the homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw.

(ii) \$953,000 of the general fund—state appropriation for fiscal year 2023 and \$1,214,000 of the general fund—federal appropriation are provided solely for the homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw.



(e)(i) \$540,000 of the general fund—state appropriation for fiscal year 2022, \$860,000 of the general fund—state appropriation for fiscal year 2023, and \$1,881,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium, as provided in section 948 of this act.

(ii) \$1,389,000 of the general fund—state appropriation for fiscal year 2023 and \$1,278,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for fiscal year 2023, as provided in section 941 of this act.

(f) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant. In these situations the department is also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(g) Community residential cost reports that are submitted by or on behalf of contracted agency providers are required to include information about agency staffing including health insurance, wages, number of positions, and turnover.

(h) Sufficient appropriations are provided to continue community alternative placement beds that prioritize the transition of clients who are ready for discharge from the state psychiatric hospitals, but who have additional long-term care or developmental disability needs.

(i) Community alternative placement beds include enhanced service facility beds, adult family home beds, skilled nursing facility beds, shared supportive housing beds, state operated living alternative beds, and assisted living facility beds.

(ii) Each client must receive an individualized assessment prior to leaving one of the state psychiatric hospitals. The individualized assessment must identify and authorize personal care, nursing care, behavioral health stabilization, physical therapy, or other necessary services to meet the unique needs of each client. It is the expectation that, in most cases, staffing ratios in all community alternative placement options described in (h)(i) of this subsection will need to increase to meet the needs of clients leaving the state psychiatric hospitals. If specialized training is necessary to meet the needs of a client before he or she enters a community placement, then the person centered service plan must also identify and authorize this training.

(iii) When reviewing placement options, the department must consider the safety of other residents, as well as the safety of staff, in a facility. An initial evaluation of each placement, including any documented safety concerns, must occur within thirty days of a client leaving one of the state psychiatric hospitals and entering one of the community placement options described in (h)(i) of this subsection. At a minimum, the department must perform two additional evaluations of each placement during the first year that a client has lived in the facility.

(iv) In developing bed capacity, the department shall consider the complex needs of individuals waiting for discharge from the state psychiatric hospitals.

(i) Sufficient appropriations are provided for discharge case managers stationed at the state psychiatric hospitals. Discharge case managers will transition clients ready for hospital discharge into less restrictive alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state psychiatric hospitals.

(j) ~~\$4,000~~ of the general fund—state appropriation for fiscal year 2022, ~~((~~\$17,000~~))~~ \$37,000 of the general fund—state appropriation for fiscal year 2023, and ~~((~~\$23,000~~))~~ \$42,000 of the general fund—federal appropriation are provided solely for a cost of living adjustment to the personal needs allowance pursuant to RCW 74.09.340.

(k) The department will work with the health care authority and Washington state's managed care organizations to establish recommendations for clients who live in the community to access the developmental disabilities administration's facility-based professionals to receive care covered under the state plan. If feasible, these recommendations should detail how to enable facility-based professionals to deliver services at mobile or brick-and-mortar clinical settings in the community. The department must submit its recommendations to the appropriate legislative committees no later than December 1, ~~((2021))~~ 2022.

(l) The department of social and health services must claim the enhanced federal medical assistance participation rate for home and community-based services offered under section 9817 of the American rescue plan act of 2021 (ARPA). Appropriations made that constitute supplementation of home and community-based services as defined in section 9817 of ARPA are listed in LEAP omnibus document HCBS-2021.

(m) \$300,000 of the general fund—state appropriation for fiscal year 2023 and \$226,000 of the general fund—federal appropriation are provided solely to implement Engrossed Second Substitute House Bill No. 1086 (behavioral health consumers). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(n) \$408,000 of the general fund—state appropriation for fiscal year 2022, \$416,000 of the general fund—state appropriation for fiscal year 2023, and \$474,000 of the general fund—federal appropriation are provided solely to implement Second Substitute House Bill No. 1061 (child welfare/developmental disability). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(o) ~~\$3,474,000~~ of the general fund—state appropriation for fiscal year 2022, ~~((~~\$11,423,000~~))~~ \$88,692,000 of the general fund—state appropriation for fiscal year 2023, and ~~((~~\$15,262,000~~))~~ \$92,530,000 of the general fund—federal appropriation are provided solely to increase rates for community residential service providers offering supported living, group home, group training home, and licensed staff residential services to individuals with developmental disabilities. ~~((The))~~ Of the amounts provided in this subsection (o) ~~((include funding to))~~:

(i) \$3,474,000 of the general fund—state appropriation for fiscal year 2022, \$11,423,000 of the general fund—state appropriation for fiscal year 2023, and \$15,262,000 of the general fund—federal appropriation are provided solely to increase the provider rate by 2.0 percent effective January 1, 2022, and by an

additional 2.0 percent effective January 1, 2023. Both 2.0 percent rate increases must be used to support providers' ability to maintain direct care staff wages above the statewide minimum wage.

(ii) \$77,269,000 of the general fund—state appropriation for fiscal year 2023 and \$77,268,000 of the general fund—federal appropriation are provided solely to increase the provider rate effective July 1, 2022. It is the intent of the legislature that contracted providers use the funding provided in this subsection (1)(o)(ii) to provide hourly wage increases for direct care workers.

(p) The annual certification renewal fee for community residential service businesses is \$859 per client in fiscal year 2022 and \$859 per client in fiscal year 2023. The annual certification renewal fee may not exceed the department's annual licensing and oversight activity costs.

(q) The appropriations in this section include sufficient funding to implement chapter 220, Laws of 2020 (adult family homes/8 beds). A nonrefundable fee of \$485 shall be charged for each application to increase bed capacity at an adult family home to seven or eight beds.

(r) \$39,000 of the general fund—state appropriation for fiscal year 2022, \$49,000 of the general fund—state appropriation for fiscal year 2023, and \$131,000 of the general fund—federal appropriation are provided solely to increase the administrative rate for home care agencies by five cents per hour effective July 1, 2021.

(s) \$1,705,000 of the general fund—state appropriation for fiscal year 2022, \$1,688,000 of the general fund—state appropriation for fiscal year 2023, and \$1,465,000 of the general fund—federal appropriation are provided solely for the development and implementation of 13 enhanced respite beds across the state for children. These services are intended to provide families and caregivers with a break in caregiving, the opportunity for behavioral stabilization of the child, and the ability to partner with the state in the development of an individualized service plan that allows the child to remain in his or her family home. The department must provide the legislature with a respite utilization report in January of each year that provides information about the number of children who have used enhanced respite in the preceding year, as well as the location and number of days per month that each respite bed was occupied.

(t) \$2,025,000 of the general fund—state appropriation for fiscal year 2022 and \$2,006,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the development and implementation of 13 community respite beds across the state for adults. These services are intended to provide families and caregivers with a break in caregiving and the opportunity for stabilization of the individual in a community-based setting as an alternative to using a residential habilitation center to provide planned or emergent respite. The department must provide the legislature with a respite utilization report by January of each year that provides information about the number of individuals who have used community respite in the preceding year, as well as the location and number of days per month that each respite bed was occupied.

(u) (~~(\$18,733,000)~~) \$43,535,000 of the general fund—state appropriation for fiscal year 2022, \$47,243,000 of the general fund—state appropriation for fiscal year 2023, and (~~(\$46,342,000)~~) \$152,070,000 of the general fund—federal appropriation are provided solely (~~(to continue providing)~~) for rate add-ons for contracted service providers to address the increased costs associated with

servicing clients during the COVID-19 pandemic (~~(through the end of calendar year 2021)~~). Beginning July 1, 2022, the rate add-ons shall be reduced by 20 percent every two fiscal quarters.

(v) \$78,000 of the general fund—state appropriation for fiscal year 2022, \$75,000 of the general fund—state appropriation for fiscal year 2023, and \$113,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 5284 (subminimum wage/disabilities). (~~If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~)

(w) Funding in this section is sufficient to implement chapter 352, laws of 2020 (developmental disabilities budgeting), including a review of the no-paid services caseload and to update the information to accurately reflect a current headcount of eligible persons and the number of persons contacted who are currently interested in receiving a paid service. It is the intent of the legislature that the department will, as required in chapter 252, laws of 2020 (developmental disabilities budgeting), submit a report of this information to the governor and the appropriate committees of the legislature by December 1, 2021. It is also the intent of the legislature that the necessary paid services identified with completion of this report will be adequately funded by the conclusion of fiscal year 2024.

(x) \$1,387,000 of the general fund—state appropriation for fiscal year 2022, \$2,641,000 of the general fund—state appropriation for fiscal year 2023, and \$4,250,000 of the general fund—federal appropriation are provided solely to increase the capacity of the children's intensive in-home behavioral supports waiver by 100 slots.

(y) \$19,648,000 of the general fund—state appropriation for fiscal year 2023 and \$25,006,000 of the general fund—federal appropriation are provided solely for the purposes of settling all claims in the two related cases *Liang et al v. Washington DSHS et al*, Thurston county superior court case no. 20-2-02506-34 and *SEIU 775 v. Washington DSHS et al*, Thurston county superior court case no. 18-2-05584-34, Washington supreme court case no. 99658-8. The expenditure of these amounts is contingent upon the release of all claims in both cited cases, and total settlement costs shall not exceed the amounts provided in this subsection and section 204(45) of this act. If the settlement agreement is not fully executed and approved by the Thurston county superior court by June 30, 2023, the amounts provided in this subsection shall lapse.

(z) \$205,000 of the general fund—state appropriation for fiscal year 2022, \$232,000 of the general fund—state appropriation for fiscal year 2023, and \$590,000 of the general fund—federal appropriation are provided solely for the department of social and health services to examine the capabilities of the community residential settings and services; to improve cross-system coordination; and to begin the process of redesigning state-operated intermediate care facilities to function as short-term crisis stabilization and intervention. Of the amounts provided in this subsection (1)(~~(y)~~) (z):

(i) \$159,000 of the general fund—state appropriation for fiscal year 2022, \$186,000 of the general fund—state appropriation for fiscal year 2023, and \$310,000 of the general fund—federal appropriation are provided solely for the department of social and health services to:

(A) Beginning with the governor's budget proposal submitted in December 2022, submit a budget request for expenditures associated with anticipated demand for services under the individual and family services waiver, the basic plus waiver, and the number of individuals who are expected to reside in state-operated living alternatives for consideration by the governor and the legislature for inclusion in maintenance level budgets;

(B) Examine the need for community respite beds to serve eligible individuals and stabilization, assessment, and intervention beds to provide crisis stabilization services for individuals with complex behavioral needs. A preliminary report must be submitted no later than October 1, 2022, with a final report submitted no later than October 1, 2023, to the governor and the appropriate committees of the legislature that estimates the number of beds needed in fiscal years 2023 through 2025, recommends geographic locations of these beds, provides options for contracting with community providers for these beds, provides options for utilizing existing intermediate care facilities to meet these needs, and recommends whether or not an increase to respite hours is needed;

(C) Contract with a private vendor for a study of medicaid rates for contracted community residential service providers. The study must be submitted to the governor and the appropriate committees of the legislature no later than December 1, 2023, and must include:

(I) A recommendation of rates needed for facilities to cover their costs and adequately recruit, train, and retain direct care professionals;

(II) Recommendations for an enhanced rate structure, including when and for whom this rate structure would be appropriate; and

(III) An assessment of options for an alternative, opt-in rate structure for contracted supported living providers who voluntarily serve individuals with complex behaviors, complete additional training, and submit to additional monitoring;

(D) Submit by October 1, 2022, a five-year plan to phase-in the appropriate level of funding and staffing to achieve case management ratios of one case manager to no more than 35 clients. The five-year plan must include:

(I) An analysis of current procedures to hire and train new staff within the developmental disabilities administration of the department of social and health services;

(II) Identification of any necessary changes to these procedures to ensure a more efficient and timely process for hiring and training staff; and

(III) Identification of the number of new hires needed on an annual basis to achieve the phased implementation included in the five-year plan;

(E) Collaborate with appropriate stakeholders to develop uniform quality assurance metrics that are applied across community residential settings, intermediate care facilities, and state-operated nursing facilities and submit a report of these activities to the governor and the legislature no later than June 30, 2023;

(F) Collaborate with the developmental disabilities council to improve cross-system coordination and submit a report of the activities and any recommendations for policy or fiscal changes to the governor and the legislature no later than October 1, 2022, for consideration in the 2023 legislative session that describes collaborating with the developmental disabilities council to:

(I) Coordinate collaboration efforts among relevant stakeholders to develop and disseminate best practices related to serving individuals with cooccurring intellectual and developmental disabilities and mental health conditions;

(II) Work with Washington state's apprenticeship and training council, colleges, and universities to establish medical, dental, nursing, and direct care apprenticeship programs that would address gaps in provider training and overall competence;

(III) Devise options for consideration by the governor and the legislature to prioritize funding for housing for individuals with intellectual and developmental disabilities when a lack of affordable housing is the barrier preventing an individual from moving to a least restrictive community setting; and

(IV) Coordinate collaboration efforts among relevant stakeholders to examine existing law with regard to guardianship and protective proceedings and make any necessary recommendations for changes to existing law to ensure that guardianship or other protective proceedings are designed to provide individuals with intellectual and developmental disabilities with the decision making support they require to live as independently as possible in the least restrictive environment, including consideration of mechanisms that enable regular payment for services rendered by these legal representatives when appropriate; and

(G) Develop procedures that ensure that placement in an intermediate care facility is temporary and submit a report of these efforts, including any necessary recommendations for policy or fiscal changes, to the governor and the legislature for consideration in the 2022 legislative session no later than November 1, 2021, that describes the development of procedures that ensure that:

(I) Clear, written, and verbal information is provided to the individual and their family member that explains that placement in the intermediate care facility is temporary and what constitutes continuous aggressive active treatment and its eligibility implications;

(II) Discharge planning begins immediately upon placement of an individual within the intermediate care facility and that the individual and their family member is provided clear descriptions of all placement options and their requirements;

(III) When crisis stabilization services are available in the community, the individual is presented with the option to receive services in the community prior to placement in an intermediate care facility; and

(IV) When the individual has not achieved crisis stabilization after 60 days of initial placement in the intermediate care facility, the department of social and health services must convene the individual's team of care providers including, but not limited to, the individual's case manager, the individual's community-based providers, and, if applicable, the individual's managed care organization to review and make any necessary changes to the individual's crisis stabilization care plan.

(ii) Reporting dates in this subsection (1)(z) are modified by Engrossed Substitute Senate Bill No. 5268 (dev. disability services).

(iii) \$46,000 of the general fund—state appropriation in fiscal year 2022, \$46,000 of the general fund—state appropriation in fiscal year 2023, and \$280,000 of the general fund—federal appropriation are provided solely to

establish peer mentors to connect each client in an intermediate care facility with a mentor to assist in their transition planning. No later than November 1, 2021, the department of social and health services must submit a report describing these efforts and make any necessary recommendations for policy or fiscal changes to the governor and the legislature for consideration in the 2022 legislative session.

~~((z))~~ (aa) Appropriations provided in this section are sufficient to implement Substitute Senate Bill No. 5258 (consumer directed employers).

~~((aa))~~ (bb) \$63,000 of the general fund—state appropriation for fiscal year 2022, \$13,000 of the general fund—state appropriation for fiscal year 2023, and \$77,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 1411 (health care workforce). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(cc) \$123,000 of the general fund—state appropriation for fiscal year 2023 and \$156,000 of the general fund—federal appropriation are provided solely to make up for a gap in the employer tax rates paid to agency providers. Funds must be used to ensure wages and benefits of home care agency workers who provide direct care are increased to satisfy wage parity requirements set forth in RCW 74.39A.310, except in situations where agency providers covered the gap in the tax rate by reducing agency administrative expenses.

(dd) \$80,000 of the general fund—state appropriation for fiscal year 2023 and \$61,000 of the general fund—federal appropriation are provided solely for the department to hire one full-time employee to provide advice, evaluations, and recommendations on technological tools to clients, providers, and case managers.

(ee)(i) \$2,172,000 of the general fund—state appropriation for fiscal year 2023 and \$1,666,000 of the general fund—federal appropriation are provided solely to establish transition coordination teams to coordinate transitions of care for clients who move from one care setting to another. No later than December 1, 2022, the department of social and health services shall submit a preliminary report to the appropriate committees of the legislature that details how the funds were utilized and the associated outcomes including but not limited to:

(A) A detailed reporting of the number of clients served, the settings in which clients received care, and the progress made toward increasing stability of client placements;

(B) A comparison of these outcomes against the outcomes achieved in prior fiscal years;

(C) A description of lessons learned since the transition coordination teams were first implemented, including an identification of what processes were improved to reduce the timelines for completion; and

(D) Recommendations for changes necessary to the transition coordination teams to improve increasing stability of client placements.

(ii) It is the intent of the legislature that the department of social and health services submit annual reports of this information beginning in fiscal year 2024.

(ff) \$204,000 of the general fund—state appropriation for fiscal year 2022, \$1,511,000 of the general fund—state appropriation for fiscal year 2023, and \$988,000 of the general fund—federal appropriation are provided solely for service rate increases paid to contracted providers of community engagement.

supported parenting, and respite services. No later than December 1, 2022, the department of social and health services shall submit a preliminary report to the appropriate committees of the legislature that details how the funds were utilized and the associated outcomes, including a detailed accounting of utilization of services and any changes in the utilization as a result of this funding. The department shall submit a final report of this information no later than June 30, 2023. The department shall also conduct a comprehensive study of the current rate structure paid to supported employment and community inclusion providers. No later than October 1, 2022, the department must submit to the governor and the appropriate committees of the legislature a report of this study that includes, but is not limited to, the following:

(i) An overview of the current system and how it operates, including an overview of the current rate structure;

(ii) A description of the organizational components and costs associated with the delivery of supported employment and community inclusion services that achieve client outcomes;

(iii) A recommendation of the rates needed for providers to cover their costs and maintain the infrastructure required to achieve and support client outcomes; and

(iv) A recommendation for a methodology to utilize in the future for regularly analyzing costs associated with service delivery and the rate adjustments, and associated frequency of these adjustments, needed to ensure that services achieve client outcomes.

(gg) \$1,413,000 of the general fund—state appropriation for fiscal year 2023 and \$1,084,000 of the general fund—federal appropriation are provided solely to hire additional staff to reduce the timeline for completion of financial eligibility determinations. No later than December 31, 2022, the department of social and health services shall submit a preliminary report to the appropriate committees of the legislature that details how the funds were utilized and the associated outcomes, including, but not limited to, a description of how the timeline for completion of these determinations has changed. A final report of this information must be submitted no later than June 30, 2023.

(hh) \$228,000 of the general fund—state appropriation for fiscal year 2023 and \$284,000 of the general fund—federal appropriation are provided solely to increase funding of the assisted living medicaid methodology established in RCW 74.39A.032 to 68 percent of full methodology funding, effective July 1, 2022.

(ii) \$1,719,000 of the general fund—state appropriation for fiscal year 2023 and \$49,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 5268 (dev. disability services). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(jj) \$2,581,000 of the general fund—state appropriation for fiscal year 2023 and \$2,060,000 of the general fund—federal appropriation are provided solely for implementation of Substitute Senate Bill No. 5819 (DDA no-paid caseload). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(kk) \$54,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to implement Second Substitute House Bill No. 1890 (children



behavioral health). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(ll) \$8,428,000 of the general fund—state appropriation for fiscal year 2023 and \$5,179,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 1980 (concurrent services). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(mm) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract with an organization that provides benefits planning training to attorneys and other professionals to help them assist individuals with developmental disabilities with retaining state and federal benefits while working.

(2) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2022) . . . . .	(((\$115,635,000))
	\$110,829,000
General Fund—State Appropriation (FY 2023) . . . . .	(((\$125,463,000))
	\$135,393,000
General Fund—Federal Appropriation . . . . .	(((\$241,480,000))
	\$253,002,000
General Fund—Private/Local Appropriation . . . . .	\$27,043,000
TOTAL APPROPRIATION . . . . .	(((\$509,621,000))
	\$526,267,000

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

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments may not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) \$495,000 of the general fund—state appropriation for fiscal year 2022 and \$495,000 of the general fund—state appropriation for fiscal year 2023 are for the department to fulfill its contracts with the school districts under chapter 28A.190 RCW to provide transportation, building space, and other support services as are reasonably necessary to support the educational programs of students living in residential habilitation centers.

(c) The residential habilitation centers may use funds appropriated in this subsection to purchase goods, services, and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(d) ~~(\$10,000)~~ \$21,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a cost of living increase adjustment to the personal needs allowance pursuant to RCW 74.09.340.

(e) The department is directed to develop a plan to reduce the footprint of the Rainier residential habilitation center campus and other property facilities taking into consideration recommendations of the Ruckleshaus residential habilitation center work group report and the department's Rainier school master plan.

(i) The plan must include the following:

(A) Input from interested stakeholders to ensure a thoughtful, safe, and well-supported residential transition to the community;

(B) An outline for maintaining a state-operated safety net for individuals who transition to the community and who may later be in crisis or who need a greater level of care;

(C) Barriers to successful community transitions and how to mitigate those;

(D) A report of stakeholder feedback received and how it was incorporated or not into the plan; and

(E) A proposed timeline to implement the plan and a target date for reducing the footprint of Rainier if the plan is followed.

(ii) The stakeholders must include, at minimum: Individuals who reside or have resided at Rainier within the last two decades, families and guardians of individuals who reside or have resided at Rainier, the city of Buckley, and current or former staff at Rainier and their respective labor organizations.

(iii) The department must confer with and have approval from the governor's office prior to submission of the plan. A final plan shall be submitted to the governor and the appropriate committees of the legislature no later than June 30, 2023.

(3) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2022) . . . . .	(\$2,639,000)
	\$2,717,000
General Fund—State Appropriation (FY 2023) . . . . .	(\$2,688,000)
	\$2,940,000
General Fund—Federal Appropriation . . . . .	(\$3,192,000)
	\$3,233,000
TOTAL APPROPRIATION . . . . .	(\$8,519,000)
	\$8,890,000

(4) SPECIAL PROJECTS

General Fund—State Appropriation (FY 2022) . . . . .	(\$61,000)
	\$94,000
General Fund—State Appropriation (FY 2023) . . . . .	(\$61,000)
	\$66,000
General Fund—Federal Appropriation . . . . .	(\$1,090,000)
	\$1,125,000
TOTAL APPROPRIATION . . . . .	(\$1,212,000)
	\$1,285,000

**Sec. 204.** 2021 c 334 s 204 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—AGING AND ADULT SERVICES PROGRAM**

General Fund—State Appropriation (FY 2022) . . . . .	(\$1,422,098,000)
	\$1,344,251,000
General Fund—State Appropriation (FY 2023) . . . . .	(\$1,783,367,000)
	\$2,049,486,000
General Fund—Federal Appropriation . . . . .	(\$4,517,927,000)
	\$4,913,077,000
General Fund—Private/Local Appropriation . . . . .	\$37,804,000
Traumatic Brain Injury Account—State Appropriation . . . . .	(\$4,544,000)
	\$5,586,000
Skilled Nursing Facility Safety Net Trust Account—	
State Appropriation . . . . .	\$133,360,000

Long-Term Services and Supports Trust Account—State Appropriation. . . . .	(( <del>\$10,873,000</del> ))
	<u>\$15,003,000</u>
TOTAL APPROPRIATION . . . . .	(( <del>\$7,909,973,000</del> ))
	<u>\$8,498,567,000</u>

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

(1)(a) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate may not exceed \$259.84 for fiscal year 2022 and may not exceed ((~~\$279.84~~)) \$319.82 for fiscal year 2023.

(b) The department shall provide a medicaid rate add-on to reimburse the medicaid share of the skilled nursing facility safety net assessment as a medicaid allowable cost. The nursing facility safety net rate add-on may not be included in the calculation of the annual statewide weighted average nursing facility payment rate.

(2) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(a) The current annual renewal license fee for adult family homes is \$225 per bed beginning in fiscal year 2022 and \$225 per bed beginning in fiscal year 2023. A processing fee of \$2,750 must be charged to each adult family home when the home is initially licensed. This fee is nonrefundable. A processing fee of \$700 shall be charged when adult family home providers file a change of ownership application.

(b) The current annual renewal license fee for assisted living facilities is \$116 per bed beginning in fiscal year 2022 and \$116 per bed beginning in fiscal year 2023.

(c) The current annual renewal license fee for nursing facilities is \$359 per bed beginning in fiscal year 2022 and \$359 per bed beginning in fiscal year 2023.

(3) The department is authorized to place long-term care clients residing in nursing homes and paid for with state-only funds into less restrictive community care settings while continuing to meet the client's care needs.

(4)(i) \$6,113,000 of the general fund—state appropriation for fiscal year 2022, \$19,799,000 of the general fund—state appropriation for fiscal year 2023, and \$37,161,000 of the general fund—federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for the 2021-2023 fiscal biennium, as provided in section 946 of this act.

(ii) \$18,787,000 of the general fund—state appropriation for fiscal year 2023 and \$23,910,000 of the general fund—federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the

provisions of chapters 74.39A and 41.56 RCW for fiscal year 2023, as provided in section 939 of this act.

(5)(i) \$1,941,000 of the general fund—state appropriation for fiscal year 2022, \$6,439,000 of the general fund—state appropriation for fiscal year 2023, and \$12,064,000 of the general fund—federal appropriation are provided solely for the homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw.

(ii) \$6,028,000 of the general fund—state appropriation for fiscal year 2023 and \$7,669,000 of the general fund—federal appropriation are provided solely for the homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw.

(6) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant. In these situations the department is also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(7) In accordance with RCW 18.390.030, the biennial registration fee for continuing care retirement communities shall be \$900 for each facility.

(8) Within amounts appropriated in this subsection, the department shall assist the legislature to continue the work of the joint legislative executive committee on planning for aging and disability issues.

(a) A joint legislative executive committee on aging and disability is continued, with members as provided in this subsection.

(i) Four members of the senate, with the leaders of the two largest caucuses each appointing two members, and four members of the house of representatives, with the leaders of the two largest caucuses each appointing two members;

(ii) A member from the office of the governor, appointed by the governor;

(iii) The secretary of the department of social and health services or his or her designee;

(iv) The director of the health care authority or his or her designee;

(v) A member from disability rights Washington and a member from the office of long-term care ombuds;

(vi) The insurance commissioner or his or her designee, who shall serve as an ex officio member; and

(vii) Other agency directors or designees as necessary.

(b) The committee must make recommendations and continue to identify key strategic actions to prepare for the aging of the population in Washington and to serve people with disabilities, including state budget and policy options, and may conduct, but are not limited to, the following tasks:

(i) Identify strategies to better serve the health care needs of an aging population and people with disabilities to promote healthy living and palliative care planning;

(ii) Identify strategies and policy options to create financing mechanisms for long-term service and supports that allow individuals and families to meet their needs for service;

(iii) Identify policies to promote financial security in retirement, support people who wish to stay in the workplace longer, and expand the availability of workplace retirement savings plans;

(iv) Identify ways to promote advance planning and advance care directives and implementation strategies for the Bree collaborative palliative care and related guidelines;

(v) Identify ways to meet the needs of the aging demographic impacted by reduced federal support;

(vi) Identify ways to protect the rights of vulnerable adults through assisted decision-making and guardianship and other relevant vulnerable adult protections;

(vii) Identify options for promoting client safety through residential care services and consider methods of protecting older people and people with disabilities from physical abuse and financial exploitation; and

(viii) Identify other policy options and recommendations to help communities adapt to the aging demographic in planning for housing, land use, and transportation.

(c) Staff support for the committee shall be provided by the office of program research, senate committee services, the office of financial management, and the department of social and health services.

(d) Within existing appropriations, the cost of meetings must be paid jointly by the senate, house of representatives, and the office of financial management. Joint committee expenditures and meetings are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees. Meetings of the task force must be scheduled and conducted in accordance with the rules of both the senate and the house of representatives. The joint committee members may be reimbursed for travel expenses as authorized under RCW 43.03.050 and 43.03.060, and chapter 44.04 RCW as appropriate. Advisory committee members may not receive compensation or reimbursement for travel and expenses.

(9) Appropriations in this section are sufficient to fund discharge case managers stationed at the state psychiatric hospitals. Discharge case managers will transition clients ready for hospital discharge into less restrictive alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state psychiatric hospitals.

(10) Appropriations in this section are sufficient to fund financial service specialists stationed at the state psychiatric hospitals. Financial service specialists will help to transition clients ready for hospital discharge into alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state hospitals.

(11) The department shall continue to administer (~~initiative 2 of the medicaid transformation waiver that provides~~) tailored support for older adults and medicaid alternative care as described in initiative 2 of the (~~medicaid transformation~~) 1115 demonstration waiver (~~(under healthier Washington)~~). This initiative will be funded by the health care authority (~~(with)~~) through the medicaid quality improvement program. The secretary in collaboration with the

director of the health care authority shall report to the office of financial management all ~~((of the))~~ expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested. The department shall not increase general fund—state expenditures on this initiative.

(12)(i) \$3,378,000 of the general fund—state appropriation for fiscal year 2022, \$5,561,000 of the general fund—state appropriation for fiscal year 2023, and \$11,980,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium, as provided in section 948 of this act.

(ii) \$8,922,000 of the general fund—state appropriation for fiscal year 2023 and \$8,212,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for fiscal year 2023, as provided in section 941 of this act.

(13) \$1,761,000 of the general fund—state appropriation for fiscal year 2022, \$1,761,000 of the general fund—state appropriation for fiscal year 2023, and \$4,162,000 of the general fund—federal appropriation are provided solely for case managers at the area agencies on aging to coordinate care for medicaid clients with mental illness who are living in their own homes. Work shall be accomplished within existing standards for case management and no requirements will be added or modified unless by mutual agreement between the department of social and health services and area agencies on aging.

(14) Appropriations provided in this section are sufficient for the department to contract with an organization to provide educational materials, legal services, and attorney training to support persons with dementia. The funding provided in this subsection must be used for:

(a) An advance care and legal planning toolkit for persons and families living with dementia, designed and made available online and in print. The toolkit should include educational topics including, but not limited to:

(i) The importance of early advance care, legal, and financial planning;

(ii) The purpose and application of various advance care, legal, and financial documents;

(iii) Dementia and capacity;

(iv) Long-term care financing considerations;

(v) Elder and vulnerable adult abuse and exploitation;

(vi) Checklists such as "legal tips for caregivers," "meeting with an attorney," and "life and death planning;"

(vii) Standardized forms such as general durable power of attorney forms and advance health care directives; and

(viii) A selected list of additional resources.

(b) Webinars about the dementia legal and advance care planning toolkit and related issues and topics with subject area experts. The subject area expert presenters must provide their services in-kind, on a volunteer basis.

(c) Continuing legal education programs for attorneys to advise and assist persons with dementia. The continuing education programs must be offered at no cost to attorneys who make a commitment to participate in the pro bono program.

(d) Administrative support costs to develop intake forms and protocols, perform client intake, match participating attorneys with eligible clients statewide, maintain records and data, and produce reports as needed.

(15) Appropriations provided in this section are sufficient to continue community alternative placement beds that prioritize the transition of clients who are ready for discharge from the state psychiatric hospitals, but who have additional long-term care or developmental disability needs.

(a) Community alternative placement beds include enhanced service facility beds, adult family home beds, skilled nursing facility beds, shared supportive housing beds, state operated living alternative beds, assisted living facility beds, adult residential care beds, and specialized dementia beds.

(b) Each client must receive an individualized assessment prior to leaving one of the state psychiatric hospitals. The individualized assessment must identify and authorize personal care, nursing care, behavioral health stabilization, physical therapy, or other necessary services to meet the unique needs of each client. It is the expectation that, in most cases, staffing ratios in all community alternative placement options described in (a) of this subsection will need to increase to meet the needs of clients leaving the state psychiatric hospitals. If specialized training is necessary to meet the needs of a client before he or she enters a community placement, then the person centered service plan must also identify and authorize this training.

(c) When reviewing placement options, the department must consider the safety of other residents, as well as the safety of staff, in a facility. An initial evaluation of each placement, including any documented safety concerns, must occur within thirty days of a client leaving one of the state psychiatric hospitals and entering one of the community placement options described in (a) of this subsection. At a minimum, the department must perform two additional evaluations of each placement during the first year that a client has lived in the facility.

(d) In developing bed capacity, the department shall consider the complex needs of individuals waiting for discharge from the state psychiatric hospitals.

(16) No later than December 31, 2021, the department of social and health services and the health care authority shall submit a waiver request to the federal department of health and human services to authorize presumptive medicaid eligibility determinations for clients preparing for acute care hospital discharge who may need long-term services and supports. The department and the authority shall hold stakeholder discussions, including opportunities for public review and comment, during development of the waiver request. Upon submission of the waiver request, the department and the authority shall submit a report to the governor and the appropriate legislative committees that describes the request and identifies any statutory changes that may be necessary if the federal government approves the request.

(17) The annual certification renewal fee for community residential service businesses is \$859 per client in fiscal year 2022 and \$859 per client in fiscal year 2023. The annual certification renewal fee may not exceed the department's annual licensing and oversight activity costs.

(18) The appropriations in this section include sufficient funding to implement chapter 220, Laws of 2020 (adult family homes/8 beds). A

nonrefundable fee of \$485 shall be charged for each application to increase bed capacity at an adult family home to seven or eight beds.

(19) \$261,000 of the general fund—state appropriation for fiscal year 2022, \$320,000 of the general fund—state appropriation for fiscal year 2023, and \$861,000 of the general fund—federal appropriation are provided solely to increase the administrative rate for home care agencies by five cents per hour effective July 1, 2021.

(20) The department of social and health services must claim the enhanced federal medical assistance participation rate for home and community-based services offered under section 9817 of the American rescue plan act of 2021 (ARPA). Appropriations made that constitute supplementation of home and community-based services as defined in section 9817 of ARPA are listed in LEAP omnibus document HCBS-2021.

(21) \$1,458,000 of the general fund—state appropriation for fiscal year 2022 and \$1,646,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to provide personal care services for up to 20 clients who are not United States citizens and who are ineligible for medicaid upon their discharge from an acute care hospital. The department must prioritize the funding provided in this subsection for such clients in acute care hospitals who are also on the department's wait list for services.

(22) \$750,000 of the general fund—state appropriation for fiscal year 2022 and \$750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for community-based dementia education and support activities in two areas of the state, including dementia resource catalyst staff and direct services for people with dementia and their caregivers.

(23) \$237,000 of the general fund—state appropriation for fiscal year 2022, \$226,000 of the general fund—state appropriation for fiscal year 2023, and \$572,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 1218 (long-term care residents). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

~~(24) ((\$345,000 of the general fund—state appropriation for fiscal year 2022, \$50,000 of the general fund—state appropriation for fiscal year 2023, and \$336,000 of the general fund—federal appropriation are provided solely to implement Second Substitute House Bill No. 1127 (COVID-19 health data privacy). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(25))~~ \$4,329,000 of the general fund—state appropriation for fiscal year 2022 and \$4,329,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for services and support to individuals who are deaf, hard of hearing, or deaf-blind.

~~((26) \$41,117,000))~~ (25) \$85,981,000 of the general fund—state appropriation for fiscal year 2022, \$85,463,000 of the general fund—state appropriation for fiscal year 2023, and ((\$101,715,000)) \$292,979,000 of the general fund—federal appropriation are provided solely ((to continue providing)) for rate add-ons for contracted service providers to address the increased costs associated with serving clients during the COVID-19 pandemic ((through the end of calendar year 2021)). Beginning July 1, 2022, the rate add-ons shall be reduced by 20 percent every two fiscal quarters.



~~((27))~~ (26) \$11,609,000 of the general fund—state appropriation for fiscal year 2023 and \$11,609,000 of the general fund—federal appropriation are provided solely to increase the fixed rate paid for skilled nursing facility medicaid direct care to one hundred and five percent of statewide case mix neutral median costs.

~~((28))~~ (27) Within the amounts provided in this section, the department of social and health services must develop a statewide agency emergency preparedness plan with which to respond to future public health emergencies.

~~((29))~~ (28) The traumatic brain injury council shall collaborate with other state agencies in their efforts to address traumatic brain injuries to ensure that efforts are complimentary and continue to support the state's broader efforts to address this issue.

~~((30))~~ (29) \$1,858,000 of the general fund—state appropriation for fiscal year 2022 and \$1,857,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for operation of the volunteer services program. Funding must be prioritized towards serving populations traditionally served by long-term care services to include senior citizens and persons with disabilities.

~~((31))~~ (30) \$479,000 of the general fund—state appropriation for fiscal year 2022 and \$479,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the kinship navigator program in the Colville Indian reservation, Yakama Nation, and other tribal areas.

~~((32))~~ (31) Within available funds, the aging and long term support administration must maintain a unit within adult protective services that specializes in the investigation of financial abuse allegations and self-neglect allegations.

~~((33))~~ (32) \$1,344,000 of the general fund—state appropriation for fiscal year 2022 and \$1,344,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the kinship care support program.

~~((34) — \$10,797,000))~~ (33) \$7,938,000 of the general fund—state appropriation for fiscal year 2022, ~~(((\$11,477,000))~~ \$13,412,000 of the general fund—state appropriation for fiscal year 2023, and ~~(((\$23,946,000))~~ \$22,456,000 of the general fund—federal appropriation are provided solely for nursing home services and emergent building costs at the transitional care center of Seattle. No later than December 1, 2022, the department must submit to the appropriate fiscal committees of the legislature a report that includes, but is not limited to:

(a) An itemization of the costs associated with providing direct care services to residents and managing and caring for the facility; and

(b) An examination of the impacts of this facility on clients and providers of the long-term care and medical care sectors of the state that includes, but is not limited to:

(i) An analysis of areas that have realized cost containment or savings as a result of this facility;

(ii) A comparison of individuals transitioned from hospitals to this facility compared to other skilled nursing facilities over the same period of time; and

(iii) Impacts of this facility on lengths of stay in acute care hospitals, other skilled nursing facility, and transitions to home and community-based settings.

~~((35))~~ (34) \$58,000 of the general fund—state appropriation for fiscal year 2022 and \$90,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 5229 (health equity

continuing education). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~((36))~~ (35) \$50,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for fall prevention training. The department of social and health services will provide one-time grant funding to an association representing long-term care facilities to develop and provide fall prevention training for long-term care facilities. The training must include information about environmental modifications to help reduce falls, tools to assess an individual's risk for falling, and evidence-based interventions for reducing falls amongst individuals with dementia or cognitive impairments. The training must be offered at no cost and made available online for the general public to access at any time. The recipient of the grant funds must work with the department of social and health services and the department of health on developing and promoting the training.

~~((37))~~ (36) \$4,504,000 of the general fund—state appropriation for fiscal year 2022, \$9,072,000 of the general fund—state appropriation for fiscal year 2023, and \$452,000 of the general fund—federal appropriation are provided solely for behavioral health personal care services for individuals with exceptional care needs due to their psychiatric diagnosis as determined through the department's CARE assessment and for three full-time positions to coordinate with the health care authority and medicaid managed care organizations for the care of these individuals. Future caseload and per capita changes for behavioral health personal care services will be incorporated into the department's medicaid forecast. The department shall coordinate with the authority for purposes of developing and submitting to the centers for medicare and medicaid, a 1915(i) state plan.

~~((38))~~ (37) Within existing appropriations, and no later than December 31, 2021, the department of social and health services must work with stakeholders to consider modifications to current practices that address the current challenges adult family homes are facing with acquiring and maintaining liability insurance coverage. In consultation with stakeholders, the department of social and health services must:

(a) Transition language contained in citation and enforcement actions to plain talk language that helps insurers and consumers understand the nature of the regulatory citations; and

(b) Display the severity and resolution of citation and enforcement actions in plain talk language for consumers and insurers to better understand the nature of the situation.

~~((39))~~ (38) \$435,000 of the general fund—state appropriation for fiscal year 2022 and \$435,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to continue the current pilot project in Pierce county to provide personal care services to homeless seniors and people with disabilities from the time the person presents at a shelter to the time they become eligible for medicaid and to establish two new pilot project sites in King county, one site in Clark county, and one site in Spokane county. The department of social and health services shall submit a report by December 1, 2022, to the governor and appropriate legislative committees that addresses the following for each site:

(a) The number of people served in the pilot;

(b) The number of people served in the pilot who transitioned to medicaid personal care;

(c) The number of people served in the pilot who found stable housing; and

(d) Any additional information or data deemed relevant by the contractors or the department of social and health services.

~~((40))~~ (39) \$3,063,000 of the general fund—state appropriation for fiscal year 2022 and \$4,517,000 of the general fund—federal appropriation is provided solely to offset COVID-19 related cost impacts on the in-home medicaid long-term care case management program operated by area agencies on aging.

~~((41))~~ (40) Appropriations provided in this section are sufficient to implement Substitute Senate Bill No. 5258 (consumer directed employers).

~~((42))~~ (41) \$69,000 of the general fund—state appropriation for fiscal year 2022, \$65,000 of the general fund—state appropriation for fiscal year 2023, and \$98,000 of the general fund—federal appropriation are provided solely to implement Engrossed Second Substitute Senate Bill No. 5163 (conditionally released sexually violent predators). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(43))~~ (42) \$75,000 of the general fund—state appropriation for fiscal year 2022, \$54,000 of the general fund—state appropriation for fiscal year 2023, and \$130,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 1411 (health care workforce). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(44))~~ (43) \$15,000 of the general fund—state appropriation for fiscal year 2022, ~~(((\$51,000))~~ \$111,000 of the general fund—state appropriation for fiscal year 2023, and ~~(((\$32,000))~~ \$61,000 of the general fund—federal appropriation are provided solely for a cost of living adjustment to the personal needs allowance pursuant to RCW 74.09.340.

(44) \$12,890,000 of the general fund—state appropriation for fiscal year 2023 and \$12,891,000 of the general fund—federal appropriation are provided solely to adjust the minimum occupancy assumption used to calculate the indirect care median to 75 percent.

(45) \$38,265,000 of the general fund—state appropriation for fiscal year 2023 and \$48,666,000 of the general fund—federal appropriation are provided solely for the purposes of settling all claims in the two related cases *Liang et al v. Washington DSHS et al.* Thurston county superior court case no. 20-2-02506-34 and *SEIU 775 v. Washington DSHS et al.* Thurston county superior court case no. 18-2-05584-34, Washington supreme court case no. 99658-8. The expenditure of these amounts is contingent upon the release of all claims in both cited cases, and total settlement costs shall not exceed the amounts provided in this subsection and section 203(1)(y) of this act. If the settlement agreement is not fully executed and approved by the Thurston county superior court by June 30, 2023, the amounts provided in this subsection shall lapse.

(46) \$799,000 of the general fund—state appropriation for fiscal year 2023 and \$1,016,000 of the general fund—federal appropriation are provided solely to make up for a gap in the employer tax rates paid to agency providers. Funds must be used to ensure wages and benefits of home care agency workers who provide direct care are increased to satisfy wage parity requirements set forth in

RCW 74.39A.310, except in situations where agency providers covered the gap in the tax rate by reducing agency administrative expenses.

(47) \$133,000 of the general fund—state appropriation for fiscal year 2022, \$181,000 of the general fund—state appropriation for fiscal year 2023, and \$313,000 of the general fund—federal appropriation are provided solely to continue the overpayment resolution team through the 2021-2023 fiscal biennium. No later than June 30, 2023, the department shall submit to the appropriate committees of the legislature a report describing the work undertaken by this team and the associated outcomes.

(48) \$1,081,000 of the general fund—state appropriation for fiscal year 2023 and \$1,200,000 of the general fund—federal appropriation are provided solely to increase rates by 20 percent for in-home private duty nursing agencies and to increase rates by 10 percent for private duty nursing adult family homes effective July 1, 2022.

(49) \$1,750,000 of the general fund—state appropriation for fiscal year 2023 and \$350,000 of the general fund—federal appropriation are provided solely for area agency on aging care coordinators stationed in acute care hospitals to help transition clients ready for hospital discharge into home and community-based settings. Care coordinators shall keep data on numbers of patients discharged and readmission impacts and report that information to the department of social and health services.

(50) \$23,000 of the general fund—state appropriation for fiscal year 2022, \$15,879,000 of the general fund—state appropriation for fiscal year 2023, and \$17,378,000 of the general fund—federal appropriation are provided solely to increase funding of the assisted living medicaid methodology established in RCW 74.39A.032 and of the specialized dementia care rate methodology to 68 percent of full methodology funding, effective July 1, 2022.

(a) Of the amounts provided in this subsection, \$23,000 of the general fund—state appropriation for fiscal year 2022, \$39,000 of the general fund—state appropriation for fiscal year 2023, and \$62,000 of the general fund—federal appropriation are provided solely for a one-time project staff position at the department to develop and submit a report to the governor and appropriate legislative committees no later than December 30, 2022. The report must include a review and summary of discharge regulations and notification requirements for assisted living providers and include recommendations related to disclosure of providers' terms and conditions for medicaid acceptance.

(b) Following the submission of the report in (a) of this subsection and through the end of the 2021-2023 fiscal biennium, the department shall regularly review and report on medicaid resident utilization of and access to assisted living facilities.

(51) \$12,000,000 of the general fund—state appropriation for fiscal year 2023 and \$12,000,000 of the general fund—federal appropriation are provided solely to increase the rate paid for area agency on aging case management services by 23 percent.

(52) \$68,000 of the general fund—state appropriation for fiscal year 2023 and \$67,000 of the general fund—federal appropriation are provided solely for implementation of Senate Bill No. 5866 (medicaid LTSS/tribes). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(53) \$24,138,000 of the general fund—state appropriation for fiscal year 2023 and \$24,138,000 of the general fund—federal appropriation are provided solely to increase skilled nursing facility medicaid rates in order to increase low-wage direct and indirect care worker wages by up to four dollars per hour effective July 1, 2022. Funding provided in this subsection is provided for purposes of wage equity.

(a) Of the amounts provided in this subsection, \$21,910,000 of the general fund—state appropriation for fiscal year 2023 and \$21,910,000 of the general fund—federal appropriation are provided solely to increase the fixed rate paid for direct care to no less than 111 percent of statewide case mix neutral median costs to increase low-wage direct care worker wages by up to four dollars per hour effective July 1, 2022. For the purpose of this subsection, "low-wage direct care workers" means certified nursing assistants, dietary workers, laundry workers, and other workers who provide direct care to patients and who have no managerial roles. The department shall determine each facility-specific wage equity funding amount in the direct care rate component by comparing the rate at 105 percent of the direct care median to the rate at 111 percent of the direct care median, and by multiplying the rate difference by the actual paid medicaid days over the July 1, 2022, through June 30, 2023 period.

(b) Of the amounts provided in this subsection, \$2,229,000 of the general fund—state appropriation for fiscal year 2023 and \$2,228,000 of the general fund—federal appropriation are provided solely to increase the fixed rate paid for indirect care to no less than 92 percent of statewide median costs to increase low-wage indirect care worker wages by up to four dollars per hour effective July 1, 2022. For the purpose of this subsection, "low-wage indirect care workers" means central supply workers and housekeeping workers. The department shall determine each facility-specific wage equity funding amount for the indirect care rate component by comparing the rate at 90 percent of the indirect care median to the rate at 92 percent of the indirect care median, and by multiplying the rate difference by the actual paid medicaid days over the July 1, 2022, through June 30, 2023 period.

(c) Working with stakeholders, the department shall develop and adopt rules to establish a verification process for each skilled nursing facility provider to demonstrate how the provider has used its wage equity funding to increase wages for low-wage workers by up to four dollars per hour, and for the department to recover any funding difference between each provider's wage equity funding and the amount of wage equity funding that the provider utilizes to increase low-wage worker wages. The verification process must use wages paid as of December 31, 2021, as the base wage to compare providers' wage spending in the designated job categories to the facility-specific amounts of wage equity funding provided in (a) and (b) of this subsection, excluding any amounts adjusted by settlement. The verification and recovery process in this subsection is a distinct and separate process from the settlement process described in RCW 74.46.022.

(d) It is the intent of the legislature that wage equity funding provided in this subsection be carried forward into the department's appropriation for the 2023-2025 fiscal biennium.

(54) \$350,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a study of the feasibility of placing individuals under the

jurisdiction of the department of corrections in nursing home facilities licensed or to be licensed by the department to better meet the client's care needs. By October 1, 2022, in collaboration with the department of corrections and the health care authority, the department must submit a preliminary report to the governor and the relevant fiscal and policy committees of the legislature. At a minimum, the preliminary report must review the medical, behavioral health, and long-term care needs of the individuals and assess whether the state could obtain and be eligible for federal funding for providing health care and long-term care services for individuals under the jurisdiction of the department of corrections placed in nursing home facilities. By June 30, 2023, the department, in collaboration with the department of corrections, must submit a final report to the governor and the relevant fiscal and policy committees of the legislature. The final report shall:

(a) Assess the relevant characteristics and needs of the potential patient population;

(b) Assess the feasibility, daily operating costs, staffing needs, and other relevant factors of potential locations or contractors, including the Maple Lane corrections center, for placement of long-term care individuals under the jurisdiction of the department of corrections for a potential nursing home facility to be licensed by the department;

(c) A cost-benefit analysis of placing individuals under the jurisdiction of department of corrections clients in potential facilities identified in subsection (b) of this subsection, including the possibility or absence of federal funding for operations. The department of corrections must provide daily operating costs of prisons where these individuals may be coming from, the fiscal year 2021 daily costs per incarcerated individual assigned to the sage living unit, and the costs associated with electronic home monitoring costs per individual. This analysis shall take into account both state-run and privately contracted options;

(d) Assess the ability of potential facilities identified in subsection (b) of this subsection to better meet clients' medical and personal needs; and

(e) Assess the ability to provide medicaid funded services to meet the health care needs of these individuals.

(55) \$438,000 of the general fund—state appropriation for fiscal year 2023 and \$558,000 of the general fund—federal appropriation are provided solely to increase the rates paid for adult day health and adult day care providers effective July 1, 2022, by the amount of the temporary rate add-on in effect through June 30, 2022.

(56) \$900,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to expand the availability of home-delivered meals for eligible long-term care clients.

(57) \$82,000 of the general fund—state appropriation for fiscal year 2023 and \$82,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 1980 (concurrent services). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(58) The long-term services and supports trust commission established in RCW 50B.04.030 must submit the results of the following activities, including any legislative recommendations, to the governor and appropriate legislative committees no later than January 1, 2023:

(a) The commission shall develop options for allowing persons who become qualified individuals and subsequently move outside of Washington to access benefits in another state if they meet the minimum assistance requirements to become an eligible beneficiary. The commission must include consideration of options for conducting eligibility determinations for qualified individuals who subsequently move outside of Washington, alternative forms of benefits for out-of-state eligible beneficiaries, methods of cross-state coordination on long-term services and supports providers, and timing implications of extending benefits to out-of-state eligible beneficiaries with respect to short-term program implementation and long-term collaboration with other states establishing similar programs.

(b) The commission shall develop options for requiring the ongoing verification of the maintenance of long-term care insurance coverage by persons who have received an exemption under RCW 50B.04.085, including consideration of procedures that minimize administrative burden, minimize negative impact on long-term services and supports trust account solvency, and incentivize maintenance of coverage.

(c) The commission shall develop options for providing workers who have received exemptions based on having private long-term care insurance pursuant to RCW 50B.04.085 an opportunity to rescind their exemption and permanently reenter the long-term services and supports trust program.

Sec. 205. 2021 c 334 s 205 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
ECONOMIC SERVICES PROGRAM**

General Fund—State Appropriation (FY 2022) . . . . .	(\$414,105,000)
	\$393,972,000
General Fund—State Appropriation (FY 2023) . . . . .	(\$420,792,000)
	\$511,507,000
General Fund—Federal Appropriation . . . . .	(\$1,528,996,000)
	\$1,658,341,000
General Fund—Private/Local Appropriation . . . . .	\$5,274,000
Domestic Violence Prevention Account—State Appropriation . . . . .	\$2,404,000
Coronavirus State Fiscal Recovery Fund—Federal Appropriation . . . . .	\$345,399,000
TOTAL APPROPRIATION . . . . .	(\$2,716,970,000)
	\$2,916,897,000

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

(1)(a) ~~(\$118,168,000)~~ \$69,453,000 of the general fund—state appropriation for fiscal year 2022, ~~(\$119,846,000)~~ \$122,583,000 of the general fund—state appropriation for fiscal year 2023, and ~~(\$859,678,000)~~ \$860,217,000 of the general fund—federal appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the department may provide assistance using state-only funds for families eligible for temporary assistance for needy families. The department must create a WorkFirst budget structure that allows for transparent tracking of budget units and subunits of expenditures where these units and

subunits are mutually exclusive from other department budget units. The budget structure must include budget units for the following: Cash assistance, child care, WorkFirst activities, and administration of the program. Within these budget units, the department must develop program index codes for specific activities and develop allotments and track expenditures using these codes. The department shall report to the office of financial management and the relevant fiscal and policy committees of the legislature prior to adopting a structure change.

(b) ~~(\$386,329,000)~~ \$366,071,000 of the amounts in (a) of this subsection is for assistance to clients, including grants, diversion cash assistance, and additional diversion emergency assistance including but not limited to assistance authorized under RCW 74.08A.210. The department may use state funds to provide support to working families that are eligible for temporary assistance for needy families but otherwise not receiving cash assistance. Of the amounts provided in this subsection (1)(b):

(i) ~~(\$10,914,000)~~ \$7,776,000 of the general fund—state appropriation for fiscal year 2022, ~~(\$14,104,000)~~ \$9,729,000 of the general fund—state appropriation for fiscal year 2023, and \$27,226,000 of the general fund—federal appropriation are provided solely for the department to increase the temporary assistance for needy family grant standard by 15 percent, effective July 1, 2021.

(ii) \$10,744,000 of the general fund—federal appropriation of the amounts in (a) of this subsection are provided solely for the department to provide cash assistance to households who have exceeded the 60 month time limit in the temporary assistance for needy families program, pursuant to RCW 74.08A.010(5), through June 30, 2022. Because funding for this specific purpose is provided only through fiscal year 2022, pursuant to section 4 of Second Substitute Senate Bill No. 5214, the bill takes effect 90 days after final adjournment of the legislative session in which it is enacted.

(iii) ~~(\$3,420,000)~~ \$9,950,000 of the general fund—state appropriation for fiscal year 2023 and \$2,126,000 of the general fund—federal appropriation are provided solely for the ~~((cost of benefits associated with the implementation of Second Substitute Senate Bill No. 5214 (economic assistance programs)))~~ department to provide cash assistance to households who have exceeded the 60 month time limit in the temporary assistance for needy families program, pursuant to RCW 74.08A.010(5), through June 30, 2023. ((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse. The department is directed to provide the high unemployment time limit extension approved under the bill upon the expiration of the 60-month time limit extension pursuant to (b)(ii) of this subsection.))

(iv) \$217,000 of the general fund—state appropriation for fiscal year 2022 and \$863,000 of the general fund—federal appropriation are provided solely for costs in state fiscal year 2022 that are associated with the temporary suspension of the mid-certification review and extension of the eligibility review between November 2020 and June 2021 for the temporary assistance for needy families program.

(v) \$50,000 of the general fund—federal appropriation is provided solely to increase the monthly payment standard for households with nine or more assistance unit members that are receiving temporary assistance for needy families or state family assistance benefits, effective July 1, 2022.



(c) (~~(\$172,917,000)~~) \$176,446,000 of the amounts in (a) of this subsection is for WorkFirst job search, education and training activities, barrier removal services, limited English proficiency services, and tribal assistance under RCW 74.08A.040. The department must allocate this funding based on client outcomes and cost effectiveness measures. Within amounts provided in this subsection (1)(c), the department shall implement the working family support program.

(i) \$5,952,000 of the general fund—state appropriation for fiscal year 2022 and \$157,000 of the general fund—federal appropriation of the amounts in (a) of this subsection are provided solely for the WorkFirst services costs associated with the expansion of the 60 month time limit in the temporary assistance for needy families program for households described in RCW 74.08A.010(5).

(ii) \$2,474,000 of the amounts provided in this subsection (1)(c) is for enhanced transportation assistance. The department must prioritize the use of these funds for the recipients most in need of financial assistance to facilitate their return to work. The department must not utilize these funds to supplant repayment arrangements that are currently in place to facilitate the reinstatement of drivers' licenses.

(iii) \$378,000 of the general fund—state appropriation for fiscal year 2022 and \$568,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for WorkFirst services costs associated with the implementation of chapter 320, Laws of 2020 (revising economic assistance programs).

(iv) \$748,000 of the general fund—state appropriation for fiscal year 2022, \$760,000 of the general fund—state appropriation for fiscal year 2023, and \$1,706,000 of the general fund—federal appropriation are provided solely for WorkFirst services costs associated with the implementation of chapter 338, Laws of 2020 (improving access to temporary assistance for needy families).

(v) (~~(\$3,701,000)~~) \$7,230,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the WorkFirst costs associated with (~~the implementation of Second Substitute Senate Bill No. 5214 (economic assistance programs))~~) the extension of the 60 month time limit through June 30, 2023. (~~If the bill is not enacted by June 30, 2021, the amount provided in this section shall lapse.~~)

(d) Of the amounts in (a) of this subsection, (~~(\$353,402,000)~~) \$318,402,000 of the general fund—federal appropriation is for the working connections child care program under RCW 43.216.020 within the department of children, youth, and families. The department is the lead agency for and recipient of the federal temporary assistance for needy families grant. A portion of this grant must be used to fund child care subsidies expenditures at the department of children, youth, and families.

(i) The department of social and health services shall work in collaboration with the department of children, youth, and families to determine the appropriate amount of state expenditures for the working connections child care program to claim towards the state's maintenance of effort for the temporary assistance for needy families program. The departments will also collaborate to track the average monthly child care subsidy caseload and expenditures by fund type, including child care development fund, general fund—state appropriation, and temporary assistance for needy families for the purpose of estimating the annual

temporary assistance for needy families reimbursement from the department of social and health services to the department of children, youth, and families.

(ii) Effective September 30, 2022, and annually thereafter, the department of children, youth, and families must report to the governor and the appropriate fiscal and policy committees of the legislature the total state contribution for the working connections child care program claimed the previous fiscal year towards the state's maintenance of effort for the temporary assistance for needy families program and the total temporary assistance for needy families reimbursement from the department of social and health services for the previous fiscal year.

(e) Of the amounts in (a) of this subsection, \$68,496,000 of the general fund—federal appropriation is for child welfare services within the department of children, youth, and families.

(f) Of the amounts in (a) of this subsection, (~~(\$116,195,000)~~) \$122,836,000 is for WorkFirst administration and overhead. Of the amounts provided in this subsection (1)(f):

(i) \$399,000 of the general fund—state appropriation for fiscal year 2022 and \$805,000 of the general fund—state appropriation for fiscal year 2023 of the amounts in (a) of this subsection (~~(is)~~) are provided solely for administrative and overhead costs associated with the expansion of the 60 month time limit through June 30, 2023 in the temporary assistance for needy families program for households described in RCW 74.08A.010(5).

(ii) \$43,000 of the general fund—state appropriation in fiscal year 2022 and \$43,000 of the general fund—state appropriation in fiscal year 2023 are provided solely for administrative and overhead costs associated with the implementation of chapter 320, Laws of 2020 (revising economic assistance programs).

(iii) \$1,215,000 of the general fund—federal appropriation is provided solely for administrative and overhead costs associated with the implementation of chapter 338, Laws of 2020 (improving access to temporary assistance for needy families).

(iv) \$512,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for administrative and overhead costs associated with the implementation of Second Substitute Senate Bill No. 5214 (economic assistance programs). (~~If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~) The department is directed to use the funding provided in this subsection to make information technology changes necessary to provide the high-unemployment time-limit extension approved under the bill beginning July 1, 2022.

(v) \$489,000 of the general fund—federal appropriation is provided solely for administrative and overhead costs associated with the implementation of Substitute Senate Bill No. 5838 (diaper subsidy/TANF). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(g)(i) The department shall submit quarterly expenditure reports to the governor, the fiscal committees of the legislature, and the legislative WorkFirst poverty reduction oversight task force under RCW 74.08A.341. In addition to these requirements, the department must detail any fund transfers across budget units identified in (a) through (e) of this subsection. The department shall not

initiate any services that require expenditure of state general fund moneys that are not consistent with policies established by the legislature.

(ii) The department may transfer up to ten percent of funding between budget units identified in (b) through (f) of this subsection. The department shall provide notification prior to any transfer to the office of financial management and to the appropriate legislative committees and the legislative-executive WorkFirst poverty reduction oversight task force. The approval of the director of financial management is required prior to any transfer under this subsection.

(h) Each calendar quarter, the department shall provide a maintenance of effort and participation rate tracking report for temporary assistance for needy families to the office of financial management, the appropriate policy and fiscal committees of the legislature, and the legislative-executive WorkFirst poverty reduction oversight task force. The report must detail the following information for temporary assistance for needy families:

(i) An overview of federal rules related to maintenance of effort, excess maintenance of effort, participation rates for temporary assistance for needy families, and the child care development fund as it pertains to maintenance of effort and participation rates;

(ii) Countable maintenance of effort and excess maintenance of effort, by source, provided for the previous federal fiscal year;

(iii) Countable maintenance of effort and excess maintenance of effort, by source, for the current fiscal year, including changes in countable maintenance of effort from the previous year;

(iv) The status of reportable federal participation rate requirements, including any impact of excess maintenance of effort on participation targets;

(v) Potential new sources of maintenance of effort and progress to obtain additional maintenance of effort;

(vi) A two-year projection for meeting federal block grant and contingency fund maintenance of effort, participation targets, and future reportable federal participation rate requirements; and

(vii) Proposed and enacted federal law changes affecting maintenance of effort or the participation rate, what impact these changes have on Washington's temporary assistance for needy families program, and the department's plan to comply with these changes.

(i) In the 2021-2023 fiscal biennium, it is the intent of the legislature to provide appropriations from the state general fund for the purposes of (a) of this subsection if the department does not receive additional federal temporary assistance for needy families contingency funds in each fiscal year as assumed in the budget outlook.

(2) \$2,545,000 of the general fund—state appropriation for fiscal year 2022 and \$2,546,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for naturalization services.

(3) \$2,366,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for employment services for refugees and immigrants, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services; and \$2,366,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for employment services for refugees and immigrants, of which \$1,774,000 is provided solely for the

department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services.

(4) On January 1, 2022, and January 1, 2023, the department must report to the governor and the legislature on all sources of funding available for both refugee and immigrant services and naturalization services during the current fiscal year and the amounts expended to date by service type and funding source. The report must also include the number of clients served and outcome data for the clients.

(5) To ensure expenditures remain within available funds appropriated in this section, the legislature establishes the benefit under the state food assistance program, pursuant to RCW 74.08A.120, to be one hundred percent of the federal supplemental nutrition assistance program benefit amount.

(6) The department shall review clients receiving services through the aged, blind, or disabled assistance program, to determine whether they would benefit from assistance in becoming naturalized citizens, and thus be eligible to receive federal supplemental security income benefits. Those cases shall be given high priority for naturalization funding through the department.

(7) The department shall continue the interagency agreement with the department of veterans' affairs to establish a process for referral of veterans who may be eligible for veterans' services. This agreement must include out-stationing department of veterans' affairs staff in selected community service office locations in King and Pierce counties to facilitate applications for veterans' services.

(8) \$1,500,000 of the general fund—state appropriation for fiscal year 2022 and \$1,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for operational support of the Washington information network 211 organization.

(9) \$609,000 of the general fund—state appropriation for fiscal year 2022 and \$380,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of section 2, chapter 9, Laws of 2021 (SHB 1151) (public assistance), a state-funded cash benefit program and transitional food assistance program for households with children that are recipients of the supplemental nutrition assistance program of the food assistance program but are not recipients of the temporary assistance for needy families program.

(10) \$377,000 of the general fund—state appropriation for fiscal year 2022 and \$377,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the consolidated emergency assistance program.

(11) \$77,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to conduct a study, jointly with the poverty reduction work group, on the feasibility of implementing a universal basic income pilot program. The study must include research of other universal basic income programs, recommendations for a pilot in Washington, a cost-benefit analysis, operational costs, and an implementation plan that includes a strategy to ensure pilot participants who voluntarily quit a public assistance program to enroll in the universal basic income pilot will not experience gaps in service upon completion of the pilot. The department shall submit recommendations required by this section to the governor and appropriate legislative committees no later than June 1, 2022.

(12) \$251,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for costs in state fiscal year 2022 that are associated with the temporary suspension of mid-certification reviews and extension of the eligibility review between November 2020 and June 2021 for the aged, blind, or disabled program.

(13) \$388,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for costs in fiscal year 2022 that are associated with the temporary suspension of mid-certification reviews and extension of the eligibility review between November 2020 and June 2021 for the food assistance program.

(14) \$5,399,000 of the coronavirus state fiscal recovery account—federal appropriation is provided solely for the department to increase benefits for the food assistance program to maintain parity with benefits provided under the supplemental nutrition assistance program, for the period of July 1, 2021, through (~~September 30, 2021~~) January 31, 2022.

(15) \$340,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the Washington immigrant relief fund, a disaster assistance program to provide grants to eligible persons. Administrative costs may not exceed 10 percent of the funding in this subsection.

(a) A person is eligible for a grant who:

(i) Lives in Washington state;

(ii) Is at least 18 years of age;

(iii) After January 1, 2021, and before June 30, 2023, has been significantly affected by the coronavirus pandemic, such as loss of employment or significant reduction in work hours, contracting the coronavirus, having to self-quarantine as a result of exposure to the coronavirus, caring for a family member who contracted the coronavirus, or being unable to access childcare for children impacted by school or childcare closures; and

(iv) Is not eligible to receive federal economic impact (stimulus) payments or unemployment insurance benefits due to the person's immigration status.

(b) The department may not deny a grant to a person on the basis that another adult in the household is eligible for federal economic impact (stimulus) payments or unemployment insurance benefits or that the person previously received a grant under the program. However, a person may not receive more than three grants.

(c) The department's duty to provide grants is subject to the availability of the amounts specified in this subsection, and the department must prioritize grants to persons who are most in need of financial assistance using factors that include, but are not limited to: (i) Having an income at or below 250 percent of the federal poverty level; (ii) being the primary or sole income earner of household; (iii) experiencing housing instability; and (iv) having contracted or being at high risk of contracting the coronavirus.

(d) The department may contract with one or more entities to administer the program. If the department engages in a competitive contracting process for administration of the program, experience in administering similar programs must be given weight in the selection process to expedite the delivery of benefits to eligible applicants.

(16) \$204,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$22,635,000))~~ \$22,766,000 of the general fund—federal appropriation

(ARPA) are provided solely for the department to provide a one-time or short-term cash benefit to families eligible for pandemic emergency assistance under section 9201 of the American rescue plan act of 2021, P.L. 117-2, and to offer an equivalent benefit to eligible state family assistance or food assistance program recipients.

(17) \$88,000 of the general fund—state appropriation for fiscal year 2022 and \$89,000 of the general fund—federal appropriation are provided solely for the implementation of chapter 90, Laws of 2021 (SSB 5068) (postpartum period/Medicaid).

(18) \$41,000 of the general fund—state appropriation for fiscal year 2022, \$81,000 of the general fund—state appropriation for fiscal year 2023, and \$237,000 of the general fund—federal appropriation are provided solely for implementation of Substitute House Bill No. 1416 (insurers/child support coll.). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(19) \$11,884,000 of the general fund—state appropriation for fiscal year 2022 and \$15,248,000 of the general fund—federal appropriation are provided solely to cover the variance in total child support arrears collected in fiscal year 2022 compared to the total arrears collected in fiscal year 2021.

(20) \$36,860,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to increase the grant standard for the aged, blind, or disabled program to a maximum of \$417 per month for a one-person grant and \$528 for a two-person grant effective September 1, 2022.

(21) \$513,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to eliminate the mid-certification review for blind or disabled participants in the aged, blind, or disabled program, effective July 1, 2022.

(22) \$195,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to expand the aged, blind, or disabled program's clothing, personal maintenance, and necessary incidentals grant to individuals between the ages of 21 and 64 who are residing in a public mental institution, effective September 1, 2022.

(23) \$207,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to implement House Bill No. 1748 (human trafficking/ABD prog.). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(24) \$560,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to implement a state-funded employment and training program for recipients of the state's food assistance program, effective July 1, 2022.

(25) \$219,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to implement Substitute Senate Bill No. 5785 (transitional food assistance). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(26) \$95,000 of the general fund—state appropriation for fiscal year 2023 and \$61,000 of the general fund—federal appropriation are provided solely to remove the asset limit test for the medicare savings plan program in collaboration with the health care authority, effective January 1, 2023.

(27) \$207,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for system upgrades necessary for the anticipated expansion of

medicaid equivalent health care coverage to uninsured adults with income up to 138 percent of the federal poverty level regardless of immigration status in collaboration with the health care authority. Funding is subject to the conditions, limitations, and review requirements of section 701 of this act.

(28) \$8,489,000 of the general fund—state appropriation for fiscal year 2022 and \$19,909,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with nonprofit organizations to provide services to refugees and immigrants that have arrived in Washington state on or after July 1, 2021, and are eligible for federal refugee resettlement services, including those from Afghanistan and Ukraine. The services shall include, but are not limited to, emergency, temporary, and long-term housing and assistance with food, transportation, accessing childhood education services, applying for benefits and immigrant services, education and employment support, and social services navigation.

(29) \$750,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to provide funding to domestic violence services providers in Washington state that receive funding through the domestic violence services program and provide shelter services. The funding to each entity shall be proportionate, based upon bed capacity. This funding shall be in addition to any other funds previously provided to or scheduled to be provided under a contract with the domestic violence services program in the 2021-2023 fiscal biennium.

(30) \$1,000 of the general fund—state appropriation for fiscal year 2023 is for the implementation of Engrossed Second Substitute House Bill No. 2075 (DSHS service requirements).

(31) \$211,000 of the general fund—state appropriation for fiscal year 2022, \$5,727,000 of the general fund—state appropriation for fiscal year 2023, and \$13,762,000 of the general fund—federal appropriation are provided solely for the integrated eligibility and enrollment modernization project to create a comprehensive application and benefit status tracker for multiple programs and to establish a foundational platform. Funding is subject to the conditions, limitations, and review requirements of section 701 of this act.

(32) \$27,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute Senate Bill No. 5729 (hearing deadlines/good cause). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

**Sec. 206.** 2021 c 334 s 206 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
VOCATIONAL REHABILITATION PROGRAM**

General Fund—State Appropriation (FY 2022) . . . . .	(\$16,231,000)	\$17,363,000
General Fund—State Appropriation (FY 2023) . . . . .	(\$16,456,000)	\$24,443,000
General Fund—Federal Appropriation . . . . .	(\$109,595,000)	\$109,830,000
TOTAL APPROPRIATION . . . . .	(\$142,282,000)	\$151,636,000

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

(1) \$40,000 of the general fund—state appropriation for fiscal year 2022 and \$40,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute House Bill No. 1061 (child welfare/dev disability). ((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse:))

(2) \$5,087,000 of the general fund—state appropriation for fiscal year 2023 and \$235,000 of the general fund—federal appropriation are provided solely for implementation of Substitute Senate Bill No. 5790 (community support services). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

**Sec. 207.** 2021 c 334 s 207 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
SPECIAL COMMITMENT PROGRAM**

General Fund—State Appropriation (FY 2022) . . . . .	(( <del>\$63,650,000</del> ))
	<u>\$65,051,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	(( <del>\$61,748,000</del> ))
	<u>\$69,743,000</u>
TOTAL APPROPRIATION . . . . .	(( <del>\$125,398,000</del> ))
	<u>\$134,794,000</u>

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

(1) The special commitment center may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(2) \$1,204,000 of the general fund—state appropriation for fiscal year 2022 and \$1,079,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for specialized equipment and additional medical staff to provide more capacity to deliver care to individuals housed at the total confinement facility. No later than November 1, 2023, the department shall report to the legislature on the number of individuals treated on the island that previously would have been transported off the island for treatment.

(3) \$16,000 of the general fund—state appropriation for fiscal year 2022 and \$15,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the increased costs for personal computers leased through the department of enterprise services.

(4) \$6,768,000 of the general fund—state appropriation for fiscal year 2022 and \$4,496,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5163 (conditionally released SVPs). ((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse:))

**Sec. 208.** 2021 c 334 s 208 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund—State Appropriation (FY 2022) . . . . .	(( <del>\$39,381,000</del> ))
	<u>\$41,169,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	(( <del>\$39,035,000</del> ))



	<u>\$45,628,000</u>
General Fund—Federal Appropriation . . . . .	(( <del>\$51,371,000</del> ))
	<u>\$53,582,000</u>
TOTAL APPROPRIATION . . . . .	(( <del>\$129,787,000</del> ))
	<u>\$140,379,000</u>

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

(1) Within amounts appropriated in this section, the department shall provide to the department of health, where available, the following data for all nutrition assistance programs funded by the United States department of agriculture and administered by the department. The department must provide the report for the preceding federal fiscal year by February 1, 2022, and February 1, 2023. The report must provide:

- (a) The number of people in Washington who are eligible for the program;
- (b) The number of people in Washington who participated in the program;
- (c) The average annual participation rate in the program;
- (d) Participation rates by geographic distribution; and
- (e) The annual federal funding of the program in Washington.

(2)(a) \$3,000 of the general fund—state appropriation for fiscal year 2022, \$5,000 of the general fund—state appropriation for fiscal year 2023, and \$8,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium.

(b) \$20,000 of the general fund—state appropriation for fiscal year 2023 and \$11,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for fiscal year 2023 as provided in section 938 of this act.

(3) By October 1, 2021, the department must submit a report to the fiscal committees of the legislature detailing shortcomings of the previously funded electronic health records system and contract, the clinical validity of existing software, approaches to mitigate the shortcomings of previously funded system, and a recommended approach to establishing a comprehensive electronic health records system at state facilities in the future.

(4) \$39,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to implement Substitute House Bill No. 1411 (health care workforce). ((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))

(5) \$364,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the creation of a program director position and a project manager position tasked with ensuring an enterprise-wide approach to poverty reduction across Washington. These positions will convene and facilitate the poverty reduction subcommittee, track agency progress on poverty reduction efforts to build a stronger continuum of care, coordinate budget and policy proposals, and ensure that recommendations incorporate data prepared by the poverty reduction technical advisory group.

(6) \$461,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to create a poverty reduction technical advisory group that is tasked with developing a statewide measurement and data framework that can help inform future budget and policy decisions. This group must also track the state's progress towards creating a just and equitable future. This group must collaborate with communities experiencing poverty and the state office of equity to ensure their input is factored into the analysis of data.

(7) \$75,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department, in collaboration with the Washington state health care authority, to study the cost and benefit of adopting available options to expand medicare savings programs and classic medicaid programs, including categorically needy and medically needy, to promote affordable care, premiums, and cost-sharing for medicare enrollees. The cost analysis must identify available federal funding for each option. The department shall consider options that create affordability comparable to affordable care act programs available to adults without medicare, as well as intermediate options that move toward comparability. The study must analyze equity impacts of each option, considering gender, race, and ethnicity. The department shall submit the study and recommendations to the fiscal and health care committees of the legislature, as well as the joint legislative-executive committee on planning for aging and disability issues, by November 1, 2022.

(8) \$75,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to design and conduct a study describing the service experiences and characteristics of persons receiving medicaid-funded long-term services and supports and persons receiving services related to developmental or intellectual disabilities, and associated social and health services expenditures. Where feasible, this analysis shall include service experiences and expenditures of these populations within and across medicaid-funded long-term services and supports, medicaid-funded medical programs, medicaid-funded behavioral health programs, and medicare programs in Washington state. The department analysis shall be developed in consultation with relevant stakeholders, including but not limited to the Washington state health care authority. The department shall submit a final study report to the governor and appropriate committees of the legislature by December 31, 2022.

(9) \$65,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to prepare an annual report in consultation with the department of commerce on the projected demand for permanent supportive housing. This report is to be submitted to the appropriate committees of the legislature by December 1, 2022.

Sec. 209. 2021 c 334 s 209 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
PAYMENTS TO OTHER AGENCIES PROGRAM**

General Fund—State Appropriation (FY 2022) . . . . .	(\$65,743,000)
	\$68,048,000
General Fund—State Appropriation (FY 2023) . . . . .	(\$56,529,000)
	\$60,750,000
General Fund—Federal Appropriation . . . . .	(\$53,229,000)
	\$55,969,000
TOTAL APPROPRIATION . . . . .	(\$175,501,000)

\$184,767,000

The appropriations in this section are subject to the following conditions and limitations: Within the amounts appropriated in this section, the department must extend master property insurance to all buildings owned by the department valued over \$250,000 and to all locations leased by the department with contents valued over \$250,000.

**Sec. 210.** 2021 c 334 s 210 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE AUTHORITY**

(1)(a) During the 2021-2023 fiscal biennium, the health care authority shall provide support and data as required by the office of the state actuary in providing the legislature with health care actuarial analysis, including providing any information in the possession of the health care authority or available to the health care authority through contracts with providers, plans, insurers, consultants, or any other entities contracting with the health care authority.

(b) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the health care authority are subject to technical oversight by the office of the chief information officer.

(2) The health care authority shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The health care authority may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the health care authority receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3)(a) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that projects are planned for in a manner that ensures the efficient use of state resources, supports the adoption of a cohesive technology and data architecture, and maximizes federal financial participation. The work of the coalition and any project identified as a coalition project is subject to the conditions, limitations, and review provided in section 701 of this act.

(b) The health care authority must submit a report on November 1, 2021, and annually thereafter, to the fiscal committees of the legislature. The report must include, at a minimum:

(i) A list of active coalition projects as of July 1st of the fiscal year. This must include all current and ongoing coalition projects, which coalition agencies are involved in these projects, and the funding being expended on each project, including in-kind funding. For each project, the report must include which federal requirements each coalition project is working to satisfy, and when each project is anticipated to satisfy those requirements; and

(ii) A list of coalition projects that are planned in the current and following fiscal year. This must include which coalition agencies are involved in these projects, including the anticipated in-kind funding by agency, and if a budget request will be submitted for funding. This must reflect all funding required by fiscal year and by fund source and include the budget outlook period.

(4) The appropriations to the health care authority in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, 2022, unless prohibited by this act, the authority may transfer general fund—state appropriations for fiscal year 2022 among programs after approval by the director of the office of financial management. The authority must notify the fiscal committees of the legislature prior to receiving approval from the director of the office of financial management. To the extent that appropriations in sections 211 through 215 of this act are insufficient to fund actual expenditures in excess of caseload forecast and utilization assumptions or for expenses in response to the COVID-19 pandemic, the authority may transfer general fund—state appropriations for fiscal year 2022 that are provided solely for a specified purpose. The authority may not transfer funds, including for expenses in response to the COVID-19 pandemic in fiscal year 2022, 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. The director of the office of financial management shall notify the appropriate fiscal committees of the legislature in writing seven days prior to approving any allotment modifications or transfers under this section. The written notification must include a narrative explanation and justification of changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications and transfers.

\*Sec. 211. 2021 c 334 s 211 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE AUTHORITY—MEDICAL ASSISTANCE**

General Fund—State Appropriation (FY 2022) . . . . .	(( <u>\$2,516,277,000</u> ))
	<u>\$2,391,518,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	(( <u>\$2,439,933,000</u> ))
	<u>\$2,600,611,000</u>
General Fund—Federal Appropriation . . . . .	(( <u>\$13,199,214,000</u> ))
	<u>\$13,934,556,000</u>
General Fund—Private/Local Appropriation . . . . .	(( <u>\$355,726,000</u> ))
	<u>\$465,890,000</u>
Emergency Medical Services and Trauma Care Systems	
Trust Account—State Appropriation . . . . .	\$15,086,000

Hospital Safety Net Assessment Account—State Appropriation. . . . .	..(( <u>\$723,238,000</u> )) <u>\$685,383,000</u>
Dedicated Marijuana Account—State Appropriation (FY 2022). . . . .	..(( <u>\$24,511,000</u> )) <u>\$26,063,000</u>
Dedicated Marijuana Account—State Appropriation (FY 2023). . . . .	..(( <u>\$25,182,000</u> )) <u>\$27,241,000</u>
Medical Aid Account—State Appropriation . . . . .	\$540,000
Telebehavioral Health Access Account—State Appropriation. . . . .	..(( <u>\$7,714,000</u> )) <u>\$8,034,000</u>
Coronavirus State Fiscal Recovery Fund—Federal Appropriation. . . . .	..(( <u>\$35,000,000</u> )) <u>\$59,600,000</u>
<u>Ambulance Transport Fund—State Appropriation. . . . .</u>	<u>\$14,317,000</u>
TOTAL APPROPRIATION . . . . .	..(( <u>\$19,342,421,000</u> )) <u>\$20,228,839,000</u>

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

(1) The authority shall not accept or expend any federal funds received under a medicaid transformation waiver under healthier Washington except as described in subsections (2), (3), and (4) of this section until specifically approved and appropriated by the legislature. To ensure compliance with legislative directive budget requirements and terms and conditions of the waiver, the authority shall implement the waiver and reporting requirements with oversight from the office of financial management. The legislature finds that appropriate management of the innovation waiver requires better analytic capability, transparency, consistency, timeliness, accuracy, and lack of redundancy with other established measures and that the patient must be considered first and foremost in the implementation and execution of the demonstration waiver. In order to effectuate these goals, the authority shall: (a) Require the Dr. Robert Bree collaborative and the health technology assessment program to reduce the administrative burden upon providers by only requiring performance measures that are nonduplicative of other nationally established measures. The joint select committee on health care oversight will evaluate the measures chosen by the collaborative and the health technology assessment program for effectiveness and appropriateness; (b) develop a patient satisfaction survey with the goal to gather information about whether it was beneficial for the patient to use the center of excellence location in exchange for additional out-of-pocket savings; (c) ensure patients and health care providers have significant input into the implementation of the demonstration waiver, in order to ensure improved patient health outcomes; and (d) in cooperation with the department of social and health services, consult with and provide notification of work on applications for federal waivers, including details on waiver duration, financial implications, and potential future impacts on the state budget, to the joint select committee on health care oversight prior to submitting waivers for

federal approval. The authority shall submit an application to the centers for medicaid and medicare services to extend the duration of the medicaid transformation waiver under healthier Washington as described in subsections (2), (3), and (4) of this section by one year. If not extended, by federal standard, the medicaid transformation demonstration waiver shall not exceed the duration originally granted by the centers for medicare and medicaid services and any programs created or funded by this waiver do not create an entitlement. The demonstration period for the waiver as described in subsections (2), (3), and (4) of this section concludes December 31, 2022.

(2)(a) No more than (~~(\$63,052,000)~~) \$78,409,000 of the general fund—federal appropriation and no more than (~~(\$50,840,000)~~) \$66,264,000 of the general fund—local appropriation may be expended for transformation through accountable communities of health described in initiative 1 of the medicaid transformation demonstration wavier under healthier Washington, including preventing youth drug use, opioid prevention and treatment, and physical and behavioral health integration. Under this initiative, the authority shall take into account local input regarding community needs. In order to ensure transparency to the appropriate fiscal committees of the legislature, the authority shall provide fiscal staff of the legislature query ability into any database of the fiscal intermediary that authority staff would be authorized to access. The authority shall not increase general fund—state expenditures under this initiative. The director shall also report to the fiscal committees of the legislature all of the expenditures under this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(b) No more than (~~(\$243,047,000)~~) \$198,909,000 of the general fund—federal appropriation and no more than (~~(\$99,274,000)~~) \$81,245,000 of the general fund—private/local appropriation may be expended for the medicaid quality improvement program. Under federal regulations, the medicaid quality improvement program is authorized and allows states to design quality improvement programs for the medicaid population in ways that support the state's quality goals. Medicaid quality improvement program payments will not count against the medicaid transformation demonstration waiver spending limits and are excluded from the waiver's budget neutrality calculation. Apple health managed care organizations and their partnering providers will receive medicaid quality improvement program payments as they meet designated milestones. Partnering providers and apple health managed care organizations will work together to achieve medicaid quality improvement program goals according to the performance period timelines and reporting deadlines as set forth by the authority. The authority shall only utilize the medicaid quality improvement program to support the transformation waiver and shall not pursue its use for other purposes. Any programs created or funded by the medicaid quality improvement program does not create an entitlement. The authority shall not increase general fund—state, federal, or private/local expenditures under this program. The director shall report to the joint select committee on health care oversight not less than quarterly on financial and health outcomes. The director shall report to the fiscal committees of the legislature all of the expenditures under this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(3) No more than \$26,837,000 of the general fund—federal appropriation and \$26,839,000 of the general fund—local appropriation may be expended for tailored support for older adults and medicaid alternative care described in initiative 2 of the medicaid transformation demonstration waiver under healthier Washington as well as administrative expenses for initiative 3. The authority shall contract and provide funding to the department of social and health services to administer initiative 2. The director in cooperation with the secretary of the department of social and health services shall report to the office of financial management all of the expenditures of this section and shall provide such fiscal data in the time, manner, and form requested. The authority shall not increase general fund—state expenditures on this initiative.

(4) No more than (~~(\$50,389,000)~~) \$28,680,000 of the general fund—federal appropriation and no more than (~~(\$22,862,000)~~) \$12,992,000 of the general fund—local appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the authority and the department of social and health services shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its third party administrator. The authority shall not increase general fund—state expenditures under this initiative. The director shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(5) The authority shall submit an application to the centers for medicare and medicaid services to renew the 1115 demonstration waiver for an additional five years as described in subsections (2), (3), and (4) of this section. The authority may not accept or expend any federal funds received under an 1115 demonstration waiver except as described in this section unless the legislature has appropriated the federal funding. To ensure compliance with legislative requirements and terms and conditions of the waiver, the authority shall implement the renewal of the 1115 demonstration waiver and reporting requirements with oversight from the office of financial management. The legislature finds that appropriate management of the renewal of the 1115 demonstration waiver as set forth in subsections (6), (7), and (8) of this section requires sound, consistent, timely, and transparent oversight and analytic review in addition to lack of redundancy with other established measures. The patient must be considered first and foremost in the implementation and execution of the demonstration waiver. To accomplish these goals, the authority shall develop consistent performance measures that focus on population health and health outcomes. The authority shall limit the number of projects that accountable communities of health may participate in under initiative 1 to a maximum of six and shall seek to develop common performance measures when possible. The joint select committee on health care oversight will evaluate the measures chosen: (a) For effectiveness and appropriateness; and (b) to provide patients and health care providers with significant input into the implementation of the demonstration waiver to promote improved population health and patient health outcomes. In cooperation with the department of social and health services, the

authority shall consult with and provide notification of work on applications for federal waivers, including details on waiver duration, financial implications, and potential future impacts on the state budget to the joint select committee on health care oversight prior to submitting these waivers for federal approval. Prior to final approval or acceptance of funds by the authority, the authority shall submit the special terms and conditions as submitted to the centers for medicare and medicaid services and the anticipated budget for the duration of the renewed waiver to the governor, the joint select committee on health care, and the fiscal committees of the legislature. By federal standard any programs created or funded by this waiver do not create an entitlement. The demonstration period for the waiver as described in subsections (6), (7), and (8) of this section begins January 1, 2023.

(6)(a) \$32,432,000 of the general fund—federal appropriation and \$40,296,000 of the general fund—local appropriation are provided solely for accountable communities of health described in initiative 1 of the 1115 demonstration waiver and this is the maximum amount that may be expended for this purpose. In renewing this initiative, the authority shall consider local input regarding community needs and shall limit total local projects to no more than six. To provide transparency to the appropriate fiscal committees of the legislature, the authority shall provide fiscal staff of the legislature query ability into any database of the fiscal intermediary that authority staff would be authorized to access. The authority shall not supplement the amounts provided in this subsection with any general fund—state moneys appropriated in this section or any moneys that may be transferred pursuant to subsection (1) of this section. The director shall report to the fiscal committees of the legislature all expenditures under this subsection and provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(b) \$110,778,000 of the general fund—federal appropriation and \$45,248,000 of the general fund—private/local appropriation are provided solely for the medicaid quality improvement program and this is the maximum amount that may be expended for this purpose. Medicaid quality improvement program payments do not count against the 1115 demonstration waiver spending limits and are excluded from the waiver's budget neutrality calculation. The authority may provide medicaid quality improvement program payments to apple health managed care organizations and their partnering providers as they meet designated milestones. Partnering providers and apple health managed care organizations must work together to achieve medicaid quality improvement program goals according to the performance period timelines and reporting deadlines as set forth by the authority. The authority may only use the medicaid quality improvement program to support initiatives 1, 2, and 3 as described in the 1115 demonstration waiver and may not pursue its use for other purposes. Any programs created or funded by the medicaid quality improvement program do not constitute an entitlement for clients or providers. The authority shall not supplement the amounts provided in this subsection with any general fund—state, general fund—federal, or general fund—local moneys appropriated in this section or any moneys that may be transferred pursuant to subsection (1) of this section. The director shall report to the joint select committee on health care oversight not less than quarterly on financial and health outcomes. The director shall report to the fiscal committees of the legislature all expenditures under this



subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(c) In collaboration with the accountable communities of health, the authority will submit a report to the governor and the joint select committee on health care oversight describing how each of the accountable community of health's work aligns with the community needs assessment no later than December 1, 2022.

(d) Performance measures and payments for accountable communities of health shall reflect accountability measures that demonstrate progress toward transparent, measurable, and meaningful goals that have an impact on improved population health and improved health outcomes, including a path to financial sustainability. While these goals may have variation to account for unique community demographics, measures should be standardized when possible.

(7) \$19,902,000 of the general fund—federal appropriation and \$19,903,000 of the general fund—local appropriation are provided solely for long-term support services as described in initiative 2 of the 1115 demonstration waiver as well as administrative expenses for initiative 3 and this is the maximum amount that may be expended for this purpose. The authority shall contract with and provide funding to the department of social and health services to administer initiative 2. The director in cooperation with the secretary of the department of social and health services shall report to the office of financial management all of the expenditures of this section and shall provide such fiscal data in the time, manner, and form requested. The authority shall not supplement the amounts provided in this subsection with any general fund—state moneys appropriated in this section or any moneys that may be transferred pursuant to subsection (1) of this section.

(8)(a) \$13,235,000 of the general fund—federal appropriation and \$7,318,000 of the general fund—local appropriation are provided solely for supported housing and employment services described in initiative 3a and 3b of the 1115 demonstration waiver and this is the maximum amount that may be expended for this purpose. Under this initiative, the authority and the department of social and health services shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its third-party administrator. The authority and the department, in consultation with the medicaid forecast work group, shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The authority shall not supplement the amounts provided in this subsection with any general fund—state moneys appropriated in this section or any moneys that may be transferred pursuant to subsection (1) of this section. The director shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(b) The authority and the department shall seek additional flexibilities for housing supports through the centers for medicare and medicaid services and shall coordinate with the office of financial management and the department of commerce to ensure that services are not duplicated.

(c) The director shall report to the joint select committee on health care oversight no less than quarterly on utilization and caseload statistics for both supportive housing and employment services and its progress toward increasing uptake and availability for these services.

(9) \$202,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for supported employment services and \$208,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for supported housing services, similar to the services described in initiatives 3a and 3b of the 1115 demonstration waiver to individuals who are ineligible for medicaid. Under these initiatives, the authority and the department of social and health services shall ensure that allowable and necessary services are provided to eligible clients as identified by the authority or its third-party administrator. Before authorizing services, eligibility for initiative 3a or 3b of the 1115 demonstration waiver must first be determined.

(10) The authority shall submit a plan to preserve the waiver that allows for the full cost of stays in institutions for mental diseases to be included in managed care rates by November 1, 2021, to the appropriate committees of the legislature.

~~((6))~~ (11) The authority shall submit a plan to preserve the waiver allowing for full federal financial participation for medical clients in mental health facilities classified as institutions for mental diseases by November 1, 2021, to the appropriate committees of the legislature.

~~((7))~~ (12) Sufficient amounts are appropriated in this subsection to implement the medicaid expansion as defined in the social security act, section 1902(a)(10)(A)(i)(VIII).

~~((8))~~ (13) The legislature finds that medicaid payment rates, as calculated by the health care authority pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that the cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

~~((9))~~ (14) Based on quarterly expenditure reports and caseload forecasts, if the health care authority estimates that expenditures for the medical assistance program will exceed the appropriations, the health care authority shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

~~((10))~~ (15) In determining financial eligibility for medicaid-funded services, the health care authority is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

~~((11))~~ (16) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(17) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the health care authority shall provide the

person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

~~((12))~~ ~~(\$3,997,000))~~ (18) \$3,733,000 of the general fund—state appropriation for fiscal year 2022, \$4,261,000 of the general fund—state appropriation for fiscal year 2023, and ~~((8,786,000))~~ \$9,050,000 of the general fund—federal appropriation are provided solely for low-income disproportionate share hospital payments.

~~((13))~~ (19) Within the amounts appropriated in this section, the health care authority shall provide disproportionate share hospital payments to hospitals that provide services to children in the children's health program who are not eligible for services under Title XIX or XXI of the federal social security act due to their citizenship status.

~~((14))~~ (20) \$7,000,000 of the general fund—federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate-setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments. The supplemental payments are subject to retrospective interim and final cost settlements based on the nursing homes' as-filed and final medicare cost reports. The timing of the interim and final cost settlements shall be at the health care authority's discretion. During either the interim cost settlement or the final cost settlement, the health care authority shall recoup from the public hospital districts the supplemental payments that exceed the medicaid cost limit and/or the medicare upper payment limit. The health care authority shall apply federal rules for identifying the eligible incurred medicaid costs and the medicare upper payment limit.

~~((15))~~ (21) The health care authority shall continue the inpatient hospital certified public expenditures program for the 2021-2023 fiscal biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. The health care authority shall submit reports to the governor and legislature by November 1, 2021, and by November 1, 2022, that evaluate whether savings continue to exceed costs for this program. If the certified public expenditures (CPE) program in its current form is no longer cost-effective to maintain, the health care authority shall submit a report to the governor and legislature detailing cost-effective alternative uses of local, state, and federal resources as a replacement for this program. During fiscal year 2022 and fiscal year 2023, hospitals in the program shall be paid and shall retain one hundred percent of the federal portion of the allowable hospital cost for each medicaid inpatient fee-for-service claim payable by medical assistance and one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. For the purpose of determining the amount of any state grant under this subsection, payments will include the

federal portion of medicaid program supplemental payments received by the hospitals. Inpatient medicaid payments shall be established using an allowable methodology that approximates the cost of claims submitted by the hospitals. Payments made to each hospital in the program in each fiscal year of the biennium shall be compared to a baseline amount. The baseline amount will be determined by the total of (a) the inpatient claim payment amounts that would have been paid during the fiscal year had the hospital not been in the CPE program based on the reimbursement rates developed, implemented, and consistent with policies approved in the 2021-2023 biennial operating appropriations act and in effect on July 1, 2015, (b) one-half of the indigent assistance disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005, and (c) all of the other disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005 to the extent the same disproportionate share hospital programs exist in the 2019-2021 fiscal biennium. If payments during the fiscal year exceed the hospital's baseline amount, no additional payments will be made to the hospital except the federal portion of allowable disproportionate share hospital payments for which the hospital can certify allowable match. If payments during the fiscal year are less than the baseline amount, the hospital will be paid a state grant equal to the difference between payments during the fiscal year and the applicable baseline amount. Payment of the state grant shall be made in the applicable fiscal year and distributed in monthly payments. The grants will be recalculated and redistributed as the baseline is updated during the fiscal year. The grant payments are subject to an interim settlement within eleven months after the end of the fiscal year. A final settlement shall be performed. To the extent that either settlement determines that a hospital has received funds in excess of what it would have received as described in this subsection, the hospital must repay the excess amounts to the state when requested. ~~(((\$702,000))~~ \$425,000 of the general fund—state appropriation for fiscal year 2022 and ~~(((\$649,000))~~ \$391,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for state grants for the participating hospitals.

~~((+6))~~ (22) The health care authority shall seek public-private partnerships and federal funds that are or may become available to provide on-going support for outreach and education efforts under the federal children's health insurance program reauthorization act of 2009.

~~((+7))~~ (23) The health care authority shall target funding for maternity support services towards pregnant women with factors that lead to higher rates of poor birth outcomes, including hypertension, a preterm or low birth weight birth in the most recent previous birth, a cognitive deficit or developmental disability, substance abuse, severe mental illness, unhealthy weight or failure to gain weight, tobacco use, or African American or Native American race. The health care authority shall prioritize evidence-based practices for delivery of maternity support services. To the extent practicable, the health care authority shall develop a mechanism to increase federal funding for maternity support services by leveraging local public funding for those services.

~~((+8))~~ (24) The authority shall submit reports to the governor and the legislature by September 15, 2021, and no later than September 15, 2022, that delineate the number of individuals in medicaid managed care, by carrier, age, gender, and eligibility category, receiving preventative services and

vaccinations. The reports should include baseline and benchmark information from the previous two fiscal years and should be inclusive of, but not limited to, services recommended under the United States preventative services task force, advisory committee on immunization practices, early and periodic screening, diagnostic, and treatment (EPSDT) guidelines, and other relevant preventative and vaccination medicaid guidelines and requirements.

~~((49))~~ (25) Managed care contracts must incorporate accountability measures that monitor patient health and improved health outcomes, and shall include an expectation that each patient receive a wellness examination that documents the baseline health status and allows for monitoring of health improvements and outcome measures.

~~((20))~~ (26) Sufficient amounts are appropriated in this section for the authority to provide an adult dental benefit.

~~((21))~~ (27) The health care authority shall coordinate with the department of social and health services to provide referrals to the Washington health benefit exchange for clients that will be ineligible for medicaid.

~~((22))~~ (28) To facilitate a single point of entry across public and medical assistance programs, and to maximize the use of federal funding, the health care authority, the department of social and health services, and the health benefit exchange will coordinate efforts to expand HealthPlanfinder access to public assistance and medical eligibility staff. The health care authority shall complete medicaid applications in the HealthPlanfinder for households receiving or applying for medical assistance benefits.

~~((23))~~ (29) \$90,000 of the general fund—state appropriation for fiscal year 2022, \$90,000 of the general fund—state appropriation for fiscal year 2023, and \$180,000 of the general fund—federal appropriation are provided solely to continue operation by a nonprofit organization of a toll-free hotline that assists families to learn about and enroll in the apple health for kids program. By November 15, 2022, the authority shall submit a report to the appropriate committees to the legislature that provides, at a minimum, information about the number of calls received by the nonprofit organization in the previous year, the amount of time spent on each call, comparisons to previous years, where available, and information about what data is collected related to this service.

~~((24))~~ (30) Within the amounts appropriated in this section, the authority shall reimburse for primary care services provided by naturopathic physicians.

~~((25))~~ (31) Within the amounts appropriated in this section, the authority shall continue to provide coverage for pregnant teens that qualify under existing pregnancy medical programs, but whose eligibility for pregnancy related services would otherwise end due to the application of the new modified adjusted gross income eligibility standard.

~~((26))~~ (32) Sufficient amounts are appropriated in this section to remove the mental health visit limit and to provide the shingles vaccine and screening, brief intervention, and referral to treatment benefits that are available in the medicaid alternative benefit plan in the classic medicaid benefit plan.

~~((27))~~ (33) The authority shall use revenue appropriated from the dedicated marijuana fund for contracts with community health centers under RCW 69.50.540 in lieu of general fund—state payments to community health centers for services provided to medical assistance clients, and it is the intent of the legislature that this policy will be continued in subsequent fiscal biennia.

~~((28))~~ (34) Beginning no later than January 1, 2018, for any service eligible under the medicaid state plan for encounter payments, managed care organizations at the request of a rural health clinic shall pay the full published encounter rate directly to the clinic. At no time will a managed care organization be at risk for or have any right to the supplemental portion of the claim. Payments will be reconciled on at least an annual basis between the managed care organization and the authority, with final review and approval by the authority.

~~((29))~~ (35) Sufficient amounts are appropriated in this section for the authority to provide a medicaid equivalent adult dental benefit to clients enrolled in the medical care service program.

~~((30))~~ (36) During the 2021-2023 fiscal biennium, sufficient amounts are provided in this section for the authority to provide services identical to those services covered by the Washington state family planning waiver program as of August 2018 to individuals who:

- (a) Are over nineteen years of age;
- (b) Are at or below two hundred and sixty percent of the federal poverty level as established in WAC 182-505-0100;
- (c) Are not covered by other public or private insurance; and
- (d) Need family planning services and are not currently covered by or eligible for another medical assistance program for family planning.

~~((31))~~ (37) Sufficient amounts are appropriated within this section for the authority to incorporate the expected outcomes and criteria to measure the performance of service coordination organizations as provided in chapter 70.320 RCW into contracts with managed care organizations that provide services to clients. The authority is directed to:

(a) Contract with an external quality improvement organization to annually analyze the performance of managed care organizations providing services to clients under this chapter based on seven performance measures. The analysis required under this subsection must:

(i) Measure managed care performance in four common measures across each managed care organization, including:

(A) At least one common measure must be weighted towards having the potential to impact managed care costs; and

(B) At least one common measure must be weighted towards population health management, as defined by the measure; and

(ii) Measure managed care performance in an additional three quality focus performance measures specific to a managed care organization. Quality focus performance measures chosen by the authority must:

(A) Be chosen from the statewide common measure set;

(B) Reflect specific measures where a managed care organization has poor performance; and

(C) Be substantive and clinically meaningful in promoting health status.

(b) The authority shall set the four common measures to be analyzed across all managed care organizations.

(c) The authority shall set three quality focus performance measures specific to each managed care organization. The authority must determine performance measures for each managed care organization based on the criteria established in (a)(ii) of this subsection.

(d) By September 15, 2021, and annually thereafter, the authority shall notify each managed care organization of the performance measures for the organization for the subsequent plan year.

(e) Two percent of the total plan year funding appropriated to each managed care organization that provides services to clients under chapter 70.320 RCW shall be withheld. At least seventy-five percent of the withhold shall be held contingent on each managed care organization's performance on the seven performance measures identified in this section. Each managed care organization may earn back the annual withhold if the external quality improvement organization finds that the managed care organization:

(i) Made statistically significant improvement in the seven performance measures as compared to the preceding plan year; or

(ii) Scored in the top national medicaid quartile of the performance measures.

(f) The amount of withhold annually paid to each managed care organization shall be proportional to findings of statistically significant improvement or top national medicaid quartile scoring by a managed care organization.

(g) For no more than two of the four quality focus performance measures, the authority may use an alternate methodology to approximate top national medicaid quartile performance where top quartile performance data is unavailable.

(h) For the purposes of this subsection, "external quality improvement organization" means an organization that meets the competence and independence requirements under 42 C.F.R. Sec. 438.354, as it existed on the effective date of this section.

~~((32))~~ (38)(a) The authority shall ensure that appropriate resources are dedicated to implementing the recommendations of the centers for medicare and medicaid services center for program integrity as provided to the authority in the January 2019 Washington focused program integrity review final report. Additionally, the authority shall:

(i) Work to ensure the efficient operations of the managed care plans, including but not limited to, a deconflicting process for audits with and among the managed care plans and the medicaid fraud division at the attorney general's office, to ensure the authority staff perform central audits of cases that appear across multiple managed care plans, versus the audits performed by the individual managed care plans or the fraud division; and

(ii) Remain accountable for operating in an effective and efficient manner, including performing program integrity activities that ensure high value in the medical assistance program in general and in medicaid managed care specifically;

(A) Work with its contracted actuary and the medicaid forecast work group to develop methods and metrics related to managed care program integrity activity that shall be incorporated into annual rate setting; and

(B) Work with the medicaid forecast work group to ensure the results of program integrity activity are incorporated into the rate setting process in a transparent, timely, measurable, quantifiable manner.

(b) The authority shall submit a report to the governor and appropriate committees of the legislature by October 1, 2021, that includes, but is not limited to:

(i) Specific, quantified actions that have been taken, to date, related to the recommendations of the centers for medicare and medicaid services center for program integrity as provided to the authority in the January 2019 Washington focused program integrity review final report; and

(ii) Specific, quantified information regarding the steps taken toward (a)(i), (iii), and (iv) of this subsection.

~~((33))~~ (39) No later than December 31, 2021, the health care authority, in partnership with the department of social and health services as described in section 204(16) of this act, shall submit a waiver request to the federal department of health and human services to authorize presumptive medicaid eligibility determinations for clients preparing for acute care hospital discharge who may need long-term services and supports. The department and the authority shall hold stakeholder discussions, including opportunities for public review and comment, during development of the waiver request. Upon submission of the waiver request, the department and the authority shall submit a report to the governor and the appropriate legislative committees that describes the request and identifies any statutory changes that may be necessary if the federal government approves the request.

~~((34))~~ (40) \$2,786,000 of the general fund—state appropriation for fiscal year 2022, \$3,714,000 of the general fund—state appropriation for fiscal year 2023, and \$11,009,000 of the general fund—federal appropriation are provided solely to maintain and increase access for behavioral health services through increased provider rates. The rate increases are effective October 1, 2021, and must be applied to the following codes for children and adults enrolled in the medicaid program: 90832, 90833, 90834, 90837, H0004, H0036, H2015, H2021, H0023, 90836, 90838, 96156, 96158, 96159, 96164, 96165, 96167, 96168, 96170, 96171, 90845, 90846, 90847, 90849, 90853, 90785, and 90791. The authority may use a substitute code in the event that any of the codes identified in this subsection are discontinued and replaced with an updated code covering the same service. Within the amounts provided in this subsection the authority must:

(a) Implement this rate increase in accordance with the process established in chapter 285, Laws of 2020 (EHB 2584) (behavioral health rates);

(b) Raise the state fee-for-service rates for these codes by up to 15 percent, except that the state medicaid rate may not exceed the published medicare rate or an equivalent relative value unit rate if a published medicare rate is not available;

(c) Require in contracts with managed care organizations that, beginning October 2021, managed care organizations pay no lower than the fee-for-service rate for these codes, and adjust managed care capitation rates accordingly; and

(d) Not duplicate rate increases provided in subsections ~~((35) and (36))~~ (41) and (42) of this section.

~~((35))~~ (41) \$19,664,000 of the general fund—state appropriation for fiscal year 2022, \$26,218,000 of the general fund—state appropriation for fiscal year 2023, and \$77,996,000 of the general fund—federal appropriation are provided solely to maintain and increase access for primary care services for medicaid-



enrolled patients through increased provider rates beginning October 1, 2021. Within the amounts provided in this subsection the authority must:

(a) Increase the medical assistance rates for adult primary care services that are reimbursed solely at the existing medical assistance rates on a fee-for-service basis, as well as through managed care plans, by at least 15 percent above medical assistance rates in effect on January 1, 2019;

(b) Increase the medical assistance rates for pediatric primary care services that are reimbursed solely at the existing medical assistance rates on a fee-for-service basis, as well as through managed care plans, by at least 21 percent above medical assistance rates in effect on January 1, 2019;

(c) Increase the medical assistance rates for pediatric critical care, neonatal critical care, and neonatal intensive care services that are reimbursed solely at the existing medical assistance rates on a fee-for-service basis, as well as through managed care plans, by at least 21 percent above medical assistance rates in effect on January 1, 2019;

(d) Apply reimbursement rates required under this subsection to payment codes in a manner consistent with the temporary increase in medicaid reimbursement rates under federal rules and guidance in effect on January 1, 2014, implementing the patient protection and affordable care act, except that the authority may not require provider attestations;

(e) Pursue state plan amendments to require medicaid managed care organizations to increase rates under this subsection through adoption of a uniform percentage increase for network providers pursuant to 42 C.F.R. Sec. 438.6(c)(1)(iii)(B), as existing on January 1, 2019; and

(f) Not duplicate rate increases provided in subsections (~~((34) and (36))~~) (40) and (42) of this section.

~~((36))~~ (42) \$2,233,000 of the general fund—state appropriation for fiscal year 2022, \$2,977,000 of the general fund—state appropriation for fiscal year 2023, and \$10,871,000 of the general fund—federal appropriation are provided solely to increase provider rates to maintain and increase access for family planning services for patients seeking services through department of health sexual and reproductive health program family planning providers. The rate increases are effective October 1, 2021, and must be applied to the following codes for eligible apple health and family planning only clients seeking services through department of health sexual and reproductive health program providers: 36415, 36416, 55250, 57170, 58340, 58600, 58605, 58611, 58615, 58670, 58671, 59840, 59841, 59850, 59851, 59852, 59855, 59856, 59857, 76817, 81025, 84702, 84703, 86631, 86632, 86901, 87110, 87270, 87320, 87490, 87491, 87590, 87591, 87624, 87625, 87800, 87810, 88141, 88142, 88143, 88147, 88148, 88150, 88152, 88153, 88164, 88165, 88166, 88167, 88174, 88175, 96372, 99071, 99201, 99202, 99203, 99204, 99211, 99212, 99213, 99214, 99384, 99385, 99386, 99394, 99395, 99396, 99401, and S0199. The authority may use a substitute code if any of the codes identified in this subsection are discontinued and replaced with an updated code covering the same service. Within the amounts provided in this subsection the authority must:

(a) Increase the family planning rates for services that are included on and reimbursed solely at the existing family planning fee schedule on a fee-for-service basis, as well as through managed care plans, by at least 162 percent above family planning fee schedule rates in effect on January 1, 2021;

(b) Pursue state plan amendments to require medicaid managed care organizations to increase rates under this subsection through adoption of a uniform percentage increase for network providers pursuant to 42 C.F.R. Sec. 438.6(c)(1)(iii)(B), as existing on January 1, 2021; and

(c) Not duplicate rate increases provided in subsections ~~((34) and (35))~~ (40) and (41) of this section.

~~((37))~~ (43)(a) Beginning with fiscal year 2020, and for each subsequent year thereafter, the authority shall reconcile on an annual basis with rural health clinics.

(b) Beginning with fiscal year 2020, and for each subsequent year thereafter, the authority shall properly accrue for any anticipated reconciliations with rural health clinics during the fiscal year close process following generally accepted accounting practices.

~~((38))~~ (44)(a) The authority in collaboration with the office of financial management and representatives from fiscal committees of the legislature shall conduct an evaluation of the APM4 model to determine its cost effectiveness and impact on patient outcomes and report its findings and recommendations to the appropriate committees of the legislature by November 15, 2022.

(b) The authority shall not enter into any future value-based arrangements with federally qualified health centers or rural health clinics prior to receiving approval from the office of financial management and the appropriate committees of the legislature.

(c) The authority shall not modify the reconciliation process or the APM4 program with federally qualified health centers or rural health clinics without notification to and the opportunity to comment from the office of financial management.

(d) The authority shall require all managed care organizations to provide information to the authority to account for all payments to federally qualified health centers to include how payments are made, including any additional payments and whether there is a sub-capitation arrangement or value-based purchasing arrangement.

(e) Beginning with fiscal year 2021 and for each subsequent year thereafter, the authority shall reconcile on an annual basis with federally qualified health centers contracting under APM4.

(f) Beginning with fiscal year 2021 and for each subsequent year thereafter, the authority shall properly accrue for any anticipated reconciliations with federally qualified health centers contracting under APM4 during the fiscal year close process following generally accepted accounting practices.

~~((39))~~ (45) Within the amounts appropriated in this section, the authority is to include allergen control bed and pillow covers as part of the durable medical equipment benefit for children with an asthma diagnosis enrolled in medical assistance programs.

~~((40))~~ (46) Within the amounts appropriated in this section, the authority shall reimburse for maternity services provided by doulas.

~~((41))~~ (47) \$60,000 of the general fund—state appropriation for fiscal year 2022 and \$60,000 of the general fund—federal appropriation are provided solely for evaluation of the Washington rural health access preservation pilot program.

~~((42))~~ (48) \$160,000 of the general fund—state appropriation for fiscal year 2022 and \$1,440,000 of the general fund—federal appropriation are

provided solely for health care interoperability costs and are subject to the conditions, limitations, and review provided in section 701 of this act.

~~((43))~~ (49) \$275,000 of the general fund—state appropriation for fiscal year 2022, \$160,000 of the general fund—state appropriation for fiscal year 2023, and \$3,913,000 of the general fund—federal appropriation are provided solely for modular replacement costs of the ProviderOne pharmacy point of sale system and are subject to the conditions, limitations, and review provided in section 701 of this act.

~~((44))~~ (50) \$484,000 of the general fund—state appropriation for fiscal year 2022 and \$466,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement Engrossed Second Substitute Senate Bill No. 5399 (universal health care commission). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

(45)) (51) \$654,000 of the general fund—state appropriation for fiscal year 2022, \$655,000 of the general fund—state appropriation for fiscal year 2023, and \$2,154,000 of the general fund—federal appropriation are provided solely for the authority to increase the nonemergency medical transportation broker administrative rate to ensure access to health care services for medicaid patients.

~~((46))~~ (52) \$1,715,000 of the general fund—state appropriation for fiscal year 2022, \$1,804,000 of the general fund—state appropriation for fiscal year 2023, and \$6,647,000 of the general fund—federal appropriation are provided solely to increase the rates paid to rural hospitals that meet the criteria in (a) through ~~((d))~~ (e) of this subsection. Payments for state and federal medical assistance programs for services provided by such a hospital, regardless of the beneficiary's managed care enrollment status, must be increased to 150 percent of the hospital's fee-for-service rates. The authority must discontinue this rate increase after June 30, 2023, and return to the payment levels and methodology for these hospitals that were in place as of January 1, 2018. Hospitals participating in the certified public expenditures program may not receive increased reimbursement for inpatient services. Hospitals qualifying for this rate increase must:

(a) Be certified by the centers for medicare and medicaid services as sole community hospitals as of January 1, 2013;

(b) Have had less than 150 acute care licensed beds in fiscal year 2011;

(c) Have a level III adult trauma service designation from the department of health as of January 1, 2014;

(d) Be owned and operated by the state or a political subdivision; and

(e) Accept single bed certification patients pursuant to RCW 71.05.745 by July 1, 2022. If the hospitals qualifying for this rate increase do not accept single bed certification patients by July 1, 2022, the authority must discontinue this rate increase after October 1, 2022, and must return to the payment levels and methodology for these hospitals that were in place as of January 1, 2018.

~~((47))~~ (53) \$100,000 of the general fund—state appropriation for fiscal year 2022, \$100,000 of the general fund—state appropriation for fiscal year 2023, and \$200,000 of the general fund—federal appropriation are provided solely for pass through funding for a citizens of the compact of free association (COFA) community member led organization through a Washington state based organization contract as outlined in RCW 43.71A.030 to provide additional supports to COFA community members statewide who are seeking access to

health coverage and health care services. The amounts provided in this subsection for fiscal year 2022 must be distributed no later than October 1, 2021. The amounts provided in this subsection for fiscal year 2023 must be distributed no later than October 1, 2022.

~~((48))~~ (54) The authority shall collaborate with the Washington state LGBTQ commission, the department of health, advocates for people living with HIV in Washington, consumers, and medical professionals with expertise in serving the medicaid population living with HIV, to consider and develop recommendations regarding:

(a) Access to HIV antiretroviral drugs on the medicaid drug formulary, including short- and long-term fiscal implications of eliminating current prior authorization and fail-first requirements;

(b) Impact of drug access on public health and the statewide goal of reducing HIV transmissions; and

(c) Maximizing pharmaceutical drug rebates for HIV antiretroviral drugs.

~~((49))~~ (55) \$22,000 of the general fund—state appropriation for fiscal year 2022, \$22,000 of the general fund—state appropriation for fiscal year 2023, and \$134,000 of the general fund—federal appropriation are provided solely to implement Substitute Senate Bill No. 5157 (behavioral disorders/justice). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(50))~~ (56) Within the amounts appropriated in this section, the authority shall extend the oral health connections pilot project in Spokane, Thurston, and Cowlitz counties. The authority shall continue to work in collaboration with a state-based oral health foundation to jointly develop and implement the program. The purpose of the pilot is to test the effect that enhanced dental benefits for medicaid clients with diabetes and pregnant clients have on access to dental care, health outcomes, and medical care costs. The pilot program must continue to include enhanced reimbursement rates for participating dental providers, including denturists licensed under chapter 18.30 RCW, and an increase in the allowable number of periodontal treatments to up to four per calendar year. The authority has the option of extending pilot program eligibility to dually eligible medicaid clients who are diabetic or pregnant and to pregnant medicaid clients under the age of 20. The authority has the option of adjusting the pilot program benefit design and fee schedule based on previous findings, within amounts appropriated in this section. Diabetic or pregnant medicaid clients who are receiving dental care within the pilot regions, regardless of location of the service within the pilot regions, are eligible for the increased number of periodontal treatments. The state-based oral health foundation shall continue to partner with the authority and provide wraparound services to link patients to care. The authority and foundation shall provide a joint report to the appropriate committees of the legislature on October 1, 2021, outlining the findings of the original three-year pilot program, and on December 1, 2022, outlining the progress of the extended pilot program.

~~((51))~~ (57)(a) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—federal appropriation are provided solely for contracting with the office of equity to implement chapter 293, Laws of 2020 (baby, child dentistry access). By November 15, 2021, the authority shall submit a report to the appropriate committees to the legislature describing

its progress implementing chapter 293, Laws of 2020 (baby, child dentistry access) and chapter 242, Laws of 2020 (access to baby and child dentistry for children with disabilities).

(b) \$200,000 of the general fund—state appropriation for fiscal year 2023 and \$200,000 of the general fund—federal appropriation are provided solely for the authority to contract with access to baby and child dentistry local programs for the purpose of maintaining and expanding capacity for local program coordinators. The goals of this contracting include, but are not limited to, reducing racial and ethnic disparities in access to care and oral health outcomes, increasing the percentage of medicaid-enrolled children under the age of two accessing dental care, and continued provider engagement and outreach. The authority may contract with the office of equity and other statewide and local equity partners to provide training and identify activities and deliverables.

~~((52))~~ (58) \$75,000 of the general fund—state appropriation for fiscal year 2022 and \$75,000 of the general fund—federal appropriation are provided solely for contracting by the health care authority to further the development and implementation of its Washington primary care transformation initiative, intended to increase team-based primary care and the percentage of overall health care spending in the state devoted to primary care. By October 1, 2021, the authority must update the legislature on the status of the initiative, including any fiscal impacts of this initiative, potential implementation barriers, and needed legislation.

~~((53))~~ (59) Sufficient funds are provided to continue reimbursing dental health aid therapists for services performed in tribal facilities for medicaid clients. The authority must leverage any federal funding that may become available as a result of appeal decisions from the centers for medicare and medicaid services or the United States court of appeals for the ninth circuit.

~~((54))~~ (60) \$149,000 of the general fund—state appropriation for fiscal year 2022 and \$140,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement Engrossed Second Substitute Senate Bill No. 5377 (standardized health plans). ~~(If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(55))~~ (61) Within the amount appropriated within this section, the authority shall implement the requirements of Substitute Senate Bill No. 5068 (postpartum period/medicaid) and the American rescue plan act of 2021, P.L. 117-2, in extending health care coverage during the postpartum period. The authority shall make every effort to expedite and complete eligibility determinations for individuals who are likely eligible to receive health care coverage under Title XIX or Title XXI of the federal social security act to ensure the state is receiving maximum federal match. This includes, but is not limited to, working with managed care organizations to provide continuous outreach in various modalities until the individual's eligibility determination is completed. Beginning June 1, 2022, the authority must submit quarterly reports to the caseload forecast work group on the number of individuals who are likely eligible to receive health care coverage under Title XIX or Title XXI of the federal social security act but are waiting for the authority to complete eligibility determination, the number of individuals who were likely eligible but are now receiving health care coverage with the maximum federal match under Title XIX

or Title XXI of the federal social security act, and outreach activities including the work with managed care organizations.

~~((56))~~ (62) \$10,695,000 of the general fund—state appropriation for fiscal year 2022, \$10,695,000 of the general fund—state appropriation for fiscal year 2023, and \$54,656,000 of the general fund—federal appropriation are provided solely to maintain and increase access for adult dental services for medicaid enrolled patients through increased provider rates beginning July 1, 2021. Within the amounts provided in this subsection, the authority must increase the medical assistance rates for adult dental services that are reimbursed solely at the existing medical assistance rates on a fee-for-service basis up to 100 percent above medical assistance rates in effect on January 1, 2019.

~~((57))~~ (63) \$551,000 of the general fund—state appropriation for fiscal year 2022, \$770,000 of the general fund—state appropriation for fiscal year 2023, and \$3,288,000 of the general fund—federal appropriation are provided solely for the implementation of Second Substitute Senate Bill No. 5195 (opioid overdose medication). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(58))~~ (64) The authority must claim the enhanced federal medical assistance participation rate for home and community-based services offered under section 9817 of the American rescue plan act of 2021 (ARPA). Appropriations made that constitute supplementation of home and community-based services as defined in section 9817 of ARPA are listed in the LEAP omnibus document HCBS-2021.

~~((59))~~ (65) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to continue a public-private partnership with a state-based oral health foundation to connect medicaid patients to dental services and reduce barriers to accessing care. The authority shall submit a progress report to the appropriate committees of the legislature by June 30, 2022.

~~((60))~~ (66)(a) \$35,000,000 of the coronavirus state fiscal recovery ~~((account))~~ fund—federal appropriation is provided solely for the authority to distribute grants for the provision of health care services for uninsured and underinsured individuals, regardless of immigration status. Grants provided under this subsection must be used for the direct care of uninsured and underinsured individuals under 200 percent of the federal poverty level, including on-site care as well as referrals to and payment for services provided off-site, for:

(i) The testing, assessment, or treatment of the severe acute respiratory syndrome coronavirus 2 (COVID-19), including facility and provider fees;

(ii) Primary and preventive care;

(iii) Behavioral health services;

(iv) Oral health care;

(v) Assessment, treatment, and management of acute or chronic conditions, including but not limited to the cost of laboratory, prescription medications, specialty care, therapies, radiology, and other diagnostics; and

(vi) Outreach and education needed to inform patients and prospective patients that care is available free of charge.

(b) To be eligible for a grant under this subsection, a federally qualified health center, rural health clinic, free clinic, public hospital district, behavioral health provider or facility, behavioral health administrative service organization, or community-based organization must apply for a grant and agree to not:

(i) Bill individuals for any portion of the services provided that involve the use of amounts appropriated in this section; or

(ii) Use the amounts provided in this subsection for services for which other funds are available, such as federal funds from the families first coronavirus response act and the American rescue plan act.

(c) Grants provided under this subsection may be used to provide on-site care, care delivered via telehealth, and referrals to and payments for services provided off-site. Recipients may use funds distributed in this subsection to reimburse other providers or facilities for the cost of care. Only free clinics may use grants provided under this subsection to cover general operating costs, including staffing, supplies, and equipment purchases.

(d) The agency shall employ fund allocation approaches that engage community residents, organizations, and leaders in identifying priorities and implementing projects and initiatives that reflect community values and priorities. At a minimum, this must include consultation with community health boards and organizations that advocate for access to health care for uninsured state residents.

(e) Recipients of the amounts provided in this subsection must submit reports to the authority on the use of grant funds, including data about utilization of services. The authority shall prepare and post on its website an annual report detailing the amount of funds disbursed and aggregating information submitted by recipients.

(f) The authority may retain no more than three percent of the amounts provided in this subsection for administrative costs.

(g) As used in this subsection, "free clinics" mean private, nonprofit, community, or faith-based organizations that provide medical, dental, and mental health services at little or no cost to uninsured and underinsured people through the use of volunteer health professionals, community volunteers, and partnerships with other health providers.

~~((64))~~ (67) \$123,000 of the general fund—state appropriation for fiscal year 2022, \$46,000 of the general fund—state appropriation for fiscal year 2023, and \$743,000 of the general fund—federal appropriation are provided solely for the implementation of Substitute House Bill No. 1348 (incarcerated persons/medical). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(62))~~ (68) \$1,350,000 of the general fund—state appropriation for fiscal year 2023 and \$2,570,000 of the general fund—federal appropriation are provided solely for the implementation of House Bill No. 1096 (nonmedicare plans). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(63))~~ (69) Within the amounts provided in this section, sufficient funding is provided for the authority to implement Second Substitute House Bill No. 1325 (behavioral health/youth).

~~((64))~~ (70) \$184,000 of the general fund—state appropriation for fiscal year 2022 and \$175,000 of the general fund—state appropriation for fiscal year

2023 are provided solely for the implementation of Engrossed Substitute House Bill No. 1196 (audio-only telemedicine). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~((65))~~ (71) \$232,000 of the general fund—state appropriation for fiscal year 2022, \$300,000 of the general fund—state appropriation for fiscal year 2023, and \$599,000 of the general fund—federal appropriation are provided solely for reimbursement for a social worker as part of the medical assistance home health benefit.

~~((66))~~ (72) \$1,303,000 of the general fund—state appropriation for fiscal year 2022 and \$285,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5203 (generic prescription drugs). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

(67)) (73) \$18,669,000 from the Indian health improvement reinvestment account is provided solely for Indian health improvement advisory plan projects, programs, and activities authorized by RCW 43.71B.030.

~~((68))~~ (74) \$434,000 of the general fund—state appropriation for fiscal year 2022 and \$489,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to partner with the department of social and health services to create surge capacity in acute care hospitals by supporting non-citizens who are both in acute care hospitals awaiting discharge and on the department of social and health services waitlist for services. The amounts provided in this subsection are for the authority to cover the cost of medical assistance for 20 new non-citizen clients.

~~((69))~~ (75) \$25,000 of the general fund—state appropriation for fiscal year 2022 and \$25,000 of the general fund—federal appropriation are provided solely for the authority to develop an implementation plan to incorporate medical and psychiatric respite care as statewide medicaid benefits. The plan must include an analysis of the cost effectiveness of providing medical and psychiatric respite care benefits for medicaid enrollees. In developing the plan, the authority shall consult with interested stakeholders, including medicaid managed care organizations, community health centers, organizations providing respite care, and hospitals. Amounts provided in this subsection may be used for staff support and one-time contracting. No later than January 15, 2022, the authority shall report its findings to the relevant committees of the legislature, the office of the governor, and the office of financial management.

~~((70))~~ (76) \$281,000 of the general fund—state appropriation for fiscal year 2022, \$192,000 of the general fund—state appropriation for fiscal year 2023, and \$803,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5304 (reentry services). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

(71)) (77)(a) The authority shall assess the feasibility and fiscal impacts of an 1115 medicaid waiver to extend continuous eligibility for apple health covered children ages zero through five as a component of school readiness. The authority may seek support for the analysis. Prior to submitting the waiver application, the authority shall provide a status update no later than September 30, 2021, to the governor and fiscal committees of the legislature.



(b) \$6,090,000 of the general fund—state appropriation for fiscal year 2023 and \$6,125,000 of the general fund—federal appropriation are provided solely for the authority to extend continuous eligibility for apple health to children ages zero to six with income at or below 215 percent of the federal poverty level. The centers for medicare and medicaid services must approve the 1115 medicaid waiver prior to the implementation of this policy.

(78) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the perinatal support warm line to provide peer support, resources, and referrals to new and expectant parents and people in the emotional transition to parenthood experiencing, or at risk of, postpartum depression or other mental health issues.

(79) Sufficient funding is provided to remove the asset test from the medicare savings program review process.

(80) \$77,000 of the general fund—state appropriation for fiscal year 2022 and \$286,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 1728 (insulin work group reauth.). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(81) Sufficient funding is provided to eliminate the mid-certification review process for the aged, blind, or disabled and housing and essential needs referral programs.

(82) \$103,000 of the general fund—state appropriation for fiscal year 2022, \$253,000 of the general fund—state appropriation for fiscal year 2023, and \$2,724,000 of the general fund—federal appropriation are provided solely for the authority to procure an electronic consent management solution for patients and health care providers to exchange health-related information and are subject to the conditions, limitations, and review requirements of section 701 of this act.

(83) \$1,788,000 of the general fund—state appropriation for fiscal year 2022, \$1,788,000 of the general fund—state appropriation for fiscal year 2023, and \$994,000 of the general fund—federal appropriation are provided solely for electronic health record expansion that must be based on the operational and technical needs necessary to implement the national 988 system and are subject to the conditions, limitations, and review requirements of section 701 of this act. As a condition of funding under this subsection, the authority must complete all reporting required under RCW 71.24.898.

(84) \$3,250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to make information technology system and provider network upgrades necessary for the anticipated expansion of medicaid equivalent health care coverage for uninsured adults with incomes up to 138 percent of the federal poverty level regardless of immigration status in collaboration with the department of social and health services and is subject to the conditions, limitations, and review provided in section 701 of this act.

(85) \$10,406,000 of the general fund—state appropriation for fiscal year 2023 and \$10,715,000 of the general fund—federal appropriation are provided solely to maintain and increase access for children's dental services for medicaid enrolled patients through increased provider rates beginning January 1, 2023. Within the amounts provided in this subsection, the authority must increase the medical assistance rates for children's dental services that are reimbursed solely at the existing medical assistance rates on a fee-for-service basis as follows:

(a) Increase the rates for codes for the access to baby and child dentistry (ABCD) program by 40 percent;

(b) Increase the rates for codes for children's dental program rates for persons aged zero to 20 years old that have a corresponding ABCD code to the current ABCD code rate, plus an additional 10 percent rate increase; and

(c) Increase the rates for codes for children's dental program rates for persons aged zero to 20 years old without a corresponding ABCD code to 70 percent of the medical assistance rates on a fee-for-service basis for adult dental services in effect on January 1, 2022. This increase does not apply to codes with rates already greater than 70 percent of the adult dental services rate.

(86) \$250,000 of the general fund—state appropriation for fiscal year 2023 and \$250,000 of the general fund—federal appropriation are provided solely for the authority to conduct a feasibility study for planning, design, implementation, and administration of a case management solution that supports acquisition, storage, and retrieval of data and data analysis pursuant to *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States district court for the western district of Washington, cause no. 14-cv-00178-MJP.

(87) \$56,000 of the general fund—state appropriation for fiscal year 2022 and \$1,548,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for health information technology and evaluations necessary to support the 1115 demonstration waiver as it relates to institutions for mental diseases and are subject to the conditions, limitations, and review requirements of section 701 of this act.

(88) \$272,000 of the general fund—state appropriation for fiscal year 2023 and \$149,000 of the general fund—federal appropriation are provided solely to align services provided through both fee-for-service and managed care to the bright futures guidelines, or a comparable schedule, for early and periodic screening, diagnosis, and treatment beginning January 1, 2023.

(89) \$3,174,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute Senate Bill No. 5745 (personal needs allowance). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(90) \$297,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute Senate Bill No. 5589 (primary care spending). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(91) \$1,460,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute Senate Bill No. 5532 (Rx drug affordability board). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(92) \$61,000 of the general fund—state appropriation for fiscal year 2023 and \$183,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute Senate Bill No. 5736 (minors/behavioral health). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(93) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to design a standardized payment methodology for a palliative care benefit for the state medicaid program and the employee and retiree benefits programs. The authority may contract with a third

party to design the palliative care model and complete the work required in this subsection.

(94) Within the amounts appropriated in this section, the authority shall develop a state plan amendment, rules, and payment policies; complete necessary system changes related to payment processing and provider enrollment; and update managed care contracts and provider communications in anticipation of providing an adult acupuncture benefit.

(95) Within the amounts appropriated in this section, the authority shall develop a state plan amendment, rules, and payment policies; complete necessary system changes related to payment processing and provider enrollment; and update managed care contracts and provider communications in anticipation of providing an adult chiropractic benefit.

(96) \$640,000 of the general fund—state appropriation for fiscal year 2023 and \$655,000 of the general fund—federal appropriation are provided solely for a 20 percent rate increase, effective January 1, 2023, for in-home private duty nursing agencies.

(97) \$180,000 of the general fund—state appropriation for fiscal year 2023 and \$187,000 of the general fund—federal appropriation are provided solely for a 10 percent rate increase, effective January 1, 2023, for private duty nursing in medically intensive children's group home settings.

(98) \$140,000 of the general fund—state appropriation for fiscal year 2023 and \$266,000 of the general fund—federal appropriation are provided solely for a 10 percent rate increase, effective January 1, 2023, for home health services.

(99)(a) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to provide a report on psilocybin services wellness and opportunities in consultation with stakeholders as described in this subsection.

(b) The director of the authority, or the director's designee, must chair the stakeholder group.

(c) The stakeholder group must include, but not be limited to, the following members:

- (i) The secretary of the department of health or the secretary's designee;
- (ii) The director of the liquor and cannabis board or the director's designee;
- (iii) The director of the department of agriculture or the director's designee;

and

- (iv) As appointed by the director of the authority, or the director's designee:

(A) A military veteran, or representative of an organization that advocates on behalf of military veterans, with knowledge of psilocybin;

(B) Up to two recognized indigenous practitioners with knowledge of the use of psilocybin or other psychedelic compounds in their communities;

(C) An individual with expertise in disability rights advocacy;

(D) A member of the nursing profession with knowledge of psilocybin;

(E) A psychologist with knowledge of psilocybin;

(F) A mental health counselor, marriage and family therapist, or social worker with knowledge of psilocybin;

(G) A physician with knowledge of psilocybin;

(H) A health researcher with expertise in health equity;

(I) A representative of the cannabis industry with knowledge of regulation of cannabis businesses in Washington;

(J) An advocate from the LGBTQIA community with knowledge of the experience of behavioral health issues within that community;

(K) A member of the psychedelic medicine alliance of Washington; and

(L) Up to two members with lived experience of utilizing psilocybin.

(d) The authority must convene the first meeting of the stakeholder group no later than June 30, 2022.

(e) The authority must provide a preliminary brief report to the governor and appropriate committees of the legislature by December 1, 2022, focusing on (f)(i), (ii), and (iii) of this subsection, and a final report by December 1, 2023. The authority may form subcommittees within the stakeholder group and adopt procedures necessary to facilitate its work.

(f) The duties of the authority in consultation with the stakeholder group shall include, but not be limited to, the following activities:

(i) Review the Oregon health authority's proposed rules for the regulation of psilocybin and assess the impact the adoption of substantially similar laws and rules or Senate Bill No. 5660 would have in Washington state, and identify specific areas where a different approach may be necessary or desirable;

(ii) Review systems and procedures established by the liquor and cannabis board to monitor manufacturing, testing, and tracking of cannabis to determine suitability and adaptations required for use with psilocybin if Washington adopts legislation substantially similar to the Oregon psilocybin services act or Senate Bill No. 5660;

(iii) Review the social opportunity program proposed in Senate Bill No. 5660 for the purpose of recommending improvements or enhancements to promote equitable access to a potential legal psilocybin industry within an operable administrative framework;

(iv) Assess functional requirements of Senate Bill No. 5660 that would exceed the expertise and capacity of the department of health and identify opportunities for development or collaboration with other state agencies and entities to meet the requirements; and

(v) Discuss options to integrate licensed behavioral health professionals into the practice of psilocybin therapy under the framework of Senate Bill No. 5660 where appropriate.

(g) The department of health, liquor and cannabis board, and department of agriculture must provide subject matter expertise and support to stakeholder group and any subcommittee meetings of the stakeholder group. For the department of health, subject matter expertise includes an individual or individuals with knowledge and experience with rulemaking, with the regulation of health professionals, and with the regulation of health facilities.

(h) Meetings of the stakeholder group under this section shall be open to participation by members of the public.

(i) Stakeholder group members participating on behalf of an employer, governmental entity, or other organization 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.

(100) \$24,600,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the authority to provide one-time funding to community health centers paid under either APM3 or APM4 that experienced overpayments because of COVID-19 service-related reductions or had funds withheld due to missing targeted benchmarks because of extraordinary community pandemic response needs in calendar year 2020.

(101) \$250,000 of the general fund—state appropriation for fiscal year 2023 and \$250,000 of the general fund—federal appropriation are provided solely for project management and contracting to assist the authority with post-eligibility review planning in anticipation of the end of the COVID-19 public health emergency.

(102) \$40,000 of the general fund—state appropriation for fiscal year 2022, \$40,000 of the general fund—state appropriation for fiscal year 2023, \$80,000 of the general fund—federal appropriation, and \$320,000 of the telebehavioral access account—state appropriation are provided solely for additional staff support for the mental health referral service for children and teens.

(103)(a) \$2,087,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to establish a two-year grant program for reimbursement for services to patients up to age 18 provided by community health workers in primary care clinics whose patients are significantly comprised of pediatric patients enrolled in medical assistance under chapter 74.09 RCW beginning January 1, 2023. Community health workers funded under this subsection may provide outreach, informal counseling, and social supports for health-related social needs. The authority shall seek a state plan amendment or federal demonstration waiver should they determine these services are eligible for federal matching funds. Within the amounts provided within this subsection, the authority will provide an initial report to the governor and appropriate committees of the legislature by January 1, 2024, and a final report by January 1, 2025. The report shall include, but not be limited to, the quantitative impacts of the grant program, how many community health workers are participating in the grant program, how many clinics these community health workers represent, how many clients are being served, and evaluation of any measurable health outcomes identified in the planning period prior to January 2023.

(b) In collaboration with key stakeholders including pediatric primary care clinics and medicaid managed care organizations, the authority shall explore longer term, sustainable reimbursement options for the integration of community health workers in primary care to address the health-related social needs of families, including approaches to incorporate federal funding.

(104)(a) No more than \$156,707,000 of the general fund—federal appropriation and no more than \$60,942,000 of the general fund—local appropriation may be expended for an outpatient directed payment program.

(b) The authority shall:

(i) Design the program to support the state's access and other quality of care goals and to not increase general fund—state expenditures;

(ii) Seek approval from the centers for medicare and medicaid services to create a medicaid outpatient directed payment program for hospital outpatient services provided to medicaid program managed care recipients by University of Washington medical center and harborview medical center;

(iii) Upon approval, direct managed care organizations to make payments to eligible providers at levels required to ensure enrollees have timely access to critical high-quality care as allowed under 42 C.F.R. 438.6(c); and

(iv) Increase medicaid payments for hospital outpatient services provided by University of Washington medical center and harborview medical center to the average payment received from commercial payers.

(c) Any incremental costs incurred by the authority in the development, implementation, and maintenance of this program shall be the responsibility of the participating hospitals.

(d) Participating hospitals shall retain the full amount of payments provided under this program.

(e) Participating hospitals will provide the local funds to fund the required nonfederal contribution.

(f) This program shall be effective as soon as administratively possible.

**(105) \$70,000 of the general fund—state appropriation for fiscal year 2023 and \$65,000 of the general fund—federal appropriation are provided solely for the authority to collaborate with the department of health and the University of Washington to develop a licensure and regulatory program for behavioral health support specialists consistent with the provisions in Engrossed Second Substitute Senate Bill No. 5884 (behavioral health support).**

(106) \$16,000 of the general fund—state appropriation for fiscal year 2022, \$31,000 of the general fund—state appropriation for fiscal year 2023, and \$420,000 of the general fund—federal appropriation are provided solely for a technology solution for an authoritative client identifier, or master person index, for state programs within the health and human services coalition to uniformly identify clients across multiple service delivery systems. The coalition will clearly identify all state programs impacted by and all fund sources used in development and implementation of this project. This subsection is subject to the conditions, limitations, and review requirements of section 701 of this act.

(107) \$5,000 of the general fund—state appropriation for fiscal year 2022, \$22,000 of the general fund—state appropriation for fiscal year 2023, and \$75,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute Senate Bill No. 5664 (forensic competency hearings). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(108)(a) \$3,735,000 of the general fund—state appropriation for fiscal year 2023 and \$14,075,000 of the general fund—federal appropriation are provided solely for the authority to provide coverage for all federal food and drug administration-approved HIV antiviral drugs without prior authorization beginning January 1, 2023.

(b) Beginning January 1, 2023, upon initiation or renewal of a contract with the authority to administer a medicaid managed care plan, a managed health care system shall provide coverage without prior authorization for all federal food and drug administration-approved HIV antiviral drugs.

(c) By December 1, 2022, and annually thereafter, the authority must submit to the fiscal committees of the legislature the projected and actual expenditures and percentage of medicaid clients who switch to a new drug class without prior authorization as described in (a) and (b) of this subsection.

(109)(a) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority, in consultation with the office of the insurance commissioner, to complete an analysis of the cost to implement a fertility treatment benefit as described in the department of health's December 2021 mandated benefit sunrise review.

(b) The authority must contract with one or more consultants to:

(i) Obtain utilization and cost data from the state to provide an estimate of aggregate utilization and cost impacts of fertility treatment coverage for medicaid recipients, expressed as total annual cost and as a per member per month cost for plan years 2024 through 2027; and

(ii) Obtain utilization and cost data from the public employees benefits board and school employees benefits board programs to provide an estimate of aggregate utilization and cost impacts of fertility treatment coverage, expressed as total annual cost and as a per member per month cost for plan years 2024 through 2027.

(c) The analysis must include, but is not limited to, a utilization and cost analysis of each of the following services:

(i) Infertility diagnosis;

(ii) Fertility medications;

(iii) Intrauterine insemination;

(iv) In vitro fertilization; and

(v) Egg freezing.

(d) The authority must report the findings of the analysis to the governor and appropriate committees of the legislature by June 30, 2023.

(110)(a) \$2,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for one-time grants for eligible clinics to establish behavioral health integration in primary care clinics for children and adolescents. The authority may award grants of up to \$200,000 per clinic.

(b) Recipients may use grants under this subsection for:

(i) Training to create operational workflows that promote team-based care and evidence-based practices;

(ii) System development to implement universal screening of patients using standardized assessment tools;

(iii) Development of a registry to track patient outcomes;

(iv) Behavioral health professional recruitment and retention;

(v) Psychiatric supervision recruitment and retention for consultation services for the behavioral health integration program;

(vi) Partnership development with community mental health centers for referral of patients with higher level needs;

(vii) Information technology infrastructure, including electronic health record adjustments and registry creation; and

(viii) Physical space modifications to accommodate additional staff.

(c) To be eligible for grants under this subsection, clinics must have:

(i) At least 35 percent of their total patients enrolled in medicaid. Priority for funding must be given to clinics with the highest proportion of patients enrolled in medicaid;

(ii) A primary care advocate or proponent of the behavioral health integration program;

(iii) Support for the behavioral health integration program at the highest level of clinic leadership;

(iv) An arrangement for psychiatric consultation and supervision;

(v) A team-based approach to care, including the primary care provider, behavioral health professional, psychiatric consultant, patient, and patient's family; and

(vi) A plan to:

(A) Hire a behavioral health professional to be located within the clinic;

(B) Create a registry that monitors patient engagement and symptom improvement;

(C) Implement universal screening for behavioral health needs;

(D) Provide care coordination with schools, emergency departments, hospitals, and other points of care; and

(E) Ensure closed-loop referrals to specialty behavioral health care when indicated, as well as engagement in specialty treatment as clinically indicated.

(111) \$55,000 of the general fund—state appropriation for fiscal year 2023 and \$122,000 of the general fund—federal appropriation are provided solely to implement Second Substitute House Bill No. 1860 (behavioral health discharge). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(112) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Bree collaborative to support collaborative learning and targeted technical assistance for quality improvement initiatives.

(113)(a) \$500,000 of the general fund—state appropriation for fiscal year 2023 and \$1,500,000 of the general fund—federal appropriation are provided solely for the authority, in consultation with the health and human services enterprise coalition, community-based organizations, health plans, accountable communities of health, and safety net providers, to determine the cost and implementation impacts of a statewide community information exchange (CIE). A CIE platform must serve as a tool for addressing the social determinants of health, defined as nonclinical community and social factors such as housing, food security, transportation, financial strain, and interpersonal safety, that affect health, functioning, and quality-of-life outcomes.

(b) Prior to issuing a request for proposals or beginning this project, the authority must work with stakeholders in (a) of this subsection to determine which platforms already exist within the Washington public and private health care system to determine interoperability needs and fiscal impacts to both the state and impacted providers and organizations that will be using a single statewide community information exchange platform.

(c) This subsection is subject to the conditions, limitations, and review requirements of section 701 of this act.

(114) \$226,000 of the general fund—state appropriation for fiscal year 2023, \$1,072,000 of the general fund—private/local appropriation, and \$2,588,000 of the general fund—federal appropriation are provided solely to implement Engrossed Substitute House Bill No. 1866 (supportive housing). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.



(115) \$8,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for one-time bridge grants to hospitals in financial distress. To qualify for these grants, a hospital must:

(a) Be located in Washington;

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

(c) Continue to maintain a medicaid population at similar utilization levels as in calendar year 2021;

(d) Be necessary for an adequate provider network for the medicaid program;

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

(f) Meet one of the following criteria:

(i) Lack adequate cash-on-hand to remain financially solvent;

(ii) Have experienced financial losses during hospital fiscal year 2021; or

(iii) Be at risk of bankruptcy.

(116) The authority shall consider evidence-based recommendations from the Oregon health evidence review commission when making coverage decisions for the treatment of pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections and pediatric acute-onset neuropsychiatric syndrome.

*\*Sec. 211 was partially vetoed. See message at end of chapter.*

Sec. 212. 2021 c 334 s 212 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE AUTHORITY—PUBLIC EMPLOYEES' BENEFITS BOARD AND EMPLOYEE BENEFITS PROGRAM**

State Health Care Authority Administrative Account—

State Appropriation . . . . . (\$37,403,000)

\$39,296,000

TOTAL APPROPRIATION . . . . . (\$37,403,000)

\$39,296,000

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

(1) Any savings from reduced claims costs must be reserved for funding employee benefits during the 2023-2025 fiscal biennium and may not be used for administrative expenses. The health care authority shall deposit any moneys received on behalf of the uniform medical plan resulting from rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys received as a result of prior uniform medical plan claims payments, in the public employees' and retirees' insurance account to be used for insurance benefits.

(2) Any changes to benefits must be approved by the public employees' benefits board. The board shall not make any changes to benefits without considering a comprehensive analysis of the cost of those changes, and shall not increase benefits unless offsetting cost reductions from other benefit revisions are sufficient to fund the changes. The board shall not make any change in retiree eligibility criteria that reestablishes eligibility for enrollment in PEBB benefits. However, the funding provided anticipates that the public employees'

benefits board may increase the virtual access to behavioral health resources and interventions and case management.

(3) Except as may be provided in a health care bargaining agreement, to provide benefits within the level of funding provided in part IX of this bill, the public employees' benefits board shall require or make any or all of the following: Employee premium copayments, increases increase in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065.

(4) The board shall collect a surcharge payment of not less than twenty-five dollars per month from members who use tobacco products, and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than ninety-five percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(5) The health care authority shall analyze and report on the potential impacts of providing a one-time enrollment window for retirees to reestablish eligibility for enrollment in retiree benefits under the public employees' benefit board program. The authority shall submit the report to the appropriate committees of the legislature by January 1, 2022. At a minimum the report must include an estimate of the employer cost and a description of the assumptions used.

(6) \$285,000 of the state health care authority administrative account—state appropriation is provided solely for a customer service scheduling tool, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(7)(a) \$250,000 of the state health care authority administrative account—state appropriation is provided solely for the health care authority to conduct a study on contracting for administration of the state's self-insured uniform medical plan. The uniform medical plan is now among the largest health benefit coverage groups in the state, covering a growing subscriber base of nearly 375,000 Washington residents enrolled in the uniform medical plan. In 2011, the uniform medical plan began administering additional services through a third-party administrative contract, rather than administering those services internally. Among those services were provision of the provider network and provider contracts, provider relations, portions of claims administration, member appeals, and portions of member communications.

(b) The purpose of the study is to enable the authority to provide the option of a return of some, or all, of the administrative functions that began to be provided by contracted services in 2011. The current contract for these services expires in 2029.

(c) By June 30, 2023, the health care authority must prepare a report on the uniform medical plan administrative services that were provided by contract prior to 2010, those that have been procured through the third-party administrative contract since, what elements of those services could be provided either directly or through discrete provider contracts, and the resources the authority would need to administer these functions. The report must also

compare the cost of the administration of components before and after the transition to the current contracts; include assumptions about the impacts on claims; include a description of the performance guarantees in the current contract; and provide an implementation plan to enable the health care authority to resume self-administration for some or all of the administrative services at the end of the current contract.

(d) The report must be presented to the public employees' benefits board and the school employees' benefits board at the first meeting of each board following completion of the report in 2023, and provided to the appropriate committees of the legislature thereafter.

Sec. 213. 2021 c 334 s 213 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE AUTHORITY—SCHOOL EMPLOYEES' BENEFITS BOARD**

School Employees' Insurance Administrative Account—

State Appropriation . . . . .	(\$25,771,000)	\$28,317,000
TOTAL APPROPRIATION . . . . .	(\$25,771,000)	\$28,317,000

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

(1) \$15,000 of the school employees' insurance administrative account—state appropriation is provided solely for a customer service scheduling tool, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(2) \$250,000 of the school employees' insurance administrative account—state appropriation is provided solely for the study described in section 212(7) of this act.

Sec. 214. 2021 c 334 s 214 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE AUTHORITY—HEALTH BENEFIT EXCHANGE**

General Fund—State Appropriation (FY 2022) . . . . .	(\$4,831,000)	\$4,881,000
General Fund—State Appropriation (FY 2023) . . . . .	(\$4,543,000)	\$9,547,000
General Fund—Federal Appropriation . . . . .	(\$83,017,000)	\$54,032,000
Health Benefit Exchange Account—State Appropriation . . . . .	(\$77,710,000)	\$80,860,000
State Health Care Affordability Account—State Appropriation . . . . .	(\$50,000,000)	\$55,000,000
TOTAL APPROPRIATION . . . . .	(\$220,101,000)	\$204,320,000

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

(1) The receipt and use of medicaid funds provided to the health benefit exchange from the health care authority are subject to compliance with state and

federal regulations and policies governing the Washington apple health programs, including timely and proper application, eligibility, and enrollment procedures.

(2)(a) By July 15th and January 15th of each year, the authority shall make a payment of one-half the general fund—state appropriation, one-half the health benefit exchange account—state appropriation, and one-half the health care affordability account—state appropriation to the exchange. By July 15, 2021, the authority shall make the payments of the general fund—federal appropriation (CRRSA) and the general fund—federal appropriation (ARPA) to the exchange.

(b) The exchange shall monitor actual to projected revenues and make necessary adjustments in expenditures or carrier assessments to ensure expenditures do not exceed actual revenues.

(c) Payments made from general fund—state appropriation and health benefit exchange account—state appropriation shall be available for expenditure for no longer than the period of the appropriation from which it was made. When the actual cost of materials and services have been fully determined, and in no event later than the lapsing of the appropriation, any unexpended balance of the payment shall be returned to the authority for credit to the fund or account from which it was made, and under no condition shall expenditures exceed actual revenue.

(3)(a) \$146,000 of the general fund—state appropriation for fiscal year 2022 and \$554,000 of the general fund—federal appropriation are provided solely for the exchange, in close consultation with the health and human services enterprise coalition (coalition), to develop a report on the next steps required for information technology solutions for an integrated health and human services eligibility solution. The report must include, but is not limited to a:

(i) Technical approach and architecture;

(ii) Roadmap and implementation plan for modernizing and integrating the information technology eligibility and enrollment system for including, but not limited to, medicaid, basic food, child care assistance, cash assistance, and other health and human service program benefits, beginning with classic medicaid; and

(iii) Discussion of how an integrated health and human services solution would:

(A) Comply with federal requirements;

(B) Maximize efficient use of staff time;

(C) Support accurate and secure client eligibility information;

(D) Improve the client enrollment experience; and

(E) Provide other notable coalition agency impacts.

(b) The exchange, in coordination with the coalition, must submit the report to the governor and appropriate committees of the legislature by January 15, 2022.

(4) \$1,634,000 of the health benefit exchange account—state appropriation and \$592,000 of the general fund—federal appropriation are provided solely for healthplanfinder enhancement activities. These amounts are subject to the conditions, limitations, and review provided in section 701 of this act.

(5) \$1,324,000 of the health benefit exchange account—state appropriation and \$2,740,000 of the general fund—federal appropriation are provided solely

for the modernizing healthplanfinder project. These amounts are subject to the conditions, limitations, and review provided in section 701 of this act.

(6) \$250,000 of the general fund—federal appropriation (CRRSA) and \$150,000 of the general fund—federal appropriation (ARPA) are provided solely for pass-through funding to one or more lead navigator organizations to promote access to health services through outreach and insurance plan enrollment assistance for employees working in a licensed child care facility.

(7)(a) (~~(\$25,171,000)~~) \$1,171,000 of the general fund—federal appropriation (CRRSA) and (~~(\$5,095,000)~~) \$2,595,000 of the general fund—federal appropriation (ARPA) are provided solely for the exchange to implement a health care insurance premium assistance program for employees who work in licensed child care facilities. The general fund—federal appropriation (CRRSA) must be expended by September 30, 2022.

(b) An individual is eligible for the child care premium assistance program for the remainder of the plan year if the individual:

- (i) Is an employee working in a licensed child care facility;
- (ii) Enrolls in a silver standardized health plan under RCW 43.71.095;
- (iii) Prior to January 1, (~~(2023)~~) 2024, has income that is less than 300 percent of the federal poverty level;

(iv) Applies for and accepts all federal advance premium tax credits for which he or she may be eligible before receiving any state premium assistance;

(v) Is ineligible for minimum essential coverage through medicare, a federal or state medical assistance program administered by the health care authority under chapter 74.09 RCW, or for premium assistance under RCW 43.71A.020; and

(vi) Meets other eligibility criteria as established by the exchange.

(c) Subject to the availability of amounts provided in this subsection, the exchange shall pay the premium cost for a qualified health plan for an individual who is eligible for the child care premium assistance program under (b) of this subsection.

(d) The exchange may disqualify a participant from the program if the participant:

- (i) No longer meets the eligibility criteria in (b) of this subsection;
- (ii) Fails, without good cause, to comply with procedural or documentation requirements established by the exchange in accordance with (e) of this subsection;

(iii) Fails, without good cause, to notify the exchange of a change of address in a timely manner;

(iv) Voluntarily withdraws from the program; or

(v) Performs an act, practice, or omission that constitutes fraud, and, as a result, an insurer rescinds the participant's policy for the qualified health plan.

(e) The exchange shall establish:

(i) Procedural requirements for eligibility and continued participation in any premium assistance program under this section, including participant documentation requirements that are necessary to administer the program; and

(ii) Procedural requirements for facilitating payments to and from carriers.

(f) The program must be implemented no later than November 1, 2021.

(g) No later than October 1, 2022, the exchange shall submit a report to the governor and appropriate committees of the legislature on the implementation of the child care premium assistance program including, but not limited to:

(i) The number of individuals participating in the program to date; and

(ii) The actual costs of the program to date, including agency administrative costs.

(h) Within the amounts provided in this subsection, the exchange may create an outreach program to help employees who work in licensed child care facilities enroll in the premium assistance program, beginning for plan year 2023, as established in chapter 246, Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5377) (standardized health plans).

(i) The health care insurance premium assistance program for employees who work in licensed child care facilities is effective through plan year 2023.

(8) \$136,000 of the general fund—state appropriation for fiscal year 2022, \$136,000 of the general fund—state appropriation for fiscal year 2023, \$254,000 of the health benefit exchange account—state appropriation, and \$274,000 of the general fund—federal appropriation are provided solely for pass through funding in the annual amount of \$100,000 for the lead navigator organization in the four regions with the highest concentration of COFA citizens to:

(a) Support a staff position for someone from the COFA community to provide enrollment assistance to the COFA community beyond the scope of the current COFA program; and

(b) Support COFA community led outreach and enrollment activities that help COFA citizens obtain and access health and dental coverage.

(9) \$142,000 of the general fund—state appropriation for fiscal year 2022 and \$538,000 of the general fund—federal appropriation are provided solely for the implementation of Substitute Senate Bill No. 5068 (postpartum period/medicaid) and section 9812 of the American rescue plan act of 2021.

(10) ~~(\$8,012,000)~~ \$8,162,000 of the health benefit exchange account—state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 5377 (standardized health plans). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(11) \$50,000,000 of the state health care affordability account—state appropriation is provided solely for the exchange to administer a premium assistance program, beginning for plan year 2023, as established in Engrossed Second Substitute Senate Bill No. 5377 (standardized health plans), and this is the maximum amount the exchange may expend for this purpose. An individual is eligible for the premium assistance provided if the individual: (a) Has income up to 250 percent of the federal poverty level; and (b) meets other eligibility criteria as established in section 1(4)(a) of Engrossed Second Substitute Senate Bill No. 5377 (standardized health plans).

(12)(a) Within amounts appropriated in this section, the exchange, in close consultation with the authority and the office of the insurance commissioner, shall explore opportunities to facilitate enrollment of Washington residents who do not qualify for non-emergency medicaid or federal affordability programs in a state-funded program no later than plan year 2024.

(b) If an opportunity to apply to the secretary of health and human services under 42 U.S.C. Sec. 18052 for a waiver is identified or other federal flexibilities are available, the exchange, in collaboration with the office of the insurance

commissioner and the authority may develop an application to be submitted by the authority. If an application is submitted, the authority must notify the chairs and ranking minority members of the appropriate policy and fiscal committees of the legislature.

(c) Any application submitted under this subsection must meet all federal public notice and comment requirements under 42 U.S.C. Sec. 18052(a)(4)(B), including public hearings to ensure a meaningful level of public input.

(d) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$2,891,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for system updates and community-led engagement activities necessary to implement the waiver.

(13) \$733,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for system upgrades necessary for the anticipated expansion of medicaid equivalent health care coverage to uninsured adults with income up to 138 percent of the federal poverty level regardless of immigration status in collaboration with the health care authority.

(14) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for one-time activities to promote continuous coverage for individuals losing coverage through Washington apple health at the end of the COVID-19 public health emergency.

(15) \$20,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the exchange, in collaboration with the state board of community and technical colleges, the student achievement council, and the council of presidents, to provide educational resources and ongoing assister training to support the operations of a pilot program to help connect students, including those enrolled in state registered apprenticeship programs, with health care coverage.

(16) \$5,000,000 of the state health care affordability account—state appropriation is provided solely to provide premium assistance for customers ineligible for federal premium tax credits who meet the eligibility criteria established in subsection (11)(a) of this section, and is contingent upon approval of the applicable waiver described in subsection (12)(b) of this section.

\*Sec. 215. 2021 c 334 s 215 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE AUTHORITY—COMMUNITY BEHAVIORAL HEALTH PROGRAM**

General Fund—State Appropriation (FY 2022) . . . . .	(((\$667,948,000))
	\$687,270,000
General Fund—State Appropriation (FY 2023) . . . . .	(((\$733,456,000))
	\$914,234,000
General Fund—Federal Appropriation . . . . .	(((\$2,593,457,000))
	\$2,876,776,000
General Fund—Private/Local Appropriation . . . . .	(((\$37,325,000))
	\$37,675,000
Criminal Justice Treatment Account—State	
Appropriation . . . . .	\$21,988,000
Problem Gambling Account—State Appropriation . . . . .	(((\$1,963,000))
	\$2,113,000
Dedicated Marijuana Account—State Appropriation	
(FY 2022) . . . . .	\$28,493,000

Dedicated Marijuana Account—State Appropriation (FY 2023) . . . . .	\$28,493,000
Coronavirus State Fiscal Recovery Fund—Federal Appropriation . . . . .	(( <del>\$31,000,000</del> ))
	<u>\$131,000,000</u>
TOTAL APPROPRIATION . . . . .	(( <del>\$4,144,123,000</del> ))
	<u>\$4,728,042,000</u>

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

(1) For the purposes of this section, "behavioral health entities" means managed care organizations and behavioral health administrative services organizations that reimburse providers for behavioral health services.

(2) Within the amounts appropriated in this section, funding is provided for implementation of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. In addition to amounts provided solely for implementation of the settlement agreement, class members must have access to supports and services funded throughout this section for which they meet eligibility and medical necessity requirements. The authority must include language in contracts that requires regional behavioral health entities to develop and implement plans for improving access to timely and appropriate treatment for individuals with behavioral health needs and current or prior criminal justice involvement who are eligible for services under these contracts.

(3) (~~(\$22,643,000)~~) \$23,271,000 of the general fund—state appropriation for fiscal year 2022, (~~(\$27,143,000)~~) \$30,514,000 of the general fund—state appropriation for fiscal year 2023, and (~~(\$9,073,000)~~) \$11,503,000 of the general fund—federal appropriation are provided solely to continue the phase-in of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. The authority, in collaboration with the department of social and health services and the criminal justice training commission, must implement the provisions of the settlement agreement pursuant to the timeline and implementation plan provided for under the settlement agreement. This includes implementing provisions related to competency evaluations, competency restoration, crisis diversion and supports, education and training, and workforce development.

(4) \$10,000,000 of the general fund—state appropriation for fiscal year 2023 and \$219,000 of the general fund—federal appropriation are provided solely to continue diversion grant programs funded through contempt fines pursuant to *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. The authority must consult with the plaintiffs and court monitor to determine, within the amounts provided, which of the programs will continue to receive funding through this appropriation. The programs shall use this funding to provide assessments, mental health treatment, substance use disorder treatment, case management, employment, and other social services. By June 30, 2023, the authority, in consultation with the plaintiffs and the court



monitor, must submit a report to the office of financial management and the appropriate fiscal committees of the legislature which includes: Identification of the programs that receive funding through this subsection; a narrative description of each program model; the number of individuals being served by each program on a monthly basis; metrics or outcomes reported as part of the contracts; and recommendations related to further support of these programs in the 2023-2025 fiscal biennium.

~~((5))~~ ~~(\$10,424,000)~~ \$12,359,000 of the general fund—state appropriation for fiscal year 2022, ~~(\$10,424,000)~~ \$12,359,000 of the general fund—state appropriation for fiscal year 2023, and \$23,444,000 of the general fund—federal appropriation are provided solely for the authority and behavioral health entities to continue to contract for implementation of high-intensity programs for assertive community treatment (PACT) teams. In determining the proportion of medicaid and nonmedicaid funding provided to behavioral health entities with PACT teams, the authority shall consider the differences between behavioral health entities in the percentages of services and other costs associated with the teams that are not reimbursable under medicaid. The authority may allow behavioral health entities which have nonmedicaid reimbursable costs that are higher than the nonmedicaid allocation they receive under this section to supplement these funds with local dollars or funds received under subsection ~~((6))~~ (7) of this section. The authority and behavioral health entities shall maintain consistency with all essential elements of the PACT evidence-based practice model in programs funded under this section.

~~((5))~~ (6) \$3,520,000 of the general fund—federal appropriation is provided solely for the authority to maintain a pilot project to incorporate peer bridging staff into behavioral health regional teams that provide transitional services to individuals returning to their communities.

~~((6)—\$95,066,000)~~ (7) \$95,822,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$95,066,000)~~ \$116,633,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for persons and services not covered by the medicaid program. To the extent possible, levels of behavioral health entity spending must be maintained in the following priority order: Crisis and commitment services; community inpatient services; and residential care services, including personal care and emergency housing assistance. These amounts must be distributed to behavioral health entities as follows:

(a) \$72,275,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$72,275,000)~~ \$88,275,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to contract with behavioral health administrative service organizations for behavioral health treatment services not covered under the medicaid program. Within these amounts, behavioral health administrative service organizations must provide a two percent rate increase to providers receiving state funds for nonmedicaid services under this section effective July 1, 2021, and a seven percent rate increase effective January 1, 2023.

(b) ~~(\$22,791,000)~~ \$23,547,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$22,791,000)~~ \$28,358,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to contract with medicaid managed care organizations for wraparound services to

medicaid enrolled individuals that are not covered under the medicaid program and for the state share of costs for exceptional medicaid behavioral health personal care services. Within the amounts provided in this subsection:

(i) Medicaid managed care organizations must provide a two percent rate increase to providers receiving state funding for nonmedicaid services under this section effective July 1, 2021, and a seven percent rate increase effective January 1, 2023.

(ii) The authority shall assure that managed care organizations reimburse the department of social and health services aging and long term support administration for the general fund—state cost of exceptional behavioral health personal care services for medicaid enrolled individuals who require these because of a psychiatric disability. Funding for the federal share of these services is separately appropriated to the department of social and health services.

(c) The authority shall coordinate with the department of social and health services to develop and submit to the centers for medicare and medicaid services an application to provide a 1915(i) state plan home and community-based services benefit. The application shall be developed to allow for the delivery of wraparound supportive behavioral health services for individuals with mental illnesses who also have a personal care need. The waiver shall be developed to standardize coverage and administration, improve the current benefit design, and clarify roles in administration of the behavioral health personal care services benefit. By December 1, 2021, the authority, in coordination with the department of social and health services, must submit a report to the office of financial management and the appropriate committees of the legislature which provides the following:

(i) A description of the new benefit design developed for the waiver, including a description of the services to be provided and the responsibility for payment under the waiver;

(ii) Estimates of the number of individuals to be served annually under the new waiver and the estimated state and federal fiscal costs for the managed care organizations and the department of social and health services;

(iii) A comparison estimate of the number of individuals to receive behavioral health personal care services annually under the current benefit structure and the estimated state and federal fiscal costs for the managed care organizations and the department of social and health services; and

(iv) A status update on the development and submission of the waiver with an estimated timeline for approval and implementation of the new wraparound services benefit.

(d) The authority must require behavioral health administrative service organizations to submit information related to reimbursements to counties made for involuntary treatment act judicial services and submit a report to the office of financial management and the appropriate committees of the legislature with complete fiscal year 2022 reimbursements by December 1, 2022.

~~((7))~~ (8) The authority is authorized to continue to contract directly, rather than through contracts with behavioral health entities for children's long-term inpatient facility services.

~~((8))~~ (9) \$1,204,000 of the general fund—state appropriation for fiscal year 2022 and \$1,204,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to reimburse Pierce and Spokane counties for the

cost of conducting one hundred eighty-day commitment hearings at the state psychiatric hospitals.

~~((9))~~ (10) Behavioral health entities may use local funds to earn additional federal medicaid match, provided the locally matched rate does not exceed the upper-bound of their federally allowable rate range, and provided that the enhanced funding is used only to provide medicaid state plan or waiver services to medicaid clients. Additionally, behavioral health entities may use a portion of the state funds allocated in accordance with subsection ~~((6))~~ (7) of this section to earn additional medicaid match, but only to the extent that the application of such funds to medicaid services does not diminish the level of crisis and commitment, community inpatient, residential care, and outpatient services presently available to persons not eligible for medicaid.

~~((40))~~ (11) \$2,291,000 of the general fund—state appropriation for fiscal year 2022 and \$2,291,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon release from confinement. The authority must collect information from the behavioral health entities on their plan for using these funds, the numbers of individuals served, and the types of services provided and submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.

~~((41))~~ (12) Within the amounts appropriated in this section, funding is provided for the authority to develop and phase in intensive mental health services for high needs youth consistent with the settlement agreement in *T.R. v. Dreyfus and Porter*.

~~((42))~~ (13) The authority must establish minimum and maximum funding levels for all reserves allowed under behavioral health administrative service organization contracts and include contract language that clearly states the requirements and limitations. The authority must monitor and ensure that behavioral health administrative service organization reserves do not exceed maximum levels. The authority must monitor revenue and expenditure reports and must require a behavioral health administrative service organization to submit a corrective action plan on how it will spend its excess reserves within a reasonable period of time, when its reported reserves exceed maximum levels established under the contract. The authority must review and approve such plans and monitor to ensure compliance. If the authority determines that a behavioral health administrative service organization has failed to provide an adequate excess reserve corrective action plan or is not complying with an approved plan, the authority must reduce payments to the entity in accordance with remedial actions provisions included in the contract. These reductions in payments must continue until the authority determines that the entity has come into substantial compliance with an approved excess reserve corrective action plan.

~~((43))~~ (14) During the 2021-2023 fiscal biennium, any amounts provided in this section that are used for case management services for pregnant and parenting women must be contracted directly between the authority and pregnant and parenting women case management providers.

~~((14))~~ (15) Within the amounts appropriated in this section, the authority may contract with the University of Washington and community-based providers for the provision of the parent-child assistance program or other specialized chemical dependency case management providers for pregnant, post-partum, and parenting women. For all contractors: (a) Service and other outcome data must be provided to the authority by request; and (b) indirect charges for administering the program must not exceed ten percent of the total contract amount.

~~((15))~~ (16) \$3,500,000 of the general fund—federal appropriation is provided solely for the continued funding of existing county drug and alcohol use prevention programs.

~~((16))~~ (17) Within the amounts provided in this section, behavioral health entities must provide outpatient chemical dependency treatment for offenders enrolled in the medicaid program who are supervised by the department of corrections pursuant to a term of community supervision. Contracts with behavioral health entities must require that behavioral health entities include in their provider network specialized expertise in the provision of manualized, evidence-based chemical dependency treatment services for offenders. The department of corrections and the authority must develop a memorandum of understanding for department of corrections offenders on active supervision who are medicaid eligible and meet medical necessity for outpatient substance use disorder treatment. The agreement will ensure that treatment services provided are coordinated, do not result in duplication of services, and maintain access and quality of care for the individuals being served. The authority must provide all necessary data, access, and reports to the department of corrections for all department of corrections offenders that receive medicaid paid services.

~~((17))~~ (18) The criminal justice treatment account—state appropriation is provided solely for treatment and treatment support services for offenders with a substance use disorder pursuant to RCW 71.24.580. The authority must offer counties the option to administer their share of the distributions provided for under RCW 71.24.580(5)(a). If a county is not interested in administering the funds, the authority shall contract with behavioral health entities to administer these funds consistent with the plans approved by local panels pursuant to RCW 71.24.580(5)(b). Funding from the criminal justice treatment account may be used to provide treatment and support services through the conclusion of an individual's treatment plan to individuals participating in a drug court program as of February 24, 2021, if that individual wishes to continue treatment following dismissal of charges they were facing under RCW 69.50.4013(1). Such participation is voluntary and contingent upon substantial compliance with drug court program requirements. The authority must provide a report to the office of financial management and the appropriate committees of the legislature which identifies the distribution of criminal justice treatment account funds by September 30, 2021.

~~((18))~~ (19) \$6,858,000 of the general fund—state appropriation for fiscal year 2022, \$6,858,000 of the general fund—state appropriation for fiscal year 2023, and \$8,046,000 of the general fund—federal appropriation are provided solely to maintain crisis triage or stabilization centers that were originally funded in the 2017-2019 fiscal biennium. Services in these facilities may include crisis stabilization and intervention, individual counseling, peer support,

medication management, education, and referral assistance. The authority shall monitor each center's effectiveness at lowering the rate of state psychiatric hospital admissions.

~~((19))~~ (20) \$9,795,000 of the general fund—state appropriation for fiscal year 2022, \$10,015,000 of the general fund—state appropriation for fiscal year 2023, and \$15,025,000 of the general fund—federal appropriation are provided solely for the operation of secure withdrawal management and stabilization facilities. The authority may not use any of these amounts for services in facilities that are subject to federal funding restrictions that apply to institutions for mental diseases, unless they have received a waiver that allows for full federal participation in these facilities. Within these amounts, funding is provided to increase the fee for service rate for these facilities up to \$650 per day. The authority must require in contracts with behavioral health entities that, beginning in calendar year 2020, they pay no lower than the fee for service rate. The authority must coordinate with regional behavioral health entities to identify and implement purchasing strategies or regulatory changes that increase access to services for individuals with complex behavioral health needs at secure withdrawal management and stabilization facilities.

~~((20))~~ (21) \$23,090,000 of the general fund—state appropriation for fiscal year 2022, \$23,090,000 of the general fund—state appropriation for fiscal year 2023, and \$92,444,000 of the general fund—federal appropriation are provided solely to maintain the enhancement of community-based behavioral health services that was initially funded in fiscal year 2019. Twenty percent of the general fund—state appropriation amounts for each regional service area must be contracted to the behavioral health administrative services organizations and used to increase their nonmedicaid funding allocations and the remainder must be provided to the medicaid managed care organizations providing apple health integrated managed care. The medicaid funding is intended to maintain increased rates for behavioral health services provided by licensed and certified community behavioral health agencies as defined by the department of health. For the behavioral health administrative services organizations, this funding must be allocated to each region based upon the population of the region. For managed care organizations, this funding must be provided through the behavioral health portion of the medicaid integrated managed care capitation rates. The authority must require the managed care organizations to provide a report that details the methodology the managed care organization used to distribute this funding to their contracted behavioral health providers. The report submitted by behavioral health administrative service organizations and managed care organizations must identify mechanisms employed to disperse the funding as well as estimated impacts to behavioral health providers in the community. The authority must submit a report to the legislature by December 1st of each year of the biennium, summarizing the information regarding the distribution of the funding provided under this subsection.

~~((21))~~ (22) \$1,401,000 of the general fund—state appropriation for fiscal year 2022, \$1,401,000 of the general fund—state appropriation for fiscal year 2023, and \$3,210,000 of the general fund—federal appropriation are provided solely for the implementation of intensive behavioral health treatment facilities within the community behavioral health service system pursuant to chapter 324, Laws of 2019 (2SHB 1394).

~~((22))~~ (23)(a) \$12,878,000 of the dedicated marijuana account—state appropriation for fiscal year 2022 and \$12,878,000 of the dedicated marijuana account—state appropriation for fiscal year 2023 are provided for:

(i) A memorandum of understanding with the department of children, youth, and families to provide substance abuse treatment programs;

(ii) A contract with the Washington state institute for public policy to conduct a cost-benefit evaluation of the implementations of chapter 3, Laws of 2013 (Initiative Measure No. 502);

(iii) Designing and administering the Washington state healthy youth survey and the Washington state young adult behavioral health survey;

(iv) Maintaining increased services to pregnant and parenting women provided through the parent child assistance program;

(v) Grants to the office of the superintendent of public instruction for life skills training to children and youth;

(vi) Maintaining increased prevention and treatment service provided by tribes and federally recognized American Indian organization to children and youth;

(vii) Maintaining increased residential treatment services for children and youth;

(viii) Training and technical assistance for the implementation of evidence-based, research based, and promising programs which prevent or reduce substance use disorder;

(ix) Expenditures into the home visiting services account; and

(x) Grants to community-based programs that provide prevention services or activities to youth.

(b) The authority must allocate the amounts provided in (a) of this subsection amongst the specific activities proportionate to the fiscal year 2021 allocation.

~~((23))~~ (24)(a) \$1,125,000 of the general fund—state appropriation for fiscal year 2022 and \$1,125,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for Spokane behavioral health entities to implement services to reduce utilization and the census at eastern state hospital. Such services must include:

(i) High intensity treatment team for persons who are high utilizers of psychiatric inpatient services, including those with co-occurring disorders and other special needs;

(ii) Crisis outreach and diversion services to stabilize in the community individuals in crisis who are at risk of requiring inpatient care or jail services;

(iii) Mental health services provided in nursing facilities to individuals with dementia, and consultation to facility staff treating those individuals; and

(iv) Services at the sixteen-bed evaluation and treatment facility.

(b) At least annually, the Spokane county behavioral health entities shall assess the effectiveness of these services in reducing utilization at eastern state hospital, identify services that are not optimally effective, and modify those services to improve their effectiveness.

~~((24))~~ (25) \$1,850,000 of the general fund—state appropriation for fiscal year 2022, \$1,850,000 of the general fund—state appropriation for fiscal year 2023, and \$13,312,000 of the general fund—federal appropriation are provided solely for substance use disorder peer support services included in behavioral

health capitation rates in accordance with section 213(5)(ss), chapter 299, Laws of 2018. The authority shall require managed care organizations to provide access to peer support services for individuals with substance use disorders transitioning from emergency departments, inpatient facilities, or receiving treatment as part of hub and spoke networks.

~~((25))~~ (26) \$1,256,000 of the general fund—state appropriation for fiscal year 2022, \$1,256,000 of the general fund—state appropriation for fiscal year 2023, and \$2,942,000 of the general fund—federal appropriation are provided solely for the authority to maintain an increase in the number of residential beds for pregnant and parenting women originally funded in the 2019-2021 fiscal biennium.

~~((26))~~ (27) \$1,423,000 of the general fund—state appropriation for fiscal year 2022, \$1,423,000 of the general fund—state appropriation for fiscal year 2023, and \$5,908,000 of the general fund—federal appropriation are provided solely for the authority to continue to implement discharge wraparound services for individuals with complex behavioral health conditions transitioning or being diverted from admission to psychiatric inpatient programs. The authority must coordinate with the department of social and health services in establishing the standards for these programs.

~~((27))~~ (28) \$350,000 of the general fund—federal appropriation is provided solely to contract with a nationally recognized recovery residence organization and to provide technical assistance to operators of recovery residences seeking certification in accordance with chapter 264, Laws of 2019 (2SHB 1528).

~~((28))~~ (29) \$500,000 of the general fund—state appropriation for fiscal year 2022, \$500,000 of the general fund—state appropriation for fiscal year 2023, and \$1,000,000 of the general fund—federal appropriation are provided solely for the authority to maintain a memorandum of understanding with the criminal justice training commission to provide funding for community grants pursuant to chapter 378, Laws of 2019 (2SHB 1767).

~~((29))~~ (30) \$3,396,000 of the general fund—state appropriation for fiscal year 2022, \$3,396,000 of the general fund—state appropriation for fiscal year 2023, and \$16,200,000 of the general fund—federal appropriation are provided solely for support of and to continue to increase clubhouse ~~((facilities))~~ programs across the state. The authority shall work with the centers for medicare and medicaid services to review opportunities to include clubhouse services as an optional "in lieu of" service in managed care organization contracts in order to maximize federal participation. The authority must provide a report to the office of financial management and the appropriate committees of the legislature on the status of efforts to implement clubhouse programs and receive federal approval for including these services in managed care organization contracts as an optional "in lieu of" service by December 1, 2022.

~~((30))~~ (31) \$947,000 of the general fund—state appropriation for fiscal year 2022, \$947,000 of the general fund—state appropriation for fiscal year 2023, and \$1,896,000 of the general fund—federal appropriation are provided solely for the authority to implement a statewide plan to implement evidence-based coordinated specialty care programs that provide early identification and intervention for psychosis in behavioral health agencies in accordance with chapter 360, Laws of 2019 (2SSB 5903).

~~((31))~~ (32) \$708,000 of the general fund—state appropriation for fiscal year 2022, \$708,000 of the general fund—state appropriation for fiscal year 2023, and \$1,598,000 of the general fund—federal appropriation are provided solely for implementing mental health peer respite centers and a pilot project to implement a mental health drop-in center in accordance with chapter 324, Laws of 2019 (2SHB 1394).

~~((32))~~ (33) \$800,000 of the general fund—state appropriation for fiscal year 2022, \$800,000 of the general fund—state appropriation for fiscal year 2023, and \$1,452,000 of the general fund—federal appropriation are provided solely for the authority to implement the recommendations of the state action alliance for suicide prevention, to include suicide assessments, treatment, and grant management.

~~((33))~~ (34) \$446,000 of the general fund—state appropriation for fiscal year 2022, \$446,000 of the general fund—state appropriation for fiscal year 2023, and \$178,000 of the general fund—federal appropriation are provided solely for the University of Washington's evidence-based practice institute which supports the identification, evaluation, and implementation of evidence-based or promising practices. The institute must work with the authority to develop a plan to seek private, federal, or other grant funding in order to reduce the need for state general funds. The authority must collect information from the institute on the use of these funds and submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.

~~((34))~~ (35) As an element of contractual network adequacy requirements and reporting, the authority shall direct managed care organizations to make all reasonable efforts to develop or maintain contracts with provider networks that leverage local, federal, or philanthropic funding to enhance effectiveness of medicaid-funded integrated care services. These networks must promote medicaid clients' access to a system of services that addresses additional social support services and social determinants of health as defined in RCW 43.20.025 in a manner that is integrated with the delivery of behavioral health and medical treatment services.

~~((35))~~ (36) \$500,000 of the problem gambling account—state appropriation is provided solely for the authority to contract for a problem gambling adult prevalence study. The prevalence study must review both statewide and regional results about beliefs and attitudes toward gambling, gambling behavior and preferences, and awareness of treatment services. The study should also estimate the level of risk for problem gambling and examine correlations with broader behavioral and mental health measures. The health care authority shall submit results of the prevalence study to the problem gambling task force and the legislature by June 30, 2022.

~~((36))~~ (37) \$9,000,000 of the criminal justice treatment account—state appropriation is provided solely for the authority to maintain funding for new therapeutic courts created or expanded during fiscal year 2021, or to maintain the fiscal year 2021 expansion of services being provided to an already existing therapeutic court that engages in evidence-based practices, to include medication assisted treatment in jail settings pursuant to RCW 71.24.580. Funding provided under this subsection shall not supplant existing funds utilized for this purpose.



~~((37))~~ (38) In establishing, re-basing, enhancing, or otherwise updating medicaid rates for behavioral health services, the authority and contracted actuaries shall use a transparent process that provides an opportunity for medicaid managed care organizations, behavioral health administrative service organizations, and behavioral health provider agencies, and their representatives, to review and provide data and feedback on proposed rate changes within their region or regions of service operation. The authority and contracted actuaries shall transparently incorporate the information gained from this process and make adjustments allowable under federal law when appropriate.

~~((38))~~ (39) The authority shall seek input from representatives of the managed care organizations (MCOs), licensed community behavioral health agencies, and behavioral health administrative service organizations to develop ~~((the format of a report which addresses revenues and expenditures for the community behavioral health programs))~~ specific metrics related to behavioral health outcomes under integrated managed care. ~~((The report shall))~~ These metrics must include, but are not ~~((be))~~ limited to: (a) Revenues and expenditures for community behavioral health programs, including medicaid and nonmedicaid funding; (b) access to services, service denials, and utilization by state plan modality; (c) claims denials and record of timely payment to providers; (d) client demographics; and (e) social and recovery measures and managed care organization performance measures. The authority must work with managed care organizations and behavioral health administrative service organizations to integrate these metrics into an annual reporting structure designed to evaluate the performance of the behavioral health system in the state over time. The authority must submit a report by June 30, 2023, outlining the specific metrics implemented. Thereafter, the authority shall submit the report for the preceding calendar year to the governor and appropriate committees of the legislature on or before ~~((July 1st))~~ December 30th of each year detailing the implemented metrics and relevant performance outcomes for the prior calendar year.

~~((39))~~ (40) \$3,377,000 of the general fund—state appropriation for fiscal year 2022 and ~~((5,177,000))~~ \$8,027,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to implement ~~((two))~~ pilot programs for intensive outpatient services and partial hospitalization services for certain children and adolescents.

(a) The effective date of the pilot sites is January 1, 2021.

(b) The two pilots must be contracted with a hospital that provides psychiatric inpatient services to children and adolescents in a city with the largest population east of the crest of the Cascade mountains and a hospital that provides psychiatric inpatient services to children and adolescents in a city with the largest population west of the crest of the Cascade mountains.

(c) The authority must establish minimum standards, eligibility criteria, authorization and utilization review processes, and payment methodologies for the pilot programs in contract.

(d) Eligibility for the pilot sites is limited pursuant to the following:

(i) Children and adolescents discharged from an inpatient hospital treatment program who require the level of services offered by the pilot programs in lieu of continued inpatient treatment;

(ii) Children and adolescents who require the level of services offered by the pilot programs in order to avoid inpatient hospitalization; and

(iii) Services may not be offered if there are less costly alternative community based services that can effectively meet the needs of an individual referred to the program.

(e) The authority must collect data on the pilot sites and work with the actuaries responsible for establishing managed care rates for medicaid enrollees to develop and submit a report to the office of financial management and the appropriate committees of the legislature. A preliminary report must be submitted by December 1, 2021, and a final report must be submitted by December 1, 2022. The reports must include the following information:

(i) A narrative description of the services provided at each pilot site and identification of any specific gaps the sites were able to fill in the current continuum of care;

(ii) Clinical outcomes and estimated reductions in psychiatric inpatient costs associated with each of the pilot sites;

(iii) Recommendations for whether either or both of the pilot models should be expanded statewide; whether modifications should be made to the models to better address gaps in the continuum identified through the pilot sites, whether the models could be expanded to community behavioral health providers, and whether statewide implementation should be achieved through a state plan amendment or some other mechanism for leveraging federal medicaid match; and

(iv) Actuarial projections on the statewide need for services related to the pilot sites and estimated costs of adding each of the services to the medicaid behavioral health benefit for children and adolescents and adults.

(f) Of the amounts provided in this subsection, \$2,850,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to expand the number of pilot sites to a third location. The criteria in (c) and (d) of this subsection shall also apply to this pilot site. Data from this pilot site must be incorporated into the final report required in (e) of this subsection.

~~((40))~~ (41)(a) \$100,000 of the general fund—federal appropriation is provided solely for the authority to convene a task force to examine impacts and changes proposed to the use of criminal background checks in employment in behavioral health settings, with the goal of reducing barriers to developing and retaining a robust behavioral health workforce, while maintaining patient safety measures. The task force membership must include representatives from:

(i) The office of the attorney general;

(ii) The department of health;

(iii) The department of social and health services;

(iv) The office of the governor; and

(v) Others appointed by the authority, including behavioral health employers and those with lived experience.

(b) The task force shall consider any relevant information and recommendations made available by the work group created under Substitute House Bill No. 1411 (health care workforce).

(c) By December 1, 2021, the authority must submit a report of the task force's recommendations to the governor and the appropriate committees of the legislature.

~~((41))~~ (42) \$6,042,000 of the general fund—state appropriation for fiscal year 2022, \$561,000 of the general fund—state appropriation for fiscal year 2023, and \$35,415,000 of the general fund—federal appropriation (CRSSA) are provided solely to promote the recovery of individuals with substance use disorders through expansion of substance use disorder services. The authority shall implement this funding to promote integrated, whole-person care to individuals with opioid use disorders, stimulant use disorders, and other substance use disorders. The authority shall use this funding to support evidence-based and promising practices as follows:

(a) \$11,170,000 of the general fund—federal appropriation (CRSSA) is provided solely for treatment services to low-income individuals with substance use disorders who are not eligible for services under the medicaid program and for treatment services that are not covered under the medicaid program. A minimum of \$9,070,000 of this amount must be contracted through behavioral health administrative services organizations. The amounts in this subsection may be used for services including, but not limited to, outpatient treatment, residential treatment, mobile opioid use disorder treatment programs, law enforcement assisted diversion programs, contingency management interventions, modified assertive community treatment, trauma informed care, crisis respite, and for reimbursement of one-time start-up operating costs for opening new beds in withdrawal management treatment programs.

(b) \$2,407,000 of the general fund state—appropriation for fiscal year 2022, \$561,000 of the general fund—state appropriation for fiscal year 2023, and \$3,245,000 of the general fund—federal appropriation (CRSSA) are provided solely for outreach programs that link individuals with substance use disorders to treatment options to include medication for opioid use disorder. The authority must contract for these services with programs that use interdisciplinary teams, which include peer specialists, to engage and facilitate linkage to treatment for individuals in community settings such as homeless encampments, shelters, emergency rooms, harm reduction programs, churches, community service offices, food banks, libraries, legal offices, and other settings where individuals with substance use disorders may be engaged. The services must be coordinated with emergency housing assistance and other services administered by the authority to promote access to a full continuum of treatment and recovery support options.

(c) \$1,535,000 of the general fund—state appropriation for fiscal year 2022 and \$10,417,000 of the general fund—federal appropriation (CRSSA) are provided solely for substance use disorder recovery support services not covered by the medicaid program including, but not limited to, emergency housing, recovery housing vouchers, supported employment, skills training, peer support, peer drop-in centers, and other community supports.

(d) \$1,100,000 of the general fund—state appropriation for fiscal year 2022 and \$1,750,000 of the general fund—federal appropriation (CRSSA) are provided solely for efforts to support the recovery of American Indians and Alaska natives with substance use disorders. This funding may be used for grants to urban Indian organizations, tribal opioid prevention media campaigns, and support for government to government communication, planning, and implementation of opioid use disorder related projects.

(e) \$1,000,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a public awareness campaign to educate youth and young adults with opioid use disorders about harm reduction, secondary prevention, overdose awareness, fentanyl, and naloxone.

(f) \$7,083,000 of the general fund—federal appropriation (CRSSA) is provided solely for community services grants that support the implementation and evaluation of substance use disorder prevention services.

(g) Up to \$1,750,000 of the general fund—federal appropriation (CRSSA) may be used for the authority's administrative costs associated with services funded in this subsection (~~((41))~~) (42).

~~((42))~~ (43) \$3,109,000 of the general fund—state appropriation for fiscal year 2022 and \$3,109,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the short-term rental subsidies for individuals with mental health or substance use disorders. This funding may be used for individuals enrolled in the foundational community support program while waiting for a longer term resource for rental support or for individuals transitioning from behavioral health treatment facilities or local jails. Individuals who would otherwise be eligible for the foundational community support program but are not eligible because of their citizenship status may also be served. By December 1, 2021, and December 1, 2022, the authority must submit a report identifying the expenditures and number of individuals receiving short-term rental supports through the agency budget during the prior fiscal year broken out by region, treatment need, and the demographics of those served, including but not limited to age, country of origin within racial/ethnic categories, gender, and immigration status.

~~((43))~~ (44) Within the amounts provided in this section, sufficient funding is provided for the authority to implement requirements to provide up to five sessions of intake and assessment pursuant to Second Substitute House Bill No. 1325 (behavioral health/youth).

~~((44))~~ (45) \$19,000,000 of the general fund—federal appropriation (CRSSA) and \$1,600,000 of the general fund—federal appropriation (ARPA) are provided solely to promote the recovery of individuals with mental health disorders through expansion of mental health services. The authority shall implement this funding to promote integrated, whole-person care through evidence based and promising practices as follows:

(a) \$7,303,000 of the general fund—federal appropriation (CRSSA) is provided solely for treatment services to low-income individuals with mental health disorders who are not eligible for services under the medicaid program and for treatment services that are not covered under the medicaid program. A minimum of \$6,150,000 of this amount must be contracted through behavioral health administrative services organizations. The amounts in this subsection may be used for services including, but not limited to, outpatient treatment, residential treatment, law enforcement assisted diversion programs, modified assertive community treatment, and trauma informed care.

(b) \$6,344,000 of the general fund—federal appropriation (CRSSA) is provided solely for mental health recovery support services not covered by the medicaid program including, but not limited to, supportive housing, emergency housing vouchers, supported employment, skills training, peer support, peer drop-in centers, and other community supports.

(c) \$961,000 of the general fund—federal appropriation (CRSSA) is provided solely for efforts to support the recovery of American Indians and Alaska natives with mental health disorders.

(d) \$1,346,000 of the general fund—federal appropriation (CRSSA) is provided solely to enhance crisis services and may be used for crisis respite care.

(e) \$2,307,000 of the general fund—federal appropriation (CRSSA) is provided solely for the expansion of first episode psychosis programs.

(f) Up to \$961,000 of the general fund—federal appropriation (CRSSA) may be used for the authority's administrative costs associated with services funded in this subsection.

~~((45))~~ (46) The authority must pursue opportunities for shifting state costs to the state's unused allocation of federal institutions for mental disease disproportionate share hospital funding. The authority must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2021, which identifies any activities the authority has implemented or identified to shift state costs to the unused federal funds and an analysis of the fiscal impacts for these activities and options.

~~((46))~~ (47) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to implement one-time behavioral health workforce pilot programs and training support grants pursuant to Engrossed Second Substitute House Bill No. 1504 (workforce education development act). Of these amounts, \$440,000 of the general fund—state appropriation for fiscal year 2022 and \$440,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the three behavioral health workforce pilot programs and \$60,000 of the general fund—state appropriation for fiscal year 2022 and \$60,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for training support grants. ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~((47) \$2,500,000))~~ (48) \$1,400,000 of the general fund—state appropriation for fiscal year 2022 and ~~(((\$2,500,000))~~ \$3,600,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to expand efforts to provide opioid use disorder medication in city, county, regional, and tribal jails. The authority must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2021, on the allocation of the fiscal year 2021 funding within this subsection. The authority must provide a report to the office of financial management and the appropriate committees of the legislature by December 1, 2022, on the allocation of the fiscal year 2022 funding and the expenditures and number of individuals served in fiscal year 2021 by location.

~~((48))~~ (49) \$500,000 of the general fund—federal appropriation is provided solely to establish an emotional support network program for individuals employed as peer specialists. The authority must contract for these services which shall include, but not be limited to, facilitating support groups for peer specialists, support for the recovery journeys of the peer specialists themselves, and targeted support for the secondary trauma inherent in peer work.

~~((49))~~ (50) \$1,800,000 of the general fund—federal appropriation is provided solely for the authority to contract on a one-time basis with the

University of Washington behavioral health institute to continue and enhance its efforts related to training and workforce development. The behavioral health institute shall develop and disseminate model programs and curricula to address the treatment needs of individuals with substance use disorders and cooccurring disorders. The behavioral health institute shall provide consultation and training to behavioral health agencies in order to improve the delivery of evidence-based and promising practices and overall quality of care. Training for providers may include technical assistance related to payment models, integration of peers, team-based care, utilization reviews, care transitions, and the infusion of recovery and resiliency into programming and culture. Additionally, the behavioral health institute shall provide continued access to telehealth training and support, including innovative digital health content. The behavioral health institute shall evaluate behavioral health inequities in Washington and create a center of excellence to address behavioral health inequity, including the need for a more diverse workforce. The behavioral health institute shall offer an annual conference on race, equity, and social justice and create a learning management system to provide access to training for publicly funded behavioral health providers across a range of topics. Specific curricula to be developed within the amounts provided in this subsection must include:

(a) A training for law enforcement officers focused on understanding substance use disorder and the recovery process and options and procedures for diversion from the criminal legal system for individuals with substance use disorder, to be developed in consultation with the criminal justice training commission; and

(b) A curriculum for correctional officers and community corrections officers focused on motivational interviewing, recovery coaching, and trauma informed care, developed in consultation with the department of corrections.

~~((50))~~ (51) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to the north sound behavioral health administrative services organization to provide trauma-informed counseling services to children and youth in Whatcom county schools. The services must be provided by licensed behavioral health professionals who have training in the provision of trauma-informed care. The behavioral health administrative services organization must request, from the office of the superintendent of public instruction, a listing of the Whatcom county schools that are eligible for high-poverty allocations from the learning assistance program and prioritize services in these schools.

~~((51))~~ (52) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided on a one-time basis solely for the authority to contract with the north sound behavioral health administrative services organization to establish the Whatcom county crisis stabilization center as a pilot project for diversion from the criminal justice system to appropriate community based treatment. The pilot shall allow for police officers to place involuntary holds for up to 12 hours for persons placed at the facility in accordance with RCW 10.31.110. The amounts provided must be used to pay for the cost of services at the site not covered under the medicaid program. The authority must submit a

report to the office of financial management and the appropriate committees of the legislature by December 1, 2022, including the following information:

(a) The total number of individuals served in the crisis stabilization center broken out by those served on a voluntary basis versus those served under involuntary treatment holds placed pursuant to RCW 10.31.110;

(b) A summary of the outcomes for each of the groups identified in (a) of this subsection; and

(c) Identification of methods to incentivize or require managed care organizations to implement payment models for crisis stabilization providers that recognize the need for the facilities to operate at full staffing regardless of fluctuations in daily census.

~~((52))~~ (53) \$1,250,000 of the general fund—state appropriation for fiscal year 2022 and \$1,250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to contract with the King county behavioral health administrative services organization to maintain children's crisis outreach response system services that were previously funded through the department of children, youth, and families. The authority, in consultation with the behavioral health administrative services organization, medicaid managed care organizations, and the actuaries responsible for developing medicaid managed care rates, must work to maximize federal funding provided for the children's crisis outreach response system program and submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2021, on the status of these efforts and the associated savings in state funds.

~~((53) \$1,762,000)~~ (54) \$881,000 of the general fund—~~(federal)~~ state appropriation ~~((s))~~ for fiscal year 2022 and \$881,000 of the general fund—state for fiscal year 2023 are provided on a one-time basis solely for maintaining and increasing resources for peer support programs and for the authority to contract with an organization to assist with the recruitment of individuals to work as behavioral health peers with a specific focus on black, indigenous, and people of color communities. The authority must submit a preliminary report to the office of financial management and the appropriate committees of the legislature on the status of these efforts by December 1, 2021, and a final report including identification of the number and demographics of individuals recruited into behavioral health peer positions by December 1, 2022.

~~((54))~~ (55) \$250,000 of the general fund—federal appropriation is provided solely for the authority to provide crisis response training to behavioral health peer specialists. The authority must use these amounts to contract for the development of a specialized 40 hour crisis response training curriculum for behavioral health peer specialists and to conduct a minimum of one statewide training session during fiscal year 2022 and one statewide training session during fiscal year 2023. The training shall focus on preparing behavioral health peer specialists to work with individuals in crisis, including providing peer services in emergency departments, as coresponders with law enforcement, and as part of mobile crisis teams. The training sessions must be offered free of charge to the participants and may be offered either virtually or in person as determined by the authority. By December 1, 2022, the authority must submit a report to the office of financial management and the appropriate committees of

the legislature on the peer crisis response curriculum and the number of individuals that received training.

~~((55))~~ (56) \$500,000 of the general fund—federal appropriation is provided solely for the authority to contract on a one-time basis with the University of Washington alcohol and drug abuse institute to develop policy solutions in response to the public health challenges of high tetrahydrocannabinol potency cannabis. The institute must use this funding to: Conduct individual interviews with stakeholders and experts representing different perspectives, facilitate joint meetings with stakeholders to identify areas of common ground and consensus, and develop recommendations for state policies related to cannabis potency and mitigating detrimental health impacts. The authority must submit the following reports to the office of financial management and the appropriate committees of the legislature:

(a) An initial report must be submitted by December 31, 2021, and shall summarize progress made to date, preliminary policy recommendations, and next steps; and

(b) A final report must be submitted by December 31, 2022, and shall summarize the analysis conducted by the institute, the process and stakeholders involved, an inventory of relevant cannabis policies in other states, and recommendations for policy changes to reduce the negative impacts of high potency cannabis in Washington state.

~~((56))~~ (57) \$8,197,000 of the general fund—state appropriation for fiscal year 2022, \$8,819,000 of the general fund—state appropriation for fiscal year 2023, and \$38,025,000 of the general fund—federal appropriation are provided solely to continue in the 2021-2023 fiscal biennium the two percent increase to medicaid reimbursement for community behavioral health providers contracted through managed care organizations that was provided in April 2021. The authority must employ mechanisms such as directed payment or other options allowable under federal medicaid law to assure the funding is used by the managed care organizations for a two percent provider rate increase as intended and verify this pursuant to the process established in chapter 285, Laws of 2020 (EHB 2584). The rate increase shall be implemented to all behavioral health inpatient, residential, and outpatient providers receiving payment for services under this section contracted through the medicaid managed care organizations.

~~((57))~~ (58) \$17,128,000 of the general fund—state appropriation for fiscal year 2023 and \$32,861,000 of the general fund—federal appropriation are provided solely to implement a 7 percent increase to medicaid reimbursement for community behavioral health providers contracted through managed care organizations to be effective January 1, 2023. The authority must employ mechanisms such as directed payment or other options allowable under federal medicaid law to assure the funding is used by the managed care organizations for a 7 percent provider rate increase as intended and verify this pursuant to the process established in chapter 285, Laws of 2020 (EHB 2584). The rate increase shall be implemented to all behavioral health inpatient, residential, and outpatient providers contracted through the medicaid managed care organizations. Providers receiving rate increases under other subsections of this section must be excluded from the rate increase directed in this subsection.

(59) ~~((114,000))~~ \$1,307,000 of the general fund—state appropriation for fiscal year 2022, ~~((114,000))~~ \$5,217,000 of the general fund—state



appropriation for fiscal year 2023, and ~~((228,000))~~ \$6,524,000 of the general fund—federal appropriation are provided solely to increase the number of beds and rates for community children's long-term inpatient program providers. The number of beds is increased on a phased in basis to 62 beds by the end of fiscal year 2022 and to 72 beds by the end of fiscal year 2023. The rates are increased by two percent effective July 1, 2021, and by an additional 4.5 percent effective January 1, 2023.

~~((58))~~ (60) \$117,000 of the general fund—state appropriation for fiscal year 2022, ~~((117,000))~~ \$251,000 of the general fund—state appropriation for fiscal year 2023, and ~~((168,000))~~ \$265,000 of the general fund—federal appropriation are provided solely to increase rates for parent child assistance program providers by two percent effective July 1, 2021, and by an additional 4.5 percent effective January 1, 2023.

~~((59))~~ ~~\$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—federal appropriation are provided solely to support actuarial work required for the authority to develop behavioral health comparison rates.~~

~~((60))~~ (61) \$205,000 of the general fund—state appropriation for fiscal year 2022 and \$205,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to contract with the Washington state behavioral health institute to engage consumers, the University of Washington evidence based practice institute, and other stakeholders to review current and emerging data and research and make recommendations regarding best practices for virtual behavioral health services to children from prenatal stages through age 25. This work shall focus on the development of services and supports that deliver clinically-effective outcomes for children and families and identify safeguards for "in-person," "audio-video," and "audio only" modes. The review conducted by the institute shall include the collection and analysis of data about clinical efficacy of behavioral health services and supports through virtual modes and methods for determining and maximizing the health benefits of the different modes. The authority shall submit data required for this research to the behavioral health institute in accordance with federal and state laws regarding client protected information. The department shall submit the following reports to the office of financial management and the appropriate committees of the legislature:

- (a) A preliminary report on the 2022 workplan by December 31, 2021;
- (b) An initial report with recommendations for standards of care and best practices for behavioral health services by June 30, 2022; and
- (c) A final report with additional refined recommendations and a research agenda and proposed budget for fiscal year 2024 and beyond by December 31, 2022.

~~((61))~~ (62) The authority must claim the enhanced federal medical assistance participation rate for home and community-based services offered under section 9817 of the American rescue plan act of 2021 (ARPA). Appropriations made that constitute supplementation of home and community-based services as defined in section 9817 of ARPA are listed in LEAP omnibus document HCBS-2021.

~~((62))~~ (63) \$150,000 of the general fund—federal appropriation is provided solely for training of behavioral health consumer advocates. Beginning

in July 2022, the authority must enter into a memorandum of understanding with the department of commerce to provide support for training of behavioral health consumer advocates pursuant to Engrossed Second Substitute House Bill No. 1086 (behavioral health consumers).

~~((63))~~ (64) \$5,000,000 of the general fund—federal appropriation is provided solely for the authority to maintain funding for grants to law enforcement assisted diversion programs outside of King county established pursuant to chapter 314, Laws of 2019 (SSB 5380). By December 1, 2023, the authority, in coordination with the law enforcement assisted diversion national support bureau, must collect information and submit a report to the office of financial management and the appropriate committees of the legislature on the grant program including a description of the program model or models used and the number, demographic information, and measurable outcomes of the individuals served with the funding provided under this subsection.

~~((64))~~ (65) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to contract with a statewide mental health nonprofit organization that provides free community and school-based mental health education and support programs for consumers and families. The contractor must use this funding to provide access to programs tailored to peers living with mental illness as well as family members of people with mental illness and the community at large. Services provided by the contracted program shall include education, support, and assistance to reduce isolation and help consumers and families understand the services available in their communities.

~~((65))~~ (66) \$13,374,000 of the general fund—state appropriation for fiscal year 2022, ~~(((\$12,474,000))~~ \$15,474,000 of the general fund—state appropriation for fiscal year 2023, and ~~(((\$12,731,000))~~ \$13,743,000 of the general fund—federal appropriation are provided solely for increasing local behavioral health mobile crisis response team capacity and ensuring each region has at least one adult and one children and youth mobile crisis team that is able to respond to calls coming into the 988 crisis hotline.

(a) In prioritizing this funding, the health care authority shall assure that a minimum of six new children and youth mobile crisis teams are created and that there is one children and youth mobile crisis team in each region by the end of fiscal year 2022.

(b) In implementing funding for adult and youth mobile crisis response teams, the authority must establish standards in contracts with managed care organizations and behavioral health administrative services organizations for the services provided by these teams.

(c) Of these amounts, \$3,000,000 of the general fund—state appropriation for fiscal year 2023 and \$1,012,000 of the general fund—federal appropriation are provided solely to increase capacity for mobile crisis services in King county. These amounts must supplement and not supplant funding to the county previously allocated by the authority under this subsection.

~~((66) \$42,987,000)~~ (67) \$29,671,000 of the general fund—state appropriation for fiscal year 2022, ~~(((\$57,253,000))~~ \$37,628,000 of the general fund—state appropriation for fiscal year 2023, and ~~(((\$80,040,000))~~ \$44,606,000 of the general fund—federal appropriation are provided solely for the ~~((department))~~ authority to contract with community hospitals or freestanding

evaluation and treatment centers to provide long-term inpatient care beds as defined in RCW 71.24.025. Within these amounts, the authority must meet the requirements for reimbursing counties for the judicial services for patients being served in these settings in accordance with RCW 71.05.730. The authority must coordinate with the department of social and health services in developing the contract requirements, selecting contractors, and establishing processes for identifying patients that will be admitted to these facilities. Of the amounts in this subsection, sufficient amounts are provided in fiscal year 2022 and fiscal year 2023 for the authority to reimburse community hospitals and nonhospital residential treatment centers serving clients in long-term inpatient care beds as defined in RCW 71.24.025 as follows:

(a) For a hospital licensed under chapter 70.41 RCW that requires a hospital specific medicaid inpatient psychiatric per diem payment rate for long-term civil commitment patients because the hospital has completed a medicare cost report, the authority shall analyze the most recent medicare cost report of the hospital after a minimum of 200 medicaid inpatient psychiatric days. The authority shall establish the inpatient psychiatric per diem payment rate for long-term civil commitment patients for the hospital at 100 percent of the allowable cost of care, based on the most recent medicare cost report of the hospital.

(b) For a hospital licensed under chapter 70.41 RCW that has not completed a medicare cost report with more than 200 medicaid inpatient psychiatric days, the authority shall establish the medicaid inpatient psychiatric per diem payment rate for long-term civil commitment patients for the hospital at the higher of the hospital's current medicaid inpatient psychiatric rate; or the annually updated statewide average of the medicaid inpatient psychiatric per diem payment rate of all acute care hospitals licensed under chapter 70.41 RCW providing long-term civil commitment services.

(c) For a hospital licensed under chapter 71.12 RCW and currently providing long-term civil commitment services, the authority shall establish the medicaid inpatient psychiatric per diem payment rate at \$940 plus adjustments that may be needed to capture costs associated with long-term psychiatric patients that are not allowable on the medicare cost report or reimbursed separately. The hospital may provide the authority with supplemental data to be considered and used to make appropriate adjustments to the medicaid inpatient psychiatric per diem payment rate of the hospital. Adjustment of costs may include:

(i) Costs associated with professional services and fees not accounted for in the hospital's medicare cost report or reimbursed separately;

(ii) Costs associated with the hospital providing the long-term psychiatric patient access to involuntary treatment court services that are not reimbursed separately; and

(iii) Other costs associated with caring for long-term psychiatric patients that are not reimbursed separately.

(d) For a hospital licensed under chapter 71.12 RCW that requires an initial medicaid inpatient psychiatric per diem payment rate for long-term civil commitment services because it has not yet completed a medicare cost report, the authority shall establish the medicaid inpatient psychiatric per diem payment rate at the higher of:

(i) The hospital's current medicaid inpatient psychiatric rate; or

(ii) The annually updated statewide average of the medicaid long-term inpatient psychiatric per diem payment rate of all freestanding psychiatric hospitals licensed under chapter 71.12 RCW providing long-term civil commitment services.

(e) For nonhospital residential treatment centers certified to provide long-term inpatient care beds as defined in RCW 71.24.025, the authority shall increase the fiscal year 2021 rate by three percent each year of the biennium.

(f) Beginning in fiscal year 2023, provider payments for vacant bed days shall not exceed six percent of their annual contracted bed days.

(g) The legislature intends to recognize the additional costs associated with student teaching related to long-term civil commitment patients to be provided in a new teaching hospital expected to open during the 2023-2025 fiscal biennium.

(h) The authority, in coordination with the department of social and health services, the office of the governor, the office of financial management, and representatives from medicaid managed care organizations, behavioral health administrative service organizations, and community providers, must develop and implement a plan to continue the expansion of civil community long-term inpatient capacity. The plan shall identify gaps and barriers in the current array of community long-term inpatient beds in serving higher need individuals including those committed to a state hospital pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088. The plan shall identify strategies to overcome these barriers including, but not limited to, potential rate enhancements for high needs clients. The authority must submit its implementation plan to the office of financial management and the appropriate fiscal committees of the legislature by December 1, 2021, and submit a status update on the implementation plan by October 15, 2022.

~~((67))~~ (68)(a) \$31,000,000 of the ~~((general fund—federal appropriation (CSFRF)))~~ coronavirus state fiscal recovery fund—federal appropriation is provided on a one-time basis solely for the authority to provide assistance payments to behavioral health providers serving medicaid and state-funded clients. In prioritizing the allocation of this funding, the authority must take the following into account:

(i) The differential impact the pandemic has had on different types of providers;

(ii) Other state and federal relief funds providers have received or are eligible to apply for; and

(iii) Equitable distribution of assistance including consideration of geographic location and providers serving members of historically disadvantaged communities.

(b) To be eligible for assistance, the behavioral health providers must:

(i) Have experienced lost revenue or increased expenses that are a result of the COVID-19 public health emergency;

(ii) Self-attest that the lost revenue or expenses are not funded by any other government or private entity;

(iii) Agree to operate in accordance with the requirements of applicable federal, state, and local public health guidance and directives; and

(iv) Agree to comply with federal guidance on the use of coronavirus state and local fiscal recovery funds.

(c) Provider assistance is subject to the availability of amounts provided in this subsection.

~~((68))~~ (69)(a) \$375,000 of the general fund—state appropriation for fiscal year ~~((2021))~~ 2022 and \$375,000 of the general fund—state appropriation for fiscal year ~~((2022))~~ 2023 are provided solely for a one-time grant to Island county to fund a pilot program to improve behavioral health outcomes for young people in rural communities. In administering the pilot program, Island county shall coordinate with school districts, community groups, and health care providers to increase access to behavioral health programs for children and youth aged birth to 24 years of age. The grant funds shall be used to coordinate and expand behavioral health services. The grant funding must not be used to supplant funding from existing programs. No more than 10 percent of the funds may be used for administrative costs incurred by Island county in administering the program. Services that may be provided with the grant funding include, but are not limited to:

(i) Support for children and youth with significant behavioral health needs to address learning loss caused by COVID-19 and remote learning;

(ii) School based behavioral health education, assessment, and brief treatment;

(iii) Screening and referral of children and youth to long-term treatment services;

(iv) Behavioral health supports provided by community agencies serving youth year-round;

(v) Expansion of mental health first aid, a program designed to prepare adults who regularly interact with youth for how to help people in both crisis and noncrisis mental health situations;

(vi) Peer support services; and

(vii) Compensation for the incurred costs of clinical supervisors and internships.

(b) The authority, in coordination with Island county, must submit the following reports to the legislature:

(i) By December 1, 2022, a report summarizing how the funding was used and providing the number of children and youth served by the pilot during fiscal year 2022; and

(ii) By December 1, 2023, a report summarizing how the funding was used and providing the number of children and youth served by the pilot during fiscal year 2023.

~~((69))~~ (70) State general fund appropriations in this section and in sections 219 and 221 of this act are made to address the harms caused to the state and its citizens by the opioid epidemic, and these include appropriations of \$13,466,000 attributable to the settlement in *State v. McKinsey & Co., Inc.*

~~((70))~~ (71) \$260,000 of the general fund—state appropriation for fiscal year 2022, \$3,028,000 of the general fund—state appropriation for fiscal year 2023, and \$3,028,000 of the general fund—federal appropriation are provided solely for the authority to contract for a twelve bed children's long-term inpatient program facility specializing in the provision of habilitative mental health services for children and youth with intellectual or developmental disabilities

who have intensive behavioral health support needs. The authority must provide a report to the office of financial management and the appropriate committees of the legislature providing data on the demand and utilization of this facility by June 30, 2023.

~~((71))~~ (72) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to continue the University of Washington's project extension for community health care outcomes (ECHO) for:

(a) Telecommunication consultation with local physicians to discuss medications appropriate to patients who have developmental disabilities and behavioral issues; and

(b) Training to both behavioral health and developmental disabilities professionals to support individuals with both developmental disabilities and behavioral health needs.

~~((72) No more than \$1,535,000)~~ (73) \$1,991,000 of the general fund—federal appropriation and ~~(((\$10,000))~~ \$1,147,000 of the general fund—local appropriation ~~((may be expended))~~ are provided solely for supported housing and employment services described in initiative 3a and 3b of the ~~((medicaid transformation))~~ 1115 demonstration waiver ((under healthier Washington)) and this is the maximum amount that may be expended for this purpose. Under this initiative, the authority and the department of social and health services shall ensure that allowable and necessary services are provided to eligible clients as identified by the authority or its providers or third party administrator. The department and the authority in consultation with the medicaid forecast work group, shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The authority shall not increase general fund—state expenditures ~~((under this initiative))~~ above appropriated levels for this specific purpose. The secretary in collaboration with the director of the authority shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The secretary in cooperation with the director shall also report to the fiscal committees of the legislature ~~((all of))~~ the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

~~((73) \$396,000 of the general fund—state appropriation for fiscal year 2022, \$329,000 of the general fund—state appropriation for fiscal year 2023, and \$3,153,000 of the general fund—federal appropriation are provided solely to support the administrative costs associated with the application and implementation of a federal waiver allowing for full federal participation in mental health treatment facilities identified as institutions of mental diseases.))~~

(74)(a) \$150,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the authority to convene a work group to develop a recommended teaching clinic enhancement rate for behavioral health agencies training and supervising students and those seeking their certification or license. This work should include: Developing standards for classifying a behavioral health agency as a teaching clinic; a cost methodology to determine a teaching clinic enhancement rate; and a timeline for implementation. The work group must include representatives from:

- (i) The department of health;
- (ii) The office of the governor;
- (iii) The Washington workforce training and education board;
- (iv) The Washington council for behavioral health;
- (v) Licensed and certified behavioral health agencies; and
- (vi) Higher education institutions.

(b) By October 15, 2021, the health care authority must submit a report of the work group's recommendations to the governor and the appropriate committees of the legislature.

(75) \$343,000 of the general fund—state appropriation for fiscal year 2022, \$344,000 of the general fund—state appropriation for fiscal year 2023, and \$687,000 of the general fund—federal appropriation are provided solely for increasing services to pregnant and parenting women provided through the parent child assistance program.

(76) \$130,000 of the general fund—state appropriation for fiscal year 2022 and \$130,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for maintaining and increasing the capabilities of a tool to track medication assisted treatment provider capacity.

(77) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to support substance use disorder family navigators across the state.

(78) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to support recovery cafes across the state.

(79) \$69,000 of the general fund—state appropriation for fiscal year 2022, \$63,000 of the general fund—state appropriation for fiscal year 2023, and \$198,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5071 (civil commitment transition). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(80) \$200,000 of the general fund—state appropriation for fiscal year 2022, \$195,000 of the general fund—state appropriation for fiscal year 2023, and \$755,000 of the general fund—federal appropriation are provided solely for a grant program to award funding to fire departments in the state of Washington to implement safe station pilot programs. Programs that combine the safe station approach with fire department mobile integrated health programs such as the community assistance referral and education services program under RCW 35.21.930 are encouraged. Certified substance use disorder peer specialists may be employed in a safe station pilot program if the authority determines that a plan is in place to provide appropriate levels of supervision and technical support. Safe station pilot programs shall collaborate with behavioral health administrative services organizations, local crisis providers, and other stakeholders to develop a streamlined process for referring safe station clients to the appropriate level of care. Funding for pilot programs under this subsection shall be used for new or expanded programs and may not be used to supplant existing funding.

(81) \$71,000 of the general fund—state appropriation for fiscal year 2022, \$66,000 of the general fund—state appropriation for fiscal year 2023, and

\$136,000 of the general fund—federal appropriation are provided solely for the implementation of Second Substitute Senate Bill No. 5195 (opioid overdose medication). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(82) \$150,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the authority to evaluate options for a medicaid waiver to provide respite care for youth with behavioral health challenges while avoiding adverse impacts with respite waivers at the department of social and health services developmental disabilities administration and the department of children, youth, and families.

(83) \$2,000,000 of the general fund—federal appropriation is provided solely for grants to law enforcement and other first responders to include a mental health professional on the team of personnel responding to emergencies.

(84) \$375,000 of the general fund—state appropriation for fiscal year 2022 and \$375,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to the city of Arlington in partnership with the North County regional fire authority for a mobile integrated health pilot project. The project shall provide mobile integrated health services for residents who cannot navigate resources through typical methods through brief therapeutic intervention, biopsychosocial assessment and referral, and community care coordination.

(85) \$26,000 of the general fund—state appropriation for fiscal year 2022, \$26,000 of the general fund—state appropriation for fiscal year 2023, and \$48,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Substitute House Bill No. 1196 (audio only telemedicine). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(86) \$400,000 of the general fund—state appropriation for fiscal year 2022 and \$400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Substitute Senate Bill No. 5073 (involuntary commitment). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(87) ~~((~~\$2,834,000~~))~~ \$349,000 of the general fund—state appropriation for fiscal year 2022, \$1,849,000 of the general fund—state appropriation for fiscal year 2023, and ~~((~~\$1,813,000~~))~~ \$942,000 of the general fund—federal appropriation are provided solely for the authority to contract for services at two distinct 16 bed programs in a facility located in Clark county to provide long-term inpatient care beds as defined in RCW 71.24.025. The beds must be used to provide treatment services for individuals who have been involuntarily committed to long-term inpatient treatment pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088. The authority, in coordination with the department of social and health services, must develop and implement a protocol to assess the risk of patients being considered for placement in this facility and determine whether the level of security and treatment services is appropriate to meet the patient's needs. The department must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2022, providing a description of the protocol and a status update on progress toward opening the new facility.



(88) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$956,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for wraparound with intensive services for youth ineligible for medicaid as outlined in the settlement agreement under *AGC v. Washington State Health Care Authority*, Thurston county superior court no. 21-2-00479-34.

(89) \$38,230,000 of the general fund—state appropriation for fiscal year 2022 and \$18,188,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for claims for services rendered to medicaid eligible clients admitted to institutions of mental disease that were determined to be unallowable for federal reimbursement due to medicaid's institutions for mental disease exclusion rules. Of these amounts, \$20,042,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for belated claims for services that were rendered prior to fiscal year 2022.

(90) \$6,010,000 of the general fund—state appropriation for fiscal year 2023 and \$990,000 of the general fund—federal appropriation are provided solely for the authority, in coordination with the department of health, to deploy an opioid awareness campaign and to contract with syringe service programs and other service settings assisting people with substance use disorders to: Prevent and respond to overdoses; provide other harm reduction services and supplies, including but not limited to distributing naloxone, fentanyl, and other drug testing supplies; and for expanding contingency management services. The authority is encouraged to use these funds to leverage federal funding for this purpose to expand buying power. The authority should prioritize funds for naloxone distribution for programs or settings that are least likely to be able to bill medicaid. Of the amounts provided in this subsection, \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to deploy an opioid awareness campaign targeted at youth to increase the awareness of the dangers of fentanyl. Any moneys deposited into the general fund pursuant to section 126(41) of this act from the Purdue Pharma and Sackler family settlement must be used for the purposes of this subsection.

(91) \$2,382,000 of the general fund—state appropriation for fiscal year 2023 and \$6,438,000 of the general fund—federal appropriation are provided solely for a transition to bundled payment arrangement methodology for opioid treatment providers. Within these amounts, providers will receive a rate increase through the new methodology and the authority must direct medicaid managed care organizations, to the extent allowed under federal medicaid law, to adopt a value based bundled payment methodology in contracts with opioid treatment providers. This increase is effective January 1, 2023.

(92) \$2,387,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to support the creation of a bridge period for individuals also enrolled in the foundational community supports initiative who are transitioning from benefits under RCW 74.04.805 due to increased income or other changes in eligibility. The authority, department of social and health services, and department of commerce shall collaborate on this effort.

(93) \$1,574,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to contract with a program to provide medical respite care for individuals with behavioral health needs. The program must serve individuals with significant behavioral health needs and medical issues who do not require hospitalization but are unable to provide adequate self-

care for their medical conditions. The program must prioritize services to individuals with complex medical and behavioral health issues who are homeless or who were recently discharged from a hospital setting. The services must meet quality standards and best practices developed by the national health care for the homeless council and may include, but are not limited to, medical oversight and health education; care transitions; and discharge planning to and from primary care, inpatient hospital, emergency rooms, and supportive housing. In selecting the contractor, the authority must prioritize projects that demonstrate the active involvement of an established medical provider that is able to leverage federal medicaid funding in the provision of these services. The authority must work with the medicaid managed care organizations to encourage their participation and assist the plans and the contractor in identifying mechanisms for appropriate use of medicaid reimbursement in this setting.

(94) \$490,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to create a master leasing incentive program with specific emphasis on *Trueblood* programs. The authority shall also create a toolkit for use by landlords serving special populations. The authority and department of commerce shall collaborate on this effort.

(95) \$664,000 of the general fund—state appropriation for fiscal year 2023 and \$154,000 of the general fund—federal appropriation are provided solely for the authority to contract for three regional behavioral health mobile crisis response teams focused on supported housing to prevent individuals with behavioral health conditions at high risk of losing housing from becoming homeless, identify and prioritize serving the most vulnerable people experiencing homelessness, and increase alternative housing options to include short-term alternatives which may temporarily deescalate situations where there is high risk of a household from becoming homeless.

(96) \$6,027,000 of the general fund—state appropriation for fiscal year 2023 and \$2,009,000 of the general fund—federal appropriation are provided solely to create and expand access to no barrier, and low-barrier programs using a housing first model designed to assist and stabilize housing supports for adults with behavioral health conditions. Housing supports and services shall be made available with no requirement for treatment for their behavioral health condition and must be individualized to the needs of the individual. The authority and department of commerce shall collaborate on this effort. The authority and department of commerce shall collaborate on this effort and must submit a preliminary report to the office of financial management and the appropriate committees of the legislature by December 31, 2022.

(97) \$775,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to create a rental voucher and bridge program and implement strategies to reduce instances where an individual leaves a state operated behavioral or private behavioral health facility directly into homelessness. The authority must prioritize this funding for individuals being discharged from state operated behavioral health facilities.

(98) \$200,000 of the general fund—state appropriation for fiscal year 2022, \$200,000 of the general fund—state appropriation for fiscal year 2023, and \$400,000 of the general fund—federal appropriation are provided solely for the authority to contract for a behavioral health comparison rate study. The study must be conducted to examine provider resources involved in developing

individual covered behavioral health services and to establish benchmark payment rates that reflect the reasonable and necessary costs associated with the delivery of behavioral health services. The study must include an evaluation of actual medicaid managed care organization payment rates to the benchmark rates and summarize the results of this evaluation. The study must be conducted in a manner so that the benchmark comparison rates are incorporated into a full behavioral health fee schedule that can be used for assessing the costs associated with expansion of services, rate increases, and medicaid managed care plan state directed payments. The authority must provide a preliminary report on the study to the office of financial management and the appropriate committees of the legislature by June 30, 2023.

(99) \$382,000 of the general fund—state appropriation for fiscal year 2023 and \$254,000 of the general fund—federal appropriation are provided solely for the authority, in collaboration with the department of social and health services research and data analysis division, to implement community behavioral health service data into the existing executive management information system. Of these amounts, \$288,000 of the general fund—state appropriation for fiscal year 2023 and \$192,000 of the general fund—federal appropriation are provided solely for the authority to reimburse the research and data analysis division for staff costs associated with this project. The data elements shall be incorporated into the monthly executive management information system reports on a phased-in basis, allowing for elements which are readily available to be incorporated in the initial phase, and elements which require further definition and data collection changes to be incorporated in a later phase. The authority must collaborate with the research and data analysis division to ensure data elements are clearly defined and must include requirements in medicaid managed care organization and behavioral health administrative services organization contracts to provide the data in a consistent and timely manner for inclusion into the system. The community behavioral health executive management system information data elements must include, but are not limited to: Psychiatric inpatient bed days; evaluation and treatment center bed days; long-term involuntary community psychiatric inpatient bed days; children's long-term inpatient bed days; substance use disorder inpatient, residential, withdrawal evaluation and management, and secure withdrawal evaluation and management bed days; crisis triage and stabilization services bed days; mental health residential bed days; mental health and substance use disorder outpatient treatment services; opioid substitution and medication assisted treatment services; program of assertive treatment team services; wraparound with intensive services; mobile outreach crisis services; recovery navigator team services; foundational community supports housing and employment services; projects for assistance in transition from homelessness services; housing and recovery through peer services; other housing services administered by the authority; mental health and substance use disorder peer services; designated crisis responder investigations and outcomes; involuntary commitment hearings and outcomes; pregnant and parenting women case management services; and single bed certifications and no available bed reports. Wherever possible and practical, the data must include historical monthly counts and shall be broken out to distinguish services to medicaid and nonmedicaid individuals and children and adults. The authority and the research and data analysis division must

consult with the office of financial management and staff from the fiscal committees of the legislature on the development and implementation of the community behavioral health data elements.

(100) \$300,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to contract with a consultant to develop a Washington state behavioral health service delivery guide. The guide must include, but is not limited to, information on the service modalities, facilities, and providers that make up Washington's behavioral health delivery system. The authority must consult with behavioral health stakeholders and is permitted to enter into a data sharing agreement necessary to facilitate the production of the guide. The authority must publish the guide for the public and submit the guide to the office of financial management and the appropriate committees of the legislature by December 1, 2023.

(101) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to conduct a study on involuntary treatment access barriers related to transportation issues. The study must assess: Challenges ambulance companies and emergency responders have in billing medicaid for involuntary transportation services; whether current transportation rates are a barrier to access and if so what type of increase is needed to address this; and the possibility of creating a specialized type of involuntary transportation provider. The authority must also modify the current unavailable detention facilities report to identify whether the reason a bed was not available was due to: Transportation issues; all beds being full at the facility; staffing shortages; inability of facilities with available beds to meet the behavioral needs of the patient; inability of facilities with available beds to meet the medical needs of the patient; or other specified reasons. The authority must submit a report to the office of financial management and the appropriate committees of the legislature with findings and recommendations from the study by December 31, 2022.

(102) \$2,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to increase contracts for recovery navigator services established in chapter 311, Laws of 2021 (ESB 5476). These amounts must be allocated to increase funding for recovery navigator services in King, Pierce, and Snohomish counties. These amounts must supplement and not supplant funding allocated, pursuant to section 22(1), chapter 311, Laws of 2021, to the regional behavioral health administrative services organizations serving those counties.

(103) \$4,213,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to support efforts by counties and cities to implement local response teams. Of these amounts:

(a) \$2,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to provide a grant to the association of Washington cities to assist cities with the costs of implementing alternative response teams. This funding must be used to reimburse cities for documented costs associated with creating co-responder teams within different alternative diversion models including law enforcement assisted diversion programs, community assistance referral and education programs, and as part of mobile crisis teams. Cities are encouraged to partner with each other to create a regional response model. In awarding these funds, the association must prioritize

applicants with demonstrated capacity for facility-based crisis triage and stabilization services. The association and authority must collect and report information regarding the number of facility-based crisis stabilization and triage beds available in the locations receiving funding through this subsection and submit a report to the office of financial management and the appropriate committees of the legislature with this information by December 1, 2022.

(b) \$2,213,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for Whatcom county to establish an alternative response base station. Within these amounts: \$1,477,000 is provided solely for facility renovation and equipment; \$149,000 is provided solely for acquisition of an alternative response transport vehicle; and \$587,000 is provided solely for operating expenses, including personnel, maintenance, and utility expenses.

(104) \$100,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for, on a one-time basis, the authority to address behavioral health treatment access issues resulting from workforce shortages and impacts of the COVID-19 public health emergency. This funding must be used to provide one-time assistance payments to nonhospital-based community behavioral health treatment providers receiving payment for medicaid services contracted through the medicaid managed care organizations or behavioral health administrative service organizations. The authority shall begin distributing funding under this subsection as soon as possible, and shall complete the distribution of funds by October 1, 2022. The authority must distribute funding in accordance with the following requirements:

(a) The authority must enter into appropriate agreements with recipients to ensure that this stabilization funding is used for purposes of this subsection. Prior to the receipt of funds, providers must agree to expend these assistance payments by June 30, 2023.

(b) Allocation methodologies must be administratively efficient and based on previous medicaid utilization, modeled after prior nongrant-based allocations, so that funding can be distributed more timely than through grant or application-based allocations. The authority must consider individuals served through medicaid and behavioral health administrative service organizations contracts in its allocation methodology.

(c) Providers must use the funding for immediate workforce retention and recruitment needs or costs incurred due to the COVID-19 public health emergency. Funds may also be used to support other needed investments to help stabilize the community behavioral health workforce including, but not limited to, childcare stipends, student loan repayment, tuition assistance, relocation expenses, or other recruitment efforts to begin adding new staff and rebuilding lost capacity.

(d) By December 1, 2022, the authority must submit an accounting to the office of financial management and the appropriate committees of the legislature that includes a list of all recipients of funding under this subsection and the amount of funding received.

(e) Within the amounts appropriated in this subsection, the authority may utilize up to \$200,000 to conduct a qualitative analysis of how recipients utilized funds for workforce retention and recruitment, which may include hiring a consultant and a survey of selected recipients. The authority must report on the

findings of the qualitative analysis to the office of financial management and the appropriate committees of the legislature by December 1, 2023.

(105) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to contract with the University of Washington addictions, drug, and alcohol institute. This funding must be used to develop, refine, and pilot a new, advanced, evidence-based training for law enforcement to improve interactions with individuals who use drugs. The training must be developed so it can be adapted and used statewide to decrease stigmatizing beliefs among law enforcement through positive contact with people who use drugs and improve officer well-being and effectiveness by providing skills and techniques to address the drug overdose epidemic. The institute must develop and refine this training, leveraging prior work, and in partnership with a steering committee that includes people with lived or living experience of substance use disorder and criminal legal involvement, researchers, clinicians, law enforcement officers, and others. The training must complement, but not duplicate, existing curricula already provided by the criminal justice training commission. The institute must pilot the advanced training in a subset of regional law enforcement agencies and evaluate its acceptability and feasibility through participant interviews and pretraining and posttraining ratings of stigmatizing beliefs. The institute must incorporate feedback from the pilot training sessions into a final training program that it must make available to law enforcement agencies across the state.

(106) \$300,000 of the general fund—state appropriation for fiscal year 2023 and \$300,000 of the general fund—federal appropriation are provided on a one-time basis solely for the authority to explore the development and implementation of a sustainable, alternative payment model for comprehensive community behavioral health services, including the certified community behavioral health clinic (CCBHC) model. Funding must be used to secure actuarial expertise; conduct research into national data and other state models, including obtaining resources and expertise from the national council for mental well-being CCBHC success center; and engage stakeholders, including representatives of licensed community behavioral health agencies and medicaid managed care organizations, in the process. The authority must provide a preliminary report to the office of financial management and the appropriate committees of the legislature with findings, recommendations, and preliminary cost estimates by December 31, 2022. The study must include:

(a) Overviews of alternate payment models and options and considerations for implementing the certified community behavioral health clinic model within Washington state;

(b) An analysis of the impact of expanding alternate payment models on the state's behavioral health systems;

(c) Relevant federal regulations and options to implement alternate payment models under those regulations;

(d) Options for payment rate designs;

(e) An analysis of the benefits and potential challenges in integrating the CCBHC reimbursement model within an integrated managed care environment;

(f) Actuarial analysis on the costs for implementing alternative payment model options, including opportunities for leveraging federal funding; and

(g) Recommendations to the legislature on a pathway for statewide implementation.

(107) \$60,000 of the general fund—state appropriation for fiscal year 2023 is provided on a one-time basis solely for the authority to provide a grant to develop an integrative cultural healing model to be implemented and managed by the Confederated Tribes of the Colville Reservation. For the purposes of this subsection, "integrative cultural healing model" means a behavioral health model developed for and by tribal and urban-based Native American partners in eastern Washington. Grant funds must be used for staff costs for implementing the model; acquisition of cultural tools, materials, and other group facilitation supplies; securing access to outdoor environments in traditional places of gathering foods, medicines, and materials; salaries for training time; and stipends, travel, and mileage reimbursement to support the participation of local elders or knowledge keepers.

(108) \$1,135,000 of the general fund—state appropriation for fiscal year 2023 and \$568,000 of the general fund—federal appropriation are provided solely to develop and operate a 16-bed substance use disorder inpatient facility in Grays Harbor county that specializes in treating pregnant and parenting women using a family preservation model. The authority must contract for these services through behavioral health entities in a manner that allows leveraging of federal medicaid funds to pay for a portion of the costs. The authority must consult with the department of children, youth, and families in the implementation of this funding. The facility must allow families to reside together while a parent is receiving treatment. Of these amounts, \$568,000 may be used for documented startup costs including the recruitment, hiring, and training of staff.

(109) \$150,000 of the general fund—state appropriation for fiscal year 2023 is provided on a one-time basis solely for the authority to provide a grant to the city of Snoqualmie to pilot behavioral health emergency response and coordination services through a regional behavioral health coordinator. The regional behavioral health coordinator shall be a licensed mental health or substance use disorder professional who works directly with and accompanies law enforcement officers and fire and rescue first responders to help respond to crises involving persons with behavioral health needs. The coordinator shall plan, implement, and coordinate services related to crisis response and social service needs with the city of Snoqualmie, the city of North Bend, the Snoqualmie police and fire departments, and the eastside fire and rescue agency serving North Bend, and local community services, school districts, hospitals, and crisis response systems provided by King county for the region. The coordinator shall support the social services needs identified through police and fire response in the lower Snoqualmie valley and serve as a liaison between law enforcement, first responders, and persons accessing or requesting emergency services with social service needs. The authority shall collect information on the pilot project and, in coordination with the city of Snoqualmie, must submit a report to the office of financial management and the appropriate committees of the legislature by December 31, 2023, summarizing the services provided through the grant funds and identifying recommendations on how to implement effective, integrated, coordinated behavioral health emergency response and community care services. The authority must also provide the report to the

criminal justice training commission, the Washington association of sheriffs and police chiefs, and the Washington fire commissioners association.

(110) \$50,000 of the general fund—state appropriation for fiscal year 2023 is provided on a one-time basis solely for the authority to conduct a study and provide data regarding challenges to receiving behavioral health services in rural communities. The study by the authority must review timely access to behavioral health services in rural areas including: (a) Designated crisis responder response times; (b) the availability of behavioral health inpatient and outpatient services; (c) wait times for hospital beds; and (d) the availability of adult and youth mobile crisis teams. The study must include recommendations on strategies to improve access to behavioral health services in rural areas in the short-term as the state works to develop and implement the recommendations of the crisis response improvement strategy committee established in chapter 302, Laws of 2021. The authority must submit a report to the office of financial management and the appropriate committees of the legislature with a summary of the data, findings, and recommendations by December 1, 2022.

(111) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to contract for services with a statewide recovery community organization. The authority must award this funding to an organization that: (a) Has experience building the capacity of the recovery community to advance substance use recovery and mental health wellness by catalyzing public understanding and shaping public policy; (b) is led and governed by representatives of local communities of recovery; (c) centers the voices of people with lived experience who are touched by addiction and mental health challenges, and harnesses the power of story to drive change in the mental health and addiction treatment systems; and (d) provides free community education, skills trainings, events, and a conference in order to increase the understanding of issues around behavioral health and recovery. Services provided by the contracted program must include education, support, and assistance to increase connection of the recovery community, recovery capital, and knowledge about recovery and mental health resources. In conducting this work, the contractor must engage diverse individuals in recovery, impacted families, and providers from all regions of the state and leverage the assistance of affiliated groups and organizations. The organization must also prioritize diversity, equity, and justice in their work to eradicate health disparities of marginalized communities.

(112) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to provide a one-time grant to a nonprofit organization to establish a program to provide pro bono counseling and behavioral health services to uninsured individuals with incomes below 300 percent of the federal poverty level. The grantee must have experience in leveraging local and philanthropic funding to coordinate pro bono health care services within Washington. The authority must provide the funding pursuant to an appropriate agreement for documented capacity-building to begin providing pro bono counseling and behavioral health services no later than April 1, 2023. The agreement must require the grantee to seek, document, and report to the authority on efforts to leverage local, federal, or philanthropic funding to provide sustained operational support for the program.



(113) \$2,148,000 of the general fund—state appropriation for fiscal year 2023 and \$499,000 of the general fund—federal appropriation are provided solely for the authority to contract for youth inpatient navigator services in four regions of the state. The services must be provided through clinical response teams that receive referrals for children and youth inpatient services and manage a process to coordinate placements and alternative community treatment plans. Of these amounts, \$445,000 of the general fund—state appropriation and \$79,000 of the general fund—federal appropriation are provided solely to contract for services through an existing program located in Pierce county.

(114) \$1,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a contract with a licensed youth residential psychiatric substance abuse and mental health agency located in Clark and Spokane counties for reopening evaluation and treatment units, increasing staff capacity, treating patients with cooccurring substance use and acute mental health disorders, and expanding outpatient services for young adults ages 18 through 24.

(115) \$4,377,000 of the general fund—state appropriation for fiscal year 2023 and \$919,000 of the general fund—federal appropriation are provided solely for implementation of Substitute House Bill No. 1773 (assisted outpatient treatment). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(116) \$257,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1800 (behavioral health/minors). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(117) \$115,000 of the general fund—state appropriation for fiscal year 2023 and \$218,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1860 (behavioral health discharge). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(118) \$563,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the children and youth behavioral health work group to consider and develop longer term strategies and recommendations regarding the delivery of behavioral health services for children, transitioning youth, and their caregivers and meet the requirements of Second Substitute House Bill No. 1890 (children behavioral health).

(119) \$427,000 of the general fund—state appropriation for fiscal year 2023 and \$183,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1905 (homelessness/youth discharge). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(120) \$759,000 of the general fund—state appropriation for fiscal year 2023 and \$759,000 of the general fund—federal appropriation are provided solely for the authority to extend continuous eligibility for apple health to children ages zero to six with income at or below 215 percent of the federal poverty level. The centers for medicare and medicaid services must approve the 1115 medicaid waiver prior to the implementation of this policy.

(121) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to increase contingency management resources in accordance with chapter 311, Laws of 2021 (ESB 5476).

(122) \$79,000 of the general fund—state appropriation for fiscal year 2023 and \$78,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 1866 (supportive housing). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(123) \$5,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for bridge funding grants to community behavioral health agencies participating in federal certified community behavioral health clinic expansion grant programs to sustain their continued level of operations following expiration of federal grant funding during the planning process for adoption of the certified community behavioral health clinic model statewide.

(124) \$12,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute Senate Bill No. 5664 (forensic competency programs). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(125) \$50,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to contract with worldbridgers for a peer workforce expansion pilot project to increase certified peer support counselors in Clark county.

(126) \$48,000 of the general fund—state appropriation for fiscal year 2023 and \$49,000 of the general fund—federal appropriation are provided solely for the authority to create a short-term residential crisis stabilization program (RCSP) for youth with severe behavioral health diagnoses. It is the intent of the legislature to fund the contracted costs of these facilities beginning in the 2023-2025 fiscal biennium.

(127) \$50,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to provide information and support related to safe housing and support services for youth exiting inpatient mental health and/or substance use disorder facilities to stakeholders, inpatient treatment facilities, young people, and other community providers that serve unaccompanied youth and young adults.

(128) \$2,825,000 of the general fund—state appropriation for fiscal year 2023 and \$797,000 of the general fund—federal appropriation are provided solely for the authority to contract with opioid treatment providers to purchase five mobile methadone units and to contract for the operations of those units to fill treatment gaps statewide.

**(129)(a) \$290,000 of the general fund—state appropriation for fiscal year 2023 and \$58,000 of the general fund—federal appropriation are provided solely for a task force on individuals who experience refusals of service for involuntary behavioral health treatment and then are referred to our state hospitals for forensic competency evaluation and restoration services, with members as provided in this subsection.**

**(i) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.**

**(ii) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.**

(iii) The health care authority shall appoint the following members:

(A) The director of the health care authority or his or her designee;

(B) The secretary of the department of social and health services or his or her designee;

(C) The chief executive officer of western state hospital or his or her designee;

(D) The chief executive officer of eastern state hospital or his or her designee;

(E) The Washington state attorney general or his or her designee;

(F) Two individuals with lived experience of involuntary civil commitment for behavioral health;

(G) Two individuals with lived experience as a family member of a person who experienced involuntary civil commitment for behavioral health;

(H) A representative of:

(I) The Washington state hospital association;

(II) The Washington designated crisis responder association;

(III) Behavioral health administrative services organizations;

(IV) King county;

(V) Spokane county;

(VI) The Washington association of prosecuting attorneys;

(VII) The Washington defender association; and

(VIII) A services provider for forensically involved individuals; and

(I) Up to two members from the state hospital employees exclusive bargaining unit representative, at least one of whom must have direct experience working with patients at state hospitals who have a history of violence.

(b) The task force shall choose as its cochairs one person from among its legislative members and one person from among its executive branch members. The health care authority shall convene the first meeting of the task force by June 30, 2022.

(c) The task force shall review the following issues in terms of those individuals who have a history of one or more acts of violence:

(i) Solutions to provide appropriate treatment for persons who experience difficulty obtaining placement in local evaluation and treatment facilities or secure withdrawal management and stabilization facilities due to a history of one or more violent acts as that term is defined under chapter 71.05 RCW; and

(ii) Acceptable procedures for obtaining needed medical clearance for involuntary treatment with a goal to reduce or avoid the use of emergency departments.

(d) Staff support for the task force must be provided by the health care authority.

(e) Legislative members of the task force 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.

(f) Task force expenditures for legislative members are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(g) The task force shall report preliminary findings and recommendations to the governor and appropriate committees of the legislature by October 15, 2022, and issue its final recommendations to the governor and appropriate committees of the legislature by December 1, 2022.

(130) \$3,990,000 of the general fund—state appropriation for fiscal year 2023 is provided solely with the downtown emergency service center to contract for three behavioral health response teams in King county. These teams must collaborate with regional outreach teams and agencies throughout King county and follow up with individuals after an acute crisis episode for up to three months to establish long-term community linkages and referrals to behavioral health treatment.

*\*Sec. 215 was partially vetoed. See message at end of chapter.*

**Sec. 216.** 2021 c 334 s 216 (uncodified) is amended to read as follows:

**FOR THE HUMAN RIGHTS COMMISSION**

General Fund—State Appropriation (FY 2022) . . . . .	<del>(\$2,946,000)</del>
	<u>\$3,220,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	<del>(\$2,966,000)</del>
	<u>\$3,630,000</u>
General Fund—Federal Appropriation . . . . .	<del>(\$2,572,000)</del>
	<u>\$2,706,000</u>
TOTAL APPROPRIATION . . . . .	<del>(\$8,484,000)</del>
	<u>\$9,556,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$1,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Senate Bill No. 5027 (television closed captions). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

**Sec. 217.** 2021 c 334 s 217 (uncodified) is amended to read as follows:

**FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS**

Worker and Community Right to Know Fund—State	
Appropriation . . . . .	\$10,000
Accident Account—State Appropriation . . . . .	<del>(\$24,093,000)</del>
	<u>\$25,152,000</u>
Medical Aid Account—State Appropriation . . . . .	<del>(\$24,090,000)</del>
	<u>\$25,150,000</u>
TOTAL APPROPRIATION . . . . .	<del>(\$48,193,000)</del>
	<u>\$50,312,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$12,000 of the accident account—state appropriation and \$10,000 of the medical aid account—state appropriation are provided solely for the implementation of Engrossed Substitute House Bill No. 1097 (worker safety pandemic response). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

\*Sec. 218. 2021 c 334 s 218 (uncodified) is amended to read as follows:

**FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

General Fund—State Appropriation (FY 2022) . . . . .	(\$34,677,000)
	<u>\$38,905,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	(\$34,509,000)
	<u>\$51,034,000</u>
General Fund—Private/Local Appropriation . . . . .	(\$5,961,000)
	<u>\$8,016,000</u>
Death Investigations Account—State Appropriation . . . . .	(\$1,216,000)
	<u>\$1,598,000</u>
Municipal Criminal Justice Assistance Account—State Appropriation . . . . .	\$460,000
Washington Auto Theft Prevention Authority Account— State Appropriation . . . . .	(\$7,167,000)
	<u>\$10,667,000</u>
<u>Washington Internet Crimes Against Children Account— State Appropriation . . . . .</u>	<u>\$2,270,000</u>
24/7 Sobriety Account—State Appropriation . . . . .	\$20,000
TOTAL APPROPRIATION . . . . .	(\$84,010,000)
	<u>\$112,970,000</u>

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

(1) \$5,000,000 of the general fund—state appropriation for fiscal year 2022 and \$5,000,000 of the general fund—state appropriation for fiscal year 2023, are provided to the Washington association of sheriffs and police chiefs solely to verify the address and residency of registered sex offenders and kidnapping offenders under RCW 9A.44.130.

(2) (~~(\$1,504,000)~~) \$3,393,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$1,513,000)~~) \$5,317,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for 75 percent of the costs of providing (~~(five)~~) 9.5 additional statewide basic law enforcement trainings in (~~(each)~~) fiscal year 2022 and 13.5 additional statewide basic law enforcement trainings in fiscal year 2023. This provides a total of 19.5 classes in fiscal year 2022 and 23.5 classes in fiscal year 2023. The criminal justice training commission must schedule its funded classes to minimize wait times throughout each fiscal year and meet statutory wait time requirements. The criminal justice training commission must track and report the average wait time for students at the beginning of each class and provide the findings in an annual report to the legislature due in December of each year. At least three classes must be held in Spokane each year.

(3) The criminal justice training commission may not run a basic law enforcement academy class of fewer than 30 students.

(4) (~~(\$429,000 of the general fund—state appropriation for fiscal year 2022 and \$429,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for expenditure into the nonappropriated Washington internet crimes against children account)~~) \$2,270,000 of the Washington internet crimes against children account—state appropriation is provided solely for the implementation of chapter 84, Laws of 2015.

(5) (~~(\$5,000,000)~~) \$4,000,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$5,000,000)~~) \$4,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the mental health field response team program administered by the Washington association of sheriffs and police chiefs. The association must distribute \$7,000,000 in grants to the phase one and phase two regions as outlined in the settlement agreement under *Trueblood, et. al. v. Department of Social and Health Services, et. al.*, U.S. District Court-Western District, Cause No. 14-cv-01178-MJP. The association must submit an annual report to the Governor and appropriate committees of the legislature by September 1st of each year of the biennium. The report shall include best practice recommendations on law enforcement and behavioral health field response and include outcome measures on all grants awarded.

(6) \$899,000 of the general fund—state appropriation for fiscal year 2022 and \$899,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for crisis intervention training for the phase one regions as outlined in the settlement agreement under *Trueblood, et. al. v. Department of Social and Health Services, et. al.*, U.S. District Court-Western District, Cause No. 14-cv-01178-MJP.

(7) (~~(\$1,216,000)~~) \$1,598,000 of the death investigations account—state appropriation is provided solely for the commission to provide 240 hours of medicolegal forensic investigation training to coroners and medical examiners to meet the recommendations of the national commission on forensic science for certification and accreditation.

(8) \$13,000 of the general fund—state appropriation for fiscal year 2022, \$26,000 of the general fund—state appropriation for fiscal year 2023, and \$12,000 of the general fund—local appropriation are provided solely for an increase in vendor rates on the daily meals provided to basic law enforcement academy recruits during their training.

(9)(a) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement chapter 378, Laws of 2019 (alternatives to arrest/jail).

(b) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for evaluation of grant-funded programs under chapter 378, Laws of 2019 (alternatives to arrest/jail).

(10) \$750,000 of the general fund—state appropriation for fiscal year 2022 and \$750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington association of sheriffs and police chiefs to administer the sexual assault kit initiative project under RCW 36.28A.430, to assist multidisciplinary community response teams seeking resolutions to cases tied to previously unsubmitted sexual assault kits, and to provide support to survivors of sexual assault offenses. The commission must report to the governor and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations by June 30, 2022, on the number of sexual assault kits that have been tested, the number of kits remaining to be tested, the number of sexual assault cases that had hits to other crimes, the number of cases that have been reinvestigated, the number of those cases that were reinvestigated using state funding under this appropriation, and the local

jurisdictions that were a recipient of a grant under the sexual assault kit initiative project.

(11) \$20,000 of the general fund—state appropriation for fiscal year 2022 and \$20,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a helmet distribution program in order to reduce traumatic brain injuries throughout the state. Of these amounts:

(a) \$10,000 of the general fund—state appropriation for fiscal year 2022 and \$10,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to the Washington fire chiefs association to provide helmets to persons contacted by an official of a local fire department for not wearing a helmet while riding a skateboard or bicycle; and

(b) \$10,000 of the general fund—state appropriation for fiscal year 2022 and \$10,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to the Washington association of sheriffs and police chiefs to distribute to local law enforcement agencies to provide helmets to persons contacted by an official of a local law enforcement agency for not wearing a helmet while riding a skateboard or bicycle.

(12) \$307,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for chapter 294, Laws of 2020 (critical stress management programs).

(13) \$727,000 of the general fund—state appropriation for fiscal year 2022, \$727,000 of the general fund—state appropriation for fiscal year 2023, and \$248,000 of the general fund—local appropriation are provided solely for chapter 119, Laws of 2020 (correctional officer certification).

(14) \$406,000 of the general fund—state appropriation for fiscal year 2022 and \$408,000 of the general fund—state appropriation for fiscal year 2023 are provided to the Washington association of sheriffs and police chiefs solely to establish a behavioral health support and suicide prevention program for law enforcement officers. The program will begin with grants to three pilot locations and will leverage access to mental health professionals, critical stress management, and resiliency training.

(15) \$1,883,000 of the general fund—state appropriation for fiscal year 2022 and \$1,986,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5051 (peace officer oversight). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(16) \$474,000 of the general fund—state appropriation for fiscal year 2022 and \$446,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute Senate Bill No. 5066 (officer duty to intervene). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(17) \$151,000 of the general fund—state appropriation for fiscal year 2022 and \$148,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to support the participation of the Washington association of sheriffs and police chiefs in the joint legislative task force on jail standards created in section 957 of this act.

(18) \$374,000 of the general fund—state appropriation for fiscal year 2022 and \$296,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute House Bill No.

1267 (office of independent investigations). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(19) \$31,000 of the general fund—state appropriation for fiscal year 2022 and \$31,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Substitute House Bill No. 1088 (impeachment disclosures). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(20) \$269,000 of the general fund—state appropriation for fiscal year 2022 and \$261,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of House Bill No. 1001 (law enforcement professional development). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(21) \$25,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Engrossed Substitute House Bill No. 1054 (peace officer tactics and equipment). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(22) \$40,000 of the general fund—state appropriation for fiscal year 2022 and \$40,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1310 (use of force). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(23) \$25,000 of the general fund—state appropriation for fiscal year 2022 and \$25,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute House Bill No. 1109 (victims of sexual assault). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(24) \$30,000 of the general fund—state appropriation for fiscal year 2022 and \$30,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for additional grants to local jurisdictions to investigate instances where a purchase or transfer of a firearm was attempted by an individual who is prohibited from owning or possessing a firearm.

(25) \$2,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the criminal justice training commission to provide grant funding to local law enforcement agencies to support law enforcement wellness programs. Of the amount provided in this subsection:

(a) \$1,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the commission to provide grants to local law enforcement agencies for the purpose of establishing officer wellness programs. Grants provided under this subsection may be used for, but not limited to building resilience, injury prevention, peer support programs, physical fitness, proper nutrition, stress management, suicide prevention, and physical or behavioral health services. The commission must consult with a representative from the Washington association of sheriffs and police chiefs and a representative of the Washington state fraternal order of police and the Washington council of police and sheriffs in the development of the grant program.

(b) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the Washington association of sheriffs and police chiefs to establish and coordinate an online or mobile-based application for any Washington law enforcement officer; 911 operator or dispatcher; and any other



current or retired employee of a Washington law enforcement agency, and their families, to anonymously access on-demand wellness techniques, suicide prevention, resilience, physical fitness, nutrition, and other behavioral health and wellness supports.

(26) \$290,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for academy training for limited authority Washington peace officers employed by the Washington state gambling commission, Washington state liquor and cannabis board, Washington state parks and recreation commission, department of natural resources, and the office of the insurance commissioner.

(a) Up to 30 officers must be admitted to attend the basic law enforcement academy and up to 30 officers must be admitted to attend basic law enforcement equivalency academy.

(b) Allocation of the training slots amongst the agencies must be based on the earliest application date to the commission. Training does not need to commence within six months of employment.

(c) The state agencies must reimburse the commission for the actual cost of training.

(27) \$1,575,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to the Washington association of sheriffs and police chiefs to distribute to local law enforcement agencies for training of chapter 324, Laws of 2021 (permissible uses of force).

(28) \$2,150,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to the Washington association of sheriffs and police chiefs to distribute to local law enforcement agencies for training of chapter 321, Laws of 2021 (duty to intervene).

(29) \$525,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to the Washington association of sheriffs and police chiefs to distribute to local law enforcement agencies for training required under Substitute House Bill No. 1735 (use of force by peace officers). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(30) \$1,050,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to the Washington association of sheriffs and police chiefs to distribute to local law enforcement agencies for training required under Engrossed Substitute House Bill No. 2037 (use of force by peace officers). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

**(31) \$525,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to the Washington association of sheriffs and police chiefs to distribute to local law enforcement agencies for training required under Engrossed Senate Bill No. 5919 (use of force by peace officers). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.**

(32) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for body camera grant funding to local law enforcement agencies.

(a) The Washington association of sheriffs and police chiefs shall develop and implement a body-worn camera grant program. The purpose of the program

is to assist law enforcement agencies to establish and expand body-worn camera programs.

(b) Law enforcement agencies may use the grants for: (i) The initial purchase, maintenance, and replacement of body-worn cameras; (ii) ongoing costs related to the maintenance and storage of data recorded by body-worn cameras; (iii) costs associated with public records requests for body-worn camera footage; and (iv) hiring of personnel necessary to operate a body-worn camera program.

(c) The Washington association of sheriffs and police chiefs shall develop and implement a grant application process and review applications from agencies based on locally developed proposals to establish or expand body-worn camera programs.

(d) Law enforcement agencies that are awarded grants must:

(i) Comply with the provisions of chapter 10.109 RCW;

(ii) Demonstrate the ability to redact body-worn camera footage consistent with RCW 42.56.240 and other applicable provisions;

(iii) Provide training to officers who will wear body-worn cameras and other personnel associated with implementation of the body-worn camera program; and

(iv) Agree to comply with any data collection and reporting requirements that are established by the Washington association of sheriffs and police chiefs.

(e) The Washington association of sheriffs and police chiefs must submit an annual report regarding the grant program to the governor and appropriate committees of the legislature by December 1st of each year the program is funded. The report must be submitted in compliance with RCW 43.01.036.

(33) \$150,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to the criminal justice training commission to support an instructor to teach a model use of force and deescalation tactics training to local peace officers across the state. The goal is to establish and disseminate a standard use of force training program that is uniform throughout the state for currently employed peace officers.

*\*Sec. 218 was partially vetoed. See message at end of chapter.*

**Sec. 219.** 2021 c 334 s 219 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF INDEPENDENT INVESTIGATIONS**

General Fund—State Appropriation (FY 2022) . . . . .	(\$7,063,000))
	\$8,289,000
General Fund—State Appropriation (FY 2023) . . . . .	(\$12,657,000))
	\$15,656,000
TOTAL APPROPRIATION . . . . .	(\$19,720,000))
	\$23,945,000

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

(1) The appropriations in this section are provided solely for the implementation of Engrossed Substitute House Bill No. 1267 (establishing an office of independent investigations), to create an office within the office of the governor for the purposes of investigating deadly force incidents involving peace officers. ((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))

(2) \$1,295,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for contracting with the Washington state patrol for laboratory-based testing and processing of crime scene evidence collected during investigations.

(3) \$1,173,000 of the general fund—state appropriation for fiscal year 2022 and \$1,148,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the purchase of information technology equipment.

(4) \$251,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for contracted specialized training for investigators relating to death investigations in cases involving deadly force.

**Sec. 220.** 2021 c 334 s 220 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

General Fund—State Appropriation (FY 2022) . . . . .	(\$13,752,000))	
		<u>\$12,070,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	(\$15,492,000))	
		<u>\$27,358,000</u>
General Fund—Federal Appropriation . . . . .	(\$11,876,000))	
		<u>\$20,839,000</u>
Asbestos Account—State Appropriation . . . . .	(\$573,000))	
		<u>\$598,000</u>
Electrical License Account—State Appropriation . . . . .	(\$56,707,000))	
		<u>\$59,225,000</u>
Farm Labor Contractor Account—State Appropriation . . . . .	\$28,000	
Worker and Community Right to Know Fund—State Appropriation . . . . .	(\$1,000,000))	
		<u>\$1,062,000</u>
Construction Registration Inspection Account—State Appropriation . . . . .	(\$28,947,000))	
		<u>\$30,231,000</u>
Public Works Administration Account—State Appropriation . . . . .	(\$9,352,000))	
		<u>\$11,420,000</u>
Manufactured Home Installation Training Account— State Appropriation . . . . .	(\$395,000))	
		<u>\$424,000</u>
Accident Account—State Appropriation . . . . .	(\$366,060,000))	
		<u>\$383,862,000</u>
Accident Account—Federal Appropriation . . . . .	(\$16,047,000))	
		<u>\$16,071,000</u>
Medical Aid Account—State Appropriation . . . . .	(\$366,663,000))	
		<u>\$383,187,000</u>
Medical Aid Account—Federal Appropriation . . . . .	(\$3,608,000))	
		<u>\$3,617,000</u>
Plumbing Certificate Account—State Appropriation . . . . .	(\$3,316,000))	
		<u>\$3,481,000</u>
Pressure Systems Safety Account—State Appropriation . . . . .	(\$4,582,000))	
		<u>\$4,800,000</u>
TOTAL APPROPRIATION . . . . .	(\$898,398,000))	
		<u>\$958,273,000</u>

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

(1) (~~(\$8,551,000)~~) \$4,363,000 of the accident—state appropriation and (~~(\$8,551,000)~~) \$4,363,000 of the medical aid account—state appropriation are provided solely for the labor and industries workers' compensation information system replacement project. This subsection is subject to the conditions, limitations, and review provided in section 701 of this act. The department must:

(a) Submit a report by August 1, 2021, on the quantifiable deliverables accomplished in fiscal years 2020 and 2021 and the amount spent by each deliverable in each of the following subprojects:

- (i) Business readiness;
- (ii) Change readiness;
- (iii) Commercial off the shelf procurement;
- (iv) Customer access;
- (v) Program foundations;
- (vi) Independent assessment; and
- (vii) In total by fiscal year;

(b) Submit quarterly data within 30 calendar days of the end of each quarter, effective July 1, 2021, on:

(i) All of the quantifiable deliverables accomplished by subprojects identified in (a)(i) through (vi) of this subsection and in total and the associated expenditures by each deliverable by fiscal month;

(ii) The contract full time equivalent charged by subprojects identified in (a)(i) through (vi) of this subsection, and in total, compared to the budget spending plan by month for each contracted vendor and what the ensuing contract equivalent budget spending plan by subprojects identified in (a)(i) through (vi) of this subsection, and in total, assumes by fiscal month;

(iii) The performance metrics by subprojects identified in (a)(i) through (vi) of this subsection, and in total, that are currently used, including monthly performance data; and

(iv) The risks identified independently by at least the quality assurance vendor and the office of the chief information officer, and how the project:

- (A) Has mitigated each risk; and
- (B) Is working to mitigate each risk, and when it will be mitigated;

(c) Submit the reports in (a) and (b) of this subsection to fiscal and policy committees of the legislature; and

(d) Receive an additional gated project sign off by the office of financial management, effective September 1, 2021. Prior to spending any project funding in this subsection each quarter, there is an additional gate of approval required for this project. The director of financial management must agree that the (~~(reporting data provided each quarter)~~) project shows accountability, effective and appropriate use of the funding, and that risks are being mitigated to the spending and sign off on the spending for the ensuing quarter.

(2) \$250,000 of the medical aid account—state appropriation and \$250,000 of the accident account—state appropriation are provided solely for the department of labor and industries safety and health assessment and research for prevention program to conduct research to address the high injury rates of the janitorial workforce. The research must quantify the physical demands of

common janitorial work tasks and assess the safety and health needs of janitorial workers. The research must also identify potential risk factors associated with increased risk of injury in the janitorial workforce and measure workload based on the strain janitorial work tasks place on janitors' bodies. The department must conduct interviews with janitors and their employers to collect information on risk factors, identify the tools, technologies, and methodologies used to complete work, and understand the safety culture and climate of the industry. The department must produce annual progress reports through the year 2022 or until the tools are fully developed and deployed. The annual progress report must be submitted to the governor and legislature by December 1st of each year such report is due.

(3) \$258,000 of the accident account—state appropriation and \$258,000 of the medical aid account—state appropriation are provided solely for the department of labor and industries safety and health assessment research for prevention program to conduct research to prevent the types of work-related injuries that require immediate hospitalization. The department will develop and maintain a tracking system to identify and respond to all immediate in-patient hospitalizations and will examine incidents in defined high-priority areas, as determined from historical data and public priorities. The research must identify and characterize hazardous situations and contributing factors using epidemiological, safety-engineering, and human factors/ergonomics methods. The research must also identify common factors in certain types of workplace injuries that lead to hospitalization. The department must submit a report to the governor and appropriate legislative committees by August 30, 2021, and annually thereafter, summarizing work-related immediate hospitalizations and prevention opportunities, actions that employers and workers can take to make workplaces safer, and ways to avoid severe injuries.

(4)(a) \$2,000,000 of the general fund—state appropriation for fiscal year 2022 and \$2,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to promote workforce development in aerospace and aerospace related supply chain industries by: Expanding the number of registered apprenticeships, preapprenticeships, and aerospace-related programs; and providing support for registered apprenticeships or programs in aerospace and aerospace-related supply chain industries.

(b) Grants awarded under this section may be used for:

- (i) Equipment upgrades or new equipment purchases for training purposes;
- (ii) New training space and lab locations to support capacity needs and expansion of training to veterans and veteran spouses, and underserved populations;
- (iii) Curriculum development and instructor training for industry experts;
- (iv) Tuition assistance for degrees in engineering and high-demand degrees that support the aerospace industry; and
- (v) Funding to increase capacity and availability of child care options for shift work schedules.

(c) An entity is eligible to receive a grant under this subsection if it is a nonprofit, nongovernmental, or institution of higher education that provides training opportunities, including apprenticeships, preapprenticeships, preemployment training, aerospace-related degree programs, or incumbent

worker training to prepare workers for the aerospace and aerospace-related supply chain industries.

(d) The department may use up to 5 percent of these funds for administration of these grants.

(5) \$3,632,000 of the accident account—state appropriation and \$876,000 of the medical aid account—state appropriation are provided solely for the creation of an agriculture compliance unit within the division of occupational safety and health. The compliance unit will perform compliance inspections and provide bilingual outreach to agricultural workers and employers.

(6) \$2,849,000 of the construction registration inspection account—state appropriation, \$152,000 of the accident account—state appropriation, and \$31,000 of the medical aid account—state appropriation are provided solely for the conveyance management system replacement project and are subject to the conditions, limitations, and review provided in section 701 of this act.

(7) (~~(\$4,380,000)~~) (a) \$4,044,000 of the medical aid account—state appropriation is provided solely for the implementation of the provider credentialing system project and is subject to the conditions, limitations, and review provided in section 701 of this act.

(b) \$336,000 of the medical aid account—state appropriation is provided solely for the maintenance and operation of the provider credentialing project.

(8) \$530,000 of the accident account—state appropriation and \$94,000 of the medical aid account—state appropriation are provided solely for the department to conduct infectious disease rule making to ensure the state has general guidelines to follow in the case of an infectious disease outbreak and to provide education and outreach.

(9) \$334,000 of the accident account—state appropriation and \$60,000 of the medical aid account—state appropriation are provided for the maintenance and operating costs of the isolated worker protection information technology project.

(10) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to analyze patients who are maintained on chronic opioids. The department must submit a report of its findings to the governor and the appropriate committees of the legislature no later than October 1, 2023. The report shall include analysis of patient data, describing the characteristics of patients who are maintained on chronic opioids and their clinical needs, and a preliminary evaluation of potential interventions to improve care and reduce harms in this population.

(11) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$50,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to an organization in Pierce county experienced in providing peer-to-peer training, in order to develop and implement a program aimed at reducing workplace sexual harassment in the agricultural sector, with the following deliverables:

(a) Peer-to-peer training and evaluation of sexual harassment training curriculum; and

(b) The building of a statewide network of peer trainers as farmworker leaders whose primary purpose is to prevent workplace sexual harassment and assault through leadership, education, and other tools.

(12) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a work group to investigate how to make Washington's industrial insurance system easier to access for employers and hiring entities to provide industrial insurance coverage for domestic workers.

(a) Domestic workers include, but are not limited to: Housecleaners, nannies, gardeners, and day laborers, including but not limited to those who may perform maintenance or repair work in or about the private home of the employer or hiring entity.

(b) The work group shall make recommendations to the governor and appropriate legislative committees on legislative, regulatory, or other changes that would make the industrial insurance system easier for day laborers and their employers to access. This work group will also explore the possible role of intermediary nonprofit organizations that assist and refer domestic workers and day laborers.

(c) The work group shall be comprised of the following representatives, to be appointed by the governor by July 1, 2021:

(i) Two representatives who are directly impacted domestic workers who work for private home employers or hiring entities;

(ii) Two representatives who are directly impacted day laborers who work for private home employers or hiring entities;

(iii) Two representatives from unions, workers' centers, or intermediary nonprofit organizations that assist and/or refer such directly impacted workers;

(iv) Two employer or hiring entity representatives who directly employ or hire single domestic workers in private homes;

(v) One employer or hiring entity representative who directly employs or hires day laborers in a private home;

(vi) One representative from a nonprofit organization that educates and organizes household employers; and

(vii) Representatives from the department, serving in an ex officio capacity.

(d) The department shall convene the work group by August 1, 2021, and shall meet at least once every two months and may meet remotely in order to accommodate the involvement of domestic worker and day laborer representatives.

(e) The work group shall deliver its report and recommendations to the governor and the appropriate committees of the legislature no later than November 4, 2022.

(13) \$237,000 of the accident account—state appropriation and \$184,000 of the medical aid account—state appropriation are provided solely for costs associated with the implementation of Engrossed Substitute Senate Bill No. 5115 (health emergency/labor). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(14) ~~(((\$825,000))~~ \$1,228,000 of the accident account—state appropriation and ~~(((\$620,000))~~ \$217,000 of the medical aid account—state appropriation are provided solely for costs associated with the implementation of Engrossed Substitute Senate Bill No. 5172 (agricultural overtime). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(15) \$760,000 of the general fund—state appropriation for fiscal year 2022 and \$1,393,000 of the general fund—state appropriation for fiscal year 2023 are

provided solely for the implementation of Second Substitute Senate Bill No. 5183 (nonfatal strangulation). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse:))~~

(16) \$367,000 of the accident account—state appropriation and \$366,000 of the medical aid account—state appropriation are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5190 (health care workers/benefits). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse:))~~

(17) \$1,626,000 of the accident account—state appropriation and \$288,000 of the medical aid account—state appropriation are provided solely for the purpose of providing a temporary 7.5 percent increase to the base rate of pay for the compliance field positions in the following job classifications: Safety and health specialist 3, safety and health specialist 4, industrial hygienist 3, and industrial hygienist 4, who are responsible for inspections, investigations, and enforcement related to the COVID-19 pandemic, not including consultation staff within these classifications. The increase shall be effective July 1, 2021, until June 30, 2023. Expenditure of the amount provided for this purpose 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 subsection.

(18) \$298,000 of the accident account—state appropriation and \$53,000 of the medical aid account—state appropriation are provided solely for the implementation of Engrossed Substitute House Bill No. 1097 (increasing worker protections). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse:))~~

(19) \$1,360,000 of the accident account—state appropriation and \$240,000 of the medical aid account—state appropriation are provided solely for the department of labor and industries, in coordination with the Washington state apprenticeship training council, to establish behavioral health apprenticeship programs. The behavioral health apprenticeship programs shall be administered by the Washington state apprenticeship training council. The amounts provided in this subsection must be used to compensate behavioral health providers for the incurred operating costs associated with the apprenticeship program, including apprentice compensation, staff support and supervision of apprentices, development of on-the-job training catalogs for apprentices, and provider incentives for implementing a behavioral health apprenticeship program. In awarding this funding, special preference must be given to small or rural behavioral health providers and those that serve higher percentages of individuals from black, indigenous, and people of color communities.

(20) \$65,000 of the accident account—state appropriation and \$66,000 of the medical aid account—state appropriation are provided solely for the implementation of Substitute House Bill No. 1455 (social security/L&I & ESD). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse:))~~

(21) \$584,000 of the accident account—state appropriation and \$584,000 of the medical aid account—state appropriation are provided solely for costs associated with staff overtime affiliated with the state emergency operations center. Prior to utilizing these funds, the department of labor and industries must



collaborate with the military department to determine if any overtime costs may be eligible for reimbursement from the federal emergency management agency.

(22) \$961,000 of the accident account—state appropriation and \$169,000 of the medical aid account—state appropriation are provided solely for enhancements to the apprenticeship registration and tracking computer system to align data collection with federal regulations and to create functionality that allows for web-based document uploading. This project is subject to the conditions, limitations, and review provided in section 701 of this act.

(23) \$350,000 of the accident account—state appropriation and \$350,000 of the medical aid account—state appropriation are provided solely for the completion of the licensing and certification administrators IT project to meet the implementation requirements of chapter 277, Laws of 2020 (SHB 2409). This project is subject to the conditions, limitations, and review provided in section 701 of this act.

(24) \$897,000 of the medical aid account—state appropriation is provided solely to cover the overhead rent costs to increase the number of labor and industry vocational specialists embedded in WorkSource offices and to implement a comprehensive quality-assurance team to ensure the continuous improvement of vocational services for injured workers through the workers' compensation program.

(25) \$821,000 of the public works administration account—state appropriation is provided solely to expand capacity to investigate and enforce prevailing-wage complaints.

(26) \$794,000 of the public works administration account—state appropriation is provided solely for planning and requirements gathering to make system improvements to the prevailing wage program information technology system. Of the amount in this subsection, \$300,000 is for two permanent information technology developers to maintain the system. This project is subject to the conditions, limitations, and review provided in section 701 of this act.

(27) \$2,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to create and administer a grant program intended to modernize the technology and remote learning infrastructure within existing state registered apprenticeship programs as provided in Engrossed Second Substitute Senate Bill No. 5600 (apprenticeship programs). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse. Grant applications must include a plan to sustain the investment over time. Up to five percent of the total amount provided in this subsection can be used to cover administrative expenses.

(28) \$4,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to create and administer a grant program intended to upgrade apprenticeship program equipment to better replicate conditions on the job during the training of apprentices as provided in Engrossed Second Substitute Senate Bill No. 5600 (apprenticeship programs). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse. The grant program is limited to state registered apprenticeship programs. Up to five percent of the total within this subsection can be used to cover administrative expenses.

(29) \$2,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to create and administer a grant program intended to provide wraparound support services to mitigate barriers to beginning or participating in state registered apprenticeship programs as provided in Engrossed Second Substitute Senate Bill No. 5600 (apprenticeship programs). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse. Up to five percent of the amount provided in this subsection may be used to cover administrative expenses.

(30) \$12,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for vouchers to cover the cost of driver's education courses for minors enrolled in a state registered apprenticeship program as provided in Engrossed Second Substitute Senate Bill No. 5600 (apprenticeship programs). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(31) \$205,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to start conducting a four-year retention study of state registered apprentices as provided in Engrossed Second Substitute Senate Bill No. 5600 (apprenticeship programs). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse. The study shall include the collection of data from all apprentices three months into their apprenticeship to understand challenges and barriers they face towards program participation. The aggregate data by trade must be displayed on a publicly available dashboard. Study data must be provided with apprenticeship coordinators to implement an early response to connect apprentices with needed supports. The department shall submit an annual report to the governor and appropriate legislative committees beginning June 30, 2023.

(32) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to explore requirements needed to create a centralized technical support system for new nontraditional apprenticeship programs to help applicants navigate and start the process.

(33) \$207,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute Senate Bill No. 5814 (child abuse/medical evaluation). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(34) \$191,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5600 (apprenticeship programs). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(35) \$454,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5714 (solar canopies tax deferral). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(36) \$412,000 of the accident account—state appropriation and \$73,000 of the medical aid account—state appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5761 (wage and salary information). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(37) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit organization that will support

development, outreach, and recruitment to provide job readiness skills and apprenticeship training to public school paraeducators to support college degree attainment to become certified teachers. The grant recipient must be a nonprofit organization serving classified public school employees statewide.

(38) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to create a certified nursing assistant model joint labor-management apprenticeship program to address the certified nursing assistant staffing crisis in skilled nursing facilities by improving workforce recruitment and retention, reducing barriers to entry, and restoring the pipeline of entry level health care professionals into skilled nursing facilities.

(39) \$2,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the crime victims' compensation program to pay for medical exams for suspected victims of domestic violence. Neither the hospital, medical facility, nor victim is to pay for the cost of the medical exam. This funding must not supplant existing funding for sexual assault medical exams. If the cost of medical exams exceeds the funding provided in this subsection, the program shall not reduce the reimbursement rates for medical providers seeking reimbursement for other claimants, and instead the program shall return to paying for domestic violence medical exams after insurance.

(40) \$454,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1988 (clean tech. tax deferrals). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(41) \$6,000,000 of the driver resource center fund nonappropriated account—state appropriation, \$313,000 of the accident account—state appropriation, and \$57,000 of the medical aid account—state appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 2076 (transp. network companies). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

**Sec. 221.** 2021 c 334 s 221 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF VETERANS AFFAIRS**

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

(a) The department of veterans affairs shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys that are unrelated to the coronavirus response and not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys that are unrelated to the coronavirus response, those moneys must be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(b) Each year, there is fluctuation in the revenue collected to support the operation of the state veteran homes. When the department has foreknowledge that revenue will decrease, such as from a loss of census or from the elimination of a program, the legislature expects the department to make reasonable efforts to reduce expenditures in a commensurate manner and to demonstrate that it has made such efforts. In response to any request by the department for general fund—state appropriation to backfill a loss of revenue, the legislature shall consider the department's efforts in reducing its expenditures in light of known or anticipated decreases to revenues.

(2) HEADQUARTERS

General Fund—State Appropriation (FY 2022) . . . . .	<del>(\$3,966,000)</del>
	<u>\$4,094,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	<del>(\$3,791,000)</del>
	<u>\$4,199,000</u>
Charitable, Educational, Penal, and Reformatory Institutions Account—State Appropriation . . . . .	\$10,000
TOTAL APPROPRIATION . . . . .	<del>(\$7,767,000)</del>
	<u>\$8,303,000</u>

(3) FIELD SERVICES

General Fund—State Appropriation (FY 2022) . . . . .	<del>(\$8,121,000)</del>
	<u>\$8,200,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	<del>(\$7,878,000)</del>
	<u>\$9,313,000</u>
General Fund—Federal Appropriation . . . . .	<del>(\$4,412,000)</del>
	<u>\$9,116,000</u>
General Fund—Private/Local Appropriation . . . . .	<del>(\$4,959,000)</del>
	<u>\$6,730,000</u>
Veteran Estate Management Account—Private/Local Appropriation . . . . .	\$717,000
TOTAL APPROPRIATION . . . . .	<del>(\$26,087,000)</del>
	<u>\$34,076,000</u>

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

(a) \$449,000 of the general fund—state appropriation for fiscal year 2022 and \$449,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for supporting the statewide plan to reduce suicide among service members, veterans, and their families. No later than December 1, 2022, the department must submit to the appropriate fiscal committees of the legislature a report that describes how the funding provided in this subsection was spent, including the numbers of individuals served and the types of services provided.

(b) \$233,000 of the general fund—state appropriation for fiscal year 2022 and \$233,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the traumatic brain injury program to reduce homelessness, domestic violence, and intimate partner violence impacts to the behavioral health system and justice system. No later than December 1, 2022, the department must submit to the appropriate fiscal committees of the legislature a

report that describes how the funding provided in this subsection was spent, including the numbers of individuals served and the types of services provided.

(c) ~~\$300,000~~ of the general fund—state appropriation for fiscal year 2022 and ~~(\$300,000)~~ \$600,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for two veterans service officers, one located in eastern Washington and one located in western Washington, in fiscal year 2022 and for four veterans service officers in fiscal year 2023. In fiscal year 2023, two veterans service officers must be located in eastern Washington and two veterans service officers must be located in western Washington.

(d) \$677,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1181 (veterans & military suicide). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(e) \$57,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with an entity that provides accredited peer support training for both veterans and community service members. The funding provided in this subsection is in addition to the department's existing appropriation for its in-house peer support program. No later than June 30, 2023, the department must report to the legislature regarding the number of peer supporters trained pursuant to the contract under this subsection.

(4) ~~((INSTITUTIONAL SERVICES))~~ STATE VETERANS HOMES PROGRAM

General Fund—State Appropriation (FY 2022) . . . . .	<del>(\$10,991,000)</del>
	<u>\$16,346,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	<del>(\$12,510,000)</del>
	<u>\$23,581,000</u>
General Fund—Federal Appropriation . . . . .	<del>(\$108,522,000)</del>
	<u>\$110,588,000</u>
General Fund—Private/Local Appropriation . . . . .	<del>(\$21,794,000)</del>
	<u>\$18,635,000</u>
TOTAL APPROPRIATION . . . . .	<del>(\$153,817,000)</del>
	<u>\$169,150,000</u>

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

(a) If the department receives additional unanticipated federal resources that are unrelated to the coronavirus response at any point during the remainder of the 2021-2023 fiscal biennium, an equal amount of general fund—state must be placed in unallotted status so as not to exceed the total appropriation level specified in this subsection. The department may submit as part of the policy level budget submittal documentation required by RCW 43.88.030 a request to maintain the general fund—state resources that were unallotted as required by this subsection.

(b) \$234,000 of the general fund—state appropriation for fiscal year 2022 and \$222,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement Substitute House Bill No. 1218 (long-term care

residents). ((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))

(5) CEMETERY SERVICES

General Fund—State Appropriation (FY 2022) . . . . .	\$85,000
General Fund—State Appropriation (FY 2023) . . . . .	<del>(\$101,000)</del>
	<u>\$124,000</u>
General Fund—Federal Appropriation . . . . .	\$710,000
TOTAL APPROPRIATION . . . . .	<del>(\$896,000)</del>
	<u>\$919,000</u>

\*Sec. 222. 2021 c 334 s 222 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF HEALTH**

General Fund—State Appropriation (FY 2022) . . . . .	<del>(\$99,870,000)</del>
	<u>\$112,474,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	<del>(\$96,638,000)</del>
	<u>\$133,094,000</u>
General Fund—Federal Appropriation . . . . .	<del>(\$569,921,000)</del>
	<u>\$577,500,000</u>
General Fund—Private/Local Appropriation . . . . .	<del>(\$234,627,000)</del>
	<u>\$248,316,000</u>
Hospital Data Collection Account—State Appropriation . . . . .	<del>(\$428,000)</del>
	<u>\$472,000</u>
Health Professions Account—State Appropriation . . . . .	<del>(\$146,975,000)</del>
	<u>\$157,658,000</u>
Aquatic Lands Enhancement Account—State Appropriation . . . . .	<del>(\$633,000)</del>
	<u>\$637,000</u>
Emergency Medical Services and Trauma Care Systems Trust Account—State Appropriation . . . . .	<del>(\$10,053,000)</del>
	<u>\$10,105,000</u>
Safe Drinking Water Account—State Appropriation . . . . .	<del>(\$5,976,000)</del>
	<u>\$7,237,000</u>
Drinking Water Assistance Account—Federal Appropriation . . . . .	<del>(\$16,759,000)</del>
	<u>\$20,908,000</u>
Waterworks Operator Certification Account—State Appropriation . . . . .	<del>(\$1,978,000)</del>
	<u>\$2,006,000</u>
Drinking Water Assistance Administrative Account— State Appropriation . . . . .	<del>(\$1,604,000)</del>
	<u>\$1,634,000</u>
Site Closure Account—State Appropriation . . . . .	<del>(\$180,000)</del>
	<u>\$186,000</u>
Biotoxin Account—State Appropriation . . . . .	<del>(\$1,675,000)</del>
	<u>\$1,727,000</u>
Model Toxics Control Operating Account—State Appropriation . . . . .	<del>(\$7,555,000)</del>
	<u>\$7,750,000</u>
Medical Test Site Licensure Account—State	

Appropriation.....	(((\$3,187,000))	<u>\$3,275,000</u>
Secure Drug Take-Back Program Account—State		
Appropriation.....	(((\$299,000))	<u>\$1,435,000</u>
Youth Tobacco and Vapor Products Prevention Account—		
State Appropriation .....	(((\$3,222,000))	<u>\$3,242,000</u>
Dedicated Marijuana Account—State Appropriation		
(FY 2022).....	(((\$10,538,000))	<u>\$10,584,000</u>
Dedicated Marijuana Account—State Appropriation		
(FY 2023).....	(((\$10,562,000))	<u>\$11,800,000</u>
Public Health Supplemental Account—Private/Local		
Appropriation.....	(((\$3,619,000))	<u>\$3,702,000</u>
Accident Account—State Appropriation .....	(((\$348,000))	<u>\$368,000</u>
Medical Aid Account—State Appropriation .....	(((\$53,000))	<u>\$57,000</u>
<u>Statewide 988 Behavioral Health Crisis Response Line</u>		
<u>Account—State Appropriation .....</u>		<u>\$10,280,000</u>
<u>Coronavirus State Fiscal Recovery Fund—Federal</u>		
<u>Appropriation.....</u>		<u>\$144,364,000</u>
TOTAL APPROPRIATION .....	(((\$1,226,700,000))	<u>\$1,470,811,000</u>

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

(1) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department of health and the state board of health shall not implement any new or amended rules pertaining to primary and secondary school facilities until the rules and a final cost estimate have been presented to the legislature, and the legislature has formally funded implementation of the rules through the omnibus appropriations act or by statute. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(2) During the 2021-2023 fiscal biennium, each person subject to RCW 43.70.110(3)(c) is required to pay only one surcharge of up to twenty-five dollars annually for the purposes of RCW 43.70.112, regardless of how many professional licenses the person holds.

(3) In accordance with RCW 43.70.110 and 71.24.037, the department is authorized to adopt license and certification fees in fiscal years 2022 and 2023 to support the costs of the regulatory program. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower costs of licensing for these programs than for other organizations which are not accredited.

(4) Within the amounts appropriated in this section, and in accordance with RCW 70.41.100, the department shall set fees to include the full costs of the performance of inspections pursuant to RCW 70.41.080.

(5) In accordance with RCW 43.70.110 and 71.24.037, the department is authorized to adopt fees for the review and approval of mental health and substance use disorder treatment programs in fiscal years 2022 and 2023 as necessary to support the costs of the regulatory program. The department's fee schedule must have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower cost of licensing for these programs than for other organizations which are not accredited.

(6) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that projects are planned for in a manner that ensures the efficient use of state resources, supports the adoption of a cohesive technology and data architecture, and maximizes federal financial participation. The work of the coalition and any project identified as a coalition project is subject to the conditions, limitations, and review provided in section 701 of this act.

(7) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are



provided solely for the midwifery licensure and regulatory program to supplement revenue from fees. The department shall charge no more than five hundred twenty-five dollars annually for new or renewed licenses for the midwifery program.

(8) Within the amounts appropriated in this section, and in accordance with RCW 43.70.110 and 71.12.470, the department shall set fees to include the full costs of the performance of inspections pursuant to RCW 71.12.485.

(9) \$26,855,000 of the general fund—local appropriation is provided solely for the department to provide core medical services, case management, and support services for individuals living with human immunodeficiency virus.

(10) \$17,000 of the health professions account—state appropriation is provided solely for the implementation of Senate Bill No. 5018 (acupuncture and eastern med.) ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(11) \$703,000 of the general fund—state appropriation for fiscal year 2022 and \$703,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5052 (health equity zones). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(12) ~~(((\$73,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Second Substitute Senate Bill No. 5062 (data). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~((13))~~ \$79,000 of the general fund—state appropriation for fiscal year 2022 and \$76,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5119 (individuals in custody). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~((14) \$1,333,000))~~ (13) \$873,000 of the general fund—state appropriation for fiscal year 2022 and ~~(((\$1,117,000))~~ \$1,577,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5141 (env. justice task force recs). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~((15))~~ (14) \$13,000 of the general fund—state appropriation for fiscal year 2022 and \$13,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute Senate Bill No. 5195 (opioid overdose medication). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~((16) \$74,000 of the general fund—state appropriation for fiscal year 2022 and \$74,000 of the general fund—federal appropriation are))~~ (15) \$187,000 of the health professions account—state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5229 (health equity continuing ed.). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~((17))~~ (16) \$50,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a grant to the Pierce county center for dispute resolution to convene a task force, staffed by the Pierce county center for dispute resolution, to review and make recommendations on bringing the current

practice of dental therapy on tribal lands to a statewide scale, and on the practice, supervision, and practice settings needed to maximize the effectiveness of dental therapy. The Pierce county center for dispute resolution must submit a report to the legislature by December 1, 2021.

(a) Members of the task force must include:

(i) Three representatives from different organizations that represent individuals or underserved communities, including but not limited to children, seniors, African Americans, Latino Americans, Native Americans, Pacific Islander Americans, and low income and rural communities;

(ii) One member of the dental quality assurance commission;

(iii) One representative from the University of Washington school of dentistry;

(iv) One member from the Washington state dental association;

(v) One member from the Washington state dental hygienists' association;

(vi) One dental therapist;

(vii) One dentist who has or is currently supervising a dental therapist or therapists;

(viii) One representative from a dental only integrated delivery system;

(ix) One representative from an urban Indian health clinic;

(x) One representative from a federally qualified health center or the Washington association for community health;

(xi) One representative from a dental therapy education program;

(xii) One representative from a Washington tribe that currently employs dental therapists; and

(xiii) One representative from a labor union representing care providers that has experience providing dental coverage and promoting dental care among their members.

(b) In addition, members of the task force may include members from the legislature as follows:

(i) The president of the senate may appoint one member from each of the two largest caucuses of the senate; and

(ii) The speaker of the house of representatives may appoint one member from each of the two largest caucuses of the house of representatives.

~~((18))~~ (17) \$492,000 of the general fund—state appropriation for fiscal year 2022 and \$492,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to coordinate with local health jurisdictions to establish and maintain comprehensive group B programs to ensure safe drinking water. These funds shall be used to support the costs of the development and adoption of rules, policies, and procedures, and for technical assistance, training, and other program-related costs.

~~((19))~~ (18) \$96,000 of the general fund—state appropriation for fiscal year 2022 and \$92,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for community outreach to prepare culturally and linguistically appropriate hepatitis B information in a digital format to be distributed to ethnic and cultural leaders and organizations to share with foreign-born and limited or non-English speaking community networks.

~~((20))~~ (19) \$750,000 of the general fund—state appropriation for fiscal year 2022 and \$750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to continue the collaboration between the local public

health jurisdiction, related accountable communities of health, and health care providers to reduce potentially preventable hospitalizations in Pierce county. This collaboration will build from the first three years of the project, planning to align care coordination efforts across health care systems and support the related accountable communities of health initiatives, including innovative, collaborative models of care. Strategies to reduce costly hospitalizations include the following: (a) Working with partners to prevent chronic disease; (b) improving heart failure rates; (c) incorporating community health workers as part of the health care team and improving care coordination; (d) supporting the COVID-19 response with improved access to immunizations; and (e) the use of community health workers to provide necessary resources to prevent hospitalization of people who are in isolation and quarantine. By December 15, 2022, the members of the collaboration shall report to the legislature regarding the effectiveness of each of the strategies identified in this subsection. In addition, the report shall describe the most significant challenges and make further recommendations for reducing costly hospitalizations.

~~((21))~~ (20)(a) ~~(\$200,000)~~ \$65,000 of the general fund—state appropriation for fiscal year 2022 ~~(is)~~ and \$135,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a task force, chaired by the secretary of the department, implemented by August 1, 2021, to assist with the development of a "parks Rx" health and wellness pilot program that can be implemented in the Puget Sound, eastern Washington, and southwest Washington regions of Washington state.

(b) Members of the task force must include:

(i) The secretary of health, or the secretary's designee;

(ii) The following members to be appointed by the secretary of health:

(A) Two representatives of local parks and recreation agencies, from recommendations by the Washington recreation and park association;

(B) Two representatives of health care providers and community health workers, from recommendations by the association of Washington healthcare plans from recommendations by the department community health worker training program;

(C) Two representatives from drug-free health care professions, one representing the interests of state associations representing chiropractors and one representing the interests of physical therapists and athletic trainers from recommendations by their respective state associations;

(D) Two representatives from hospital and health systems, from recommendations by the Washington state hospital association;

(E) Two representatives of local public health agencies, from recommendations by the Washington state association of local public health officials; and

(F) Two representatives representing health carriers, from recommendations from the association of Washington healthcare plans; and

(iii) A representative from the Washington state parks, as designated by the Washington state parks and recreation commission.

(c) The secretary of health or the secretary's designee must chair the task force created in this subsection. Staff support for the task force must be provided by the department of health.

(d) The task force shall establish an ad hoc advisory committee in each of the three pilot regions for purposes of soliciting input on the design and scope of the parks Rx program. Advisory committee membership may not exceed 16 persons and must include diverse representation from the pilot regions, including those experiencing significant health disparities.

(e) The task force must meet at least once bimonthly through June 2022.

(f) The duties of the task force are to advise the department of health on issues including but not limited to developing:

(i) A process to establish the pilot program described in this subsection around the state with a focused emphasis on diverse communities and where systematic inequities and discrimination have negatively affected health outcomes;

(ii) Model agreements that would enable insurers to offer incentives to public, nonprofit, and private employers to create wellness programs that offer employees a discount on health insurance in exchange for a certain usage level of outdoor parks and trails for recreation and physical activity; and

(iii) Recommendations on ways in which a public-private partnership approach may be utilized to fund the implementation of the pilot program described in this subsection.

(g) The members of the task force are encouraged to consider grant funding and outside funding options that can be used toward the pilot program.

(h) The department of health must report findings and recommendations of the task force to the governor and relevant committees of the legislature in compliance with RCW 43.01.036 by September 1, 2022.

~~((22))~~ (21) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$50,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a work group to make recommendations concerning funding and policy initiatives to address the spread of sexually transmitted infections in Washington.

(a) The work group membership must include, but is not limited to, the following members appointed by the governor:

(i) A representative from the department of health office of infectious disease;

(ii) A representative from the pharmacy quality assurance commission;

(iii) A representative from the Washington medical commission;

(iv) A representative from an organization representing health care providers;

(v) A representative from a local health jurisdiction located east of the crest of the Cascade mountains;

(vi) A representative from a local health jurisdiction located west of the crest of the Cascade mountains;

(vii) At least one representative from an organization working to address health care access barriers for LGBTQ populations;

(viii) At least one representative from an organization working to address health care access barriers for communities of color; and

(ix) At least one representative from an organization working to address health care access barriers for justice involved individuals.

(b) Staff support for the work group shall be provided by the department of health.

(c) The work group shall submit a report to the legislature by December 1, 2022, that includes recommendations to: (i) Eradicate congenital syphilis and hepatitis B by 2030; (ii) control the spread of gonorrhea, syphilis, and chlamydia; (iii) end the need for confirmatory syphilis testing by the public health laboratory; and (d) expand access to PrEP and PEP.

(d) Recommendations provided by the work group must be prioritized based on need and available funding.

~~((23))~~ (22) \$236,000 of the general fund—state appropriation for fiscal year 2022 and \$236,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement Engrossed Second Substitute House Bill No. 1152 (comprehensive public health districts). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

(24)) (23) \$332,000 of the general fund—state appropriation for fiscal year 2022 and \$1,885,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to establish and operate regional shared service centers, regional health officers, and regional coordinators, as follows:

(a) The role and duties of the regional shared service centers shall be determined by the department and may include the coordination and facilitation of shared delivery of services under the foundational public health services, the implementation of Engrossed Second Substitute Senate Bill No. 5052 (health equity zones), and the development of relationships with other regional bodies, such as accountable communities of health.

(b) Regional health officers and regional coordinators must be employees of the department. The department may seek to colocate these employees with local health jurisdictions or other government agencies.

(c) The regional health officers shall be deputies of the state health officer. Regional health officers may: (i) Work in partnership with local health jurisdictions, the department, the state board of health, and federally recognized Indian tribes to provide coordination across counties; (ii) provide support to local health officers and serve as an alternative for local health officers during vacations and other absences, emergencies, and vacancies; and (iii) provide mentorship and training to new local health officers.

(d) A regional health officer must meet the same qualifications as local health officers provided in RCW 70.05.050.

~~((25))~~ (24) \$34,000 of the general fund—state appropriation for fiscal year 2022 and \$58,000 of the general fund—local appropriation are provided solely for implementation of Second Substitute House Bill No. 1148 (acute care hospitals). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

(26)) (25) \$832,000 of the general fund—local appropriation and \$554,000 of the health professions account—state appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1086 (behavioral health consumers). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

(27)) (26) \$21,000 of the health professions account—state appropriation is provided solely for implementation of House Bill No. 1063 (behav. health credentials). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(28))~~ (27) \$374,000 of the general fund—state appropriation for fiscal year 2022 and \$362,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1443 (cannabis industry/equity). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(29))~~ (28) \$97,000 of the general fund—local appropriation is provided solely for implementation of House Bill No. 1031 (birth cert., stillbirth). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(30)~~ ~~\$200,000 of the general fund—state appropriation for fiscal year 2022 and \$98,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute House Bill No. 1127 (COVID-19 health data privacy). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(31))~~ (29) \$17,000 of the health professions account—state appropriation is provided solely for implementation of Substitute House Bill No. 1007 (supervised exp./distance). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(32) \$596,000)~~ (30) \$1,188,000 of the general fund—state appropriation for fiscal year 2022, ~~(((\$58,000))~~ \$2,488,000 of the general fund—state appropriation for fiscal year 2023, and \$64,000 of the hospital data collection account—state appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1272 (health system transparency). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~ Of the amounts provided in this subsection, \$2,000,000 of general fund—state appropriation is for assistance to 37 rural hospitals that are required to comply with the provisions under the bill.

~~((33))~~ (31) \$71,000 of the health professions account—state appropriation is provided solely for implementation of Substitute House Bill No. 1129 (international medical grads). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(34))~~ (32) \$2,809,000 of the model toxics control operating account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1139 (lead in drinking water). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(35))~~ (33) \$17,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Substitute House Bill No. 1383 (respiratory care). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(36))~~ (34) \$92,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1184 (risk-based water standards). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(37))~~ (35) \$516,000 of the general fund—state appropriation for fiscal year 2022 and \$1,873,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 1225 (school-based health centers). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(38))~~ (36) \$301,000 of the secure drug take-back program account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1161 (drug take-back programs). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(39))~~ (37) \$22,000 of the general fund—state appropriation for fiscal year 2022 and \$78,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed House Bill No. 1311 (SUD apprenticeships/certs). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(40))~~ (38) \$17,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of House Bill No. 1378 (medical assistants). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(41))~~ (39) Within amounts appropriated in this section from the health professions account, the Washington nursing commission shall contract with the state auditor's office to conduct a performance audit, specifically addressing the length of time required to license individuals who come from other states. The audit should address the obstacles contributing to any delay and make recommendations for improvement.

~~((42))~~ (40) Within amounts appropriated in this section from the health professions account, the Washington medical commission shall contract with the state auditor's office to conduct a performance audit, which must address the length of time required to license individuals and comparatively analyze disciplinary processes with those of other states. The audit should address the obstacles contributing to inefficiencies and make recommendations for improvement.

~~((43))~~ (41) Within amounts appropriated in this section, the Washington nursing commission must hire sufficient staff to process applications for nursing licenses so that the time required for processing does not exceed seven days.

~~((44))~~ (42) \$600,000 of the general fund—state appropriation for fiscal year 2022 and \$600,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with a community-based nonprofit organization located in Yakima Valley to develop a Spanish language public radio media campaign aimed at providing education on the COVID-19 pandemic through an outreach program. The goal of the radio media campaign is to reach residents considered "essential workers," including but not limited to farmworkers, and provide information on best practices for limiting exposure, preventing transmission, and seeking treatment for COVID-19. The nonprofit organization must coordinate with medical professionals and other stakeholders on the content of the radio media campaign. The department, in coordination with the nonprofit, must provide a preliminary report to the legislature no later than December 31, 2021. A final report to the legislature must be submitted no later than June 30, 2023. Both reports must include: (a) A description of the outreach program and its implementation; (b) the number of individuals reached through the outreach program; and (c) any relevant demographic data regarding those individuals.

~~((45))~~ (43) \$500,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$500,000)~~ \$725,000 of the general fund—state appropriation

for fiscal year 2023 is provided solely for the Washington poison center. This funding is provided in addition to funding pursuant to RCW 69.50.540.

~~((46))~~ (44) \$400,000 of the general fund—state appropriation for fiscal year 2022 and \$400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with a community-based nonprofit organization located in Yakima Valley to develop a Spanish-language public radio media campaign aimed at preventing opioid use disorders through education outreach programs. The goal of the radio media campaign is reaching underserved populations, who may have limited literacy and who may experience cultural and informational isolation, to address prevention, education and treatment for opioid users or those at risk for opioid use. The nonprofit organization must coordinate with stakeholders who are engaged in promoting healthy and educated choices about drug use and abuse to host four workshops and two conferences that present the latest research and best practices. The department, in coordination with the nonprofit, must provide a preliminary report to the legislature no later than December 31, 2022. A final report must be submitted to the legislature no later than June 30, 2023. Both reports must include: (a) A description of the outreach programs and their implementation; (b) a description of the workshops and conferences held; (c) the number of individuals who participated in or received services in relation to the outreach programs; and (d) any relevant demographic data regarding those individuals.

~~((47))~~ (45) \$2,122,000 of the general fund—state appropriation for fiscal year 2022 and \$2,122,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the ongoing operations and maintenance of the prescription monitoring program maintained by the department.

~~((48))~~ (46) \$2,325,000 of the general fund—state appropriation for fiscal year 2022 and \$2,625,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for:

(a) Staffing by the department, the department of veterans affairs, and the department of corrections to expand statewide suicide prevention efforts, which efforts include suicide prevention efforts for military service members and veterans and incarcerated persons;

(b) A suicide prevention public awareness campaign to provide education regarding the signs of suicide, interventions, and resources for support;

(c) Additional staffing for call centers to support the increased volume of calls to suicide hotlines;

(d) Training for first responders to identify and respond to individuals experiencing suicidal ideation;

(e) Support for tribal suicide prevention efforts;

(f) Strengthening behavioral health and suicide prevention efforts in the agricultural sector;

(g) Support for the three priority areas of the governor's challenge regarding identifying suicide risk among service members and their families, increasing the awareness of resources available to service members and their families, and lethal means safety planning;

(h) Expansion of training for community health workers to include culturally informed training for suicide prevention;

(i) Coordination with the office of the superintendent of public instruction; and



(j) Support for the suicide prevention initiative housed in the University of Washington.

~~((49))~~ (47) \$1,500,000 of the general fund—state appropriation for fiscal year 2022 and \$1,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the fruit and vegetable incentive program.

~~((50))~~ (48) \$474,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to implement Substitute House Bill No. 1218 (long-term care residents). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

~~((51))~~ (49) \$1,779,000 of the health professions account—state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 1504 (workforce education development act). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

~~((52))~~ (50) \$627,000 of the general fund—state appropriation for fiscal year 2022 and \$627,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement the recommendations from the community health workers task force to provide statewide leadership, training, and integration of community health workers with insurers, health care providers, and public health systems.

~~((53))~~ (51) \$250,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for one-time grants to family planning clinics that are at risk of imminent closure, did not receive a paycheck protection program loan, and are ineligible for funding through the coronavirus aid, relief, and economic security (CARES) act or the coronavirus response and relief supplemental appropriations act of 2021 (CRRSA).

~~((54))~~ (52) \$450,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the nursing care quality assurance commission, in collaboration with the workforce training and education coordinating board and the department of labor and industries, to plan a home care aide to nursing assistant certified to licensed practical nurse (HCA-NAC-LPN) apprenticeship pathway. The plan must provide the necessary groundwork for the launch of at least three licensed practical nurse apprenticeship programs in the next phase of work. The plan for the apprenticeship programs must include programs in at least three geographically disparate areas of the state experiencing high levels of long-term care workforce shortages for corresponding health professions and incorporate the participation of local workforce development councils for implementation.

~~((55))~~ (53) \$85,000 of the general fund—state appropriation for fiscal year 2022 and \$23,000 of the health professions account—state appropriation are provided solely to implement Senate Bill No. 5124 (colon hydrotherapy). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(54) \$3,000,000 of the general fund—state appropriation for fiscal year 2022 and \$3,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington nursing commission to manage a grant process to incentivize nurses to supervise nursing students in health care settings. The goal of the grant program is to create more clinical placements for nursing students to complete required clinical hours to earn their nursing degree and related licensure.

(55) \$761,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the Washington nursing commission to continue to implement virtual nursing assistant training and testing modalities, create an apprenticeship pathway into nursing for nursing assistants, implement rule changes to support a career path for nursing assistants, and collaborate with the workforce training and educational coordinating board on a pilot project to transform the culture and practice in long term care settings. The goal of these activities is to expand the nursing workforce for long term care settings.

(56) \$147,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department in collaboration with the state health care authority and the University of Washington to develop a licensure and regulatory program for behavioral health support specialists consistent with the provisions in Engrossed Second Substitute Senate Bill No. 5884 (behavioral health support).

(57) \$212,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute Senate Bill No. 5821 (cardiac & stroke response). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(58) \$41,000 of the general fund—state appropriation for fiscal year 2022 and \$777,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of House Bill No. 1859 (cannabis analysis labs). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(59) \$223,000 of the general fund—state appropriation for fiscal year 2022 and \$186,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to test for lead in child care facilities to prevent child lead exposure and to research, identify, and connect facilities to financial resources available for remediation costs.

(60) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to provide a grant to a statewide community based environmental justice organization to establish an environmental justice community participation fund. The participation fund must allocate the funding as grants to community-based organizations serving vulnerable populations in highly impacted communities in rural and urban areas for the purpose of supporting their communities' access, understanding, and participation in environmental justice council deliberations and the implementation of chapter 70A.02 RCW.

(61) \$2,488,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for additional resources for the department to issue provider credentials within seven calendar days of receiving a complete application.

(62) \$532,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to create a program within the office of drinking water to offer engineering assistance to nonfluoridated water systems with over 5,000 connections. The program will assist water systems to plan for future community water fluoridation.

(63) \$74,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute House Bill No. 1881

(birth doulas). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(64) \$121,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to expand access to the smoking cessation quitline, implement electronic referrals to the quitline, and provide grants to develop messaging related to smoking cessation.

(65) \$7,400,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for one-time grants to providers of abortion care that participate in the department's family planning and reproductive health program and which experienced drops in patient visit volume during the pandemic in order to maintain the availability of services for low-income Washingtonians.

(66) \$268,000 of the health professions account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 5753 (board & commission sizes). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(67) \$166,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to conduct an oral health equity assessment. The department must use available data and community needs assessments to identify unmet oral health needs and develop recommendations to advance positive oral health outcomes while reducing inequities through increased access to community water fluoridation. The department must consult with the state office of equity and may collaborate with public health oral health care providers and community-based organizations to conduct the assessment and develop recommendations. The department must submit the oral health equity assessment report and recommendations to the appropriate committees of the legislature by June 30, 2023.

(68) \$14,000 of the health professions account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 5496 (health prof. monitoring). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(69) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to convene a nonregulatory stakeholder forum to discuss solutions to per- and polyfluoroalkyl substances (PFAS) chemical contamination of surface and groundwater.

(70) \$19,088,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the costs of public health data systems and are subject to the conditions, limitations, and review requirements of section 701 of this act.

(71) \$814,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to expand grants to establish new school-based health centers and to add behavioral health capacity to existing school-based health centers.

(72) \$54,000 of the general fund—state appropriation for fiscal year 2022 and \$1,300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to coordinate and lead a multi-agency approach to youth suicide prevention and intervention.

(73) \$654,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department, in collaboration with an organization that represents pediatric care needs in Washington state, to establish a curriculum

and provide training for community health workers in primary care clinics whose patients are significantly comprised of pediatric patients enrolled in medical assistance under chapter 74.09 RCW, beginning January 1, 2023, in support of the health care authority's two-year grant program. The department will coordinate ongoing curriculum development meetings with the relational health training work group.

(74) \$1,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to the greater Columbia accountable community of health to develop and implement an innovative emergency medical services program to bridge the gap of unmet health care needs in the community.

(75) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to cancer pathways to provide statewide education and support for adults, children, and families impacted by cancer, including support groups, camps for kids impacted by cancer, and risk reduction education for teens.

(76) \$66,956,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department's continued vaccine administration efforts, including mass vaccination sites where needed and pass-through contracts with local health jurisdictions. If the federal emergency management agency reimbursement at full cost for eligible activities is renewed beyond June 30, 2022, the department must conserve this appropriation and maximize the use of federal reimbursements. The legislature intends this funding to be sufficient to cover the department's vaccine administration activities through January 1, 2023. By October 1, 2022, the department must submit a report to the health care and fiscal committees of the legislature detailing a cost-based COVID-19 vaccine administration fiscal response plan for the remainder of the 2021-2023 fiscal biennium as well as any vaccine administration costs the department projects into the 2023-2025 fiscal biennium. This report must include a funding strategy for specific agency COVID-19 vaccine administration initiatives, including, but not limited to, mass vaccination sites, primary care provider outreach, mobile vaccination administration, and outreach. This report must also include specific and itemized individual local health jurisdiction initiatives in which the department has or plans to request funding from the legislature on behalf of the local health jurisdiction.

(77) \$58,320,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to respond to the COVID-19 pandemic through means including diagnostic testing, case investigation, outbreak response, care coordination, community outreach, operational and technical support, disease surveillance, client services, and support for local health jurisdictions and tribes. If the federal emergency management agency reimbursement at full cost for eligible activities is renewed beyond June 30, 2022, the department must conserve this appropriation and maximize the use of federal reimbursements. The legislature intends this funding to be sufficient to cover the department's response through January 1, 2023, at which point the legislature plans to reevaluate the scope of the public health threat posed by COVID-19. By October 1, 2022, the department must submit a report to the health care and fiscal committees of the legislature detailing a cost-based COVID-19 fiscal response plan for the remainder of the 2021-2023 fiscal

biennium as well as any costs the department projects into the 2023-2025 fiscal biennium. This report must include a funding strategy for specific agency COVID-19 response initiatives, including, but not limited to, mass testing sites, testing contracts, laboratory and scientific analysis, and other agency initiatives in response to the pandemic. This report must also include specific and itemized individual local health jurisdiction initiatives in which the department has or plans to request funding from the legislature on behalf of the local health jurisdiction.

(78) \$85,000 of the health professions account—state appropriation is provided solely for the implementation of Senate Bill No. 5518 (OT licensure compact). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(79) \$91,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5702 (donor human milk coverage). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(80) \$22,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute Senate Bill No. 5765 (midwifery). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(81) \$300,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to create the criminal justice integrated data system task force, to be convened and chaired by a representative from the department.

(a) In addition to the chair, the task force shall consist of the following members or the member's designee with experience in criminal justice data systems and reporting:

(i) The governor;

(ii) The chief justice of the Washington state supreme court;

(iii) The attorney general;

(iv) The director of the department of corrections;

(v) The director of the department of children, youth, and families;

(vi) The director of the department of social and health services;

(vii) The director of the administrative office of the courts;

(viii) A representative of the Washington association of prosecuting attorneys;

(ix) A representative of the Washington association of sheriffs and police chiefs;

(x) A representative of the association of Washington cities;

(xi) A representative of the Washington state association of counties;

(xii) A representative of the office of crime victims advocacy;

(xiii) A representative from the Washington state institute for public policy;

(xiv) A representative from the office of public defense or a defense representative;

(xv) A representative from the Harborview injury prevention and research center;

(xvi) A representative from the Washington association of coroners and medical examiners; and

(xvii) A representative from the Washington state association of county clerks.

(b) The task force shall notify the members of the law and justice committees of the house and senate of scheduled meetings and agendas.

(c) By December 1, 2022, the task force shall submit a report to the legislature detailing recommendations, an implementation plan, and a feasibility study for a criminal justice integrated data system to receive and maintain data and information from local governments, state agencies, and nongovernmental entities. This report must also include:

(i) Recommendations on the creation and composition of a criminal justice data oversight council and processes by which the council will approve requests for projects, reports, and data analyses generated from the criminal justice integrated data system;

(ii) Opportunities to integrate and leverage federal and other dollars for this work; and

(iii) A staffing plan for the department of health to create a violence and death investigation resource center to collect and analyze vital statistics on violence and deaths in the state to:

(A) Identify localized and statewide trends;

(B) Survey medical examiners and coroners in the state to identify the critical needs of the offices;

(C) Develop systems to facilitate information and data sharing between medical examiner and coroner offices; and

(D) Develop best practices for death investigations in the state.

(d) Of the amounts provided in this subsection, \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to 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 shall 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 December 1, 2022.

(82) \$39,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5974 (transportation resources). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(83) \$428,000 of the general fund—state appropriation for fiscal year 2022 and \$855,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the continued operations of the Washington medical coordination center.

(84) \$17,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to conduct a survey of home care and home

health agencies as defined in RCW 70.127.010, to gather financial information for tax or fee planning purposes, including but not limited to total by service line. Any such financial information reported must be de-identified so it does not identify individual recipients of care. The department shall provide this information to the department of social and health services and service employees international union 775 for analysis upon completion of the survey.

(85) \$2,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to conduct a mass public awareness campaign targeted at alerting the public to the dangers caused by methamphetamines and fentanyl, including outreach to both youth and adults aimed at preventing addiction and overdose deaths.

(86) \$91,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to convene a work group to study the root causes of rising behavioral health issues in Washington communities.

(a) The membership of the work group shall emphasize individuals with actual, practical experience dealing with the behavioral health system and shall include:

(i) Individuals who have received behavioral health services in a variety of settings and circumstances throughout the behavioral health system;

(ii) Family members of individuals who have received behavioral health services;

(iii) Behavioral health treatment providers with experience providing behavioral health services in various settings, including crisis behavioral health services. Providers serving on the work group may not represent, or be employed by, any organizations or interest groups representing the interests of health care providers or behavioral health stakeholders;

(iv) Tribal representatives with experience providing or receiving behavioral health services from tribal health departments;

(v) Members of the clergy;

(vi) Law enforcement officers with training and experience in responding to individuals with behavioral health conditions or who are undergoing behavioral health crises;

(vii) Behavioral health advocates; and

(viii) Any other individuals with experience in the behavioral health system, as deemed appropriate by the department.

(b) The work group shall, at a minimum, discuss:

(i) Factors leading to increased demand for behavioral health services in Washington;

(ii) Barriers to addressing unmet needs and any gaps in the behavioral health system;

(iii) The effectiveness of the state's integrated care initiative regarding access for the seriously mentally ill, reductions in hospitalization and institutionalization, improvements in community-based care, and support for an effective network of community-based care providers for the seriously mentally ill; and

(iv) Suggestions for improving the behavioral health system, including methods to address behavioral health workforce shortages.

*(c) The work group shall submit to the governor and the appropriate committees of the legislature a progress report by December 15, 2022, and its findings and recommendations by June 30, 2023.*

(87) \$25,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to provide a grant to a community organization in Greenwater to establish temporary portable toilets to be accessible to tourists and other individuals traveling on state route 410.

(88) \$552,000 of the health professions account—state appropriation is provided solely for implementation of chapter 203, Laws of 2021 (long-term services/emergency).

(89) \$48,000 of the dedicated marijuana account—state appropriation for fiscal year 2023 and \$7,000 of the general fund—private/local appropriation are provided solely to implement Second Substitute House Bill No. 1210 (cannabis terminology). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(90) \$88,000 of the general fund—state appropriation for fiscal year 2023 and \$44,000 of the hospital data collection account—state appropriation are provided solely for implementation of Substitute House Bill No. 1616 (charity care). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(91) \$17,000 of the health professions account—state appropriation is provided solely for implementation of Substitute House Bill No. 1675 (dialysate & dialysis devices). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(92) \$40,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1074 (fatality reviews). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(93) \$44,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of House Bill No. 1739 (hospital policies/pathogens). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(94) \$17,000 of the health professions account—state appropriation is provided solely for implementation of Substitute House Bill No. 1124 (nurse delegation/glucose). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(95) \$243,000 of the health professions account—state appropriation is provided solely for implementation of Substitute House Bill No. 1286 (psychology compact). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(96)(a) \$125,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract with the department of environmental and occupational health sciences within the University of Washington to develop a report to the legislature regarding school environmental health policies, recommendations, and standards. In developing the report, the department of environmental and occupational health sciences shall collaborate with other school of public health programs within the University of Washington, the department of health, and the department of ecology.



(b) The report shall include:

(i) A review of policies and regulations in other states pertaining to environmental health in K-12 schools;

(ii) Literature and recommendations for exposure standards and remediation levels which are protective of health and safety for students in schools;

(iii) A summarization of activities, such as inspections, management, control levels, and remediation of a variety of contaminants and issues, including PCBs, lead, asbestos, poor ventilation, and mold; and

(iv) Recommendations for next steps for policies and standards in Washington schools.

(c) The report is due by December 31, 2022.

(97) \$680,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to establish a stipend program for licensed nurses to receive reimbursement of up to \$2,500 to cover eligible expenses incurred in order to complete the training necessary to become a certified sexual assault nurse examiner.

(98) \$408,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to establish a grant program for hospitals to obtain the services of a certified sexual assault nurse examiner from other sources if the hospital does not have those services available internally.

(99) \$5,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for tobacco, vapor product, and nicotine control, cessation, treatment and prevention, and other substance use prevention and education, with an emphasis on community-based strategies. These strategies must include programs that consider the disparate impacts of nicotine addiction on specific populations, including youth and racial or other disparities.

(100) \$550,000 of the general fund—state appropriation for fiscal year 2022 and \$450,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a one-time contract with the Yakima neighborhood health services to increase the number of certified and licensed health professionals practicing in community health centers serving low-income and rural populations. The amounts provided in this subsection must be used to support faculty, training, and scholarship costs for a newly established, one-year advanced registered nurse practitioner (ARNP) residency program in Yakima.

(101) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the child profile health promotion notification system. Pursuant to the department's recommendation in its December 2020 report, which reviewed its processes for efficiencies and possible technological advances to reduce costs, the department must further explore how to integrate a fee to support the program in the future. A report regarding the department's further exploration of a fee to support the program is due to the legislature by December 15, 2022.

(102) This section includes a general fund—federal appropriation (CRF) that is provided solely for COVID-19 response activities including staffing, increased travel, equipment, and grants to local health jurisdictions and tribes, and to manage hospital capacity issues. This funding expires December 31, 2021.

(103) \$1,000 of the general fund—state appropriation for fiscal year 2022 and \$117,000 of the general fund—state appropriation for fiscal year 2023 is

provided solely for implementation of chapter 316, Laws of 2021 (climate commitment act).

(104) \$1,084,000 of the dedicated marijuana account—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5796 (cannabis revenue).

(105) \$34,000 of the general fund—private/local appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5695 (DOC body scanner pilot). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

*\*Sec. 222 was partially vetoed. See message at end of chapter.*

**Sec. 223.** 2021 c 334 s 223 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

The appropriations to the department of corrections in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, 2022, unless prohibited by this act, the department may transfer general fund—state appropriations for fiscal year 2022 among programs after approval by the director of the office of financial management. The department of corrections must notify the fiscal committees of the legislature prior to receiving approval from the director of financial management. To the extent that appropriations under this section are insufficient to fund actual expenditures in excess of caseload forecast assumptions or for expenses in response to the COVID-19 pandemic, the department may transfer general fund—state appropriations for fiscal year 2022 that are provided solely for a specified purpose. The department may not transfer funds, including for expenses in response to the COVID-19 pandemic in fiscal year 2022, and the director 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. The director of the office of financial management shall notify the appropriate fiscal committees of the legislature in writing seven days prior to 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 budget unit and appropriation, both before and after any allotment modifications or transfers.

**(1) ADMINISTRATION AND SUPPORT SERVICES**

General Fund—State Appropriation (FY 2022) . . . . .	(\$77,278,000)
	\$79,197,000
General Fund—State Appropriation (FY 2023) . . . . .	(\$79,651,000)
	\$89,195,000
General Fund—Federal Appropriation . . . . .	\$400,000
TOTAL APPROPRIATION . . . . .	(\$157,329,000)
	\$168,792,000

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

(a) \$1,135,000 of the general fund—state appropriation for fiscal year 2022 and \$1,731,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for expansion of reentry supports and transition services for

incarcerated individuals including development and implementation of a coaching model approach to supervision, and staffing must provide expanded reentry and discharge services to include, but not limited to, transition services, preemployment testing, enhanced health care discharge planning, housing voucher assistance, cognitive behavioral interventions, educational programming, and community partnership programs.

(b) Within the amounts provided in (a) of this subsection, \$100,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to develop an implementation plan for a community supervision coaching model to begin in fiscal year 2023. The department must solicit input from incarcerated individuals, family members of incarcerated individuals, experts in supervision and reentry, community stakeholder and advocacy groups, and impacted labor organizations. The plan shall propose appropriate policies and procedures for the coaching model, including ongoing training and organizational culture assessments. During development of the plan, the department must consider potential inequities that may arise from any changes or additional requirements of supervision resulting from the model and mitigate those concerns to the greatest extent possible in its final plan. This plan must be submitted to the office of financial management prior to implementation.

(c) Within the amounts provided in (a) of this subsection, \$706,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of the plan to be developed under (b) of this subsection and for the department to submit an initial report to the legislature on the progress of implementation of the coaching supervision model by no later than February 1, 2023.

(d) \$17,000 of the general fund—state appropriation for fiscal year 2022 and \$17,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5304 (providing reentry services to persons releasing from state and local institutions). ~~((If this bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(e) \$197,000 of the general fund—state appropriation for fiscal year 2022 and \$187,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5259 (law enforcement data). ~~((If this bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(f)(i) \$779,000 of the general fund—state appropriation for fiscal year 2022 and \$817,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for increasing access to educational opportunities for incarcerated individuals.

(ii) Of the amounts provided in (f)(i) of this subsection, \$680,000 of the general fund—state appropriation for fiscal year 2022 and \$285,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute House Bill No. 1044 (prison to postsecondary ed.). ~~((If this bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(g) \$1,116,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to acquire and implement a sentencing calculation module for the offender management network information system and is subject to the

conditions, limitations, and review requirements of section 701 of this act. This project must use one discrete organizational index across all department of corrections programs. Implementation of this sentencing calculation module must result in a reduction of tolling staff within six months of the project implementation date and the department must report this result. In addition, the report must include the budgeted and actual tolling staffing levels by fiscal month in fiscal year 2023 and the count of tolling staff reduced by fiscal month from date of implementation through six months post implementation. The report must be submitted to the senate ways and means and house appropriations committees within 30 calendar days after six months post implementation.

(h) \$609,000 of the general fund—state appropriation for fiscal year 2022 and \$750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for staff and vendor costs to transform correctional culture in prisons and work releases, and to improve health and safety for all, through additional training. The prison rape elimination act compliance specialists must be among the first staff trained.

(i) \$130,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a human resource consultant to implement Second Substitute Senate Bill No. 5695 (body scanners). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(j) \$70,000 of the general fund—state appropriation for fiscal year 2022 and \$223,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1956 (incarcerated individuals/PRA). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(k) \$12,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1818 (reentry and rehabilitation). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(2) CORRECTIONAL OPERATIONS

General Fund—State Appropriation (FY 2022) . . . . .	(\$602,497,000)
	\$450,287,000
General Fund—State Appropriation (FY 2023) . . . . .	(\$605,877,000)
	\$683,573,000
General Fund—Federal Appropriation . . . . .	(\$1,300,000)
	\$161,465,000
<u>General Fund—Private/Local Appropriation . . . . .</u>	<u>\$335,000</u>
Washington Auto Theft Prevention Authority Account—	
State Appropriation . . . . .	(\$4,343,000)
	\$4,468,000
<u>Coronavirus State Fiscal Recovery Fund—Federal</u>	
<u>Appropriation . . . . .</u>	<u>\$28,409,000</u>
TOTAL APPROPRIATION . . . . .	(\$1,214,017,000)
	\$1,328,537,000

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

(a) The department may contract for local jail beds statewide to the extent that it is at no net cost to the department. The department shall calculate and

report the average cost per offender per day, inclusive of all services, on an annual basis for a facility that is representative of average medium or lower offender costs. The department shall not pay a rate greater than \$85 per day per offender excluding the costs of department of corrections provided services, including evidence-based substance abuse programming, dedicated department of corrections classification staff on-site for individualized case management, transportation of offenders to and from department of corrections facilities, and gender responsive training for jail staff. The capacity provided at local correctional facilities must be for offenders whom the department of corrections defines as close medium or lower security offenders. Programming provided for offenders held in local jurisdictions is included in the rate, and details regarding the type and amount of programming, and any conditions regarding transferring offenders must be negotiated with the department as part of any contract. Local jurisdictions must provide health care to offenders that meets standards set by the department. The local jail must provide all medical care including unexpected emergent care. The department must utilize a screening process to ensure that offenders with existing extraordinary medical/mental health needs are not transferred to local jail facilities. If extraordinary medical conditions develop for an inmate while at a jail facility, the jail may transfer the offender back to the department, subject to terms of the negotiated agreement. Health care costs incurred prior to transfer are the responsibility of the jail.

(b) (~~(\$501,000)~~) \$574,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$501,000)~~) \$671,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to maintain the facility, property, and assets at the institution formerly known as the maple lane school in Rochester. Additional funds are provided for a stationary engineer and a custodian.

(c) Funding in this subsection is sufficient for the department to track and report to the legislature on the changes in working conditions and overtime usage as a result of increased funding provided for custody relief and health care delivery by December 1, 2022.

(d) \$39,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1054 (peace officer tactics, equip). (~~(If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.)~~)

(e) \$2,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to acquire and implement a sentencing calculation module for the offender management network information system and is subject to the conditions, limitations, and review requirements of section 701 of this act. This project must use one discrete organizational index across all department of corrections programs. Implementation of this sentencing calculation module must result in a reduction of tolling staff within six months of the project implementation date and the department must report this result. In addition, the report must include the budgeted and actual tolling staffing levels by fiscal month in fiscal year 2023 and the count of tolling staff reduced by fiscal month from date of implementation through six months post implementation. The report must be submitted to the senate ways and means and house appropriations committees within 30 calendar days after six months post implementation.

(f) \$714,000 of the general fund—state appropriation for fiscal year 2022 and \$695,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for dedicated prison rape elimination act compliance specialists. Of the amount provided in this subsection, one compliance specialist staff must be provided at each of the following prisons:

- (i) Monroe correctional center;
- (ii) Larch correctional center;
- (iii) Olympic correctional center;
- (iv) Cedar creek correctional center;
- (v) Washington corrections center for women; and
- (vi) Mission creek corrections center for women.

(g) \$2,750,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for three body scanners, correctional officer staffing, corrections specialist staffing, a drug recovery system, body scanner training, and body scanner installation costs to implement Second Substitute Senate Bill No. 5695 (body scanners). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(h) \$5,962,000 of the general fund—state appropriation for fiscal year 2022 and \$9,106,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to restore graduated reentry reductions made in the 2021-2023 biennial operating budget.

(i) \$28,409,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for expenses incurred in response to the COVID-19 pandemic during fiscal year 2022.

(j) \$1,251,000 of the general fund—state appropriation for fiscal year 2022 and \$1,294,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for reentry investments to include reentry and discharge staffing. The staffing must provide expanded reentry and discharge services to include, but not limited to, transition services, pre-employment testing, enhanced health care discharge planning, cognitive behavioral interventions, educational programming, and community partnership programs.

(k) \$150,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to collaborate with the department of social and health services to conduct a study of the feasibility of placing long-term care individuals under the jurisdiction of the department in nursing home facilities licensed or to be licensed by the department of social and health services to better meet the client's care needs. The department of corrections must provide daily operating costs of prisons where these individuals may be coming from, the fiscal year 2021 daily costs per incarcerated individual assigned to the sage living unit, and the costs associated with electronic home monitoring costs per individual.

(l) \$160,072,000 of the general fund—federal appropriation (CRF) is provided solely for COVID-19 related payroll and benefit expenditures that were incurred between July 1, 2021, and December 31, 2021, for public safety and health employees whose services are presumed to be substantially dedicated to responding to the COVID-19 public health emergency. This funding expires December 31, 2021.

### (3) COMMUNITY SUPERVISION

General Fund—State Appropriation (FY 2022) . . . . .	(\$248,374,000)
	<u>\$161,098,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	(\$274,412,000)
	<u>\$222,989,000</u>
<u>General Fund—Federal Appropriation . . . . .</u>	<u>\$29,733,000</u>
<u>Coronavirus State Fiscal Recovery Fund—Federal</u>	
<u>Appropriation . . . . .</u>	<u>\$8,480,000</u>
TOTAL APPROPRIATION . . . . .	(\$522,786,000)
	<u>\$422,300,000</u>

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

(a) The department of corrections shall contract with local and tribal governments for jail capacity to house offenders who violate the terms of their community supervision. A contract rate increase may not exceed five percent each year. The department may negotiate to include medical care of offenders in the contract rate if medical payments conform to the department's offender health plan and pharmacy formulary, and all off-site medical expenses are preapproved by department utilization management staff. If medical care of offender is included in the contract rate, the contract rate may exceed five percent to include the cost of that service.

(b) The department shall engage in ongoing mitigation strategies to reduce the costs associated with community supervision violators, including improvements in data collection and reporting and alternatives to short-term confinement for low-level violators.

(c) \$1,749,000 of the general fund—state appropriation for fiscal year 2022 and \$10,536,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for reentry investments to include reentry and discharge staffing. The staffing must provide expanded reentry and discharge services to include, but not limited to, transition services, preemployment testing, housing voucher assistance, cognitive behavioral interventions, educational programming, and community partnership programs. Of this amount \$7,394,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of the plan to be developed under subsection (1)(b) of this section.

(d) Within existing resources the department must update the response to violations and new criminal activity policy to reflect the savings assumed in this section as related to mandatory maximum confinement sanctions.

(e) ~~(\$1,124,000)~~ \$661,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$523,000)~~ \$725,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for increased costs associated with the relocation of leased facilities. The department shall engage in ongoing strategies to reduce the need for relocating facilities and when necessary contract only with lessors with rates that align with comparable market rates in the area.

(f) \$59,000 of the general fund—state appropriation for fiscal year 2022 and \$23,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill

No. 5071 (civil commitment transition). ~~((If this bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(g) \$450,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for conducting a community corrections caseload study. The department of corrections shall contract with an independent third party to provide a comprehensive review of the community corrections staffing model and develop an updated staffing model for use by the department of corrections. The updated model must include additional time and flexibility for community corrections officers to focus on case management, engagement, and interventions. The department of corrections shall submit a report, including a summary of the review and update, to the governor and appropriate committees of the legislature by July 1, 2022.

(h) \$2,521,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to acquire and implement a sentencing calculation module for the offender management network information system and is subject to the conditions, limitations, and review requirements of section 701 of this act. This project must use one discrete organizational index across all department of corrections programs. Implementation of this sentencing calculation module must result in a reduction of tolling staff within six months of the project implementation date and the department must report this result. In addition, the report must include the budgeted and actual tolling staffing levels by fiscal month in fiscal year 2023 and the count of tolling staff reduced by fiscal month from date of implementation through six months post implementation. The report must be submitted to the senate ways and means and house appropriations committees within 30 calendar days after six months post implementation.

(i) Within the amounts provided in this subsection (3) for work release programs, the department will operate the Helen B. Ratcliff work release facility.

(j) \$1,810,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1818 (reentry and rehabilitation). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(k) \$1,930,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for expenses incurred in response to the COVID-19 pandemic during fiscal year 2022.

(l) \$29,733,000 of the general fund—federal appropriation (CRF) is provided solely for COVID-19 related payroll and benefit expenditures that were incurred between July 1, 2021, and December 31, 2021, for public safety and health employees whose services are presumed to be substantially dedicated to responding to the COVID-19 public health emergency. This funding expires December 31, 2021.

(4) CORRECTIONAL INDUSTRIES

General Fund—State Appropriation (FY 2022) . . . . .	<del>(\$7,324,000)</del>
	\$8,757,000
General Fund—State Appropriation (FY 2023) . . . . .	<del>(\$7,539,000)</del>
	\$9,097,000
TOTAL APPROPRIATION . . . . .	<del>(\$14,863,000)</del>
	\$17,854,000



(5) INTERAGENCY PAYMENTS

General Fund—State Appropriation (FY 2022) . . . . .	(\$58,651,000)
	\$58,192,000
General Fund—State Appropriation (FY 2023) . . . . .	(\$52,702,000)
	\$51,865,000
<u>Coronavirus State Fiscal Recovery Fund—Federal</u>	
<u>Appropriation</u> . . . . .	\$267,000
TOTAL APPROPRIATION . . . . .	(\$111,353,000)
	\$110,324,000

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

(a) \$21,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to acquire and implement a sentencing calculation module for the offender management network information system and is subject to the conditions, limitations, and review requirements of section 701 of this act. This project must use one discreet organizational index across all department of corrections programs. Implementation of this sentencing calculation module must result in a reduction of tolling staff within six months of the project implementation date, which the department must report on. The report must include the budgeted and actual tolling staffing levels by fiscal month in fiscal year 2023 and the count of tolling staff reduced by fiscal month from date of implementation through six months post implementation. The report must be submitted to the senate ways and means and house appropriations committees within 30 calendar days after six months post implementation.

(b) \$192,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for medical staffing in prisons for patient centered care and behavioral health care to increase access to care and expanded screening of individuals in prison facilities to include chronic illnesses, infectious disease, diabetes, heart disease, serious mental health, and behavioral health services.

(c) \$4,000 of the general fund—state appropriation for fiscal year 2022 and \$9,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for an electronic health records system solution and is subject to the conditions, limitations, and review requirements of section 701 of this act. The department must collaborate with the Washington state department of veterans affairs on the development of the system's business requirements.

(d) \$19,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute Senate Bill No. 5695 (body scanners). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(e) \$26,000 of the general fund—state appropriation for fiscal year 2022 and \$161,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for reentry investments to include reentry and discharge staffing. The staffing must provide expanded reentry and discharge services to include, but not limited to, transition services, pre-employment testing, enhanced health care discharge planning, housing voucher assistance, cognitive behavioral interventions, educational programming, and community partnership programs.

(f) \$4,000 of the general fund—state appropriation for fiscal year 2022 and \$4,000 of the general fund—state appropriation for fiscal year 2023 are provided

solely for implementation of Engrossed Substitute House Bill No. 1956 (incarcerated individuals/PRA). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(g) \$2,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1818 (reentry and rehabilitation). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(6) OFFENDER CHANGE

General Fund—State Appropriation (FY 2022) . . . . .	<del>(\$77,046,000)</del>
	\$73,267,000
General Fund—State Appropriation (FY 2023) . . . . .	<del>(\$77,596,000)</del>
	\$84,376,000
<u>General Fund—Federal Appropriation . . . . .</u>	<u>\$4,303,000</u>
TOTAL APPROPRIATION . . . . .	<del>(\$154,642,000)</del>
	\$161,946,000

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

(a) The department of corrections shall use funds appropriated in this subsection (6) for offender programming. The department shall develop and implement a written comprehensive plan for offender programming that prioritizes programs which follow the risk-needs-responsivity model, are evidence-based, and have measurable outcomes. The department is authorized to discontinue ineffective programs and to repurpose underspent funds according to the priorities in the written plan.

(b) The department of corrections shall collaborate with the state health care authority to explore ways to utilize federal medicaid funds as a match to fund residential substance use disorder treatment-based alternative beds under RCW 9.94A.664 under the drug offender sentencing alternative program and residential substance use disorder treatment beds that serve individuals on community custody. The department of corrections must complete a report and submit its findings and recommendations to the appropriate committees of the legislature by December 15, 2021.

(c) \$3,106,000 of the general fund—state appropriation for fiscal year 2022 and \$3,106,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the housing voucher program.

(d) \$3,300,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for temporary court facilities, staffing, and to provide release assistance, including limited housing and food assistance, and other costs associated with individuals resentenced or ordered released from confinement as a result of the *State v. Blake* decision.

(e)(i) \$1,001,000 of the general fund—state appropriation for fiscal year 2022 and \$675,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for increasing access to educational opportunities for incarcerated individuals.

(ii) Of the amounts provided in (e)(i) of this subsection, \$272,000 of the general fund—state appropriation for fiscal year 2022 and \$247,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute House Bill No. 1044 (prison to

postsecondary ed.). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(f) \$784,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for reentry support items such as disposable cell phones, prepaid phone cards, hygiene kits, housing vouchers, and release medications associated with individuals resentenced or ordered released from confinement as a result of policies or court decisions including, but not limited to, the *State v. Blake* decision.

(g) \$1,268,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for resentencing and reentry staffing associated with individuals resentenced or ordered released from confinement as a result of policies or court decisions including, but not limited to, the *State v. Blake* decision.

(h) \$438,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for program specialist staffing for increased comprehensive assessments and treatments, and substance use disorder treatment to implement Second Substitute Senate Bill No. 5695 (body scanners). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(i) \$4,508,000 of the general fund—state appropriation for fiscal year 2022 and \$7,893,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for reentry investments to include reentry and discharge staffing. The staffing must provide expanded reentry and discharge services to include, but not limited to cognitive behavioral interventions and educational programming.

(j) \$121,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department of corrections to collaborate with the Washington state board for community and technical colleges and the department of licensing to develop a prerelease commercial driving license training pilot program.

(k) \$655,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1818 (reentry and rehabilitation). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(l) \$1,168,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to expand library services to incarcerated individuals in adult correctional facilities. The department of corrections must work in conjunction with the Washington state library to provide additional library materials, collections, and one additional library staff position at each of the nine institutional library service branches located throughout the state. Library materials and collections include but are not limited to Washington state newspapers, current consumer medical information, and other current reference collections that will support the department's reentry efforts in supporting the recovery and personal growth of incarcerated individuals.

(m) \$320,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for two contracted parent navigator positions. One parent navigator must be located at the Washington correction center for women and one parent navigator position must be located at the Airway Heights corrections center or another state correctional facility that houses incarcerated male individuals and is selected by the department of corrections as a more suitable fit

for a parent navigator. The parent navigators must have lived experience in navigating the child welfare system. The parent navigators must provide guidance and support to incarcerated individuals towards family reunification, including, but not limited to, how to access services, navigating the court system, assisting with guardianship arrangements, and facilitating visitation with their children. The goal of the parent navigator programs is to assist incarcerated parents involved in dependency or child welfare cases to maintain connections with their children and to assist these individuals in successfully transitioning and reuniting with their families upon release from incarceration. As part of the parent navigation program, the department of corrections must also review and provide a report to the legislature on the effectiveness of the program that includes the number of incarcerated individuals that received assistance from the parent navigators and that tracks outcomes of the parenting navigator program. A preliminary report must be submitted to the legislature by June 30, 2023, with the expectation that a final report be funded in the 2023-2025 fiscal biennium budget and submitted by December 1, 2024. Of the amounts provided in this subsection, \$20,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department's review and preliminary report on the effectiveness of the parent navigator program.

(n) \$4,088,000 of the general fund—federal appropriation (CRF) is provided solely for COVID-19 related payroll and benefit expenditures that were incurred between July 1, 2021, and December 31, 2021, for public safety and health employees whose services are presumed to be substantially dedicated to responding to the COVID-19 public health emergency. This funding expires December 31, 2021.

(7) HEALTH CARE SERVICES

General Fund—State Appropriation (FY 2022) . . . . .	(\$174,184,000)	
		\$134,471,000
General Fund—State Appropriation (FY 2023) . . . . .	(\$175,599,000)	
		\$205,666,000
General Fund—Federal Appropriation . . . . .	(\$1,400,000)	
		\$47,507,000
<u>General Fund—Private/Local Appropriation . . . . .</u>		\$2,000
<u>Coronavirus State Fiscal Recovery Fund—Federal</u>		
<u>Appropriation . . . . .</u>		\$11,968,000
TOTAL APPROPRIATION . . . . .	(\$351,183,000)	\$399,614,000

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

(a) The state prison medical facilities may use funds appropriated in this subsection to purchase goods, supplies, and services through hospital or other group purchasing organizations when it is cost effective to do so.

(b) \$183,000 of the general fund—state appropriation for fiscal year 2022 and \$167,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5304 (providing reentry services to persons releasing from state and local institutions). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(c) \$13,947,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to increase medical staffing in prisons for patient centered care and behavioral health care. Funding must be used to increase access to care and expanded screening of individuals in prison facilities to include chronic illnesses, infectious disease, diabetes, heart disease, serious mental health, and behavioral health services.

(d) \$999,000 of the general fund—state appropriation for fiscal year 2022 and \$1,030,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for medical staff, telehealth carts, necessary technology costs, and the build out of 64 dedicated teleservice rooms that will allow for legal and medical telepresence at all 12 prison facilities.

(e) \$77,000 of the general fund—state appropriation for fiscal year 2022 and \$900,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for an electronic health records system solution and is subject to the conditions, limitations, and review requirements of section 701 of this act. The department must collaborate with the Washington state department of veterans affairs on the development of the system's business requirements.

(f) \$829,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for nursing staff for dry cell watch at Washington corrections center for men to implement Second Substitute Senate Bill No. 5695 (body scanners). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(g) \$5,395,000 of the general fund—state appropriation for fiscal year 2022 and \$8,239,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to restore graduated reentry reductions in the 2021-2023 biennial operating budget.

(h) \$11,968,000 of the coronavirus state fiscal recovery fund—federal appropriation are provided solely for expenses incurred in response to the COVID-19 pandemic during fiscal year 2022.

(i) \$613,000 of the general fund—state appropriation for fiscal year 2022 and \$1,069,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for reentry investments to include reentry and discharge staffing. The staffing must provide expanded reentry and discharge services to include, but not limited to, enhanced health care discharge planning.

(j) The department of corrections must prepare a report on and an analysis of its medical staffing.

(i) The report must identify barriers relating to incarcerated individuals receiving timely treatment.

(ii) The report must specifically include a chart that shows:

(A) The incarcerated population caseloads from fiscal year 2019 through the first quarter of fiscal year 2023. The incarcerated caseloads must be shown by each of the department's individual 12 institutions;

(B) The number of funded, unfunded, and contracted-equivalent medical/health care staff at each institution, by major position type that includes, but is not limited to, physicians, psychologists, psychiatrists, registered nurses, supervising nursing staff, medical assistants, patient service representatives, medical directors, clinical pharmacists, and medical adjudicators;

(C) The caseloads for health care staff that shows the ratio of each medical staff position referenced in (j)(ii)(B) of this subsection to incarcerated individuals by institution;

(D) The number of funded medical staffing vacancies referenced in (j)(ii)(B) of this subsection by institution and quarter in fiscal year 2022 through the first quarter of fiscal year 2023; and

(E) A staffing model that shows the number of additional health care staff needed by position referenced in (j)(ii)(B) of this subsection for each institution.

(iii) The department must submit a final report to the appropriate committees of the legislature by October 30, 2022.

(k) \$46,107,000 of the general fund—federal appropriation (CRF) is provided solely for COVID-19 related payroll and benefit expenditures that were incurred between July 1, 2021, and December 31, 2021, for public safety and health employees whose services are presumed to be substantially dedicated to responding to the COVID-19 public health emergency. This funding expires December 31, 2021.

Sec. 224. 2021 c 334 s 224 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SERVICES FOR THE BLIND**

General Fund—State Appropriation (FY 2022) . . . . .	(( <del>\$3,534,000</del> ))
	\$4,717,000
General Fund—State Appropriation (FY 2023) . . . . .	(( <del>\$3,573,000</del> ))
	\$5,970,000
General Fund—Federal Appropriation . . . . .	(( <del>\$25,544,000</del> ))
	\$25,648,000
General Fund—Private/Local Appropriation . . . . .	\$60,000
TOTAL APPROPRIATION . . . . .	(( <del>\$32,711,000</del> ))
	\$36,395,000

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

(1) \$50,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to consult with a food service architect to determine the feasibility and cost of remodels to select cafes owned by entrepreneurs participating in the business enterprise program, and to prepare a report that includes the results, recommendations, cost, and potential funding sources that could be used to assist with remodels. The report is due to the governor and appropriate legislative committees by November 1, 2021.

(2) \$70,000 of the general fund—state appropriation is provided solely for the department to provide individualized training to its blind, visually-impaired, deaf, and hearing-impaired staff in Microsoft 365 programs.

(3) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract with a consultant and create a report that identifies new or expanded enterprise opportunities for blind individuals, potential revenue sources, and new needs and methods for preparing individuals to effectively manage these enterprises. The report is due to the governor and appropriate legislative committees by June 30, 2023.

(4) \$888,000 of the general fund—state appropriation for fiscal year 2022 and \$1,552,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to remodel and upgrade equipment for select cafes owned by

entrepreneurs participating in the business enterprise program to help them adjust to the changing needs of dining caused by the COVID-19 pandemic.

**Sec. 225.** 2021 c 334 s 225 (uncodified) is amended to read as follows:

**FOR THE EMPLOYMENT SECURITY DEPARTMENT**

General Fund—State Appropriation (FY 2022) . . . . .	(\$1,757,000))	<u>\$3,448,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	(\$2,834,000))	<u>\$11,356,000</u>
General Fund—Federal Appropriation . . . . .	(\$382,529,000))	<u>\$337,132,000</u>
General Fund—Private/Local Appropriation . . . . .	(\$36,416,000))	<u>\$37,325,000</u>
Unemployment Compensation Administration Account— Federal Appropriation . . . . .	(\$420,315,000))	<u>\$444,688,000</u>
Administrative Contingency Account—State Appropriation . . . . .	(\$26,636,000))	<u>\$27,029,000</u>
Employment Service Administrative Account—State Appropriation . . . . .	(\$60,926,000))	<u>\$68,128,000</u>
Family and Medical Leave Insurance Account—State Appropriation . . . . .	(\$139,697,000))	<u>\$145,594,000</u>
Workforce Education Investment Account—State Appropriation . . . . .	(\$7,400,000))	<u>\$11,283,000</u>
Long-Term Services and Supports Trust Account—State Appropriation . . . . .	(\$32,265,000))	<u>\$35,902,000</u>
Coronavirus State Fiscal Recovery Fund—Federal Appropriation . . . . .	(\$168,745,000))	<u>\$66,128,000</u>
Unemployment Insurance Relief Account—State Appropriation . . . . .	\$500,000,000	
TOTAL APPROPRIATION . . . . .	(\$1,779,520,000))	<u>\$1,688,013,000</u>

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

(1) The department is directed to maximize the use of federal funds. The department must update its budget annually to align expenditures with anticipated changes in projected revenues.

(2) \$30,458,000 of the long-term services and supports trust account—state appropriation is provided solely for implementation of the long-term services and support trust program. Of this amount, \$10,932,833 is provided for implementation of the long-term services and support trust program information technology project and is subject to the conditions, limitations, and review provided in section 701 of this act.

(3) Within existing resources, the department must reassess its ongoing staffing and funding needs for the paid family medical leave program and submit documentation of the updated need to the governor and appropriate committees of the legislature by September 1, 2021, and annually thereafter.

(4) \$101,000 of the employment service administrative account—state appropriation is provided solely for information technology enhancements necessary for implementation of job title reporting and is subject to the conditions, limitations, and review provided in section 701 of this act.

(5)(a) Within existing resources, the department shall coordinate outreach and education to paid family and medical leave benefit recipients with a statewide family resource, referral, and linkage system that connects families with children prenatal through age five and residing in Washington state to appropriate services and community resources. This coordination shall include but is not limited to placing information about the statewide family resource, referral, and linkage system on the paid family and medical leave program web site and in printed materials, and conducting joint events.

(b) Within existing resources, by December 1, 2021, and each year thereafter, the department shall submit a report to the governor and the appropriate committees of the legislature concerning the ability for the paid family and medical leave program and a statewide family resource, referral, and linkage system to provide integrated services to eligible beneficiaries. The report shall include an analysis of any statutory changes needed to allow information and data to be shared between the statewide family resource, referral, and linkage system and the paid family and medical leave program.

(6) Within existing resources, the department shall report the following to the legislature and the governor by September 30, 2021, and each year thereafter:

(a) An inventory of the department's programs, services, and activities, identifying federal, state, and other funding sources for each;

(b) Federal grants received by the department, segregated by line of business or activity, for the most recent five fiscal years, and the applicable rules;

(c) State funding available to the department, segregated by line of business or activity, for the most recent five fiscal years;

(d) A history of staffing levels by line of business or activity, identifying sources of state or federal funding, for the most recent five fiscal years;

(e) A projected spending plan for the employment services administrative account and the administrative contingency account. The spending plan must include forecasted revenues and estimated expenditures under various economic scenarios.

(7) \$3,264,000 of the employment services administrative account—state appropriation is provided solely for the continuation of the office of agricultural and seasonal workforce services.

(8) \$476,000 of the unemployment compensation administration account—federal appropriation is provided for the department to implement chapter 2, Laws of 2021 (unemployment insurance). If the department does not receive adequate funding from the United States department of labor to cover these costs, the department may use funding made available to the state through section 903 (d), (f), and (g) of the social security act (Reed act) in an amount not to exceed the amount provided in this subsection (8).



(9)~~(a)~~ ~~\$875,000 of the general fund—state appropriation for fiscal year 2022((, \$875,000 of the general fund—state appropriation for fiscal year 2023,))~~ and ~~(((\$7,385,000))~~ \$8,260,000 of the workforce education investment account—state appropriation are provided solely for career connected learning grants as provided in RCW 28C.30.050.

(b) \$3,000,000 of the workforce education investment account—state appropriation is provided solely for career connect learning grants to sector intermediaries. Up to five percent of the amount in this subsection may be used for administrative expenses associated with the sector intermediary grant program.

(10) \$1,222,000 of the employment services administrative account—state appropriation and \$1,500,000 of the family and medical leave insurance account—state appropriation are provided solely for the maintenance and operation of the disaster recovery continuity of operations information technology project.

(11) \$80,000 of the employment services administrative account—state appropriation is provided solely for the department to produce a report on the feasibility of replicating the existing unemployment insurance program to serve individuals not eligible for unemployment insurance due to immigration status. The study shall identify programmatic differences that would mitigate barriers to access and reduce fear of participation and identify the operational and caseload costs associated with the replication. If using a replica of the unemployment insurance program conflicts with federal law, the study shall assess the operational and caseload costs of similar social net programs that serve individuals regardless of their citizenship status. The departments shall jointly submit recommendations required by this section to the governor and appropriate legislative committees no later than November 5, 2021. The department shall:

(a) Work with the departments of labor and industries, social and health services, and commerce and the office of the governor;

(b) Convene and meet at least three times with a group of eight to ten external stakeholders comprised of representatives from geographically diverse immigrant advocacy groups, labor organizations with a state-wide presence, workers' rights groups, and legal and policy advocacy groups focused on immigration and employment law; and

(c) Hold at least one listening session with community members.

(12) ~~(((\$41,456,000))~~ \$31,288,000 of the ~~((general fund—federal appropriation—(ARPA) and))~~ coronavirus state fiscal recovery fund—federal appropriation, \$2,684,000 of the general fund—federal appropriation (CRF), and \$13,063,000 of the unemployment compensation administration account—federal appropriation are provided solely for the department to address the impacts of COVID-19 on the state unemployment system in order to prevent and detect fraud, promote equitable access to the unemployment insurance system, and ensure the timely payment of unemployment insurance benefits. Of the amounts provided in this subsection:

(a) \$22,346,000 of the ~~((general fund—federal appropriation—(ARPA)))~~ coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to address an anticipated increase in the unemployment insurance appeals caseload.

(b) ~~(((\$5,768,000))~~ \$6,223,000 of the ~~((general fund—federal appropriation (ARPA)))~~ unemployment compensation account—federal appropriation is provided solely for the department to ensure adequate security measures are in place to prevent unemployment insurance fraud and cases are investigated in a timely manner.

(c) ~~\$4,465,000~~ of the ~~((general fund—federal appropriation (ARPA)))~~ coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to migrate and upgrade the unemployment insurance customer call center phone system to a cloud-based system. Prior to executing a contract, the department shall consult with the office of the chief information officer. The department must ensure that the project plan, timeline with quantifiable deliverables, and budget by fiscal year by fund, to include ongoing costs by fiscal year, are adhered to. The department shall report on the status of the project to the office of financial management and the relevant committees of the legislature by December 1, 2021.

~~(d) ((\$400,000 of the general fund—federal appropriation (ARPA) is provided solely for translation of documents and letters and other improvements to ensure customer ease of access.~~

~~(e))~~ (e)) ~~\$4,477,000~~ of the ~~((general fund—federal appropriation (ARPA)))~~ coronavirus state fiscal recovery fund—federal appropriation is provided for the department to process the unemployment insurance claimant backlog and to make program changes that enhance user experience in order to reduce claimant errors.

~~((f))~~ (e) ~~\$1,417,000~~ of the general fund—federal appropriation (CRF) is provided solely for the department to contract with the national guard to assist the department with its unemployment insurance claims backlog.

~~((g))~~ (f) ~~\$1,267,000~~ of the general fund—federal appropriation (CRF) is provided solely for the department to contract with a vendor to provide fact-finding services related to unemployment insurance claims.

~~((h) \$4,000,000))~~ (g) \$6,840,000 of the ~~((general fund—federal appropriation (ARPA) for fiscal year 2022))~~ unemployment compensation administration account—federal appropriation is provided solely for the department to ~~((translate notices))~~ implement the federal United States department of labor equity grant. This grant includes improving the translation of notices sent to claimants as part of their unemployment insurance claims into any of the 10 languages most frequently spoken in the state and other language, demographic, and geographic equity initiatives approved by the grantor. The department must also ensure that letters, alerts, and notices produced manually or by the department's unemployment insurance technology system are written in plainly understood language and evaluated for ease of claimant comprehension before they are approved for use.

(13) ~~\$10,000,000~~ of the unemployment compensation administration account—federal appropriation is provided solely for the department to make information technology improvements to improve user experience and increase security to prevent unemployment insurance fraud. If the department does not receive adequate funding from the United States department of labor to cover these costs, the department may use funding made available to the state through section 903 (d), (f), and (g) of the social security act (Reed act) in an amount not

to exceed the amount provided in this subsection. This subsection is subject to the conditions, limitations, and review provided in section 701 of this act.

(14) Within existing resources, the department shall report to the legislature by September 2, 2021, the following information pertaining to the unemployment insurance program:

(a) The number of full time equivalent employees of the department who were working in the unemployment insurance program, including those who were reassigned internally to the unemployment insurance program, the number of full time equivalent employees that were contracted by the department from other state agencies, and the number of contractors or consultants engaged by the department, on a monthly basis beginning March 1, 2020, through the latest available month;

(b) A projection of full-time equivalent staffing or contractor needs that would be affordable within anticipated base and above-base federal unemployment administrative revenues;

(c) A spending plan for anticipated federal unemployment revenues other than base or above-base revenues, including any proposed additional full-time equivalent staff, consultants, contractors, or other investments related to helping the department reduce the backlog of unemployment insurance claims, appeals, denials, overpayments, and other claimant issues; and

(d) A budget for the unemployment insurance program, showing expenditures by object and fund source, for fiscal years 2022 and 2023, along with any projected shortfalls in revenues.

(15) \$797,000 of the general fund—state appropriation for fiscal year 2022, \$1,874,000 of the general fund—state appropriation for fiscal year 2023, and \$979,000 of the family medical leave insurance account—state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5097 (paid leave coverage). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(16) \$90,000 of the unemployment account—federal appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5190 (health care workers/benefits). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(17) \$5,322,000 of the unemployment account—federal appropriation is provided solely for the department to implement Engrossed Substitute Senate Bill No. 5193 (unemployment ins. system). ~~((If the bill is not enacted by July 1, 2021, the amount provided in this subsection shall lapse.))~~

(18) ~~(\$168,745,000)~~ \$34,840,000 of the coronavirus state fiscal recovery ~~(account)~~ fund—federal appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1073 (paid leave coverage). ~~((Of the amount provided in this subsection, at least 95 percent is provided solely for grants and assistance awarded by the department pursuant to the bill. If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(19) \$500,000,000 of the unemployment insurance relief fund—state appropriation is provided solely for the implementation of unemployment insurance relief provided pursuant to Engrossed Substitute Senate Bill No. 5478 (unemployment insurance). ~~((If the bill is not enacted by June 30, 2021, the~~

~~amount provided in this subsection shall lapse.))~~ The department is directed to implement the bill within existing resources.

(20) \$1,806,000 of the long-term services and supports trust account—state appropriation is provided solely for the implementation of Substitute House Bill No. 1323 (long-term services trust). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(21) \$1,075,000 of the unemployment account—federal appropriation is provided solely for the implementation of Substitute House Bill No. 1455 (social security/L&I & ESD). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(22) \$10,571,000 of the ~~((general fund))~~ unemployment compensation administration account—federal appropriation is provided solely for administration costs related to the federal unemployment insurance programs extended under the American rescue plan act of 2021, P.L. 117-2.

(23) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$50,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the North Central educational service district 171 to support the development of industry and education partnerships and expand career awareness, exploration and preparation activities for youth in Grant county.

(24) \$4,843,000 of the employment service administrative account—state appropriation is provided solely for the replacement of the WorkSource integrated technology platform. The replacement system must support the workforce administration statewide to ensure adoption of the United States department of labor's integrated service delivery model and program performance requirements for the state's workforce innovation and opportunity act and other federal grants. This subsection is subject to the conditions, limitations, and review provided in section 701 of this act.

(25) \$6,208,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the continuation of the economic security for all program. The department must collect quarterly data on the number of participants that participate in the program, the costs associated with career, training, and other support services provided, and progress made towards self-sufficiency. The department must provide a report to the governor and the legislature on December 1, 2022, and June 1, 2023, that includes an analysis of the program, a summary of the quarterly data collected, and associated recommendations for program delivery.

(26) \$1,720,000 of the family and medical leave insurance account—state appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5649 (family and medical leave). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(27) \$702,000 of the unemployment compensation administration account—federal appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5873 (unemployment insurance). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(28) \$262,000 of the employment services administrative account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5847 (public employee PSLF info). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(29) \$140,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for one full-time employee to provide casework on behalf of constituents who contact their legislators to escalate unresolved claims.

(30) \$1,691,000 of the general fund—state appropriation for fiscal year 2022 and \$3,049,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to temporarily hire additional staff during the COVID-19 pandemic if existing resources are not sufficient to manage unemployment insurance program claims and backlogs. Prior to hiring additional staff under this subsection, the department must consult with the office of financial management.

**Sec. 226.** 2021 c 334 s 226 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—  
 GENERAL**

(1)(a) The appropriations to the department of children, youth, and families in this act shall be expended for the programs and in the amounts specified in this act. Appropriations made in this act to the department of children, youth, and families shall initially be allotted as required by this act. The department shall seek approval from the office of financial management prior to transferring moneys between sections of this act except as expressly provided in this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose. However, after May 1, 2022, unless prohibited by this act, the department may transfer general fund—state appropriations for fiscal year 2022 among programs after approval by the director of the office of financial management. However, the department may not transfer state appropriations that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year 2022 caseload forecasts and utilization assumptions in the foster care, adoption support, child protective services, working connections child care, and the juvenile rehabilitation programs or in response to the COVID-19 pandemic, the department may transfer appropriations that are provided solely for a specified purpose.

(2) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that projects are planned for in a manner that ensures the efficient use of state resources, supports the adoption of a cohesive technology and data architecture, and maximizes federal financial participation. ((The work of the coalition and any project identified as a coalition project is subject to the conditions, limitations, and review provided in section 701 of this act.))

(3) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the department are subject to technical oversight by the office of the chief information officer.

Sec. 227. 2021 c 334 s 227 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—  
CHILDREN AND FAMILIES SERVICES PROGRAM**

General Fund—State Appropriation (FY 2022) . . . . .	<del>(\$389,597,000)</del>
	<u>\$374,129,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	<del>(\$403,209,000)</del>
	<u>\$456,485,000</u>
General Fund—Federal Appropriation . . . . .	<del>(\$475,829,000)</del>
	<u>\$486,218,000</u>
General Fund—Private/Local Appropriation . . . . .	\$2,824,000
Coronavirus State Fiscal Recovery Fund—Federal Appropriation . . . . .	\$5,500,000
TOTAL APPROPRIATION . . . . .	<del>(\$1,276,959,000)</del>
	<u>\$1,325,156,000</u>

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

(1) \$748,000 of the general fund—state appropriation for fiscal year 2022 and \$748,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to contract for the operation of one pediatric interim care center. The center shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the center must be in need of special care as a result of substance abuse by their mothers. The center shall also provide on-site training to biological, adoptive, or foster parents. The center shall provide at least three months of consultation and support to the parents accepting placement of children from the center. The center may recruit new and current foster and adoptive parents for infants served by the center. The department shall not require case management as a condition of the contract. No later than December 1, 2021, the department must, in consultation with the health care authority, report to the appropriate legislative committees on potential options to maximize federal funding for the center, including any potential for the center to bill managed care organizations for services provided to medicaid recipients.

(2) \$453,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$453,000)~~ \$722,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the costs of hub home foster and kinship families that provide a foster care delivery model that includes a hub home. Use of the hub home model is intended to support foster parent retention, provide support to biological families, improve child outcomes, and encourage the least restrictive community placements for children in out-of-home care.

(a) \$453,000 of the general fund—state appropriation for fiscal year 2022 and \$572,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the costs of hub home foster and kinship family constellations, and for a contract with an organization with expertise in

implementing the hub home model with fidelity to provide technical assistance to hub home families and the department.

(b) \$150,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to support long-term implementation of the hub home model, including integrating the hub home model within the department's current and future service array and multiyear expansion planning. The department shall submit a preliminary report to the governor and appropriate legislative committees by December 1, 2022, and a final report to the governor and appropriate legislative committees by June 30, 2023, that details its progress and plans for long-term implementation of the hub home model.

(3) \$579,000 of the general fund—state appropriation for fiscal year 2022 and \$579,000 of the general fund—state appropriation for fiscal year 2023 and \$110,000 of the general fund—federal appropriation are provided solely for a receiving care center east of the Cascade mountains.

(4) \$1,245,000 of the general fund—state appropriation for fiscal year 2022 and \$1,245,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for services provided through children's advocacy centers.

(5) In fiscal year 2022 and in fiscal year 2023, the department shall provide a tracking report for social service specialists and corresponding social services support staff to the office of financial management, and the appropriate policy and fiscal committees of the legislature. The report shall detail progress toward meeting the targeted 1:18 caseload ratio standard for child and family welfare services caseload-carrying staff and targeted 1:8 caseload ratio standard for child protection services caseload carrying staff. To the extent to which the information is available, the report shall include the following information identified separately for social service specialists doing case management work, supervisory work, and administrative support staff, and identified separately by job duty or program, including but not limited to intake, child protective services investigations, child protective services family assessment response, and child and family welfare services:

(a) Total full time equivalent employee authority, allotments and expenditures by region, office, classification and band, and job duty or program;

(b) Vacancy rates by region, office, and classification and band; and

(c) Average length of employment with the department, and when applicable, the date of exit for staff exiting employment with the department by region, office, classification and band, and job duty or program.

(6) \$94,000 of the general fund—state appropriation for fiscal year 2022 and \$94,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a contract with a child advocacy center in Spokane to provide continuum of care services for children who have experienced abuse or neglect and their families.

(7)(a) \$539,000 of the general fund—state appropriation for fiscal year 2022, ~~(\$540,000)~~ \$1,000,000 of the general fund—state appropriation for fiscal year 2023, \$656,000 of the general fund private/local appropriation, and \$252,000 of the general fund—federal appropriation are provided solely for a contract with an educational advocacy provider with expertise in foster care educational outreach. The amounts in this subsection are provided solely for contracted education coordinators to assist foster children in succeeding in K-12 and higher education systems and to assure a focus on education during the

department's transition to performance-based contracts. Funding must be prioritized to regions with high numbers of foster care youth, ~~((or))~~ regions where backlogs of youth that have formerly requested educational outreach services exist, or youth with high educational needs. The department is encouraged to use private matching funds to maintain educational advocacy services.

(b) The department shall contract with the office of the superintendent of public instruction, which in turn shall contract with a nongovernmental entity or entities to provide educational advocacy services pursuant to RCW 28A.300.590.

(8) \$375,000 of the general fund—state appropriation for fiscal year 2022, \$375,000 of the general fund—state appropriation for fiscal year 2023, and \$112,000 of the general fund—federal appropriation are provided solely for the department to develop, implement, and expand strategies to improve the capacity, reliability, and effectiveness of contracted visitation services for children in temporary out-of-home care and their parents and siblings. Strategies may include, but are not limited to, increasing mileage reimbursement for providers, offering transportation-only contract options, and mechanisms to reduce the level of parent-child supervision when doing so is in the best interest of the child. The department shall report to the office of financial management and the relevant fiscal and policy committees of the legislature regarding these strategies by November 1, 2022. The report shall include the number and percentage of parents requiring supervised visitation and the number and percentage of parents with unsupervised visitation, prior to reunification.

(9) For purposes of meeting the state's maintenance of effort for the state supplemental payment program, the department of children, youth, and families shall track and report to the department of social and health services the monthly state supplemental payment amounts attributable to foster care children who meet eligibility requirements specified in the state supplemental payment state plan. Such expenditures must equal at least \$3,100,000 annually and may not be claimed toward any other federal maintenance of effort requirement. Annual state supplemental payment expenditure targets must continue to be established by the department of social and health services. Attributable amounts must be communicated by the department of children, youth, and families to the department of social and health services on a monthly basis.

(10) \$2,230,000 of the general fund—state appropriation for fiscal year 2022, \$2,230,000 of the general fund—state appropriation for fiscal year 2023, and \$156,000 of the general fund—federal appropriation are provided solely to increase the travel reimbursement for in-home service providers.

(11) \$197,000 of the general fund—state appropriation for fiscal year 2022 and \$197,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to conduct biennial inspections and certifications of facilities, both overnight and day shelters, that serve those who are under 18 years old and are homeless.

(12) \$6,195,000 of the general fund—state appropriation for fiscal year 2022, \$6,195,000 of the general fund—state appropriation for fiscal year 2023, and \$1,188,000 of the general fund—federal appropriation are provided solely for the department to operate emergent placement and enhanced emergent placement contracts.



(a) The department shall not include the costs to operate emergent placement contracts in the calculations for family foster home maintenance payments and shall submit as part of the budget submittal documentation required by RCW 43.88.030 any costs associated with increases in the number of emergent placement contract beds after the effective date of this section that cannot be sustained within existing appropriations.

(b) Beginning October 1, 2021, and every quarter thereafter, the department shall publish on its website the rates or fees paid for emergent placement contracts, the number of beds retained, and the number of beds purchased. If the department determines that there is a need to increase the rates or fees paid or the number of beds retained or purchased under this subsection, the secretary shall request authorization from the office of financial management and notify the fiscal committees of the legislature.

(13) Beginning January 1, 2022, and continuing through the 2021-2023 fiscal biennium, the department must provide semi-annual reports to the governor and appropriate legislative committees that includes the number of in-state behavioral rehabilitation services providers and licensed beds, the number of out-of-state behavioral rehabilitation services placements, and a comparison of these numbers to the same metrics expressed as an average over the prior six months. The report shall identify separately beds with the enhanced behavioral rehabilitation services rate. Effective January 1, 2022, and to the extent the information is available, the report will include the same information for emergency placement services beds and enhanced emergency placement services beds.

(14) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementing the supportive visitation model that utilizes trained visit navigators to provide a structured and positive visitation experience for children and their parents.

(15) \$600,000 of the general fund—state appropriation for fiscal year 2022 and \$600,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for enhanced adoption placement services for legally free children in state custody, through a partnership with a national nonprofit organization with private matching funds. These funds must supplement, but not supplant, the work of the department to secure permanent adoptive homes for children with high needs.

(16) The department of children, youth, and families shall make foster care maintenance payments to programs where children are placed with a parent in a residential program for substance abuse treatment. These maintenance payments are considered foster care maintenance payments for purposes of forecasting and budgeting at maintenance level as required by RCW 43.88.058.

(17) \$2,000,000 of the general fund—state appropriation for fiscal year 2022 and \$2,000,000 of the general fund—(~~federal~~) state appropriation for fiscal year 2023 are provided solely for the department to contract with one or more nonprofit, nongovernmental organizations to purchase and deliver concrete goods to low-income families.

(18) \$5,500,000 of the (~~general fund federal appropriation (ARPA/CSFRF)~~) coronavirus state fiscal recovery fund—federal appropriation is provided solely for one-time \$250 per child grants to families on behalf of up

to 22,000 children who may be at risk of child welfare system involvement and have experienced economic impacts of the COVID-19 pandemic.

(19) The department is authorized to use the amounts provided in this section for services and maintenance payments to former dependent youth as authorized and directed in the supporting foster youth and families through the pandemic act, P.L. 116-260, division X.

(20) \$387,000 of the general fund—state appropriation for fiscal year 2022, \$393,000 of the general fund—state appropriation for fiscal year 2023, and \$143,000 of the general fund—federal appropriation are provided solely to increase all fees paid to child-placing agencies by 7.5 percent, effective July 1, 2021.

(21)(a) \$739,000 of the general fund—state appropriation for fiscal year 2022, \$702,000 of the general fund—state appropriation for fiscal year 2023, and \$482,000 of the general fund—federal appropriation are provided solely for the department of children, youth, and families to create and implement a new approach to transition planning for young people preparing to exit the child welfare system and juvenile rehabilitation institutions, pursuant to the recommendations in the *improving stability for youth exiting systems of care* report submitted in January 2020 as required by RCW 43.330.720. The department must engage young people, caregivers, providers, and other stakeholders in the creation and implementation of the approach by:

(i) Providing one statewide adolescent transitions program manager and six adolescent liaisons, one in each region of the department, who are dedicated to supporting the transition planning approaches developed by the department, providing program oversight, and supporting improved outcomes for adolescents during the transition to adulthood; and

(ii) Strengthening the administration and competency of the independent living program and direct independent living services. No later than June 1, 2022, the department must centralize administration of its independent living program and develop a framework for service delivery, including best practice recommendations. The framework must be codesigned with adolescents, caregivers, providers, and stakeholders. No later than June 30, 2022, the department must develop and launch a competitive request for proposal process to solicit bidders to provide independent living services under the new framework.

(b) No later than November 30, 2022, the department must report to the governor and appropriate legislative committees on the implementation of the new approach to transition planning, the new independent living framework, and the state's capacity to provide high-quality transition services, including independent living services, to youth and young adults exiting the child welfare system and juvenile rehabilitation institutions. The report must identify any remaining service gaps that prevent statewide implementation and address the additional resources needed to improve outcomes for young people exiting these systems of care.

(22) \$2,400,000 of the general fund—state appropriation for fiscal year 2022 and \$2,400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of performance-based contracts for family support and related services pursuant to RCW 74.13B.020.

(23) The appropriations in this section include sufficient funding for continued implementation of chapter 80, Laws of 2018 (2SSB 6453) (kinship caregiver legal support).

(24) The appropriations in this section include sufficient funding to implement chapter 51, Laws of 2020 (SHB 2873) (families in conflict).

(25) \$511,000 of the general fund—state appropriation for fiscal year 2023 and \$153,000 of the general fund—federal appropriation are provided solely to implement Second Substitute House Bill No. 1219 (youth counsel/dependency). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(26) \$219,000 of the general fund—state appropriation for fiscal year 2022, \$208,000 of the general fund—state appropriation for fiscal year 2023, and \$295,000 of the general fund—federal appropriation are provided solely to implement Second Substitute House Bill No. 1061 (child welfare/developmental disability). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

~~(27) ((\$29,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to implement Second Substitute House Bill No. 1127 (COVID-19 health data privacy). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(28))~~ (28) \$451,000 of the general fund—state appropriation for fiscal year 2022 and \$662,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with a community organization with expertise in the LifeSet case management model to serve youth and adults currently being served in or exiting the foster care, juvenile justice, and mental health systems to successfully transition to adulthood.

~~((29))~~ (28) \$326,000 of the general fund—state appropriation for fiscal year 2022, \$326,000 of the general fund—state appropriation for fiscal year 2023, and \$148,000 of the general fund—federal appropriation are provided solely to implement Engrossed Second Substitute House Bill No. 1194 (parent-child visitation). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(30))~~ (29) \$499,000 of the general fund—state appropriation for fiscal year 2022, \$499,000 of the general fund—state appropriation for fiscal year 2023, and \$310,000 of the general fund—federal appropriation are provided solely to expand the family connections program in two areas of the state in which the program is not already established as of the effective date of this section. One expansion site must be located west of the crest of the Cascade mountain range and the other expansion site must be located east of the crest of the Cascade mountain range. The program expansion must follow the family connections program model pursuant to RCW 74.13.715. To operate the two expansion sites, the department must contract with a community-based organization that has experience working with the foster care population and administering the family connections program.

~~((31))~~ (30) \$25,000 of the general fund—state appropriation for fiscal year 2023 and \$25,000 of the general fund—federal appropriation (ARPA) are provided solely for the department to implement Engrossed Second Substitute House Bill No. 1227 (child abuse allegations). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(32))~~ (31) If the department receives an allocation of federal funding through an unanticipated receipt, the department shall not expend more than what was approved or for another purpose than what was approved by the governor through the unanticipated receipt process pursuant to RCW 43.79.280.

(32) \$1,513,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a new behavioral rehabilitation services facility in Vancouver.

(33) \$449,000 of the general fund—state appropriation for fiscal year 2022, \$1,203,000 of the general fund—state appropriation for fiscal year 2023, and \$353,000 of the general fund—federal appropriation are provided solely for the department to revise and update its policies, procedures, and the state Title IV-E plan to reflect that it is appropriate to only refer child welfare cases to the department of social and health services division of child support enforcement when the court has found a child to have been abandoned by their parent or guardian as defined in RCW 13.34.030.

(34) \$800,000 of the general fund—state appropriation for fiscal year 2023 and \$200,000 of the general fund—federal appropriation are provided solely for the department to contract for a child welfare workload study, which must include an evaluation of workload impacts required by state and federal law and make recommendations for staffing models and system improvements.

(a) The study must consider, but is not limited to, enacted laws and forthcoming legislation related to child welfare such as the keeping families together act, chapter 211, Laws of 2021, and the family first prevention services act.

(b) The study must include, at a minimum, all child welfare case-carrying workers including but not limited to: Child protective services, child welfare case workers, and child welfare licensing staff, including foster care assessment, safety and monitoring, and child protective services licensing.

(c) The study must evaluate the workload impacts related to changes in the application of the federal Indian child welfare act, 25 U.S.C. Secs. 1901-1963 and the Washington state Indian child welfare act, chapter 13.38 RCW as required by *In re Dependency of G.J.A., A.R.A., S.S.A., J.J.A., and V.A.*, 197 Wn.2d 868 (2021) and *In re Dependency of Z.J.G. and M.E.J.G.*, 196 Wn.2d 152 (2020).

(d) The department must establish a steering committee inclusive of members who are familiar with public child welfare practice and who have had substantial experience with similar studies. The steering committee members will be appointed by the agency secretary and must include internal and external members.

(e) A final report must also include recommendations to streamline internal processes; to more equitably allocate staff and contracted resources statewide; to reduce workload through technology; to reduce staff attrition; and to increase direct service time. The report must be submitted to the governor and appropriate fiscal committees of the legislature by June 30, 2023.

(35) Within the amounts provided in this section, sufficient funding is provided for the department to contract with a community organization to administer monthly stipends to young adults who were impacted by the federal moratorium that prohibited states from discharging them from extended foster care due to age through September 30, 2021, and young adults who age out of

extended foster care between October 1, 2021, and June 30, 2023. To the extent feasible, the organization must administer the monthly stipends at consistent amounts per young adult each month.

(36) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract for a systems assessment of state and federally funded services and benefits for young adults enrolled in or exiting extended foster care and make recommendations to improve the continuum of supports for the extended foster care population to support successful transitions to independent adulthood.

(a) The systems assessment must include, but is not limited to, the following:

(i) A survey of state and federally funded services and benefits, and the utilization of such services and benefits, including but not limited to economic services, housing programs and payment vouchers, independent living programs, educational supports, and access to postsecondary opportunities, including vocational training and placement programs, legal services, navigation assistance, and peer mentoring. The survey must examine how these services and benefits contribute to a continuum of supports for young adults enrolled in extended foster care and those who have exited since September 2021;

(ii) A young adult needs assessment, including collecting data on young adults enrolled in extended foster care and those who have exited since September 2021. The needs assessment must also gauge young adults' awareness of and ability to access the available services and benefits;

(iii) Identification of gaps or redundancies within the existing array of state and federally funded programs serving the extended foster care population;

(iv) Identification of funding sources or programs that could be used to address any gaps in the array of services and benefits available; and

(v) An assessment of the various data systems currently used or capable of being used to report on the young adult population served by the extended foster care program. The data assessment must include a discussion of any system limitations and recommendations to support future data tracking of outcomes for this population.

(b) The department and contractor must engage with state agencies administering relevant programs, contracted organizations serving the extended foster care population, and young adults currently in extended foster care and those who have exited since September 2021 to conduct the systems assessment. A status update must be submitted to the governor and appropriate fiscal and policy committees of the legislature by November 30, 2022. A final report must be submitted to the governor and appropriate fiscal and policy committees by June 30, 2023.

(37) \$492,000 of the general fund—state appropriation for fiscal year 2023 and \$133,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 1747 (child relative placements). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(38) \$3,920,000 of the general fund—state appropriation for fiscal year 2022, \$15,679,000 of the general fund—state appropriation for fiscal year 2023, and \$4,302,000 of the general fund—federal appropriation are provided solely to, effective April 1, 2022, increase the hourly rate for contracted visitation

providers, implement standards regarding Indian child welfare act quality enhancement and compliance in visitation contracts, and reimburse visitation providers for mileage travelled between zero and 60 miles. It is the intent of the legislature that contracted visitation providers use funding provided in this subsection to increase hourly wages for visitation workers.

(39) \$767,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the child welfare housing assistance pilot program authorized in RCW 74.13.802.

(40) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the provision of SafeCare, an evidence-based parenting program, for families in Grays Harbor county.

(41) \$50,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to establish and implement two play-and-learn groups for families in Grays Harbor county.

(42) \$300,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract with a clinic that treats prenatal substance exposure in children up to age 13 and that primarily serves families from Snohomish and King counties. It is the intent of the legislature that the department's contract with the clinic prioritize children for services who are at risk of being removed from their family home, who were recently reunified with their family following an out-of-home placement, who have experienced multiple out-of-home placements and are at risk of additional placements, and any other priority populations identified by the department.

(43) \$1,926,000 of the general fund—state appropriation for fiscal year 2022, \$7,704,000 of the general fund—state appropriation for fiscal year 2023, and \$3,745,000 of the general fund—federal appropriation are provided solely to increase the monthly rate paid to contracted behavioral rehabilitation services facilities to \$16,861.91 per youth, effective April 1, 2022. It is the intent of the legislature that the department's vendor contracts specify that the funding provided in this subsection is to increase the hourly wage for direct care workers, with the intent of the legislature to achieve at least \$25.00.

(44) \$650,000 of the general fund—state appropriation for fiscal year 2022, \$2,598,000 of the general fund—state appropriation for fiscal year 2023, and \$1,263,000 of the general fund—federal appropriation are provided solely to increase the monthly rate paid for contracted behavioral rehabilitation services therapeutic foster care to \$10,126.92 per youth, effective April 1, 2022. It is the intent of the legislature that the department's vendor contracts specify that funding provided in this subsection is provided to increase pass-through payments to therapeutic foster care homes.

(45) \$8,440,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to increase the reimbursement rates for combined in-home services providers as recommended in the October 2021 combined in-home services cost study.

(46) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$275,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for improving the financial capability of dependent youth.

(a) The department shall develop a report with recommendations of how to improve access to private, self-controlled bank accounts for dependent youth ages 14 and up as well as other strategies for improving financial capability of

dependent youth. The department must consult with stakeholders on development of the recommendations and report. The report shall include but is not limited to an analysis of the following:

(i) The documentation and information necessary for youth to establish bank accounts;

(ii) Appropriate mechanisms to support youth in establishing the accounts;

(iii) Issues related to compliance with current state and federal laws that could impact the availability of accounts and release of funds; and

(iv) Data on the number of dependent youth, including youth in extended foster care, ages 14 and up with private, self-controlled bank accounts.

(b) The report must include recommendations on how to ensure statewide access to high quality, developmentally, and culturally appropriate financial education for dependent youth ages 12 and up.

(c) The report must include recommendations for statutory or policy changes, including the number of youth who have established a private self-controlled bank account, to implement the recommendations of the report.

(d) The analysis and recommendations are due to the appropriate committees of the legislature by December 1, 2022, in compliance with RCW 43.01.036.

Sec. 228. 2021 c 334 s 228 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—  
JUVENILE REHABILITATION PROGRAM**

General Fund—State Appropriation (FY 2022) . . . . .	..(( <del>\$127,325,000</del> ))	<u>\$123,463,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	..(( <del>\$129,690,000</del> ))	<u>\$131,424,000</u>
General Fund—Federal Appropriation . . . . .	..(( <del>\$3,464,000</del> ))	<u>\$694,000</u>
General Fund—Private/Local Appropriation . . . . .	..(( <del>\$1,787,000</del> ))	<u>\$166,000</u>
Washington Auto Theft Prevention Authority Account—		
State Appropriation . . . . .		\$196,000
TOTAL APPROPRIATION . . . . .	..(( <del>\$262,462,000</del> ))	<u>\$255,943,000</u>

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

~~(1) ((~~\$331,000 of the general fund—state appropriation for fiscal year 2022 and \$331,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.~~~~

~~(2))~~ \$2,841,000 of the general fund—state appropriation for fiscal year 2022 and \$2,841,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to county juvenile courts for the ~~((juvenile justice))~~ programs identified by the Washington state institute for public policy

in its report: "Inventory of Evidence-based, Research-based, and Promising Practices for Prevention and Intervention Services for Children and Juveniles in the Child Welfare, Juvenile Justice, and Mental Health Systems." Additional funding for this purpose is provided through an interagency agreement with the health care authority. County juvenile courts shall apply to the department of children, youth, and families for funding for program-specific participation and the department shall provide grants to the courts consistent with the per-participant treatment costs identified by the institute.

~~((3))~~ (2) \$1,537,000 of the general fund—state appropriation for fiscal year 2022 and \$1,537,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for expansion of the juvenile justice treatments and therapies in department of children, youth, and families programs identified by the Washington state institute for public policy in its report: "Inventory of Evidence-based, Research-based, and Promising Practices for Prevention and Intervention Services for Children and Juveniles in the Child Welfare, Juvenile Justice, and Mental Health Systems." The department may concentrate delivery of these treatments and therapies at a limited number of programs to deliver the treatments in a cost-effective manner.

~~((4))~~ (3)(a) \$6,198,000 of the general fund—state appropriation for fiscal year 2022 and \$6,198,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement evidence- and research-based programs through community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants. In addition to funding provided in this subsection, funding to implement alcohol and substance abuse treatment programs for locally committed offenders is provided through an interagency agreement with the health care authority.

(b) The department of children, youth, and families shall administer a block grant to county juvenile courts for the purpose of serving youth as defined in RCW 13.40.510(4)(a) in the county juvenile justice system. Funds dedicated to the block grant include: Consolidated juvenile service (CJS) funds, community juvenile accountability act (CJAA) grants, chemical dependency/mental health disposition alternative (CDDA), and suspended disposition alternative (SDA). The department of children, youth, and families shall follow the following formula and must prioritize evidence-based programs and disposition alternatives and take into account juvenile courts program-eligible youth in conjunction with the number of youth served in each approved evidence-based program or disposition alternative: (i) Thirty-seven and one-half percent for the at-risk population of youth ten to seventeen years old; (ii) fifteen percent for the assessment of low, moderate, and high-risk youth; (iii) twenty-five percent for evidence-based program participation; (iv) seventeen and one-half percent for minority populations; (v) three percent for the chemical dependency and mental health disposition alternative; and (vi) two percent for the suspended dispositional alternatives. Funding for the special sex offender disposition alternative (SSODA) shall not be included in the block grant, but allocated on the average daily population in juvenile courts. Funding for the evidence-based expansion grants shall be excluded from the block grant formula. Funds may be used for promising practices when approved by the department of children, youth, and families and juvenile courts, through the community juvenile



accountability act committee, based on the criteria established in consultation with Washington state institute for public policy and the juvenile courts.

(c) The department of children, youth, and families and the juvenile courts shall establish a block grant funding formula oversight committee with equal representation from the department of children, youth, and families and the juvenile courts. The purpose of this committee is to assess the ongoing implementation of the block grant funding formula, utilizing data-driven decision making and the most current available information. The committee will be co-chaired by the department of children, youth, and families and the juvenile courts, who will also have the ability to change members of the committee as needed to achieve its purpose. The committee may make changes to the formula categories in (d)(ii) of this subsection if it determines the changes will increase statewide service delivery or effectiveness of evidence-based program or disposition alternative resulting in increased cost/benefit savings to the state, including long-term cost/benefit savings. The committee must also consider these outcomes in determining when evidence-based expansion or special sex offender disposition alternative funds should be included in the block grant or left separate.

(d) The juvenile courts and administrative office of the courts must collect and distribute information and provide access to the data systems to the department of children, youth, and families and the Washington state institute for public policy related to program and outcome data. The department of children, youth, and families and the juvenile courts must work collaboratively to develop program outcomes that reinforce the greatest cost/benefit to the state in the implementation of evidence-based practices and disposition alternatives.

~~((5))~~ ~~(\$1,352,000)~~ (4) \$645,000 of the general fund—state appropriation for fiscal year 2022 and ~~((1,352,000))~~ \$645,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for funding of the teamchild project.

~~((6))~~ ~~\$283,000 of the general fund—state appropriation for fiscal year 2022 and \$283,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the juvenile detention alternatives initiative.~~

~~((7))~~ (5) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant program focused on criminal street gang prevention and intervention. The department of children, youth, and families may award grants under this subsection. The department of children, youth, and families shall give priority to applicants who have demonstrated the greatest problems with criminal street gangs. Applicants composed of, at a minimum, one or more local governmental entities and one or more nonprofit, nongovernmental organizations that have a documented history of creating and administering effective criminal street gang prevention and intervention programs may apply for funding under this subsection. Each entity receiving funds must report to the department of children, youth, and families on the number and types of youth served, the services provided, and the impact of those services on the youth and the community.

~~((8))~~ (6) The juvenile rehabilitation institutions may use funding appropriated in this subsection to purchase goods, supplies, and services through hospital group purchasing organizations when it is cost-effective to do so.

~~((9))~~ (7) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$50,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to county juvenile courts to establish alternative detention facilities similar to the proctor house model in Jefferson county, Washington, that will provide less restrictive confinement alternatives to youth in their local communities. County juvenile courts shall apply to the department of children, youth, and families for funding and each entity receiving funds must report to the department on the number and types of youth serviced, the services provided, and the impact of those services on the youth and the community.

~~((10))~~ (8) \$432,000 of the general fund—state appropriation for fiscal year 2022 and \$432,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to provide housing services to clients releasing from incarceration into the community.

~~((11))~~ (9) \$100,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to assess the juvenile court assessment tool. The juvenile rehabilitation program shall contract with the Washington state institute for public policy to review the standardized juvenile court assessment tool to access whether it accurately determines eligibility criteria and properly assigns youth to programs that meet their needs. The institute must work in collaboration with the juvenile block grant proviso committee.

~~((12))~~ (10)(a) \$773,000 of the general fund—state appropriation for fiscal year 2022 and \$986,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1186 (concerning juvenile rehabilitation community transition services). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(b) Of the amounts provided in (a) of this subsection, \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$105,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for housing vouchers.

~~((13))~~ (11) \$128,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1295 (institutional ed./release). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

~~((14))~~ (12) \$122,000 of the general fund—state appropriation for fiscal year 2022 and \$123,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5118 (supporting successful reentry). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

~~((15))~~ (13) Sufficient funding is provided within this section for implementation of Engrossed Second Substitute Senate Bill No. 5304 (reentry services/state and local institutions).

~~((16))~~ (14) Within existing resources, the department shall evaluate the Martin hall juvenile detention facility located in Medical Lake as an option for increased capacity needs for the juvenile rehabilitation program.

(15) \$711,000 of the general fund—state appropriation for fiscal year 2022 and \$848,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 2050 (parent

pay/child detention). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(16)(a) The block grant oversight committee, as defined in RCW 13.40.511, shall work in collaboration with the Washington state institute for public policy, the University of Washington's evidence-based practice institute, and the children and family and early learning divisions of the department of children, youth, and families to develop recommendations for the expansion of community juvenile accountability programs funded through juvenile court block grant funding provided by the juvenile rehabilitation division of the department of children, youth, and families and the juvenile courts. The committee's recommendations shall include consideration of the expansion of:

(i) Block grant funding to community juvenile programs that provide services to juveniles assessed as low risk;

(ii) Block grant funding to community juvenile programs that provide services that are not solely focused on reducing recidivism;

(iii) Available block grant funding needed to complete evaluations of programs such that more programs may be evaluated to be classified as evidence-based; and

(iv) Classifications used by the Washington state institute for public policy to demonstrate the effectiveness of programs provided by juvenile court.

(b) The block grant oversight committee must report its findings and recommendations to the appropriate committees of the legislature by November 1, 2022.

(17) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the juvenile rehabilitation administration to contract with a peer navigator program that currently mentors and assists with the needs of justice-involved youth and young adults who are from the city of Federal Way and who are currently residing at the Green Hill school. The mentorship program must provide peer coaching and support by aiding in the personal and professional development of incarcerated youth and young adults through life skills, job readiness, youth leadership, and results-based projects.

(18) \$40,000 of the general fund—state appropriation for fiscal year 2022 and \$156,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for two juvenile education-security staff positions for juvenile rehabilitation's GED education programs. One education-security position must be located at the Echo Glen children's center to assist with the open doors program and one education-security position must be located at the Green Hill school. The goal of the education-security positions is to provide dependable, daily education opportunities for students participating in the GED programs located at the respective institutional facilities. The education-security positions are responsible for providing daily escort to and from the classroom for students attending school and for providing classroom management during the period while students are attending classes.

(19) \$2,100,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for maintaining staffing levels at juvenile rehabilitation facilities independent from fluctuating caseloads.

(20) The department of children, youth, and families—juvenile rehabilitation must cease new placements at the Naselle youth camp, with the goal of closing the camp by June 30, 2023. It is the intention of the legislature

after the closure to transfer management of the Naselle youth camp land and facilities to the department of natural resources in the 2023-2025 fiscal biennium and develop the facilities into an outdoor school. The department must assist the department of natural resources and the office of the superintendent of public instruction with the proposal on the use of the Naselle youth camp for an outdoor school as needed pursuant to section 310 of this act.

(21) \$1,000 of the general fund—state appropriation for fiscal year 2023 is for implementation of Senate Bill No. 5657 (juvenile instit./comp sci).

Sec. 229. 2021 c 334 s 229 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—  
EARLY LEARNING PROGRAM**

General Fund—State Appropriation (FY 2022) . . . . .	<del>(\$289,936,000)</del>
	\$327,631,000
General Fund—State Appropriation (FY 2023) . . . . .	<del>(\$348,787,000)</del>
	\$402,195,000
General Fund—Federal Appropriation . . . . .	<del>(\$1,066,945,000)</del>
	\$1,070,579,000
General Fund—Private/Local Appropriation . . . . .	<del>(\$86,000)</del>
	\$100,000
Education Legacy Trust Account—State Appropriation . . . . .	<del>(\$28,127,000)</del>
	\$28,172,000
Home Visiting Services Account—State Appropriation . . . . .	<del>(\$23,966,000)</del>
	\$25,579,000
Home Visiting Services Account—Federal Appropriation . . . . .	\$29,776,000
Washington Opportunity Pathways Account—State Appropriation . . . . .	\$80,000,000
Workforce Education Investment Account—State Appropriation . . . . .	\$8,482,000
TOTAL APPROPRIATION . . . . .	<del>(\$1,876,105,000)</del>
	\$1,972,514,000

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

(1)(a) ~~(\$80,273,000)~~ \$82,040,000 of the general fund—state appropriation for fiscal year 2022, ~~(\$149,932,000)~~ \$132,776,000 of the general fund—state appropriation for fiscal year 2023, \$24,070,000 of the education legacy trust account—state appropriation, \$80,000,000 of the opportunity pathways account—state appropriation, and \$25,452,000 of the general fund—federal appropriation (CRRSA/GEER) are provided solely for the early childhood education and assistance program. These amounts shall support at least 15,162 slots in fiscal year 2022 and ~~(+5,912)~~ 16,278 slots in fiscal year 2023. Of the total slots in each fiscal year, 100 slots must be reserved for foster children to receive school-year-round enrollment.

(b) Of the amounts provided in this subsection, \$14,930,000 of the general fund—state appropriation for fiscal year 2023 and \$14,889,000 of the general fund—federal appropriation (CRRSA/GEER) are for a slot rate increase of ten percent beginning July 1, 2021. The funding provided in this subsection is sufficient for the department to increase rates according to inflation, pursuant to

Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.), beginning in fiscal year 2023 and annually thereafter.

(c) Of the amounts provided in this subsection, \$2,664,000 of the general fund—state appropriation for fiscal year 2023 is provided to convert 777 part day slots to full day slots in fiscal year 2023.

(d) Of the amounts provided in this subsection, \$409,000 of the general fund—state appropriation for fiscal year 2022 and \$859,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a \$54 per slot quality support rate, which will increase by 1.5 percent annually beginning in fiscal year 2024.

(e) Of the amounts provided in this subsection, \$1,358,000 of the general fund—state appropriation for fiscal year 2022 and \$4,612,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to provide early childhood education and assistance program services during summer 2022 to 2,212 part day program slots, including 2,011 slots in an in-person learning program and 201 slots provided other additional services.

(f) The department of children, youth, and families must develop a methodology to identify, at the school district 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 and the corresponding facility needs required to meet the entitlement in accordance with RCW 43.216.556. This methodology must be included as part of the budget submittal documentation required by RCW 43.88.030.

(2) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to develop and provide culturally relevant supports for parents, family, and other caregivers.

(3) The department is the lead agency for and recipient of the federal child care and development fund grant. Amounts within this grant shall be used to fund child care licensing, quality initiatives, agency administration, and other costs associated with child care subsidies.

(4) The legislature recognizes that the federal government has provided substantial additional funding through the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M. and the American rescue plan act of 2021, P.L. 117-2. The purpose of the additional federal funding is to ensure access to affordable child care and to stabilize and support child care providers from the effects of the COVID-19 pandemic. The legislature intends with the passage of Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.) to implement these federal purposes by expanding eligibility for subsidized child care, reducing parent copayments, increasing provider base rates to recognize increased costs, and providing other financial support to stabilize the child care sector to remain open or to reopen. The legislature finds that the state lacked the fiscal capacity to make these investments and the additional federal funding has provided the opportunity to supplement state funding to expand and accelerate child care access,

affordability, and provider support as the state navigates the COVID-19 pandemic and its aftermath.

(5) (~~(\$20,110,000)~~) \$39,723,000 of the general fund—state appropriation in fiscal year 2022, (~~(\$45,757,000)~~) \$54,505,000 of the general fund—state appropriation in fiscal year 2023, \$8,482,000 of the workforce education investment account—state appropriation, \$283,375,000 of the general fund—federal appropriation, \$59,893,000 of the general fund—federal appropriation (CARES), (~~(\$65,482,000)~~) \$98,723,000 of the general fund—federal appropriation (CRRSA), and (~~(\$111,252,000)~~) \$153,814,000 of the general fund—federal appropriation (ARPA) are provided solely for the working connections child care program under RCW 43.216.135. Of the amounts provided in this subsection:

(a) The department of children, youth, and families shall work in collaboration with the department of social and health services to determine the appropriate amount of state expenditures for the working connections child care program to claim towards the state's maintenance of effort for the temporary assistance for needy families program. The departments will also collaborate to track the average monthly child care subsidy caseload and expenditures by fund type, including child care development fund, general fund—state appropriation, and temporary assistance for needy families for the purpose of estimating the annual temporary assistance for needy families reimbursement from the department of social and health services to the department of children, youth, and families. Effective December 1, 2022, and annually thereafter, the department of children, youth, and families must report to the governor and the appropriate fiscal and policy committees of the legislature the total state contribution for the working connections child care program claimed the previous fiscal year towards the state's maintenance of effort for the temporary assistance for needy families program and the total temporary assistance for needy families reimbursement from the department of social and health services for the previous fiscal year.

(b) \$6,390,000 is for the compensation components of the 2021-2023 collective bargaining agreement covering family child care providers as provided in section 947 of this act. Of the amounts provided in this subsection:

(i) \$4,410,000 is for a 35 cent per hour per child rate increase for family, friends, and neighbor providers (FFNs) beginning July 1, 2022;

(ii) \$854,000 is to increase the rate paid to providers who reach level 3.5 of the state's early achievers quality rating system by two percent beginning July 1, 2021; and

(iii) \$1,126,000 is to increase the nonstandard hour care rate by \$10.00 per child per month beginning July 1, 2021.

(c) \$42,562,000 of the general fund—federal appropriation (ARPA) and \$2,785,000 of the general fund—federal appropriation (CRRSA) are provided solely for the implementation of an agreement reached between the governor and the service employees international union local 925 for a cost of care rate enhancement for family child care providers under the provisions of chapter 41.56 RCW for fiscal year 2023 as provided in section 940 of this act.

(d) \$45,935,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a 16 percent subsidy base rate enhancement for child care centers for fiscal year 2023.

(e) It is the intent of the legislature to continue to rebase child care provider subsidy base rates to the 85th percentile of market in subsequent fiscal biennia.

(f) \$59,893,000 of the general fund—federal appropriation (CARES), \$65,925,000 of the general fund—federal appropriation (CRRSA), and \$99,918,000 of the general fund—federal appropriation (ARPA) are provided solely for enhancements to the working child care connections program, pursuant to Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.). Of the amounts provided in this subsection:

(i) \$28,759,000 of the general fund—federal appropriation (CARES), \$11,993,000 of the general fund—federal appropriation (CRRSA), and \$35,979,000 of the general fund—federal appropriation (ARPA) are provided solely for the implementation of reduced household child care monthly copayments. For households at or below 50 percent of the state median income, copayments are capped at \$115 through January 1, 2022, and \$90 from January 1, 2022, through fiscal year 2023. For households at or below 60 percent of the state median income, copayments are capped at \$115 through June 30, 2023.

(ii) \$31,134,000 of the general fund—federal appropriation (CARES), \$40,195,000 of the general fund—federal appropriation (CRRSA), and \$45,476,000 of the general fund—federal appropriation (ARPA) are provided solely to increase subsidy base rates to the 85th percentile of market for child care providers. The state and the representative for family child care providers must enter into bargaining over the implementation of subsidy rate increases, and apply those increases consistent with the terms of this proviso and the agreement reached between the parties.

(iii) \$3,930,000 of the general fund—federal appropriation (CRRSA) and \$4,903,000 of the general fund—federal appropriation (ARPA) are provided solely to waive work requirements for student parents utilizing the working connections child care program.

(iv) \$6,726,000 of the general fund—federal appropriation (CRRSA) and \$10,633,000 of the general fund—federal appropriation (ARPA) are provided solely to expand eligibility for the working connections child care program to households at or below 60 percent of state median income, beginning October 1, 2021.

(v) \$1,549,000 of the general fund—federal appropriation (CRRSA) and \$982,000 of the general fund—federal appropriation (ARPA) are provided solely for the department to implement an infant rate enhancement for child care providers.

~~((d) In order to not exceed the appropriated amount, the department shall manage the program so that the average monthly caseload does not exceed 33,000 households and the department shall give prioritized access into the program according to the following order:~~

~~(i) Families applying for or receiving temporary assistance for needy families (TANF);~~

~~(ii) TANF families curing sanction;~~

~~(iii) Foster children;~~

~~(iv) Families that include a child with special needs;~~

~~(v) Families in which a parent of a child in care is a minor who is not living with a parent or guardian and who is a full-time student in a high school that has a school-sponsored on-site child care center;~~

~~(vi) Families with a child residing with a biological parent or guardian who have received child protective services, child welfare services, or a family assessment response from the department in the past six months, and have received a referral for child care as part of the family's case management;~~

~~(vii) Families that received subsidies within the last thirty days and:~~

~~(A) Have reapplied for subsidies; and~~

~~(B) Have household income of 60 percent of the state median income or below; and~~

~~(viii) All other eligible families.~~

(e)) (g) \$21,215,000 of the general fund—federal appropriation (CRRSA) is provided solely for enrollment based payments from April 2022 through June 2022.

(h) On July 1, 2021, and July 1, 2022, the department, in collaboration with the department of social and health services, must report to the governor and the appropriate fiscal and policy committees of the legislature on the status of overpayments in the working connections child care program. The report must include the following information for the previous fiscal year:

(i) A summary of the number of overpayments that occurred;

(ii) The reason for each overpayment;

(iii) The total cost of overpayments;

(iv) A comparison to overpayments that occurred in the past two preceding fiscal years; and

(v) Any planned modifications to internal processes that will take place in the coming fiscal year to further reduce the occurrence of overpayments.

(6) Within available amounts, the department in consultation with the office of financial management shall report enrollments and active caseload for the working connections child care program to the governor and the legislative fiscal committees and the legislative-executive WorkFirst poverty reduction oversight task force on an agreed upon schedule. The report shall also identify the number of cases participating in both temporary assistance for needy families and working connections child care. The department must also report on the number of children served through contracted slots.

(7) \$623,000 of the general fund—state appropriation for fiscal year 2022, \$935,000 of the general fund—state appropriation for fiscal year 2023, and \$6,701,000 of the general fund—federal appropriation are provided solely for the seasonal child care program.

(8) \$871,000 of the general fund—state appropriation for fiscal year 2022 and \$871,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department of children, youth, and families to contract with a countywide nonprofit organization with early childhood expertise in Pierce county for a pilot project to prevent child abuse and neglect using nationally recognized models.

(a) The nonprofit organization must continue to implement a countywide resource and referral linkage system for families of children who are prenatal through age five.

(b) The nonprofit organization must offer a voluntary brief newborn home visiting program. The program must meet the diverse needs of Pierce county residents and, therefore, it must be flexible, culturally appropriate, and culturally responsive. The department, in collaboration with the nonprofit organization,



must examine the feasibility of leveraging federal and other fund sources, including federal Title IV-E and medicaid funds, for home visiting provided through the pilot. The department must report its findings to the governor and appropriate legislative committees by September 1, 2022.

(9)(a) \$5,899,000 of the general fund—state appropriation for fiscal year 2022 and \$8,382,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the early childhood intervention prevention services (ECLIPSE) program. The department shall contract for ECLIPSE services to provide therapeutic child care and other specialized treatment services to abused, neglected, at-risk, and/or drug-affected children. The department shall pursue opportunities to leverage other funding to continue and expand ECLIPSE services. Priority for services shall be given to children referred from the department.

(b) Of the amounts provided in this subsection (9), \$1,246,000 of the general fund—state appropriation for fiscal year 2022 and \$3,719,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the expansion of ECLIPSE services, pursuant to Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.). Funding provided for the expansion of services is intended to serve new geographic areas not currently served by ECLIPSE services. ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection (9)(b) shall lapse.))~~

(10) The department shall place a ten percent administrative overhead cap on any contract entered into with the University of Washington. In a bi-annual report to the governor and the legislature, the department shall report the total amount of funds spent on the quality rating and improvements system and the total amount of funds spent on degree incentives, scholarships, and tuition reimbursements.

(11) \$1,728,000 of the general fund—state appropriation for fiscal year 2022 and \$1,728,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for reducing barriers for low-income providers to participate in the early achievers program.

(12) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a contract with a nonprofit entity experienced in the provision of promoting early literacy for children through pediatric office visits.

(13) \$4,000,000 of the education legacy trust account—state appropriation is provided solely for early intervention assessment and services.

(14) The department shall work with state and local law enforcement, federally recognized tribal governments, and tribal law enforcement to develop a process for expediting fingerprinting and data collection necessary to conduct background checks for tribal early learning and child care providers.

(15) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 202, Laws of 2017 (children's mental health).

(16) Within existing resources, the department shall implement chapter 409, Laws of 2019 (early learning access).

(17)(a) \$7,355,000 of the general fund—state appropriation for fiscal year 2022, \$11,126,000 of the general fund—state appropriation for fiscal year 2023,

\$11,032,000 of the general fund—federal appropriation (CRRSA), and \$9,632,000 of the general fund—federal appropriation (ARPA) are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~ The legislature intends for the appropriations provided in this subsection to stabilize and support child care providers and early learning contractors and to expand families' access to affordable, quality child care and early learning during and after the COVID-19 public health emergency. Of the amounts provided in this subsection:

(i) \$2,535,000 of the general fund—state appropriation for fiscal year 2022, \$2,535,000 of the general fund—state appropriation for fiscal year 2023, and \$4,604,000 of the general fund—federal appropriation (CRRSA) are provided solely for the implementation of complex needs funds.

(ii) \$966,000 of the general fund—federal appropriation (CRRSA) and \$1,836,000 of the general fund—federal appropriation (ARPA) are provided solely for the implementation of trauma-informed care supports.

(iii) \$180,000 of the general fund—state appropriation for fiscal year 2022 and \$3,200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to implement dual language rate enhancements.

(iv) \$671,000 of the general fund—state appropriation for fiscal year 2022, \$656,000 of the general fund—state appropriation for fiscal year 2023, and \$3,982,000 of the general fund—federal appropriation (ARPA) are provided solely for the implementation of equity grants.

(v) ~~\$773,000~~ \$773,000 of the general fund—state appropriation for fiscal year 2022, ~~(\$773,000)~~ \$958,000 of the general fund—state appropriation for fiscal year 2023, \$1,500,000 of the general fund—federal appropriation (CRRSA), and \$900,000 of the general fund—federal appropriation (ARPA) are provided solely for infant and early childhood mental health consultation.

(vi) \$365,000 of the general fund—federal appropriation (CRRSA) and \$495,000 of the general fund—federal appropriation (ARPA) are provided solely for the expansion of family, friend, and neighbor child care play and learn groups.

(vii) \$930,000 of the general fund—state appropriation for fiscal year 2022, \$1,075,000 of the general fund—state appropriation for fiscal year 2023, \$3,597,000 of the general fund—federal appropriation (CRRSA), and \$2,419,000 of the general fund—federal appropriation (ARPA) are provided solely for the implementation of trainings, early achievers scholarships, and other professional development activities. Amounts provided in this subsection may be used to contract with a nonprofit organization that provides relationship-based professional development support to family, friend, and neighbor, child care center, and licensed family care providers.

(viii) \$1,585,000 of the general fund—state appropriation for fiscal year 2022 and \$2,196,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to expand the birth-to-three early childhood education and assistance program.

(ix) \$421,000 of the general fund—state appropriation for fiscal year 2022 and \$408,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to collaborate with the department of

commerce on technical assistance to employers interested in providing child care to employees.

(b) The state and the representative for family child care providers must enter into bargaining over the implementation of grants and rate increases included in this proviso, and apply those increases consistent with the terms of this proviso and the agreement reached between the parties.

(18) \$265,000 of the general fund—state appropriation for fiscal year 2022 and \$265,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a statewide family resource and referral linkage system, with coordinated access point of resource navigators who will connect families with children prenatal through age five with services, programs, and community resources through a facilitated referral and linkage process.

(19)(a) \$414,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to establish a pilot project to determine the feasibility of a child care license category for multi-site programs operating under one owner or one entity. The department shall adopt rules to implement the pilot project and may waive or adapt licensing requirements when necessary to allow for the operation of a new license category. Pilot participants must include, at least:

- (i) One governmental agency;
- (ii) One nonprofit organization; and
- (iii) One for-profit private business.

(b) New or existing license child care providers may participate in the pilot. When selecting and approving pilot project locations, the department shall aim to select a mix of rural, urban, and suburban locations. By July 1, 2024, the department shall submit to the relevant committees of the legislature recommendations on whether to permanently implement this license category and what, if any, changes are needed to law to accomplish this.

(20)(a) \$2,771,000 of the home visiting account—state appropriation for fiscal year 2022, \$5,299,000 of the home visiting account—state appropriation for fiscal year 2023, and \$3,000,000 of the general fund—federal appropriation (ARPA) are provided to expand home visiting services, enhance data collection, and support the local implementing agencies providing home visiting services. The department shall:

(i) Contract with local implementing agencies to expand home visiting services by October 1, 2021; and

(ii) Provide semiannual updates to the home visiting advisory committee established in RCW 43.216.130 that includes an updated number of families served in home visiting programs and a status of the home visiting services account balance.

(iii) The home visiting advisory committee established in RCW 43.216.130 shall make recommendations to the department and the legislature by June 1, 2022, containing strategies for supporting home visiting providers and serving additional families. Recommendations should include, but are not limited to, strategies in the 2019 report to the legislature *Opportunities and Considerations for Expanding Home Visiting Services in Washington State*, such as enhancing data system collections and reporting, professional development supports, and rate adjustments to reimburse for the true cost of service delivery.

(b) Of the amounts provided in (a) of this subsection, \$2,528,000 of the home visiting account—state appropriation for fiscal year 2023 and \$3,000,000 of the general fund—federal appropriation (ARPA) are provided for additional home visiting services in order to implement Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(21) The appropriations in this section are sufficient funding to implement section 29 of Substitute Senate Bill No. 5151 (foster care & child care).

(22)(a) \$390,600,000 of the general fund—federal appropriation (ARPA) and \$9,400,000 of the general fund—federal appropriation (CARES) are provided solely for the department to distribute grants to child care providers to stabilize the child care industry as part of the state's response to the COVID-19 public health emergency. Child care providers are eligible for grants if they are eligible for child care development fund moneys or if they are licensed, regulated, or registered within the state. The funding provided in this subsection must be expended consistent with federal law. Of the amounts provided in this subsection:

(i) \$27,342,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to administer the grant program, including but not limited to costs related to creating and administering the online grant application, providing technical assistance and support for applying for and accessing the grants, publicizing the availability of the grants, and processing applications on a rolling basis.

(ii) \$11,718,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to contract with an organization to provide language access support to child care providers during the grant application process, including but not limited to translation services, community-based support related to the grant application process, and other grant application support.

(iii) \$351,540,000 of the general fund—federal appropriation (ARPA) and \$9,400,000 of the general fund—federal appropriation (CARES) are provided solely for child care stabilization grants to eligible child care providers as defined in section 2202 of the American rescue plan act of 2021 (ARPA). In applying for grants, child care providers are expected to meet the certification requirements defined in section 2202(d)(2)(D)(i) of ARPA. To the extent practicable, at least 10 percent of each grant awarded to an eligible child care provider must be used for compensation increases to employees working at a provider's facility. The department must make its best efforts to distribute 75 percent of the funding provided in this subsection by January 1, 2022, with the remaining 25 percent distributed by June 30, 2022. To the extent practicable, the department must prioritize: Providers in child care deserts; providers serving or located in marginalized, low-income communities or communities of color; and providers that help support racial equity across the state. In processing applications, to the extent practicable the department must also prioritize grant applications that include funding for the following purposes:

(A) Rent or mortgage payments;

(B) Copayment or tuition waivers for families receiving care, including refunds or credits to families who are not attending but are paying tuition in order to maintain a child's spot in the facility;

- (C) Child care for historically disadvantaged populations;
- (D) Child care during the summer months;
- (E) Child care during nonstandard hours;
- (F) Child care for school-age children;
- (G) Outreach to families who may have stopped attending due to cost;
- (H) Mental health supports for children and employees;
- (I) Broadband access for child care providers that care for school-age children; and
- (J) Personnel costs, including compensation, benefits, health care premium pay, or paid leave.

(b) Nothing in this subsection changes the department's responsibility to collectively bargain over mandatory subjects consistent with RCW 41.56.028(3) or limits the legislature's authority to make programmatic modifications to licensed child care and early learning programs consistent with legislative reservation of rights under RCW 41.56.028(4)(d).

(23) \$500,000 of the general fund—federal appropriation (CARES) is provided solely for the department to hire two temporary language access coordinators with specialties in Spanish and Somali to address immediate language access needs at the department related to COVID-19 child care relief and recovery in department programs, including but not limited to:

- (a) Translation of department materials;
- (b) Outreach to community organizations serving multilingual children and families regarding department programs;
- (c) Webinars and other technical assistance provided in Spanish and Somali for department programs; and
- (d) Other means of increasing language access and equity for early learning providers and caregivers in health and safety, licensing and regulations, and public funding opportunities for programs offered by the department.

(24) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$30,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to convene a work group that assesses and provides recommendations for creating new infrastructures and funding streams that support youth development. The work group must include representatives from community-based organizations providing youth development programs, including expanded learning, mentoring, school age child care, and wrap around supports and integrated student support. The department must report its findings and recommendations to the governor and legislature by September 1, 2022. The report must include the following recommendations:

- (a) Programmatic changes for breaking down silos and barriers for youth programming between state agencies;
- (b) The appropriate program within the department to develop meaningful youth-level, research-based prevention and promotion outcomes, and to support community-based organizations providing those outcomes;
- (c) The establishment of a state grant program to provide quality youth development opportunities for children and youth ages five through high school graduation; and
- (d) Strategies to increase access to youth development programs for prioritized populations such as children of color, foster children, children experiencing homelessness, and children involved in the justice system.

~~((25))~~ ~~(\$27,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Second Substitute House Bill No. 1127 (COVID-19 health data privacy). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~((26))~~ \$5,548,000 of the general fund—federal appropriation (ARPA) is provided solely for allocations from federal funding as authorized in section 2014, the American rescue plan act of 2021, P.L. 117-2.

~~((27))~~ (26)(a) The department must provide to the education research and data center, housed at the office of financial management, data on all state-funded early childhood programs. These programs include the early support for infants and toddlers, early childhood education and assistance program (ECEAP), and the working connections and seasonal subsidized childcare programs including license-exempt facilities or family, friend, and neighbor care. The data provided by the department to the education research data center must include information on children who participate in these programs, including their name and date of birth, and dates the child received services at a particular facility.

(b) ECEAP early learning professionals must enter any new qualifications into the department's professional development registry starting in the 2015-16 school year, and every school year thereafter. By October 2017, and every October thereafter, the department must provide updated ECEAP early learning professional data to the education research data center.

(c) The department must request federally funded head start programs to voluntarily provide data to the department and the education research data center that is equivalent to what is being provided for state-funded programs.

(d) The education research and data center must provide an updated report on early childhood program participation and K-12 outcomes to the house of representatives appropriations committee and the senate ways and means committee using available data every March for the previous school year.

(e) The department, in consultation with the department of social and health services, must withhold payment for services to early childhood programs that do not report on the name, date of birth, and the dates a child received services at a particular facility.

~~((28))~~ (27) Funding in this section is sufficient for the department to collaborate with the department of commerce to jointly convene and facilitate a child care collaborative task force to continue the work of the task force created in chapter 368, Laws of 2019 (2SHB 1344) to establish a true cost of quality of child care. The task force shall report its findings and recommendations to the governor and the appropriate committees of the legislature by November 1, 2022.

~~((29))~~ (28) \$900,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to provide early childhood education and assistance program services during July and August of 2021 to address learning loss and to meet the unique educational and other needs of 468 children whose enrollment was interrupted or delayed due to the COVID-19 public health emergency.

(29) \$260,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to implement an infant and early childhood mental health consultation initiative to support tribal child care and early

learning programs. Funding may be used to provide culturally congruent infant and early childhood mental health supports for tribal child care, tribal early childhood education and assistance program, and tribal head start providers. The department must consult with federally recognized tribes which may include round tables through the Indian policy early learning committee.

(30) \$640,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to help expand and support family, friend, or neighbor caregivers with a focus on the provision of play and learn groups. Funding provided in this subsection may be used for the department to:

(a) Fund consistent staffing across the state's six geographic regions to support the needs of family, friend, or neighbor caregivers;

(b) Contract with a statewide child care resource and referral program to sustain and expand the number of facilitated play groups to meet the needs of communities statewide;

(c) Support existing infrastructure for organizations that have developed the three existing play and learn program models so they have capacity to provide training, technical assistance, evaluation, data collection, and other support needed for implementation; and

(d) Provide direct implementation support to community-based organizations that offer play and learn groups.

(31) \$1,267,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to pay the application and fingerprint processing fees on behalf of child care providers to reduce the time involved to complete background checks.

(32) \$900,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the Washington communities for children for costs to complete its work pursuant to a federal preschool development grant that expires at the end of calendar year 2022. Allowable costs are only those incurred from January 2023 through June 2023.

**Sec. 230. 2021 c 334 s 230 (uncodified) is amended to read as follows:  
FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—  
PROGRAM SUPPORT**

General Fund—State Appropriation (FY 2022) . . . . .	(\$171,339,000)
	\$192,655,000
General Fund—State Appropriation (FY 2023) . . . . .	(\$171,554,000)
	\$207,977,000
General Fund—Federal Appropriation . . . . .	(\$194,079,000)
	\$190,601,000
General Fund—Private/Local Appropriation . . . . .	(\$394,000)
	\$459,000
Education Legacy Trust Account—State Appropriation . . . . .	\$180,000
Home Visiting Services Account—State Appropriation . . . . .	(\$458,000)
	\$472,000
Home Visiting Services Account—Federal Appropriation . . . . .	\$380,000
TOTAL APPROPRIATION . . . . .	(\$538,384,000)
	\$592,724,000

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

(1) \$400,000 of the general fund—state appropriation for fiscal year 2022 and \$400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a Washington state mentoring organization to continue its public-private partnerships providing technical assistance and training to mentoring programs that serve at-risk youth.

(2)(a) \$1,000 of the general fund—state appropriation for fiscal year 2022, \$1,000 of the general fund—state appropriation for fiscal year 2023, and \$2,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium, as provided in section 945 of this act.

(b) \$6,000 of the general fund—state appropriation for fiscal year 2023 and \$2,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for fiscal year 2023 as provided in section 938 of this act.

(3) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a full-time employee to coordinate policies and programs to support pregnant and parenting individuals receiving chemical dependency or substance use disorder treatment.

(4) \$505,000 of the general fund—state appropriation for fiscal year 2022 and \$505,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to collaborate with the office of the superintendent of public instruction to complete a report with options and recommendations for administrative efficiencies and long-term strategies that align and integrate high-quality early learning programs administered by both agencies and consistent with implementation of Engrossed Second Substitute Senate Bill No. 5237 (child care dev. exp.). The report, due September 1, 2022, shall address capital needs, data collection and data sharing, licensing changes, quality standards, options for community-based and school-based settings with inclusive facilities and operations, fiscal modeling, statutory changes needed to achieve administrative efficiencies, and all other requirements of Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.).

(5) Within existing resources, the department shall submit a brief report to the governor and appropriate legislative committees by December 1, 2022, outlining options for creating a new dedicated account for adoption support that will meet 42 U.S.C. Sec. 473 requirements. The report shall include a methodology for calculating savings in a manner that can be incorporated into the adoption support forecast budget process, statutory needs, and expenditure guidelines for the account.

(6) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a statewide nonprofit with demonstrated capability of partnering with state agencies and community organizations to develop public-facing regionalized data dashboards and reports to support the goals of the



department and the early learning advisory council, pursuant to Engrossed Second Substitute Senate Bill No. 5237 (child care & early learning dev. exp.).

(7) \$2,500,000 of the general fund—state appropriation for fiscal year 2022, \$2,500,000 of the general fund—state appropriation for fiscal year 2023, and \$5,000,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1227 (child abuse allegations). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(8) \$20,000 of the general fund—state appropriation for fiscal year 2022 and \$20,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5118 (reentry). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(9) \$6,532,000 of the general fund—state appropriation for fiscal year 2022, \$7,385,000 of the general fund—state appropriation for fiscal year 2023, and \$6,083,000 of the general fund—federal appropriation (CRRSA) are provided solely for the department to migrate the social service payment system to a cloud-based payment system in order to implement child care stabilization grants, child care subsidy rate enhancements, and other payments intended to support child care providers during and after the COVID-19 public health emergency, to implement changes to the social service payment system necessary to implement these payments, and for other improvements necessary for the successful implementation of Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.). The amounts in this section are subject to the conditions, limitations, and review provided in section 701 of this act.

(10) \$250,000 of the general fund—federal appropriation (CARES) is provided solely for the department to develop or contract to develop a language access plan that addresses equity and access for immigrant, multilingual providers, caregivers, and families. The plan must be submitted to the appropriate committees of the legislature by June 30, 2022. The plan must include, but is not limited to, the following:

(a) A needs assessment and staffing recommendation for program accessibility at the department for individuals with limited English and a geographic landscape analysis of language needs for providers, caregivers, and families in their interactions with the department;

(b) A review of successful language access policies and practices in public agencies to effectively address the needs of non-English speaking families, providers, and other stakeholders;

(c) An alignment of best practices across the department in multilingual workforce development;

(d) A framework for proactive community engagement to provide child care providers, early learning providers, or families that speak languages other than English access to information and support in navigating English-dominant state resources at the department;

(e) Recommendations for a continuous improvement model of measuring progress and success in language access at the department; and

(f) Compliance with federal and state laws at the department.

(11) \$40,000 of the general fund—federal appropriation (CRRSA) is provided solely for the department to establish a process for informing, upon

clearance of required background checks, employees of licensed family home, center-based, and outdoor nature-based childcares about available financial supports and options for accessing health coverage. On at least an annual basis, no less than 45 days before the start of open-enrollment, the department must share with the health benefits exchange (exchange) and designated navigator organizations, but no additional third-party entity, workforce data identifying licensed childcare employees for the sole purpose of outreach, enrollment, verification, and other program implementation activities identified by the exchange. The department must share with the exchange and designated navigator organizations, but no additional third-party entity, workforce data identifying newly licensed childcare employees on an ongoing basis as needed during the plan year for the sole purpose of outreach, enrollment, verification, and other program implementation activities identified by the exchange.

(12) \$1,494,000 of the general fund—federal appropriation is provided solely for the department to implement the family first prevention services act requirements, including technology enhancements to support the automated assessments, data quality, and reporting requirements. Funding provided in this subsection is subject to the conditions, limitations, and review provided in section 701 of this act.

(13) \$267,000 of the general fund—state appropriation for fiscal year 2022, \$717,000 of the general fund—state appropriation for fiscal year 2023, and \$223,000 of the general fund—federal appropriation are provided solely for the implementation of Second Substitute House Bill No. 1219 (youth counsel/dependency). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(14) \$85,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1295 (institutional ed/release). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(15) \$848,000 of the general fund—state appropriation for fiscal year 2022, \$848,000 of the general fund—state appropriation for fiscal year 2023, and \$384,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1194 (parent-child visitation). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(16) \$1,292,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to expand its housing pilot to two additional sites. The housing pilot will serve hard-to-place foster youth who are at least 16 years old with housing and intensive case management.

(17) \$32,000 of the general fund—state appropriation for fiscal year 2022, \$64,000 of the general fund—state appropriation for fiscal year 2023, and \$24,000 of the general fund—federal appropriation are provided solely for the extraordinary litigation expenses of the attorney general's office related to the case of *D.S., et al. v. DCYF*, United States district court western district of Washington case no. 2:21-cv-00111-BJR.

(18) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract with a nonprofit organization to provide culturally relevant support services to children and families when a child is removed from their parents due to potential abuse or neglect as defined in

RCW 26.44.020(1). The nonprofit organization must have experience providing culturally relevant support services to children and families through daycare, the early childhood education and assistance program, and department of social and health services contracted services.

(19) \$65,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1747 (child relative placements). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(20) \$341,000 of the general fund—state appropriation for fiscal year 2023 and \$85,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1905 (homelessness/youth discharge). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(21) \$26,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 2068 (imagination library). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(22) \$30,000 of the general fund—state appropriation for fiscal year 2022 and \$70,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department of children, youth, and families to partner with the department of commerce to codesign community-based family reconciliation services to assess and stabilize youth and families in crisis through primary prevention services. The codesign team shall include youth and families with lived experience, tribes, child welfare professionals, community-based providers, and representatives from state and local agencies, including the department of social and health services, the health care authority, the office of the superintendent of public instruction, the employment security department, and juvenile court administrators. The codesign team must develop a community-based family reconciliation services program model that addresses entry points to services, program eligibility, utilization of family assessments, provision of concrete economic supports, referrals to and utilization of in-home services, and the identification of trauma-informed and culturally responsive practices. Preliminary recommendations from the codesign team must be submitted to the governor and appropriate legislative committees no later than December 1, 2022, with the annual family reconciliation services data required under RCW 13.32A.045.

**PART III  
NATURAL RESOURCES**

**Sec. 301.** 2021 c 334 s 301 (uncodified) is amended to read as follows:

**FOR THE COLUMBIA RIVER GORGE COMMISSION**

General Fund—State Appropriation (FY 2022) . . . . .	\$752,000
General Fund—State Appropriation (FY 2023) . . . . .	<del>(\$820,000)</del>
	<u>\$845,000</u>
General Fund—Federal Appropriation . . . . .	\$32,000
General Fund—Private/Local Appropriation . . . . .	<del>(\$1,354,000)</del>
	<u>\$1,374,000</u>
TOTAL APPROPRIATION . . . . .	<del>(\$2,958,000)</del>
	<u>\$3,003,000</u>

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

(1) \$94,000 of the general fund—state appropriation for fiscal year 2022 and \$94,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a land use planner to provide land use planning services dedicated to Klickitat county. Because the activities of the land use planner are solely for the benefit of Washington state, Oregon is not required to provide matching funds for this activity.

(2) \$88,000 of the general fund—state appropriation for fiscal year 2022, \$125,000 of the general fund—state appropriation for fiscal year 2023, and \$213,000 of the general fund—private/local appropriation are provided solely for the access database replacement project, and is subject to the conditions, limitations, and review provided in section 701 of this act.

Sec. 302. 2021 c 334 s 302 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

General Fund—State Appropriation (FY 2022) . . . . .	<del>(\$47,364,000)</del>
	<u>\$44,944,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	<del>(\$39,868,000)</del>
	<u>\$55,191,000</u>
General Fund—Federal Appropriation . . . . .	<del>(\$98,760,000)</del>
	<u>\$101,200,000</u>
General Fund—Private/Local Appropriation . . . . .	<del>(\$26,999,000)</del>
	<u>\$27,545,000</u>
Reclamation Account—State Appropriation . . . . .	<del>(\$4,286,000)</del>
	<u>\$4,438,000</u>
Flood Control Assistance Account—State Appropriation . . . . .	<del>(\$4,066,000)</del>
	<u>\$4,185,000</u>
Aquatic Lands Enhancement Account—State Appropriation . . . . .	\$150,000
State Emergency Water Projects Revolving Account— State Appropriation . . . . .	\$40,000
Waste Reduction, Recycling, and Litter Control Account—State Appropriation . . . . .	<del>(\$26,666,000)</del>
	<u>\$31,117,000</u>
State Drought Preparedness <u>and Response</u> Account—State Appropriation . . . . .	\$204,000
State and Local Improvements Revolving Account—Water Supply Facilities—State Appropriation . . . . .	\$186,000
Water Rights Tracking System Account—State Appropriation . . . . .	\$48,000
Site Closure Account—State Appropriation . . . . .	\$582,000
Wood Stove Education and Enforcement Account—State Appropriation . . . . .	<del>(\$567,000)</del>
	<u>\$580,000</u>
Worker and Community Right to Know Fund—State Appropriation . . . . .	<del>(\$1,968,000)</del>
	<u>\$2,043,000</u>
Water Rights Processing Account—State Appropriation . . . . .	\$39,000
Water Quality Permit Account—State Appropriation . . . . .	<del>(\$46,578,000)</del>

	<u>\$49,813,000</u>
Underground Storage Tank Account—State Appropriation . . . . .	(((\$3,876,000))
	<u>\$4,204,000</u>
Biosolids Permit Account—State Appropriation . . . . .	(((\$2,594,000))
	<u>\$2,718,000</u>
Hazardous Waste Assistance Account—State Appropriation. . . . .	(((\$7,389,000))
	<u>\$7,714,000</u>
Radioactive Mixed Waste Account—State Appropriation . . . . .	(((\$22,281,000))
	<u>\$23,489,000</u>
Air Pollution Control Account—State Appropriation . . . . .	(((\$4,135,000))
	<u>\$4,343,000</u>
Oil Spill Prevention Account—State Appropriation . . . . .	(((\$6,446,000))
	<u>\$7,233,000</u>
Air Operating Permit Account—State Appropriation . . . . .	(((\$4,786,000))
	<u>\$4,994,000</u>
Wastewater Treatment Plant Operator Certification Account—State Appropriation . . . . .	\$552,000
Oil Spill Response Account—State Appropriation . . . . .	\$7,076,000
Model Toxics Control Operating Account—State Appropriation. . . . .	(((\$283,123,000))
	<u>\$290,424,000</u>
Model Toxics Control Operating Account—Local Appropriation. . . . .	\$499,000
<u>Model Toxics Control Stormwater Account—State Appropriation. . . . .</u>	<u>\$8,500,000</u>
Voluntary Cleanup Account—State Appropriation . . . . .	\$344,000
Paint Product Stewardship Account—State Appropriation. . . . .	\$140,000
Dedicated Marijuana Account—State Appropriation (FY 2022). . . . .	(((\$270,000))
	<u>\$284,000</u>
Dedicated Marijuana Account—State Appropriation (FY 2023). . . . .	(((\$276,000))
	<u>\$290,000</u>
Water Pollution Control Revolving Administration Account—State Appropriation . . . . .	(((\$4,566,000))
	<u>\$5,462,000</u>
Clean Fuels Program Account—State Appropriation. . . . .	\$382,000
Climate Investment Account—State Appropriation. . . . .	(((\$5,139,000))
	<u>\$7,138,000</u>
TOTAL APPROPRIATION . . . . .	(((\$652,245,000))
	<u>\$698,091,000</u>

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

(1) ~~(\$910,000 of the model toxics control operating account state appropriation is)~~ \$455,000 of the general fund—state appropriation for fiscal year 2022 and \$455,000 of the general fund—state appropriation for fiscal year

2023 are provided solely for the department to grant to the northwest straits commission to distribute equally among the seven Puget Sound marine resource committees.

(2) \$2,024,000 of the model toxics control operating account—state appropriation is provided solely for additional staff to process an increased workload of clean water act certification requests and to process all United States army corps of engineers permitted projects in Washington within the sixty-day processing requirement, should it be implemented.

(3) Within the amounts appropriated in this section, the department must adopt rules to implement the provisions of RCW 88.40.025.

(4) \$739,000 of the general fund—state appropriation for fiscal year 2022 and \$363,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1050 (fluorinated gases). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(5) \$2,277,000 of the general fund—state appropriation for fiscal year 2022, \$897,000 of the general fund—state appropriation for fiscal year 2023, and \$382,000 of the clean fuels program account—state appropriation are provided solely for the implementation of Engrossed Third Substitute House Bill No. 1091 (transportation fuel/carbon). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(6) \$262,000 of the model toxics control operating account—state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1382 (salmon recovery projects). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(7) \$170,000 of the oil spill prevention account—state appropriation is provided solely for a contract with the University of Washington's sea grant program to continue an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

~~((\$204,000 of the model toxics control operating account—state appropriation is))~~ \$102,000 of the general fund—state appropriation for fiscal year 2022 and \$102,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Executive Order No. 12-07, Washington's response to ocean acidification.

(9) \$14,000,000 of the model toxics control operating account—state appropriation is provided solely for the department to provide grants to local governments for the purpose of supporting local solid waste and financial assistance programs.

(10) \$150,000 of the aquatic lands enhancement account—state appropriation is provided solely for implementation of the state marine management plan and ongoing costs of the Washington coastal marine advisory council to serve as a forum and provide recommendations on coastal management issues.

(11) \$588,000 of the general fund—state appropriation for fiscal year 2022 and \$662,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to address outstanding water rights issues. Of the amounts provided in this subsection:

(a) \$463,000 of the general fund—state appropriation for fiscal year 2022 and \$537,000 of the general fund—state appropriation for fiscal year 2023 are

provided solely for preparation and filing of adjudications of state water rights in the Nooksack (water resource inventory area 1) and lake Roosevelt and middle tributaries (water resource inventory area 58) watersheds. The department will not file an adjudication in water resource inventory area 1 prior to June 1, 2023; and

(b) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for Whatcom county to support a collaborative process among local water users and water right holders that can complement water rights adjudication in the Nooksack (water resources inventory area 1) watershed. Funding is provided for facilitation and mediation among parties, development of planning and technical information, and assessment of local solutions. At a minimum, the collaborative process must seek to provide opportunities for discussion of increasing salmon populations and preserving farmland.

(12) (~~(\$242,000)~~) \$178,000 of the model toxics control operating account—state appropriation is provided solely for an equipment cache grant for the Jamestown S'klallam Tribe for a new response vehicle.

(13) \$398,000 of the model toxics control operating account—state appropriation is provided solely for consumer product testing data validation services to support increases to the agency's product testing program.

(14) \$2,305,000 of the model toxics control operating account—state appropriation is provided solely to increase the department's capacity to test for toxics in children's products and other general consumer goods, to implement needed policy changes resulting from product testing, to communicate results to the public, and to conduct a feasibility study to add an inorganics component to the plan for new laboratory space at the department's headquarters building in Lacey, Washington.

(15) \$497,000 of the general fund—state appropriation for fiscal year 2022 and \$497,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to provide grants to conservation organizations and certain tribes for the purpose of coordination, monitoring, and research related to Puget Sound kelp conservation and recovery. Of the amounts provided in this subsection the department shall distribute grants as follows: \$175,000 each fiscal year to the Northwest Straits commission; \$72,000 each fiscal year to the Lower Elwha Klallam Tribe; \$100,000 each fiscal year to the Samish Indian Nation; and \$150,000 each fiscal year to the Puget Sound Restoration Fund.

(16) \$2,000,000 of the model toxics control operating account—state appropriation is provided solely for the Spokane river regional toxics task force to address elevated levels of polychlorinated biphenyls in the Spokane river.

(17) (~~(\$150,000)~~) \$30,000 of the general fund—state appropriation for fiscal year 2022 (~~(is)~~) and \$120,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to grant to Clark county for the purpose of designing the process for developing a long-term plan to restore and maintain the health of Vancouver lake, a category 5 303(d) status impaired body of water, as well as designing an institutional structure to take responsibility for the plan's implementation in a financially sustainable manner. The plan will build on existing work completed by the county, state agencies, and nonprofit organizations. The department will support the work of the county

to include involvement by property owners around the lake and within the watersheds that drain to the lake, the department of natural resources, the department of fish and wildlife, other state agencies and local governments with proprietary or regulatory jurisdiction, tribes, and nonprofit organizations advocating for the lake's health. The design should address timelines for plan development, roles and responsibilities of governmental and nonprofit entities, potential funding sources and options for plan implementation, including formation of a potential lake management district under chapter 36.61 RCW, and the management objectives to be included in the plan.

(18) \$80,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to work with the Guemes island planning advisory committee to follow on to a United States geologic survey study of the island's aquifer recharge areas, quantify an updated water budget, and provide an accurate water-level analysis and water-table map of the two aquifers on the island.

(19) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to support the Pierce county health department and the friends of Spanaway lake to treat and clean up elevated phosphorus and algae levels in Spanaway lake.

(20) \$92,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to San Juan county for a study to build on the existing knowledge of the islands' water resources to gain a current understanding of the state of groundwater in the county, including hydrologic data evaluation, completing recharge estimates, and updating the water balance.

(21) \$146,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to work with landowners, state agencies, and others to analyze the water quality of Deep lake.

(22) \$195,000 of the model toxics control operating account—state appropriation is provided solely for the department to carry out an assessment of potential hazards of 6PPD (CAS 793-24-8) and other chemicals or chemical classes and breakdown products used as anti-oxidants and/or antiozonants in tires and submit a technical memo to the appropriate committees of the legislature by December 1, 2021.

(23) \$523,000 of the model toxics control operating account—state appropriation is provided solely for the department to work with the department of transportation, University of Washington-Tacoma, and Washington State University-Puyallup to identify priority areas affected by 6PPD or other related chemicals toxic to aquatic life from roads and transportation infrastructure and on best management practices for reducing toxicity. This includes developing a standard method for the laboratory measurement of 6PPD-quinone and related chemicals. The department will submit a report to the appropriate committees of the legislature by November 1, 2022.

(24) \$1,090,000 of the general fund—state appropriation for fiscal year 2022 and \$1,090,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to create a database, monitoring program, and laboratory assessment method regarding polychlorinated biphenyls (PCB). ~~(Within)~~ Of the amount provided in this subsection, \$440,000 is provided to enhance the environmental information management



database; \$1,200,000 is provided to create a long-term statewide PCB monitoring program; and \$540,000 is provided for developing a PCB specific laboratory method for conducting analysis. The department must coordinate with the department of fish and wildlife on the implementation of this subsection and for recommending PCB clean-up projects for legislative funding in subsequent appropriations.

(25) \$847,000 of the model toxics control operating account—state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5022 (recycling, waste, & litter). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(26) ~~(\$11,716,000)~~ \$11,068,000 of the general fund—state appropriation for fiscal year 2022, ~~(\$6,284,000)~~ \$7,788,000 of the general fund—state appropriation for fiscal year 2023, and ~~(\$5,139,000)~~ \$6,589,000 of the climate investment account—state appropriation are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5126 (climate commitment act). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(27) \$95,000 of the general fund—state appropriation for fiscal year 2022, \$105,000 of the general fund—state appropriation for fiscal year 2023, \$61,000 of the waste reduction, recycling, and litter control account—state appropriation, \$231,000 of the water quality permit account—state appropriation, \$31,000 of the hazardous waste assistance account—state appropriation, \$31,000 of the oil spill prevention account—state appropriation, and \$983,000 of the model toxics control operating account—state appropriation are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5141 (environmental justice task force recommendations). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(28) \$43,000 of the model toxics control operating account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5381 (fish passage project permits). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(29) \$52,000 of the general fund—state appropriation for fiscal year 2022, \$52,000 of the general fund—state appropriation for fiscal year 2023, \$8,000 of the reclamation account—state appropriation, \$8,000 of the flood control assistant account—state appropriation, \$32,000 of the waste reduction, recycling, and litter control account—state appropriation, \$4,000 of the worker and community right-to-know account—state appropriation, \$120,000 of the water quality permit account—state appropriation, \$10,000 of the underground storage tank account—state appropriation, \$6,000 of the bio solids permit account—state appropriation, \$18,000 of the hazardous waste assistance account—state appropriation, \$52,000 of the radioactive mixed waste account—state appropriation, \$10,000 of the air pollution control account—state appropriation, \$20,000 of the oil spill prevention account—state appropriation, \$12,000 of the air operating permit account—state appropriation, \$514,000 of the model toxics control operating account—state appropriation, and \$80,000 of the water pollution control revolving administration account—state appropriation are provided solely for the department to maintain and license the new eHub system. Funding is subject to the conditions, limitations, and review requirements of section 701 of this act.

(30) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to enter into a contract with a qualified third party to develop standards that provide a framework for assessing the quality of volume, validity, and durability of potential future carbon dioxide removal projects. The resulting product should be adequate to allow in-state entities to analyze proposed carbon removal project for conformity with state carbon reduction laws, rules, and goals. The selected vendor should build upon previously completed analyses by the state of Washington and the federal government.

(31) \$40,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to:

(a) Develop recommendations and implement actions under existing authority to modify the process for the review of water banks to ensure that key information is made available to the public. The changes should consider requirements such as:

(i) A description of a proposed banking and operations plan, including the needs and customers the bank intends to serve, the geographic area to be served, the portfolio of available mitigating rights and their allowed uses, any anticipated change in use of available mitigating rights, any limitations the bank intends to impose in offering water rights for use, and anything else the department deems necessary to promote transparency and the public interest;

(ii) Reporting requirements that include any changes in the intended customers or needs being serviced by the bank, any change in the geographic area to be served, any anticipated change in the use of available mitigating rights, any change in limitation the banks intends to impose in offering water right for use, and any other change the department deems necessary to promote transparency and the public interest; and

(iii) Reporting requirements for publishing each change and providing notice to pertinent parties and soliciting public comment.

(b) The department must build off its work directed under chapter 357, Laws of 2020 to refine recommendations on improving the state's framework for water banking, water trust, and water right transfers. Recommendations should address issues of private investment in water banking and the merits of incentives and regulations pertaining to the out-of-basin transfer of water rights. In refining its recommendations, the department shall consult with tribes and consider input from stakeholders with expertise in water banking.

(c) By December 31, 2021, the department shall update the appropriate committees of the legislature on its progress on refining policy recommendations under this section, including any recommended statutory changes, and on the status of the pilot grant program established under subsection (32) of this section.

(d) By December 1, 2022, the department shall submit a report to the appropriate committees of the legislature on work conducted pursuant to this section and on the pilot grant program established under this section. The report should include but is not limited to a summary of water banking activity funded including success and challenges, a summary of outcomes of the pilot grant program, a summary of actions taken under current authority, and policy

recommendations. The policy recommendations may also come in the form of agency request legislation.

~~(32) (\$4,500,000 of the general fund—state appropriation for fiscal year 2022 and \$4,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to administer the pilot grant program for water banking strategies to meet water needs as described in this section. Within available appropriations, grants must be awarded to qualified applicants according to (c) of this subsection. Grant awards must be limited to not more than \$2,000,000 per applicant.~~

~~(a) Grant awards may only be used for:~~

~~(i) Development of water banks in rural counties as defined in RCW 82.14.370(5) that have the headwaters of a major watershed within their borders and only for water banking strategies within the county of origin. A major watershed has the same meaning as shoreline of the state in RCW 90.58.030(2)(f)(v) (A) and (B);~~

~~(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 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.~~

~~(c) To be qualified for these funds, an applicant must also show:~~

~~(i) That the applicant has sufficient expertise and capacity to develop and maintain a water bank consistent with the purposes of this appropriation;~~

~~(ii) That the applicant has secured a valid interest to purchase a water right;~~

~~(iii) That the water rights appear to be adequate for the intended use;~~

~~(iv) That the applicant agrees 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; and~~

~~(v) That the applicant is a public entity or a participant in a public/private partnership with a public entity.~~

~~(33)) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to:~~

~~(a) Establish and administer a pilot grant program for implementing water banking strategies to meet local water needs;~~

~~(b) Review water banking grant applications submitted under this section, including evaluation of water right suitability; and~~

~~(c) Develop and finalize water banking agreements, trust water right agreements, and other necessary legal instruments with entities selected to receive grants under this section.~~

~~((34)) (33) \$30,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to designate a regional clean air agency to convene a stakeholder group to assess and develop recommendations for reducing and mitigating air quality impacts in the form of noxious odors resulting from asphalt plants in the Puget Sound region. The stakeholder group~~

should include representatives from the asphalt industry, cities within a county in the region in which an asphalt plant is located, the Puget Sound clean air agency, local and state health departments, research institutions, and a community or environmental organization representative with expertise in air pollution, toxicology, or other relevant fields. The recommendations must address steps needed for asphalt production facilities to develop odor control plans and best management practices to reduce noxious odors that negatively impact neighboring residents, businesses and persons utilizing publicly owned recreational facilities. A report containing recommendations must be submitted to the appropriate committees of the legislature by December 1, 2021.

(34) \$233,000 of the model toxics control operating account—state appropriation and \$100,000 of the oil spill prevention account—state appropriation are provided solely for additional staff to develop and implement new area contingency plans related to spill response in Washington state.

(35) \$1,642,000 of the model toxics control operating account—state appropriation and \$115,000 of the underground storage tank account—state appropriation are provided solely for additional staff to meet environmental protection agency underground storage tank site inspection requirements and oversee the cleanup of known contaminated leaking underground storage tank sites in Washington.

(36) \$1,800,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for implementation of the food waste reduction act of 2019, chapter 255 Laws of 2019, through a series of food waste reduction campaigns, in addition to continuing to invest in litter prevention campaigns to address the state's ongoing litter problem.

(37) \$1,382,000 of the model toxics control operating account—state appropriation is provided solely to develop methods and analyze 6PPD compounds in water and sediment, establish baseline monitoring data, and fund projects to identify best management practices and treatment devices that remove 6PPD from stormwater.

(38) \$1,322,000 of the model toxics control operating account—state appropriation is provided solely for the department to complete a full safer alternatives assessment of the 6PPD compounds used in tires. The assessment shall incorporate and evaluate toxicity data of alternatives on Coho and other species. Of the amounts provided in this subsection, \$246,000 of the model toxics control operating account—state appropriation is provided to support materials science expertise and collection of industry data necessary to evaluate feasibility of alternatives. The department shall provide a completed assessment to the governor's office, office of financial management, and the appropriate committees of the legislature, and, if the department finds safer alternatives exist, include recommended regulatory, policy, or legislative actions to advance safer alternatives.

(39) \$4,000,000 of the model toxics control stormwater account—state appropriation is provided solely for grants to local stormwater municipalities for expanding capacity to address stormwater management needs and meeting new municipal stormwater permit requirements, including stormwater management action planning to ensure that capital stormwater retrofit projects and other local stormwater management actions are prioritized, planned, and scheduled for construction or implementation.

(40) \$1,378,000 of the general fund—state appropriation for fiscal year 2023 and \$549,000 of the climate investment account—state appropriation is provided solely for the department to increase air quality monitoring in overburdened communities as directed under RCW 70A.65.020(1).

(41) \$557,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for coordinating regulatory efforts to address temperature and other water quality issues associated with dams on the Columbia and Snake rivers, and for additional staff to assist with hydropower relicensing and license implementation.

(42) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to update the department's database of shoreline aerial photos to assist state agencies, local governments, and tribes in managing marine and freshwater shorelines throughout the state.

(43) \$164,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to develop standardized channel migration zone mapping methodology and to offer support for tribes, counties, and local jurisdictions to refine existing channel migration zone maps with local information.

(44) \$901,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to identify the technologies, methodologies, datasets, and resources needed to refine and maintain the accuracy of the national hydrography dataset for Washington in order to better monitor the health of riparian buffers.

(45) \$750,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for flood prevention in the Nooksack basin. Of this amount:

(a) \$500,000 is provided solely to grant to Whatcom county to:

(i) Integrate Nooksack basin (WRIA 1) floodplain projects with mutually beneficial water resource and riparian habitat management actions that address climate change and extreme weather events; and

(ii) Support Whatcom county's floodplain integrated planning (FLIP) team planning, technical review, local solutions, and projects development.

(b) \$250,000 is provided solely for the department to lead facilitation and technical support for the Nooksack river international task force, which is a long-standing cross-border task force focused on developing and evaluating alternatives for managing flooding from the Nooksack river in Whatcom county and British Columbia.

(46) \$350,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to recommend one or more draft structures for nutrient credit trading that could be used to efficiently and quickly achieve nutrient discharge reductions for point source dischargers covered under the Puget Sound nutrient general permit. By June 30, 2023, the department must submit a report to the appropriate committees of the legislature consistent with RCW 43.01.036 that summarizes the draft structure or structures and describes a tribal consultation and a stakeholder engagement process to solicit feedback on the draft structure or structures and any necessary statutory changes and funding.

(47) \$287,000 of the oil spill prevention account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1691 (oil spills/financial resp.). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(48) \$355,000 of the model toxics control operating account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1694 (chemicals/consumer products). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(49) \$449,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1663 (landfill methane emissions). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(50) \$1,603,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1799 (organic materials management). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(51) \$4,232,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for grants to federally recognized tribes for consultation on spending decisions from accounts created in the climate commitment act, chapter 316, Laws of 2021 (E2SSB 5126), as described in Engrossed Substitute House Bill No. 1753 (climate funding/tribes).

(52) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a hydrologic analysis of the causes of flooding on and around Sprague Lake, including stream flows between Sprague Lake and Cow Creek during high water events. The department may contract with a third party to complete the analysis, and the department must collaborate with the department of fish and wildlife in overseeing the analysis. The department must report the results of the analysis to the appropriate committees of the legislature by June 30, 2023.

(53) \$90,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to grant to the Spirit Lake-Toutle/Cowlitz river collaborative for flood risk reduction, ecosystem recovery, scientific research, and other activities related to sediment management and flooding in the Spirit Lake-Toutle/Cowlitz river system.

(54) \$2,000,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for the department to conduct litter control on state highways.

(55) \$146,000 of the general fund—state appropriation for fiscal year 2023 and \$15,000 of the model toxics control operating account—state appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 5974 (transportation resources). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(56) \$266,000 of the model toxics control operating account—state appropriation is provided solely for the department, in consultation with the department of health and community and social justice organizations, to identify cosmetic products marketed to or used by people of color, including adults and children, and test those products for potentially harmful chemicals or chemical classes. The department must provide a technical report on the results of the tests to the appropriate committees of the legislature by December 31, 2022.

(57) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to provide grants to the city of Tumwater and a nonprofit organization to study the Deschutes river floodplain.

(58) \$32,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the implementation of Substitute Senate Bill No. 5910 (hydrogen). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(59)(a) \$150,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for the department to conduct or contract for a study to:

(i) Assess the amount and types of consumer packaging and paper products sold or supplied into the state and the recycling rates achieved for these materials through existing recycling programs and activities in the state. Recycling rate estimates must account for and exclude contamination, and must be presented by material category, including, at minimum, for paper, plastic, aluminum, steel, and glass, as well as for beverage containers, and by other factors as appropriate; and

(ii) In accordance with the recommendations for managing plastic packaging waste submitted to the Washington state legislature in 2020, consider and make recommendations on legislative action to address the items included in the list of problematic and unnecessary materials identified for elimination by the United States plastic pact.

(b) The study must be submitted to the appropriate committees of the legislature by December 1, 2022.

(60) \$40,000 of the model toxics control operating account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5818 (housing/SEPA & GMA). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

**Sec. 303.** 2021 c 334 s 303 (uncodified) is amended to read as follows:  
**FOR THE WASHINGTON POLLUTION LIABILITY INSURANCE PROGRAM**

General Fund—Federal Appropriation . . . . .	(\$638,000)
	\$754,000
Pollution Liability Insurance Agency Underground Storage Tank Revolving Account—State Appropriation . . . . .	\$957,000
Pollution Liability Insurance Program Trust Account— State Appropriation . . . . .	(\$1,392,000)
	\$1,427,000
TOTAL APPROPRIATION . . . . .	(\$2,987,000)
	\$3,138,000

**Sec. 304.** 2021 c 334 s 304 (uncodified) is amended to read as follows:  
**FOR THE STATE PARKS AND RECREATION COMMISSION**

General Fund—State Appropriation (FY 2022) . . . . .	(\$29,059,000)
	\$29,496,000
General Fund—State Appropriation (FY 2023) . . . . .	(\$29,036,000)
	\$33,312,000
General Fund—Federal Appropriation . . . . .	(\$7,058,000)
	\$7,154,000
Winter Recreation Program Account—State Appropriation . . . . .	(\$3,303,000)

	<u>\$4,906,000</u>
<u>Millersylvania Park Current Account—State</u>	
<u>Appropriation</u> . . . . .	<u>\$5,000</u>
ORV and Nonhighway Vehicle Account—State	
Appropriation . . . . .	(( <u>\$369,000</u> ))
	<u>\$387,000</u>
Snowmobile Account—State Appropriation . . . . .	(( <u>\$5,645,000</u> ))
	<u>\$5,682,000</u>
Aquatic Lands Enhancement Account—State	
Appropriation . . . . .	\$367,000
Parks Renewal and Stewardship Account—State	
Appropriation . . . . .	(( <u>\$125,451,000</u> ))
	<u>\$142,302,000</u>
Parks Renewal and Stewardship Account—Private/Local	
Appropriation . . . . .	\$420,000
TOTAL APPROPRIATION . . . . .	(( <u>\$200,708,000</u> ))
	<u>\$224,031,000</u>

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

(1) \$129,000 of the general fund—state appropriation for fiscal year 2022 and \$129,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant for the operation of the Northwest weather and avalanche center.

(2) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to pay assessments charged by local improvement districts.

(3) \$406,000 of the general fund—state appropriation for fiscal year 2022, \$322,000 of the general fund—state appropriation for fiscal year 2023, and \$88,000 of the parks renewal and stewardship account—state appropriation are provided solely for operating budget impacts from capital budget projects funded in the 2019-2021 fiscal biennium.

(4) ((\$272,000)) \$80,000 of the general fund—state appropriation for fiscal year 2022 and ((\$272,000)) \$464,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for an update to the Seashore conservation area survey and plan.

(5) \$130,000 of the general fund—state appropriation for fiscal year 2022 and \$130,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to hire a diversity, equity, and inclusion coordinator to expand the diversity of the agency's workforce.

(6) \$85,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the facilitation of a work group that includes representation from the state parks and recreation commission, the commission on African American affairs, and stakeholders with expertise of the black experience in outdoor recreation to identify barriers to inclusion and develop recommendations to increase participation of Black Washingtonians in the state parks system and other outdoor recreation spaces and public parks. The work group will be selected by the governor's office and will consist of at least twelve



participants representing diverse geographic, socioeconomic, and experiential backgrounds. The parks commission will enter into an interagency agreement with the commission on African American affairs to procure a contractor to facilitate the work group and develop a report with recommendations. The amount provided in this subsection may also be used for a survey or focus group to assess the needs of Black Washingtonians related to state parks and outdoor recreation. The work group will submit a report to the governor's office and appropriate committees of the legislature no later than ~~((January))~~ April 1, 2022.

(7) ~~\$7,900,000 of the general fund—state appropriation for fiscal year 2022 and \$7,900,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to increase customer service, conduct more custodial maintenance, expand interpretive services, accelerate work on preventative maintenance and improve the conditions of park facilities, and expand public safety.~~

(8) ~~\$90,000 of the general fund—state appropriation for fiscal year 2022 and \$6,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5259 (law enforcement data). ((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(9) \$76,000 of the general fund—state appropriation for fiscal year 2022 and \$757,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to address needs identified in the "2017 vulnerability assessment" conducted by the climate impacts group.

(10) \$114,000 of the general fund—state appropriation for fiscal year 2022 and \$705,000 of the general fund—state appropriation for 2023 are provided solely for the commission to dedicate resources to government-to-government consultations with Indian tribes and implement executive order 21-02, archaeological and cultural resources.

(11)(a) \$160,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a contract with a statewide trail maintenance and hiking nonprofit organization to provide the emerging leaders program: expanding equity in the outdoors. The goal of the program is expanding both the number and diversity of trained, qualified individuals available for employment in the outdoor recreation and natural resource management sectors.

(b) The program must demonstrate a commitment to diversity, equity, and inclusion by providing a safe and supportive environment for individuals of diverse backgrounds, including those who have been historically underrepresented in the outdoor recreation and natural resource sectors, such as indigenous people and people of color.

(c) The program must provide both technical outdoor skills training and professional development opportunities that include, but are not limited to, outdoor leadership, representation in the outdoors, and team building.

(12) \$1,250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to address the maintenance backlog associated with providing recreation on lands managed by the commission. Allowable uses include, but are not limited to, general maintenance of facilities and grounds, equipment, and construction materials, and maintenance of trails and trailheads, restrooms, campgrounds, picnic sites, water access areas, signs, kiosks, and

access roads. The commission is encouraged to partner with nonprofit organizations in the maintenance of public lands.

(13) \$5,500,000 of the parks renewal and stewardship account—state appropriation is provided solely for the commission to replace major equipment that has been used for over 15 years. The commission must prioritize selecting electric motors over gasoline engines when the option is available and the machinery is compatible for the intended task.

Sec. 305. 2021 c 334 s 305 (uncodified) is amended to read as follows:

**FOR THE RECREATION AND CONSERVATION OFFICE**

General Fund—State Appropriation (FY 2022) . . . . .	(\$4,119,000)
	\$4,273,000
General Fund—State Appropriation (FY 2023) . . . . .	(\$3,655,000)
	\$29,175,000
General Fund—Federal Appropriation . . . . .	(\$3,716,000)
	\$4,329,000
General Fund—Private/Local Appropriation . . . . .	\$24,000
Aquatic Lands Enhancement Account—State Appropriation . . . . .	(\$320,000)
	\$385,000
Firearms Range Account—State Appropriation . . . . .	\$37,000
Recreation Resources Account—State Appropriation . . . . .	(\$3,999,000)
	\$4,355,000
NOVA Program Account—State Appropriation . . . . .	(\$1,444,000)
	\$1,486,000
Youth Athletic Facility Nonappropriated Account— State Appropriation . . . . .	\$181,000
<u>Salmon Recovery Account—State Appropriation . . . . .</u>	<u>\$75,000,000</u>
TOTAL APPROPRIATION . . . . .	(\$17,495,000)
	\$119,245,000

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

(1) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to pass through to the Spokane tribe of Indians for a pilot study of salmon migratory behavior and survival upstream of the Chief Joseph and Grand Coulee dams.

(2)(a) \$375,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to conduct a comprehensive equity review of state grant programs administered by the office. The office may, in consultation with the interested parties identified in (d) of this subsection, contract with a consultant to assist with the community engagement and review necessary to complete this review process.

(b) The purposes of this comprehensive equity review are:

(i) To reduce barriers to historically underserved populations' participation in recreation and conservation office grant programs;

(ii) To redress inequities in existing recreation and conservation office policies and programs; and

(iii) To improve the equitable delivery of resources and benefits in these programs.

(c) In completing the comprehensive equity review required under this section, the office shall:

(i) Identify changes to policy and operational norms and practices in furtherance of the equity review purposes identified in (b) of this subsection;

(ii) Identify new investments and programs that prioritize populations and communities that have been historically underserved by conservation and recreation policies and programs; and

(iii) Include consideration of historic and systemic barriers that may arise due to any of the following factors: Race, ethnicity, religion, income, geography, disability, and educational attainment.

(d) The office must collaborate with: (i) The Washington state commission on African American affairs; (ii) the Washington state commission on Asian Pacific American affairs; (iii) the Washington state commission on Hispanic affairs; (iv) the governor's office of Indian affairs; (v) the governor's committee on disability issues and employment; (vi) the office of equity; (vii) the office of minority and women's business enterprises; (viii) the environmental justice council if established by passage of Engrossed Second Substitute Senate Bill No. 5141; and (ix) other interested parties as appropriate to develop and conduct a community engagement process to inform the review.

(e) The office must complete the comprehensive equity review under this section and submit a final report, containing all of the elements and considerations specified in this section, to the legislature by June 30, 2022.

(3) \$76,000 of the general fund—state appropriation for fiscal year 2022 and \$76,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1382 (salmon recovery projects). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(4) \$200,000 of the general fund—federal appropriation, \$12,000 of the general fund—private/local appropriation, and ~~(((\$112,000))~~ \$116,000 of the aquatic lands enhancement account—state appropriation are provided solely for the implementation of Senate Bill No. 5063 (invasive species council expiration). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(5) \$37,000 of the firearms range account—state appropriation is provided solely to the recreation and conservation funding board for administration of the firearms range grant program as described in RCW 79A.25.210.

(6) ~~(((\$3,999,000))~~ \$4,355,000 of the recreation resources account—state appropriation is provided solely to the recreation and conservation funding board for administrative and coordinating costs of the recreation and conservation office and the board as described in RCW 79A.25.080(1).

(7) ~~(((\$1,444,000))~~ \$1,486,000 of the NOVA program account—state appropriation is provided solely to the recreation and conservation funding board for administration of the nonhighway and off-road vehicle activities program as described in chapter 46.09 RCW.

(8) \$1,809,000 of the general fund—state appropriation for fiscal year 2022 and \$1,809,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization with a mission for salmon

and steelhead restoration to install near-term solutions to prevent steelhead mortality at the Hood Canal bridge.

(9) \$140,000 of the general fund—state appropriation for fiscal year 2022 and \$140,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the governor's salmon recovery office to coordinate ongoing recovery efforts of southern resident orcas and monitor progress toward implementation of recommendations from the governor's southern resident killer whale task force.

(10) \$175,000 of the youth athletic facility nonappropriated account—state appropriation is provided solely for 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. The task force shall be created and managed by the recreation and conservation office. A portion of the funds must be used to inventory K-12 school fields and athletic facilities and park agency facilities, and for joint use agreements for these facilities. The task force participants must represent geographic diversity and must include representatives from the office of the superintendent of public instruction, the Washington association of school administrators, the association of Washington principals, and the Washington recreation and parks association; participants with a background in public health; and stakeholders who represent diverse communities and communities of color. The task force shall consider joint use agreements, partnerships, improved scheduling practices with local parks agencies including facility rental fees, and other strategies, and submit a report with best practices and policy recommendations to the recreation and conservation funding board. A final report from the board must be submitted to the governor's office and legislature no later than February 1, 2022.

(11) \$209,000 of the general fund—state appropriation for fiscal year 2022 and \$209,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to contract for implementation of the Nisqually watershed stewardship plan.

(12) \$30,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the office to facilitate the transfer of management authority over the project known as the beach lake conservation area from the current owner to a tribal government or local public government entity. If the current owner does not accept the offer to transfer management authority, then the office must pursue all legal means to enforce the right of public access consistent with the deed restrictions as set forth in the contract PSAR #15-1045. The amount provided in this subsection is intended to secure daily public access, during daylight hours, with minimal closures to the beach lake conservation area.

(13) \$345,000 of the general fund—state appropriation for fiscal year 2022 and \$345,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the connections program to provide outdoor learning experiences and virtual learning support for vulnerable youth in the Blaine and Mount Baker school districts. Of the amounts provided in this subsection, \$25,000 in each fiscal year is provided solely for an organization in Whatcom county that increases access to environmental education.

(14) \$139,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the governor's salmon recovery office to implement the

governor's salmon recovery strategy update by convening the natural resources sub-cabinet on a regular basis and developing biennial statewide work priorities with a recommended budget for salmon recovery pursuant to RCW 77.85.030(4)(e) that align with tribal priorities and regional salmon recovery plans. The office shall submit the biennial implementation plan to the governor's office and the office of financial management no later than October 31, 2022.

(15) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the governor's salmon recovery office to provide a grant to the Spokane Tribe of Indians for purposes of forming a Spokane river watershed lead entity pursuant to RCW 77.85.050(1) and developing a habitat restoration strategy to support reintroduction of salmon upstream of Chief Joseph and Grand Coulee dams.

(16) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for motorized and nonmotorized boater education and outreach on Lake Union, with a specific goal of preventing boat and airplane conflicts on the lake during peak recreation season, given the provisions of United States coast guard navigation rules that seaplanes must in general keep well clear of other vessels. The office may grant funding to local or federal government agencies or nonprofit organizations. The office must publish a publicly available summary report by June 30, 2023, on funding recipients, uses of the funding, and the successes and failures of programs funded. Funding provided in this subsection may not be used to preclude or restrict public use of Lake Union, including recreational, commercial, or tribal use of the waters of the state.

(17) \$50,000,000 of the salmon recovery account—state 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.

(18) \$25,000,000 of the salmon recovery account—state 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.

(19) \$25,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office to provide a grant for the Duckabush estuary restoration project.

**Sec. 306.** 2021 c 334 s 306 (uncodified) is amended to read as follows:

<b>FOR THE ENVIRONMENTAL AND LAND USE HEARINGS OFFICE</b>	
General Fund—State Appropriation (FY 2022) . . . . .	(\$2,686,000))
	\$2,735,000
General Fund—State Appropriation (FY 2023) . . . . .	(\$2,728,000))
	\$2,981,000
TOTAL APPROPRIATION . . . . .	(\$5,414,000))
	\$5,716,000

**Sec. 307.** 2021 c 334 s 307 (uncodified) is amended to read as follows:

<b>FOR THE CONSERVATION COMMISSION</b>	
General Fund—State Appropriation (FY 2022) . . . . .	(\$10,859,000))
	\$11,189,000
General Fund—State Appropriation (FY 2023) . . . . .	(\$10,797,000))

	<u>\$19,405,000</u>
General Fund—Federal Appropriation . . . . .	\$2,482,000
General Fund—Private/Local Appropriation . . . . .	\$100,000
Public Works Assistance Account—State Appropriation . . . . .	<del>(\$8,450,000)</del>
	<u>\$8,464,000</u>
Model Toxics Control Operating Account—State Appropriation . . . . .	\$1,110,000
Salmon Recovery Account—State Appropriation . . . . .	\$15,000,000
TOTAL APPROPRIATION . . . . .	<del>(\$33,798,000)</del>
	<u>\$57,750,000</u>

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

(1) \$2,000,000 of the general fund—state appropriation for fiscal year 2023 and \$100,000 of the general fund—private/local appropriation ((\*) are provided solely for the sustainable farms and fields program created in RCW 89.08.615 to provide technical assistance, education, and outreach to promote carbon storage and reduce greenhouse gas emissions. Grant funds may be used to promote cover crops, cost-share opportunities such as purchases of equipment, seeds, soil amendments, and development of conservation plans that increase carbon storage and reduce greenhouse gas emissions.

(2) \$1,500,000 of the general fund—state appropriation for fiscal year 2022 and \$1,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for conservation district technical assistance, project cultural resources review, project engineering, agency administration, and cost-share grants to landowners for recovery from wildfire damage, including, but not limited to, rebuilding fences, seeding unstable slopes, controlling weeds, and planting shrubs and trees for wildlife habitat.

(3) \$85,000 of the general fund—state appropriation for fiscal year 2022 and \$40,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to:

(a) Enter into an agreement with the department of ecology for a water bank in Okanogan county, which must focus solely on retaining agricultural water rights for use by other agricultural producers in the watershed of origin; and

(b) Report to the appropriate committees of the legislature by December 31, 2022, on the effectiveness of the Okanogan water bank at retaining agricultural water rights, and the potential for developing additional water banks in Washington using this model.

(4) ~~(\$8,450,000)~~ \$8,464,000 of the public works assistance account—state appropriation is provided solely for implementation of the voluntary stewardship program. This amount may not be used to fund agency indirect and administrative expenses.

(5) \$170,000 of the general fund—state appropriation for fiscal year 2022 and \$170,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to continue to convene and facilitate a food policy forum.

(6) \$1,000,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to share evenly with conservation districts to

increase assistance to landowners to achieve environmental stewardship and agricultural sustainability.

(7) \$23,000 of the general fund—state appropriation for fiscal year 2022 and \$4,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute Senate Bill No. 5253 (pollinator health). ((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse:))

(8) \$1,300,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the commission to develop a riparian plant propagation program of native trees and shrubs to implement riparian restoration projects that meet riparian zone requirements established by the department of fish and wildlife. Plants will be made available for free or at a reduced cost to restoration projects.

(9) \$2,000,000 of the general fund—state appropriation for fiscal year 2023 and \$5,000,000 of the salmon recovery account—state appropriation are provided solely for the purposes of the conservation reserve enhancement program, including additional project management and cost-share funding.

(10)(a) \$125,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to provide a grant to the King county conservation district for a pilot program to reduce the impacts of artificial lighting on or near the water (on-water lighting) on the behavior of salmon and other aquatic life in Lake Sammamish. The grant funding may be used for:

(i) Supporting local efforts to develop a model ordinance to reduce on-water lighting impacts on salmon for new and existing construction;

(ii) Education and outreach on the impacts of on-water lighting;

(iii) Development of methods to reduce the impacts of on-water lighting;  
and

(iv) A contract with the United States geologic survey to conduct a baseline survey of artificial light levels, including light location and intensity along the Lake Sammamish nearshore, artificial light hotspots, and a survey report.

(b) The department must report to the appropriate committees of the legislature by June 30, 2023, on the use of the funding in this subsection and the resulting reductions in on-water lighting.

(11) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 2051 (agricultural disaster assist). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(12) \$60,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the commission to grant to the Washington resource conservation and development council to complete a community wildfire protection plan.

(13) \$2,700,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the commission to make available to local conservation districts for project engineering services to enable permit and design work for conservation projects.

(14) \$10,000,000 of the salmon recovery account—state appropriation is provided solely for the commission to provide grants for riparian restoration projects with landowners.

\*Sec. 308. 2021 c 334 s 308 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

General Fund—State Appropriation (FY 2022) . . . . .	(( <del>\$89,387,000</del> ))	<u>\$99,986,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	(( <del>\$87,617,000</del> ))	<u>\$153,153,000</u>
General Fund—Federal Appropriation . . . . .	(( <del>\$130,092,000</del> ))	<u>\$133,906,000</u>
General Fund—Private/Local Appropriation . . . . .	(( <del>\$62,539,000</del> ))	<u>\$64,980,000</u>
ORV and Nonhighway Vehicle Account—State Appropriation . . . . .	(( <del>\$646,000</del> ))	<u>\$678,000</u>
Aquatic Lands Enhancement Account—State Appropriation . . . . .	(( <del>\$12,240,000</del> ))	<u>\$12,663,000</u>
Recreational Fisheries Enhancement Account—State Appropriation . . . . .	(( <del>\$3,300,000</del> ))	<u>\$3,363,000</u>
Warm Water Game Fish Account—State Appropriation . . . . .	(( <del>\$2,779,000</del> ))	<u>\$3,481,000</u>
Eastern Washington Pheasant Enhancement Account— State Appropriation . . . . .	(( <del>\$675,000</del> ))	<u>\$865,000</u>
Limited Fish and Wildlife Account—State Appropriation . . . . .	(( <del>\$32,825,000</del> ))	<u>\$39,217,000</u>
Special Wildlife Account—State Appropriation . . . . .	(( <del>\$2,891,000</del> ))	<u>\$2,911,000</u>
Special Wildlife Account—Federal Appropriation . . . . .	(( <del>\$518,000</del> ))	<u>\$520,000</u>
Special Wildlife Account—Private/Local Appropriation . . . . .	(( <del>\$3,634,000</del> ))	<u>\$3,688,000</u>
Wildlife Rehabilitation Account—State Appropriation . . . . .	\$661,000	
Ballast Water and Biofouling Management Account— State Appropriation . . . . .	\$10,000	
Regional Fisheries Enhancement Salmonid Recovery Account—Federal Appropriation . . . . .	\$5,001,000	
Oil Spill Prevention Account—State Appropriation . . . . .	(( <del>\$1,163,000</del> ))	<u>\$1,219,000</u>
Aquatic Invasive Species Management Account—State Appropriation . . . . .	\$1,037,000	
Model Toxics Control Operating Account—State Appropriation . . . . .	(( <del>\$2,969,000</del> ))	<u>\$2,979,000</u>
Fish, Wildlife, and Conservation Account—State Appropriation . . . . .	(( <del>\$75,023,000</del> ))	<u>\$77,589,000</u>
Oyster Reserve Land Account—State Appropriation . . . . .	\$524,000	



<u>Salmon Recovery Account—State Appropriation</u> . . . . .	<u>\$3,000,000</u>
TOTAL APPROPRIATION . . . . .	(( <del>\$515,531,000</del> ))
	<u>\$611,431,000</u>

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

(1) \$45,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Engrossed Substitute House Bill No. 1054 (peace officer tactics, equip). ((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))

(2) \$29,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1310 (uses of force by officers). ((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))

(3) \$534,000 of the general fund—state appropriation for fiscal year 2022 and \$472,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1382 (salmon recovery projects). ((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))

(4) \$1,777,000 of the general fund—state appropriation for fiscal year 2022 and \$1,777,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to grant to the northwest Indian fisheries commission for hatchery operations that are prioritized to increase prey abundance for southern resident orcas, including \$200,000 per fiscal year for tagging and marking costs, and the remainder to grant to tribes in the following amounts per fiscal year: \$150,000 for the Quinault Indian Nation, \$199,000 for the Tulalip Tribes, \$268,000 for the Quileute Tribe, \$186,000 for the Puyallup Tribe, \$122,000 for the Port Gamble S'Klallam Tribe, \$25,000 for the Muckleshoot Indian Tribe, \$207,000 for the Squaxin Island Tribe, \$142,000 for the Skokomish Indian Tribe, and \$278,000 for the Lummi Nation. It is the intent of the legislature to continue this funding in future biennia.

(5) \$330,000 of the general fund—state appropriation for fiscal year 2022 and \$330,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to provide to the Yakama Nation for hatchery operations that are prioritized to increase prey abundance for southern resident orcas. It is the intent of the legislature to continue this funding in future biennia.

(6) \$175,000 of the general fund—state appropriation for fiscal year 2022 and \$175,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to grant to public utility districts for additional hatchery production that is prioritized to increase prey abundance for southern resident orcas. It is the intent of the legislature to continue this funding in future biennia.

(7) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to the department for hatchery maintenance.

(8) ((~~\$467,000~~)) \$3,139,000 of the general fund—state appropriation for fiscal year 2022 and \$467,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to pay for emergency fire suppression costs. These amounts may not be used to fund agency indirect and administrative expenses.

(9) \$503,000 of the general fund—state appropriation for fiscal year 2022, \$503,000 of the general fund—state appropriation for fiscal year 2023, and \$440,000 of the general fund—federal appropriation are provided solely for county assessments.

(10) \$400,000 of the general fund—state appropriation for fiscal year 2022 and \$400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a state match to support the Puget Sound nearshore partnership between the department and the United States army corps of engineers.

(11) (~~(\$378,000)~~) \$555,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$378,000)~~) \$558,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for operating budget impacts from capital budget projects funded in the 2019-2021 and 2021-2023 fiscal (~~(biennium)~~) biennia.

(12) \$477,000 of the general fund—state appropriation for fiscal year 2022 and \$477,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to develop conflict mitigation strategies for wolf recovery and staff resources in northeast Washington for response to wolf-livestock conflicts. The department must provide focus on minimizing wolf-livestock issues in the Kettle range. The department is discouraged from the use of firearms from helicopters for removing wolves.

(13) \$251,000 of the general fund—state appropriation for fiscal year 2022 and \$251,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for suppression, eradication, and monitoring of northern pike in the Columbia river. The department must work with the Spokane Tribe of Indians, the Confederated Tribes of the Colville Reservation, and the Kalispel Tribe of Indians on identifying appropriate actions to reduce threats to anadromous salmon from invasive northern pike.

(14) \$753,000 of the general fund—state appropriation for fiscal year 2022 and \$753,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for expanded management of pinniped populations on the lower Columbia river and its tributaries with the goal of increasing chinook salmon abundance and prey availability for southern resident orcas.

(15) \$1,262,000 of the general fund—state appropriation for fiscal year 2022 and \$1,262,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the costs for the department to maintain shellfish sanitation activities necessary to implement its memorandum of understanding with the department of health to ensure the state is compliant with its federal obligations under the model ordinance of the national shellfish sanitation program.

(16) \$603,000 of the general fund—state appropriation for fiscal year 2022 and \$603,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to create a statewide permittee assistance program as part of hydraulic project approvals, in which department staff collaborate with landowners during construction to help resolve risks of permit noncompliance.

(17) \$470,000 of the general fund—state appropriation for fiscal year 2022 and \$470,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to expand efforts to survey the diets of seals

and sea lions in Puget Sound and identify nonlethal management actions to deter them from preying on salmon and steelhead.

~~((19))~~ (18) \$518,000 of the general fund—state appropriation for fiscal year 2022 and \$519,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to continue to provide policy and scientific support to the department of ecology regarding surface and groundwater management issues as part of implementing chapter 90.94 RCW streamflow restoration.

~~((20))~~ (19) \$271,000 of the general fund—state appropriation for fiscal year 2022 and \$271,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of chapter 291, Laws of 2019 (southern resident orca whales-protection from vessels), contracts with nonprofit organizations to monitor vessel traffic and educate boaters to be whale wise, and participation in other orca recovery efforts.

~~((21))~~ (20) Within amounts appropriated in this section, the department, in coordination with statewide law enforcement agencies, must provide a report to the legislature by January, 2022 on the number of cougars reported to the department as harvested by local government law enforcement agencies, training opportunities provided to local law enforcement agencies, and how cougar removals by local enforcement agencies impact the department's cougar management strategies.

~~((22))~~ (21) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to implement priority actions in the state pinto abalone recovery plan. Of the amounts provided, \$85,000 each fiscal year must be used to locate, monitor, and safeguard wild populations of pinto abalone along the strait of Juan de Fuca, outer coast, and San Juan islands and the remaining amounts must be granted to the Puget Sound restoration fund to increase production, diversity, and resilience of out-planted abalone.

~~((23))~~ (22) \$315,000 of the general fund—state appropriation for fiscal year 2022 and \$315,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to research and monitor the impacts of polychlorinated biphenyls (PCB) on indicator species. The department must coordinate with the department of ecology on implementation of this subsection.

~~((24))~~ (23) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to conduct an evaluation of the forest practices adaptive management program. The evaluation will be carried out generally consistent with the proposal provided to the timber, fish, and wildlife (TFW) policy committee in January 2020 titled *Assessing Changes in Uncertainty During Adaptive Management: A Case Study of the Washington State Forest Practices Habitat Conservation Plan*. To the extent practicable, the evaluation shall satisfy the cooperative monitoring, evaluation, and research five-year peer review process as required in WAC 222-12-045(2)(f), and support other ongoing forest practices adaptive management program evaluation and improvement efforts. The department shall consult with TFW policy caucus participants during the evaluation and provide for public review and comment of the draft report. A progress report shall be delivered to TFW policy participants

and appropriate committees of the legislature by December 31, 2022, and a final report by June 30, 2023.

~~((25))~~ (24) \$1,175,000 of the general fund—state appropriation for fiscal year 2022 and \$1,175,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to restore shrubsteppe habitat and associated wildlife impacted by wildfires.

(a) This funding is intended for the restoration of habitat on public lands as well as private lands by landowners who are willing to participate. The restoration effort must be coordinated with other natural resource agencies and interested stakeholders.

(b) Restoration actions may include: (i) Increasing the availability of native plant materials; (ii) increasing the number of certified and trained personnel for implementation at scale; (iii) support for wildlife-friendly fencing replacement; (iv) support for private landowners/ranchers to defer wildland grazing and allow natural habitat regeneration; and (v) species-specific recovery actions.

(c) The department must submit a progress report to the appropriate committees of the legislature on the investments made under this subsection by December 1, 2022, with a final report submitted by September 1, 2023.

(d) Within the amounts provided in this subsection, \$250,000 must be used by the department to form a collaborative group process representing diverse stakeholders and facilitated by a neutral third-party to develop a long-term strategy for shrubsteppe conservation and fire preparedness, response, and restoration to meet the needs of the state's shrubsteppe wildlife and human communities. The collaborative may serve as providing expertise and advice to the wildland fire advisory committee administered by the department of natural resources and build from the wildland fire 10-year strategic plan. Components to be addressed by the collaborative include the restoration actions described in (b) of this subsection and on spatial priorities for shrubsteppe conservation, filling gaps in fire coverage, management tools to reduce fire-prone conditions on public and private lands, and identifying and making recommendations on any other threats. Any reports and findings resulting from the collaborative may be included in the report specified in (c) of this subsection.

~~((26))~~ (25) \$80,000 of the general fund—state appropriation for fiscal year 2022 and \$60,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with the Washington state academy of sciences to provide policymakers with a report on current evidence on pinniped predation of salmon, with an emphasis on Washington's portion of the Salish sea and Washington's outer coast. The academy must provide an independent study that reviews the existing science regarding pinniped predation of salmonids, including what is known about pinniped predation of salmonids, and with what level of certainty; where the knowledge gaps are; where additional research is needed; how the science may inform decisionmakers; and assessment of the scientific and technical aspects of potential management actions. Early in this process, the academy must convene separate meetings with comanagers and scientists to share relevant research and data and provide context for the academy's work.

~~((27))~~ (26) \$198,000 of the general fund—state appropriation for fiscal year 2022 and \$70,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute Senate

Bill No. 5253 (pollinator health). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(28))~~ (27) \$21,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Substitute Senate Bill No. 5273 (shoreline armoring). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(29))~~ (28) \$44,000 of the general fund—state appropriation for fiscal year 2022 and \$24,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Substitute Senate Bill No. 5381 (fish passage project permits). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(30))~~ (29) \$132,000 of the general fund—state appropriation for fiscal year 2022 and \$48,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5452 (electric-assisted bicycles). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

(31)) (30) \$600,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to conduct a pilot project to test New Zealand style elk fencing, similar to the style used by the United States Department of Agriculture at the Starkey Experimental Forest and Range, including materials and construction techniques, and determine the cost and effectiveness of the fence design in reducing damage to school property and agricultural lands within the range of the north Cascades elk herd. The department of fish and wildlife shall work with at least one agricultural property owner in Skagit county with property abutting state highway 20 and one school district located in Skagit county with enrollment of less than 650 students that volunteer to build and test the elk fence design and, in compliance with RCW 43.01.036, report back to the natural resources committees of the legislature by November 1, 2022, on the results of the pilot project.

~~((32))~~ (31) \$155,000 of the general fund—state appropriation for fiscal year 2022 and \$310,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to implement strategies to control against chronic wasting disease in native species of the state.

~~((33) \$1,682,000))~~ (32) \$841,000 of the fish, wildlife and conservation account—state appropriation ~~((is)), \$430,000 of the general fund—state appropriation for fiscal year 2022, and \$411,000 of the general fund—state appropriation for fiscal year 2023~~ are provided solely for the department to work with stakeholders to improve steelhead spawning estimates for improved fishing regulations such that enhanced conservation and equitable fisheries are established.

~~((34))~~ (33) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$50,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to assist local jurisdictions in responding to cougar related public safety issues. The funding is available to a local jurisdiction if they have a signed agreement with the department that recognizes cougar management authority is vested in the department and provides criteria to determine if a cougar creates an actionable public safety risk eligible for financial assistance. For the purposes of this subsection, a cougar presence on private property alone does not create an actionable public safety risk.

~~((35))~~ (34) \$90,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to complete the final phase of the Cowlitz river salmon and steelhead hook mortality study. No less than \$60,000 of the amount provided in this subsection is provided for the original contractor of the study to complete their work. A final report shall be provided to the appropriate committees of the legislature by December 31, 2022.

~~((36))~~ (35) \$130,000 of the general fund—state appropriation for fiscal year 2022 and \$130,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for an external facilitator to seek solutions through a collaborative process using the department's wolf advisory group.

~~((37))~~ (36) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to develop a plan to protect native and hatchery produced steelhead for each river system of Grays harbor, Willapa bay, and coastal Olympic peninsula. The plan must adequately protect those fisheries for healthy runs year-after-year as well as provide reasonable fishing opportunities. The plan must include active stakeholder input and include an outreach strategy sufficient to keep conservation and angler interests well informed of proposed changes in advance of annual fishing seasons. The plan must be reported to the appropriate committees of the legislature by December 1, 2022.

(37) \$600,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to implement executive order 21-02, archaeological and cultural resources.

(38) \$313,000 of the general fund—state appropriation for fiscal year 2022 and \$408,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to perform forage fish spawning surveys in Puget Sound.

(39) \$294,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to complete rule making related to chapter 77.57 RCW, fishways, flow, and screening.

(40) \$402,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to provide technical assistance and permitting guidance on solar facility proposals with the intent of limiting impacts to threatened and endangered species and critical and sensitive habitat areas, including shrubsteppe.

(41) \$1,297,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to increase technical assistance to local jurisdictions to better integrate salmon recovery plans into growth management comprehensive plans and critical areas ordinances.

*(42) \$121,000 of the general fund—state appropriation for fiscal year 2022 and \$515,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to improve salmon population data analysis, improve salmon abundance modeling, better manage salmon fisheries policy, and collaborate with tribal comanagers on fisheries allocations. The department must make all state-generated documents and notes that were part of the north of falcon process available for public review once the process is completed.*

(43) \$3,802,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to monitor recreational salmon and steelhead harvest in freshwater streams and rivers in Puget Sound and along the Washington coast.

(44) \$2,116,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to monitor salmon harvest from the ocean and Puget Sound.

(45) \$994,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to monitor salmon harvest from commercial fisheries.

(46) \$226,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a marine fisheries compliance liaison to collaborate with other law enforcement partners on commercial and recreational fisheries issues.

(47) \$1,283,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for additional law enforcement officers for marine and freshwater fisheries compliance.

(48) \$372,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to develop and implement a mobile-based electronic catch record card system for statewide marine and freshwater fisheries.

(49) \$852,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to provide additional capacity to the attorney general's office to prosecute environmental crimes. The department must provide an annual report by December 1st of each year, to the appropriate committees of the legislature, on the progress made in prosecuting environmental crimes.

(50) \$4,283,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to develop a monitoring and evaluation program for salmon and steelhead hatcheries in western Washington with the goal to improve survival of hatchery fish to adult returns and adaptively manage hatchery programs to better achieve management goals, including rebuilding natural populations for conservation purposes and increasing fishing opportunities.

(51) \$2,392,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to conduct fish in/fish out monitoring for the purposes of measuring freshwater systems salmon productivity for purposes of salmon recovery.

(52) \$1,040,000 of the general fund—state appropriation for fiscal year 2023 and \$295,000 of the limited fish and wildlife account are provided solely to monitor recreational shellfish harvest in Puget Sound.

(53) \$710,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to monitor recreational Dungeness crab harvest along the Washington coast.

(54) \$360,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to complete a statewide prioritization of fish passage barriers in collaboration with regional salmon recovery organizations.

(55) \$494,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to participate in hydropower licensing efforts for the purposes of mitigating impacts to salmon and other fish and wildlife species as a result of new or renewing federal and nonfederal hydropower facilities.

(56) \$90,000 of the general fund—state appropriation for fiscal year 2022 and \$166,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to complete the following activities:

(a) By December 1, 2022, and consistent with RCW, the department must submit a report to the legislature that assesses how to incorporate a net ecological gain standard into state land use, development, and environmental laws and rules to achieve a goal of better statewide performance on endangered species recovery and ecological health. The report must address each environmental, development, or land use law or rule where the existing standard is less protective of ecological integrity than the standard of net ecological gain, including the shoreline management act (chapter 90.58 RCW), the growth management act (chapter 36.70A RCW), construction projects in state waters (chapter 77.55 RCW), and the model toxics control act.

(b) In developing the report under this section, the department must consult with the appropriate local governments, state agencies, federally recognized Indian tribes, and stakeholders with subject matter expertise on environmental, land use, and development laws including but not limited to cities, counties, ports, the department of ecology, and the department of commerce.

(c) The report must include:

(i) Development of a definition, objectives, and goals for the standard of net ecological gain;

(ii) An assessment and comparison analysis of opportunities and challenges, including legal issues and costs on state and local governments to achievement of overall net ecological gain through both:

(A) Implementation of a standard of net ecological gain under different environmental, development, and land use laws; and

(B) An enhanced approach to implementing and monitoring no net loss in existing environmental, development, and land use laws;

(iii) Recommendations on funding, incentives, technical assistance, legal issues, monitoring, and use of scientific data, and other applicable considerations to the integration of needs to assess progress made toward achieving net ecological gain into each environmental, development, and land use law or rule; and

(iv) An assessment of how applying a standard of net ecological gain in the context of each environmental, land use, or development law is likely to achieve substantial additional environmental or social cobenefits.

(57) \$70,000 of the general fund—state appropriation for fiscal year 2022 and \$997,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to assess the status of current riparian ecosystems, beginning with areas where sufficient information exists to conduct the assessment. The assessment must include identifying any gaps in vegetated cover relative to a science-based standard for a fully functioning riparian ecosystem and comparing the status and gaps to water temperature impairments, known fish passage barriers, and status of salmonid stocks.

(58) \$70,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for removal efforts for invasive bullfrogs and habitat preservation for species threatened by the bullfrogs, including the western pond turtle, Oregon spotted frog, and northern leopard frog.



(59) \$95,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for research on shell disease in western pond turtles.

(60) \$5,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to address the maintenance backlog associated with providing recreation on lands managed by the department. Allowable uses include, but are not limited to, maintenance, repair, or replacement of trails, toilet facilities, roads, parking lots, campgrounds, picnic sites, water access areas, signs, kiosks, and gates. The department is encouraged to partner with nonprofit organizations in the maintenance of public lands.

(61) \$60,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute House Bill No. 1753 (climate funding/tribes). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(62) \$39,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1735 (peace officers/use of force). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(63) \$16,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1181 (veterans & military suicide). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

**(64) \$159,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Substitute House Bill No. 1508 (shellfish sanitary control). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.**

(65) \$14,400,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to reduce the number of nontribal commercial gillnet fishing licenses on the Columbia river through a voluntary buy-back program.

(a) Until November 30, 2022, the department may pay up to \$25,000 each for licenses that have been inactive since 2019 and up to \$120,000 each for licenses that have been active since 2019. After November 30, 2022, the department may pay up to \$20,000 each for licenses that have been inactive since 2019 and up to \$96,000 each for licenses that have been active since 2019. It is the intent of the legislature that this will be the last appropriation made to buy back licenses for the Columbia river gillnet fishery.

(b) For all licenses purchased, the department shall calculate the reduced impacts to wild and endangered stocks based on the most recent five-year average of harvest and reserve those impacts for conservation through increased wild salmonid escapement or mark-selective fisheries capable of harvesting surplus hatchery-reared salmon where needed to meet federal genetic protection requirements for wild salmon populations in a manner consistent with state-tribal fishery management agreements.

(c) The department must make recommendations to the legislature for any necessary changes in statute, regulations, or program funding levels to transition lower Columbia river mainstem gillnet fisheries to alternative, selective fishing gears, including pound nets or other gears capable of benefitting wild salmon conservation through mark-selective harvest practices. The recommendation

must be submitted to the appropriate committees of the legislature by December 1, 2022.

(66) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department, in consultation with the department of ecology, the department of natural resources, the Colville confederated tribes, the Okanogan PUD, and other interested entities to analyze the steps required, including coordination and ownership, associated with the possible removal of Enloe dam and analyze options for sediment removal in order to restore the Similkameen river, minimize impacts downriver, and allow access to over 300 miles of habitat for federally-threatened steelhead and other native salmonids. Any contract required to fulfill this analysis is exempt from the competitive procurement requirements in chapter 39.26 RCW. A report of the department's findings, analysis, and recommendations for funding or further considerations for the Enloe dam removal must be made to the appropriate committees of the legislature by December 1, 2022.

(67) \$2,472,000 of the general fund—state appropriation in fiscal year 2022 and \$6,096,000 of the general fund—state appropriation in fiscal year 2023 are provided solely for the department to implement eradication and control measures on European green crabs through coordination and grants with partner organizations. The department must provide quarterly progress reports on the success and challenges of the measures to the appropriate committees of the legislature by December 1, 2022.

(68) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to increase the support of regional fish enhancement groups.

(69) \$75,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to install elk fencing in the Skagit river valley to help mitigate crop damage.

(70) \$3,000,000 of the salmon recovery account—state appropriation for fiscal year 2023 is provided solely for the department to provide grants and coordinate with the tribes of the upper Columbia river to reintroduce Chinook salmon.

(71) The legislature intends to fund the monitoring items contained in subsections (43) through (45) and (50) through (53) of this section through fiscal year 2025. A brief status report of the data collected and findings from each monitoring item funded in this section is due to the appropriate committees of the legislature by December 1st of each fiscal year through 2025.

**(72) \$50,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to prepare a report on estimates of the annual fishery harvest impact for the years 2010 through 2020. The report must include an analysis of catch and incidental fishery-related mortalities for each wild Puget Sound chinook population or management unit aggregate for which co-management fishery conservation objectives have been defined. The report must also include estimates of the annual number of spawning adults, natural and hatchery, for the same period. Consistent with ensuring that tribal treaty obligations are being achieved, the report must also include annual estimates of the state-tribal allocation of Puget Sound chinook and coho salmon harvests, natural and hatchery, made for each allocation unit as required by the Puget Sound salmon management plan for the same period.**

**The report shall be submitted to the appropriate committees of the legislature by December 15, 2022.**

(73) \$3,510,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for grants for the following activities:

(a) \$900,000 for the Lummi Nation to make infrastructure updates at the Skookum hatchery;

(b) \$250,000 for the Confederated Tribes of the Colville Reservation to upgrade heating, ventilation, and air conditioning systems at the Colville trout hatchery, and to acquire a hatchery fish transport truck with aquaculture adaptations;

(c) \$230,000 for the Yakama Nation to incorporate rearing vessels at the Cle Elum facility and to build circular covers at the lower Yakima facility;

(d) \$1,180,000 to the Puyallup Tribe to build an augmentation well at Voights creek hatchery, upgrade the water supply system and alarms at the Clarks creek hatchery, and convert rearing ponds into eight raceways at Diru creek chum hatchery;

(e) \$600,000 to the Suquamish Tribe to install an abatement pond at Grovers creek hatchery and replace raceways at Gorst coho raceways; and

(f) \$350,000 to the Jamestown S'Klallam Tribe to upgrade water supply systems at Point Whitney and expand shellfish seed production capacity at the shellfish hatchery in Kona.

*\*Sec. 308 was partially vetoed. See message at end of chapter.*

**Sec. 309.** 2021 c 334 s 309 (uncodified) is amended to read as follows:

**FOR THE PUGET SOUND PARTNERSHIP**

General Fund—State Appropriation (FY 2022) . . . . .	(((\$5,592,000))
	\$5,613,000
General Fund—State Appropriation (FY 2023) . . . . .	(((\$5,464,000))
	\$8,227,000
General Fund—Federal Appropriation . . . . .	(((\$12,701,000))
	\$22,252,000
Aquatic Lands Enhancement Account—State	
Appropriation . . . . .	(((\$1,437,000))
	\$1,448,000
Model Toxics Control Operating Account—State	
Appropriation . . . . .	(((\$1,295,000))
	\$1,304,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>(((\$26,489,000))</b>
	<b>\$38,844,000</b>

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

(1) \$209,000 of the general fund—state appropriation for fiscal year 2022 and \$209,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1382 (salmon recovery projects). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(2) By October 15, 2022, the Puget Sound partnership shall provide the governor and appropriate legislative fiscal committees a single, prioritized list of

state agency 2023-2025 capital and operating budget requests related to Puget Sound recovery and restoration.

(3) \$304,000 of the general fund—state appropriation for fiscal year 2022 and \$272,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Puget Sound partnership to develop and implement an action plan that advances diversity, equity, and inclusion and environmental justice in Puget Sound recovery efforts.

(4) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Puget Sound partnership to perform coordination and monitoring related to Puget Sound kelp conservation and recovery.

(5) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Puget Sound partnership to implement shipping noise-reduction initiatives and monitoring programs in the Puget Sound, in coordination with Canadian and United States authorities. The partnership must contract with Washington Maritime Blue in order to establish and administer the quiet sound program to better understand and reduce the cumulative effects of acoustic and physical disturbance from large commercial vessels on southern resident orcas throughout their range in Washington state. Washington Maritime Blue will support a quiet sound advisory committee that should include relevant federal and state agencies, ports, industry, research institutions, and nongovernmental organizations and consult early and often with relevant federally recognized tribes.

(6) \$393,000 of the general fund—state appropriation for fiscal year 2022 and \$295,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5141 (environmental justice task force recommendations). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(7) \$2,576,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to update local watershed salmon recovery chapters to reflect best available science on a regular basis, support scientific investigations to advance salmon recovery, increase collaboration and address barriers to Puget Sound salmon recovery, integrate data on salmon recovery into the Puget Sound online reporting platform, and track progress across the region.

**Sec. 310.** 2021 c 334 s 310 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

General Fund—State Appropriation (FY 2022) . . . . .	<del>(\$134,520,000)</del>
	<u>\$215,075,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	<del>(\$153,194,000)</del>
	<u>\$118,842,000</u>
General Fund—Federal Appropriation . . . . .	<del>(\$42,668,000)</del>
	<u>\$52,453,000</u>
General Fund—Private/Local Appropriation . . . . .	<del>(\$3,161,000)</del>
	<u>\$3,188,000</u>
Forest Development Account—State Appropriation . . . . .	<del>(\$53,180,000)</del>
	<u>\$55,326,000</u>
ORV and Nonhighway Vehicle Account—State	

Appropriation. . . . .	(\$7,063,000))	
		<u>\$7,366,000</u>
Surveys and Maps Account—State Appropriation. . . . .	(\$2,131,000))	
		<u>\$2,232,000</u>
Aquatic Lands Enhancement Account—State Appropriation. . . . .	(\$8,641,000))	
		<u>\$9,132,000</u>
Resource Management Cost Account—State Appropriation . . .	(\$108,931,000))	
		<u>\$113,787,000</u>
Surface Mining Reclamation Account—State Appropriation. . . . .	(\$4,141,000))	
		<u>\$4,291,000</u>
Disaster Response Account—State Appropriation. . . . .	(\$23,110,000))	
		<u>\$23,181,000</u>
<del>((Contract Harvesting Revolving Nonappropriated Account—State Appropriation. . . . .</del>	<del>(\$186,000))</del>	
Forest and Fish Support Account—State Appropriation . . . . .	(\$11,182,000))	
		<u>\$11,492,000</u>
Aquatic Land Dredged Material Disposal Site Account— State Appropriation . . . . .	(\$404,000))	
		<u>\$405,000</u>
Natural Resources Conservation Areas Stewardship Account—State Appropriation . . . . .	(\$46,000))	
		<u>\$286,000</u>
Forest Fire Protection Assessment Nonappropriated Account—State Appropriation . . . . .		\$191,000
State Forest Nursery Revolving Nonappropriated Account—State Appropriation . . . . .		\$75,000
Access Road Revolving Nonappropriated Account—State Appropriation. . . . .		\$233,000
Forest Practices Application Account—State Appropriation. . . . .	(\$1,978,000))	
		<u>\$2,080,000</u>
Air Pollution Control Account—State Appropriation . . . . .	(\$895,000))	
		<u>\$907,000</u>
Forest Health Revolving Nonappropriated Account— State Appropriation . . . . .		\$240,000
Model Toxics Control Operating Account—State Appropriation. . . . .	(\$21,407,000))	
		<u>\$14,515,000</u>
<u>Wildfire Response, Forest Restoration, and Community Resilience Account—State Appropriation . . . . .</u>		<u>\$87,107,000</u>
NOVA Program Account—State Appropriation. . . . .	(\$779,000))	
		<u>\$807,000</u>
Derelict Vessel Removal Account—State Appropriation. . . . .	(\$1,997,000))	
		<u>\$6,317,000</u>
Community Forest Trust Account—State Appropriation. . . . .		\$52,000
Agricultural College Trust Management Account—State		

Appropriation . . . . .	(( <del>\$3,171,000</del> ))
	<u>\$4,039,000</u>
Natural Resources Federal Lands Revolving	
Nonappropriated Account—State Appropriation . . . . .	\$16,000
<u>Salmon Recovery Account—State Appropriation . . . . .</u>	<u>\$7,000,000</u>
TOTAL APPROPRIATION . . . . .	(( <del>\$583,592,000</del> ))
	<u>\$740,635,000</u>

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

(1) \$1,857,000 of the general fund—state appropriation for fiscal year 2022 and \$1,857,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to carry out the forest practices adaptive management program pursuant to RCW 76.09.370 and the May 24, 2012, settlement agreement entered into by the department and the department of ecology. Scientific research must be carried out according to the master project schedule and work plan of cooperative monitoring, evaluation, and research priorities adopted by the forest practices board.

(2) ((~~\$55,791,000~~)) \$43,316,000 of the general fund—state appropriation for fiscal year 2022 and ((~~\$74,632,000~~)) \$87,107,000 of the ((~~general fund—state appropriation for fiscal year 2023~~)) wildfire response, forest restoration, and community resilience account—state appropriation are provided solely for the implementation of Second Substitute House Bill No. 1168 (long-term forest health). ((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))

(3) \$873,000 of the general fund—state appropriation for fiscal year 2022 and \$1,816,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1216 (urban and community forestry). ((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))

(4) \$176,000 of the forest development account—state appropriation, \$164,000 of the aquatic lands enhancement account—state appropriation, \$377,000 of the resource management cost account—state appropriation, and \$22,000 of the agricultural college trust management account—state appropriation are provided solely for the implementation of Substitute House Bill No. 1355 (noxious weeds). ((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))

(5) \$12,000 of the aquatic lands enhancement account—state appropriation and \$10,000 of the resource management cost account—state appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1382 (salmon recovery projects). ((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))

(6) \$1,000,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the small forest landowner office, in order to restore staffing capacity reduced during the great recession and to support small forest landowners, including assistance related to forest and fish act regulations.

(7) \$1,583,000 of the general fund—state appropriation for fiscal year 2022 and \$1,515,000 of the general fund—state appropriation for fiscal year 2023 are

provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

~~(((\$20,668,000))~~ \$112,582,000 of the general fund—state appropriation for fiscal year 2022, ~~\$20,668,000~~ of the general fund—state appropriation for fiscal year 2023, and ~~\$16,050,000~~ of the disaster response account—state appropriation are provided solely for emergency response, including fire suppression. The department shall provide a monthly report to the office of financial management and the appropriate fiscal and policy committees of the legislature with an update of fire suppression costs incurred and the number and type of wildfires suppressed. ~~((The amounts provided in this subsection may not be used to fund the department's indirect and administrative expenses. The department's indirect and administrative costs shall be allocated among its remaining accounts and appropriations.))~~

(9) \$2,823,000 of the general fund—state appropriation for fiscal year 2023 and \$66,000 of the disaster response account—state appropriation are provided solely for indirect and administrative expenses related to fire suppression. It is the intent of the legislature that the amount of state general fund and disaster response account appropriations to support administrative expenses for fire suppression will be phased in through fiscal year 2025.

(10) \$5,500,000 of the forest and fish support account—state appropriation is provided solely for outcome-based performance contracts with tribes to participate in the implementation of the forest practices program. Contracts awarded may only contain indirect costs set at or below the rate in the contracting tribe's indirect cost agreement with the federal government. Of the amount provided in this subsection, \$500,000 is contingent upon receipts under RCW 82.04.261 exceeding eight million dollars per biennium. If receipts under RCW 82.04.261 are more than eight million dollars but less than eight million five hundred thousand dollars for the biennium, an amount equivalent to the difference between actual receipts and eight million five hundred thousand dollars shall lapse.

~~(((\$10)))~~ (11) Consistent with the recommendations of the *Wildfire Suppression Funding and Costs (18-02)* report of the joint legislative audit and review committee, the department shall submit a report to the governor and legislature by December 1, 2021, and December 1, 2022, describing the previous fire season. At a minimum, the report shall provide information for each wildfire in the state, including its location, impact by type of land ownership, the extent it involved timber or range lands, cause, size, costs, and cost-share with federal agencies and nonstate partners. The report must also be posted on the agency's website.

~~(((\$11)))~~ (12) \$4,206,000 of the aquatic land enhancement account—state appropriation is provided solely for the removal of creosote pilings and debris from the marine environment and to continue monitoring zooplankton and eelgrass beds on state-owned aquatic lands managed by the department. Actions will address recommendations to recover the southern resident orca population and to monitor ocean acidification as well as help implement the Puget Sound action agenda.

~~(((\$12)))~~ (13) \$448,000 of the general fund—state appropriation for fiscal year 2022 and \$448,000 of the general fund—state appropriation for fiscal year

2023 are provided solely for the department to coordinate with the Olympic natural resources center to study emerging ecosystem threats such as Swiss needlecast disease, conduct field trials for long-term ecosystem productivity and T3 watershed experiments, and engage stakeholders through learning-based collaboration. The department may retain up to \$30,000 in one fiscal year to conduct Swiss needlecast surveys.

~~((+3))~~ (14) \$185,000 of the general fund—state appropriation for fiscal year 2022 and \$185,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for compensation to the trust beneficiaries and department for lost revenue from leases to amateur radio operators who use space on the department managed radio towers for their equipment. The department is authorized to lease sites at the rate of up to one hundred dollars per year, per site, per lessee. The legislature makes this appropriation to fulfill the remaining costs of the leases at market rate per RCW 79.13.510.

~~((+4))~~ (15) The appropriations in this section include sufficient funding for the department to review its burn permit fee schedule, and to develop options and recommendations on changes to the fee schedule to meet the requirement in RCW 70A.15.5020. The agency must report on options and recommendations to the office of financial management and the appropriate committees of the legislature by September 1, 2021.

~~((+5))~~ (16) \$569,000 of the model toxics control operating account—state appropriation is provided solely to implement recommendations in the aerial herbicides in forestlands report submitted to the legislature in December 2019 from the aerial herbicide application working group. Specific work will include researching alternatives to chemicals for control of unwanted competing vegetation, compliance monitoring of aerial herbicides application, and updating the pesticide board manual.

~~((+6))~~ (17) \$925,000 of the general fund—state appropriation for fiscal year 2022 and \$779,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to undertake geologic research to understand the geology and hydrology of the Columbia basin with regard to geothermal and groundwater resources. Funding must also be used for outreach and education to industries and regional communities to increase awareness of underground resources, how to access and use them, and the regulatory processes for doing so.

~~((+7))~~ (18) \$77,000 of the general fund—state appropriation for fiscal year 2022, \$90,000 of the general fund—state appropriation for fiscal year 2023, \$82,000 of the forest development account—state appropriation, \$10,000 of the ORV and nonhighway vehicle account—state appropriation, \$19,000 of the aquatic lands enhancement account—state appropriation, \$189,000 of the resource management cost account—state appropriation, \$7,000 of the surface mining reclamation account—state appropriation, \$9,000 of the forest and fish support account—state appropriation, \$43,000 of the forest fire protection assessment nonappropriated account—state appropriation, \$13,000 of the state forest nursery revolving nonappropriated account—state appropriation, \$45,000 of the access road revolving nonappropriated account—state appropriation, \$26,000 of the forest health revolving nonappropriated account—state appropriation, and \$9,000 of the model toxics control operating account—state appropriation are provided solely for the department to move its data center



currently located in the natural resources building to the state data center located in the Jefferson building as required by office of the chief information officer policy 184 and RCW 43.105.375. Funding is subject to the conditions, limitations, and review requirements of section 701 of this act.

~~((18))~~ (19) \$466,000 of the general fund—state appropriation for fiscal year 2022, ~~((125,000))~~ \$189,000 of the general fund—state appropriation for fiscal year 2023, ~~((364,000))~~ \$404,000 of the forest development account—state appropriation, \$254,000 of the aquatic lands enhancement account—state appropriation, ~~((754,000))~~ \$836,000 of the resource management cost account—state appropriation, \$27,000 of the surface mining reclamation account—state appropriation, ~~((186,000 of the contract harvesting revolving nonappropriated account—state appropriation,))~~ \$148,000 of the forest fire protection assessment nonappropriated account—state appropriation, \$62,000 of the state forest nursery revolving nonappropriated account—state appropriation, \$188,000 of the access road revolving nonappropriated account—state appropriation, \$214,000 of the forest health revolving nonappropriated account—state appropriation, and \$16,000 of the natural resources federal lands revolving nonappropriated account—state appropriation are provided solely for the department to replace the NaturE revenue and leasing administration system and integrate with the new One Washington financial system. Funding is subject to the conditions, limitations, and review requirements of section 701 of this act.

~~((19))~~ (20)(a) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to maintain existing administrative facility infrastructure operated by the six regions of the department.

(b) The department's allocation of this appropriation and existing expenditure authority in certain other funds will be spread equitably across agency funds based on a model of positions by program or activity that utilize existing facility spaces within the agency's operating regions. The remaining costs at each site will remain the burden of existing management fund distribution. Department allocation of funds in this appropriation will be trackable by region and by project code.

(c) This appropriation is provided solely for the maintenance of existing administrative infrastructure, inclusive of ordinary maintenance, preventive maintenance, and maintenance services and inspections, minor repairs, system component replacement, and the delivery of utility and facility services.

(d) The department must provide a comparison of quarterly agency allotments and expenditures relating to this subsection, including a summary of the maintenance work for all regional facilities subject to this section to the office of financial management beginning in October 2021.

~~((20))~~ (21) \$175,000 of the general fund—state appropriation for fiscal year 2022 and \$175,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to implement a pilot project to evaluate the costs and benefits of marketing and selling specialty forest products including cedar salvage, alder, and other hardwood products. The pilot project must include: Identifying suitable areas for hardwood or cedar sales within the administrative areas of the Olympic and Pacific Cascade regions, preparing and conducting sales, and evaluating the costs and benefits from conducting the sales.

(a) The pilot project must include an evaluation that:

(i) Determines if revenues from the sales are sufficient to cover the costs of preparing and conducting the sales;

(ii) Identifies and evaluates factors impacting the sales, including regulatory constraints, staffing levels, or other limitations;

(iii) Compares the specialty sales to other timber sales that combine the sale of cedar and hardwoods with other species;

(iv) Evaluates the bidder pool for the pilot sales and other factors that impact the costs and revenues received from the sales; and

(v) Evaluates the current and future prices and market trends for cedar salvage and hardwood species.

(b) The department must work with affected stakeholders and report to the appropriate committees of the legislature with the results of the pilot project and make recommendation for any changes to statute by June 30, 2023.

~~((21))~~ (22) \$112,000 of the general fund—state appropriation for fiscal year 2022 and \$60,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Senate Bill No. 5158 (utility wildland fire cmte.). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~((22))~~ (23) \$407,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to complete development of a programmatic safe harbor agreement, and the associated environmental analysis and draft enrollment language for inclusion in the forest practices rules. Within the amount provided in this subsection, the department must provide \$182,000 to the department of fish and wildlife to assist in the development of the programmatic safe harbor agreement. The department must provide a report to the appropriate committees of the legislature by December 15, 2021, on the status of the rule making and the resources needed to implement the rule effective October 1, 2022.

~~((23))~~ (24) Within amounts appropriated in this section, the department on behalf of the forest practices board must provide an update to the natural resource policy committees of the legislature on the progress of its projects, including progress made to address recommendations from the 2021 state auditor's report on the adaptive management program, by December 1, 2021, and December 1, 2022.

~~((24))~~ (25) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to grant to local law enforcement agencies to assist in enforcing vessel registration laws. Funding is also provided for a pilot recycling project with a nonprofit maritime education center that has the capacity to coordinate with a local port and local businesses that can accommodate vessel waste material.

~~((25))~~ (26) Within amounts appropriated in this section, the department, acting in its capacity as the agency responsible for implementing Washington state's section 10 permit under the endangered species act for aquatic species, and for ensuring maintenance of clean water act assurances granted by the department of ecology, must report to the legislature by no later than June 30, 2022, on the status of forest practices board activities related to: (a) Permanent water typing rulemaking and associated board manual development and (b)

rulemaking and associated board manual development regarding the protection of type N streams.

~~((26))~~ (27) Within amounts appropriated in this section, the department, in collaboration with motorized and nonmotorized outdoor recreation stakeholders, must submit to the appropriate committees of the legislature recommendations for the use of NOVA account appropriations, by September 30, 2022.

~~((27))~~ (28) \$2,336,000 of the general fund—state appropriation for fiscal year 2022 and \$1,591,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5141 (environmental justice task force recommendations). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(28) \$180,000)~~ (29) \$36,000 of the general fund—state appropriation for fiscal year 2022 and ~~((4,000))~~ \$36,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute Senate Bill No. 5253 (pollinator health). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(29) \$34,000)~~ (30) \$180,000 of the general fund—state appropriation for fiscal year 2022 and ~~((8,000))~~ \$4,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5452 (electric-assisted bicycles). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

(30)) (31) \$1,765,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to:

(a) Replace the statewide forest practices permit database system. Funding is subject to the conditions, limitations, and review requirements of section 701 of this act; and

(b) Provide a recommendation for ways that the forest products industry could help cover the cost of the new forest practice online system. The recommendation must include proposed changes to the fees that are paid for forest practice applications and notifications, as well as a description and table that illustrates the operating costs of the program and how those costs are covered by fund source including fee revenue. The recommendation must be reported to the fiscal committees of the legislature by December 1, 2021, and may be included as a decision package to the office of financial management for consideration in the governor's proposed 2022 supplemental operating budget.

~~((31))~~ (32) \$225,000 of the general fund—state appropriation for fiscal year 2022 and \$225,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to implement a pilot project to evaluate the costs and benefits of entering into such stewardship agreements with individual neighboring landowners who would take on the responsibility for protecting small segments of shared boundary with department managed lands. The pilot project must include identifying the legal limits and bounds of such stewardship agreements, identifying suitable areas, preparing and entering into shared stewardship agreements, and evaluating the costs and benefits of these agreements.

(a) The pilot project evaluation must include:

(i) A determination of an appropriate mechanism for the sale of valuable materials from state trust lands harvested under a stewardship agreement;

(ii) Identification of regulatory constraints, staffing levels necessary to administer a statewide program, and other limitations; and

(iii) Identification of legal risk and insurance and indemnification requirements that may be necessary on the part of private individuals entering into these agreements.

(b) The pilot project must include agreements on at least the Teanaway or Klickitat Community Forests and on state trust lands in the vicinity of the town of Darrington, Washington. The department of natural resources must work with affected stakeholders and report to the appropriate committees of the legislature with the results of the pilot project and any recommendations for changes and statewide implementation by July 1, 2023.

~~((32))~~ (33) \$134,000 of the general fund—state appropriation for fiscal year 2022 and \$134,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to grant non-tribal outcome-based performance participation grants for implementation of the forest practices adaptive management program. Of the amounts provided in this subsection, \$54,000 per fiscal year is provided for grants to the Washington farm forestry association and \$80,000 per fiscal year is provided for grants to the Washington state association of counties.

(34) \$488,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of chapter 316, Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5126) (climate commitment act).

(35) \$3,481,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to collect and refresh statewide lidar data.

(36) Within amounts appropriated in this section, the department must improve performance of the forest practices adaptive management program by implementing recommendations made by the state auditor's office in its January 2021 performance audit of the program.

(37) \$450,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to conduct a targeted analysis of the current and projected impact from drought and opportunities for drought resilience on department owned and managed uplands and agricultural lands.

(38) \$225,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to hire a watershed steward to expedite salmon recovery actions and projects, including education, with a primary focus on agency owned and managed uplands and aquatic lands.

(39)(a) \$5,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a pilot project to improve salmon habitat across the department's aquatic, commercial, industrial, and agricultural lands. Of the amount provided in this subsection:

(i) \$2,000,000 is provided solely to improve nearshore habitat by accelerating restoration of state-owned aquatic lands; and

(ii) \$3,000,000 is provided solely to improve riparian function, including riparian planting and riparian set-asides on state-owned lands.

(b) The department must consult with federally recognized tribes and partner with relevant state agencies and local governments in implementing this pilot.

(c) The department must provide a report on the cost, monitoring, and effectiveness of investments in salmon habitat improvements to the office of financial management and the appropriate committees of the legislature by June 30, 2023.

(40) \$5,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to address the maintenance backlog associated with providing recreation on lands managed by the department. Allowable uses include, but are not limited to, maintenance, repair, or replacement of trails, toilet facilities, roads, campgrounds, picnic sites, water access areas, signs, kiosks, and gates. The department is encouraged to partner with nonprofit organizations in the maintenance of public lands.

(41) \$4,284,000 of the derelict vessel removal account—state appropriation is provided solely for implementation of House Bill No. 1700 (derelict vessel removal). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(42) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$450,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the purpose of establishing demonstration areas for wildfire ready neighbors, a wildland fire resiliency outreach, assessment, and education program, in portions of Pierce, Mason, and Thurston counties. Wildfire ready neighbor demonstration areas must be located where there is a demonstrated high risk of wildland fire, a mix of suburban and small private forestland ownership, and significant areas of wildland urban interface. Further, demonstration areas must be selected by employing principles of environmental justice and equity, with an effort to select areas for inclusion that have a significant proportion of vulnerable populations and "highly impacted communities" as defined by RCW 19.405.020.

(43) The department, in coordination with the office of the superintendent of public instruction, must provide recommendations on the development of an outdoor school at the site of the Naselle youth camp. The department must consider, at a minimum, the suitability of the current facilities, operating and capital budget needs and estimated costs, any potential transfers of land ownership or management, partnership opportunities, and other potential procedural or operational challenges and proposed solutions. The department must submit a proposal to the appropriate committees of the legislature by December 31, 2022.

(44) \$5,000,000 of the salmon recovery account—state appropriation is provided solely for the department to purchase easements under the forestry riparian easement program, pursuant to RCW 76.13.120.

(45) \$1,149,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the implementation of Second Substitute Senate Bill No. 5619 (kelp & eelgrass conservation). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(46) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to continue convening the work group pertaining to making improvements to the trust land transfer program. Of the amount provided in this subsection, up to \$75,000 may be used for completing a trust land transfer project in Jefferson county.

(47) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to provide a grant to a nonprofit organization that will offer environmental education and career development skills training in nature for youth and young adults from south King county.

(48)(a) \$10,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to purchase state forestland, as described in RCW 79.22.010, to begin a program to benefit counties who have lost revenue from existing state forestlands encumbered by wildlife species listed as endangered or threatened by the federal endangered species act. The department must transfer the appropriated amount into the natural resources real property replacement account in accordance with RCW 79.17.210 to purchase state forestlands.

(b) Of the amounts provided in this subsection:

(i) \$5,000,000 must be used to purchase state forestland for the benefit of Clallam county and Jefferson county; and

(ii) \$5,000,000 must be used to purchase state forestland for the benefit of Pacific county, Skamania county, and Wahkiakum county.

(c) The purchased forestlands shall be owned and managed by the department as state forest transfer lands and shall be placed in trust for the benefit of the counties. The purchase of these state forestlands is not limited to lands within the geographic bounds of the counties listed in this subsection.

(d) The purchase of state forestlands must be made in concurrence with the Washington state association of counties before a transaction is finalized.

(e) The department shall work with the Washington state association of counties to determine if any statutory changes are necessary to address issues regarding beneficiary revenue distribution or any other fiscal matters related to state forestlands. The department and the Washington state association of counties shall report to the legislature on any needed statutory changes by December 31, 2022.

(49) \$2,000,000 of the salmon recovery account—state appropriation is provided solely for an increase in the Puget Sound corp program to employ work crews statewide to carry out aquatic recreation, natural areas, resource protection, and urban forestry projects.

(50) \$167,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to advance research and cooperation with governmental agencies of Finland and Finnish organizations to implement sustainable forestry practices. The department must report to the appropriate committees of the legislature, by June 30, 2023, on how the funding was used, what kinds of research and cooperation were accomplished, and make recommendations for further opportunities for collaboration.

**Sec. 311.** 2021 c 334 s 311 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF AGRICULTURE**

General Fund—State Appropriation (FY 2022) . . . . .	(\$21,046,000)
	\$28,418,000
General Fund—State Appropriation (FY 2023) . . . . .	(\$20,632,000)
	\$43,910,000
General Fund—Federal Appropriation . . . . .	(\$35,878,000)
	\$40,631,000
General Fund—Private/Local Appropriation . . . . .	\$193,000

Aquatic Lands Enhancement Account—State	
Appropriation. . . . .	(((\$2,692,000))
	<u>\$2,743,000</u>
Water Quality Permit Account—State Appropriation . . . . .	\$73,000
Model Toxics Control Operating Account—State	
Appropriation. . . . .	(((\$9,410,000))
	<u>\$9,545,000</u>
Dedicated Marijuana Account—State Appropriation	
(FY 2022). . . . .	(((\$621,000))
	<u>\$628,000</u>
Dedicated Marijuana Account—State Appropriation	
(FY 2023). . . . .	(((\$627,000))
	<u>\$635,000</u>
Northeast Washington Wolf-Livestock Management	
Nonappropriated Account—State Appropriation . . . . .	(((\$952,000))
	<u>\$1,042,000</u>
Coronavirus State Fiscal Recovery Fund—Federal	
Appropriation. . . . .	(((\$90,000,000))
	<u>\$148,045,000</u>
TOTAL APPROPRIATION . . . . .	(((\$182,124,000))
	<u>\$275,863,000</u>

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

(1) ((~~\$45,000,000~~)) \$103,045,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely to develop a state alternative to the United States department of agriculture farmers to families food box program and provide resources for hunger relief organizations, including organizations that serve BIPOC and other socially disadvantaged communities.

(2) \$5,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the farm-to-school program under RCW 15.64.060.

(3) \$8,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for local food system infrastructure and market access grants, prioritized for women, minority, and small business owners.

(4) \$9,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for a grant program to improve food supply chain infrastructure and market access for farms, food processors, and food distributors.

(5)(a) \$90,000 of the general fund—state appropriation for fiscal year 2022 and \$90,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to coordinate with the office of equity, the conservation commission, underrepresented farmers and ranchers, organizations that represent historically underrepresented farmers and ranchers, farmworkers, and labor advocates to:

(i) Ensure inclusion of historically underrepresented farmers and ranchers in the agricultural industry;

(ii) Evaluate related boards, commissions, and advisory panels to ensure inclusion of historically underrepresented farmers and ranchers;

(iii) Include historically underrepresented farmers and ranchers in the development, implementation, and enforcement of food and agriculture laws, rules, regulations, policies, and programs; and

(iv) Consider ways to increase engagement in agricultural education and workforce development opportunities by communities who have been historically underrepresented in agriculture.

(b) The department must report to the governor and legislature, in accordance with RCW 43.01.036, by October 31, 2022, on its activities and efforts to include historically underrepresented farmers and ranchers. The report must describe the department's efforts to serve historically underrepresented farmers and ranchers, identify existing gaps and financial barriers to land ownership and obtaining equipment, and must include recommendations to improve outreach to and services for historically underrepresented farmers and ranchers.

(6) (~~(\$203,000)~~) \$4,936,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$203,000)~~) \$938,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementing a Japanese beetle monitoring and eradication program in central Washington.

(7) (~~(\$6,105,445)~~) \$6,605,445 of the general fund—state appropriation for fiscal year 2022, (~~(\$6,105,905)~~) \$23,230,905 of the general fund—state appropriation for fiscal year 2023, and \$23,000,000 of the coronavirus state fiscal recovery fund—federal appropriation are provided solely for implementing the emergency food assistance program as defined in RCW 43.23.290.

(8) \$170,000 of the general fund—state appropriation for fiscal year 2022 and \$170,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to continue a shellfish coordinator position. The shellfish coordinator assists the industry with complying with regulatory requirements and will work with regulatory agencies to identify ways to streamline and make more transparent the permit process for establishing and maintaining shellfish operations.

(9) \$194,000 of the general fund—state appropriation for fiscal year 2022, \$194,000 of the general fund—state appropriation for fiscal year 2023, and \$1,134,000 of the general fund—federal appropriation are provided solely for implementing a Vespa mandarinia eradication program.

(10) (~~(\$952,000)~~) \$1,042,000 of the northeast Washington wolf-livestock management nonappropriated account—state appropriation is provided solely for the department to conduct the following:

(a) Fund the northeast Washington wolf-livestock management grant program as provided in RCW 16.76.020, at \$432,000 (~~for fiscal year 2022 and fiscal year 2023~~). Funds from the grant program must be used only for the deployment of nonlethal deterrence, specifically with the goal to reduce the likelihood of cattle being injured or killed by wolves by deploying proactive, preventative methods that have a good probability of producing effective results. Grant proposals will be assessed partially on this intent. Grantees who use funds for range riders or herd monitoring must deploy this tool in a manner so that targeted areas with cattle are visited daily or near daily. Grantees must collaborate with other entities providing prevention efforts resulting in coordinated wolf-livestock conflict deterrence efforts, both temporally and



spatially, therefore providing well-timed and placed preventative coverage on the landscape. The department retains the final decision-making authority over disbursement of funds. Annual reports from grantees will be assessed for how well grant objectives were met and used to decide whether future grant funds will be awarded to past grantees.

(b) Contract with the northeast Washington wolf-cattle collaborative, a nonprofit organization, for ~~(((\$320,000 for fiscal year 2022 and fiscal year 2023))~~) \$410,000 for range riders to conduct proactive deterrence activities with the goal to reduce the likelihood of cattle being injured or killed by wolves. The contract must provide that the organization share all relevant information with the department of fish and wildlife in a timely manner to aid in wolf management decisions. Additionally, range riders must document their activities with geo-referenced photo points and provide written description of their efforts to the department of fish and wildlife by December 31, 2021, and December 31, 2022. Work is to be conducted solely on United States forest service grazing allotments and adjoining private lands in the Kettle mountains in Ferry county. This includes an area from the northern boundary of the Colville Confederated Tribes reservation, west of the Columbia river north to state route 20, and then west of United States route 395 to the Canadian border, and from the northern boundary of the Colville Confederated Tribes reservation east of state highway 21 to the Canadian border. Also included are federal grazing allotments and adjoining private lands in the Vulcan mountain area, an area which is north of the Kettle river where it enters the United States at Midway, British Columbia and leaves the United States near Danville, Washington. Of the amount provided in this subsection, \$90,000 may be contracted for range rider deterrence activities in Pend Oreille, Stevens, or Ferry counties.

(c) Within the amounts provided in this subsection, the department must provide \$120,000 in fiscal year 2022 and \$80,000 in fiscal year 2023 to the sheriffs offices of Ferry and Stevens counties for providing a local wildlife specialist to aid the department of fish and wildlife in the management of wolves in northeast Washington.

(11) \$1,400,000 of the model toxics control operating account—state appropriation is provided solely for research grants to assist with development of an integrated pest management plan to find a suitable replacement for imidacloprid to address burrowing shrimp in Willapa bay and Grays harbor and facilitate continued shellfish cultivation on tidelands. In selecting research grant recipients for this purpose, the department must incorporate the advice of the Willapa-Grays harbor working group formed from the settlement agreement with the department of ecology signed on October 15, 2019. Up to eight percent of the total amount provided may be used by the departments of agriculture, commerce, ecology, and natural resources to cover overhead expenses relating to their continued participation in the working group for the 2021-2023 fiscal biennium.

(12) ~~(((\$119,000))~~) \$323,000 of the general fund—state appropriation for fiscal year 2022 and ~~(((\$25,000))~~) \$477,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5141 (environmental justice task force recommendations). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(13) \$78,000 of the general fund—state appropriation for fiscal year 2022 and (~~\$24,000~~) \$276,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute Senate Bill No. 5253 (pollinator health). (~~If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~)

(14) \$2,000,000 of the general fund—federal appropriation, not to exceed the amount appropriated in section 11, chapter 3, Laws of 2021, that is unobligated at the end of fiscal year 2021, is provided solely to assist hunger relief organizations to achieve food security and is subject to the same terms and conditions as the appropriation in section 11, chapter 3, Laws of 2021.

(15) \$168,000 of the general fund—state appropriation for fiscal year 2022 and \$168,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to assist small and midsize farms and small and midsize processors in exploring options to expand capacity for processing meat or meat and poultry for sale and direct marketing efforts. In carrying out this duty, the department must:

(a) Assist farms in complying with federal, state, and local rules and regulations as they apply to direct marketing of meat and poultry products;

(b) Assist in developing infrastructure including, but not limited to, custom meat facilities and slaughter facilities inspected by the United States department of agriculture as appropriate to increase direct marketing opportunities for farms;

(c) Assist processors in complying with federal, state, and local rules and regulations as they apply to processing meat and poultry and the marketing of meat and poultry;

(d) Assist in developing, in consultation with Washington State University extension, training opportunities or apprenticeship opportunities for slaughterers or inspectors;

(e) Provide information on direct marketing opportunities for farms;

(f) Identify and help reduce market barriers facing farms in direct marketing;

(g) Identify and help reduce barriers facing processors in operating slaughter facilities;

(h) Assist in developing and submitting proposals to grant programs to assist farm direct marketing efforts; and

(i) Perform other functions that will assist farms in directly marketing their meat and poultry products.

(16) \$1,832,000 of the general fund—state appropriation for fiscal year 2022 and \$1,832,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department, in consultation with the state conservation commission, to develop a grant program to provide funding to conservation districts or other entities to provide access to meat and poultry processing and inspection. In addition to other funding needs to provide access to meat and poultry processing and inspection, grant funding may be used to establish a mobile slaughter unit or to provide needed infrastructure to provide for the retail sale of meat or poultry. The department must conduct outreach to gain input from other entities, such as conservation districts, Washington State University and the food policy forum in developing the grant program described in this subsection.

(17) ~~(\$152,000)~~ \$156,000 of the general fund—state appropriation for fiscal year 2022 ~~(\*\*)~~ and \$213,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute Senate Bill No. 5192 (electric vehicle equipment). ~~(If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.)~~

(18) \$366,000 of the general fund—state appropriation for fiscal year 2022 and \$366,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to support the department's emergency management planning responsibilities related to agricultural systems, radiological preparedness and response, foodborne outbreaks, food security, and other emergency management responsibilities.

(19) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for rulemaking for a voluntary cannabis certification program that is consistent with the department's existing organics program, as authorized by chapter 317, Laws of 2017 (ESSB 5131).

(20) \$300,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a community-based organization in Whatcom county for the food and farm finder program, which connects local food producers with retail and wholesale consumers.

(21) \$81,000 of the general fund—state appropriation for fiscal year 2022 and \$139,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a hemp in food task force and a hemp commission task force.

(a) Of the amounts provided in this subsection, \$75,000 in fiscal year 2022 and \$125,000 in fiscal year 2023 are for a hemp in food task force. The department must appoint task force members representing relevant state agencies, the scientific community, and stakeholder organizations. The department must provide staff support for the task force and contract for relevant scientific expertise. The department must report to the appropriate committees of the legislature with recommendations for the regulation of hemp in food by December 1, 2022.

(b) Of the amounts provided in this subsection, \$6,000 in fiscal year 2022 and \$14,000 in fiscal year 2023 are for a hemp commission task force. The department must appoint task force members representing relevant state agencies, the scientific community, and stakeholder organizations, including the hemp industry. The department must provide staff support for the task force. The department must report to the appropriate committees of the legislature with recommendations for the creation of a commodity commission for hemp by December 1, 2022.

(22) \$790,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of House Bill No. 1859 (cannabis analysis labs). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(23) \$301,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1799 (organic materials management). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(24) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to support local and regional markets and for agricultural infrastructure development in southwest Washington.

(25) \$9,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5544 (blockchain work group). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(26) \$9,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5974 (transportation resources). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 312. A new section is added to 2021 c 334 (uncodified) to read as follows:

**FOR THE ENERGY FACILITY SITE EVALUATION COUNCIL**

General Fund—State Appropriation (FY 2023) . . . . .	\$776,000
Energy Facility Site Evaluation Council Account—	
Private/Local Appropriation . . . . .	\$13,116,000
TOTAL APPROPRIATION . . . . .	\$13,892,000

The appropriations in this section are subject to the following conditions and limitations: \$208,000 of the general fund—state appropriation for fiscal year 2023 and \$8,333,000 of the energy facility site evaluation council account—private/local appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1812 (energy facility site council). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

**PART IV  
TRANSPORTATION**

**Sec. 401.** 2021 c 334 s 401 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING**

General Fund—State Appropriation (FY 2022) . . . . .	<del>(\$2,901,000)</del>
	\$3,005,000
General Fund—State Appropriation (FY 2023) . . . . .	<del>(\$2,585,000)</del>
	\$3,367,000
Architects' License Account—State Appropriation . . . . .	<del>(\$1,263,000)</del>
	\$1,372,000
Real Estate Commission Account—State Appropriation . . . . .	<del>(\$13,532,000)</del>
	\$14,550,000
Uniform Commercial Code Account—State Appropriation . . . . .	<del>(\$3,121,000)</del>
	\$3,256,000
Real Estate Education Program Account—State	
Appropriation . . . . .	\$276,000
Real Estate Appraiser Commission Account—State	
Appropriation . . . . .	<del>(\$1,876,000)</del>
	\$2,006,000
Business and Professions Account—State Appropriation . . . . .	<del>(\$23,882,000)</del>
	\$25,871,000
Real Estate Research Account—State Appropriation . . . . .	\$415,000
Firearms Range Account—State Appropriation . . . . .	\$74,000
Funeral and Cemetery Account—State Appropriation . . . . .	\$25,000
Landscape Architects' License Account—State	
Appropriation . . . . .	<del>(\$80,000)</del>

	<u>\$87,000</u>
Appraisal Management Company Account—State Appropriation . . . . .	(( <del>\$256,000</del> ))
	<u>\$264,000</u>
Concealed Pistol License Renewal Notification	
Account—State Appropriation . . . . .	\$140,000
Geologists' Account—State Appropriation . . . . .	\$149,000
Derelict Vessel Removal Account—State Appropriation . . . . .	\$33,000
TOTAL APPROPRIATION . . . . .	(( <del>\$50,583,000</del> ))
	<u>\$54,890,000</u>

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

(1) \$140,000 of the concealed pistol license renewal notification account—state appropriation and \$74,000 of the firearms range account—state appropriation are provided solely to implement chapter 74, Laws of 2017 (concealed pistol license).

(2) \$16,000 of the general fund—state appropriation for fiscal year 2022, \$9,000 of the general fund—state appropriation for fiscal year 2023, \$13,000 of the architects' license account—state appropriation, \$121,000 of the real estate commission account—state appropriation, \$22,000 of the uniform commercial code account—state appropriation, \$16,000 of the real estate appraiser commission account—state appropriation, and \$227,000 of the business and professions account—state appropriation are provided solely for the department to redesign and improve its online services and website, and are subject to the conditions, limitations, and review requirements of section 701 of this act.

(3) The department shall inventory all business and professions fees and associated accounts including identification of all fees paid into each account, the amount and timing of the last fee increase, the estimated expenditures necessary to administer each fee based program, and the projected fee changes necessary to ensure positive account balances for each business and professions program account. The projection should include the period beginning with the 2021-2023 fiscal biennium through the 2025-2027 biennium. A report to the governor and legislature is due December 1, 2021.

(4) \$157,000 of the uniform commercial code account—state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5355 (wage liens). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(5) \$267,000 of the real estate commission account—state appropriation is provided solely to implement Substitute Senate Bill No. 5378 (real estate broker renewal). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(6) \$808,000 of the general fund—state appropriation for fiscal year 2022 and \$551,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the continued implementation of the legacy firearms system until the modernization project is completed.

(7) \$28,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to implement Substitute House Bill No. 1107 (nonresident vessel

permit provisions). (~~If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~)

(8) \$30,000 of the architects' license account—state appropriation, \$297,000 of the real estate commission account—state appropriation, \$50,000 of the real estate appraiser commission account—state appropriation, and \$514,000 of the business and professions account—state appropriation are provided solely for implementation of House Bill No. 1399 (professional licensure/convictions). (~~If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~)

(9) \$537,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 2076 (transp. network companies). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

**\*Sec. 402.** 2021 c 334 s 402 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL**

General Fund—State Appropriation (FY 2022) . . . . .	<del>(\$59,974,000)</del>
	<u>\$66,750,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	<del>(\$60,590,000)</del>
	<u>\$68,712,000</u>
General Fund—Federal Appropriation . . . . .	<del>(\$16,707,000)</del>
	<u>\$16,766,000</u>
General Fund—Private/Local Appropriation . . . . .	\$3,091,000
Death Investigations Account—State Appropriation . . . . .	<del>(\$7,906,000)</del>
	<u>\$8,794,000</u>
County Criminal Justice Assistance Account—State	
Appropriation . . . . .	<del>(\$4,533,000)</del>
	<u>\$4,622,000</u>
Municipal Criminal Justice Assistance Account—State	
Appropriation . . . . .	<del>(\$1,637,000)</del>
	<u>\$1,681,000</u>
Fire Service Trust Account—State Appropriation . . . . .	\$131,000
Vehicle License Fraud Account—State Appropriation . . . . .	\$119,000
Disaster Response Account—State Appropriation . . . . .	<del>(\$8,500,000)</del>
	<u>\$12,500,000</u>
Fire Service Training Account—State Appropriation . . . . .	<del>(\$12,297,000)</del>
	<u>\$12,797,000</u>
Model Toxics Control Operating Account—State	
Appropriation . . . . .	<del>(\$567,000)</del>
	<u>\$591,000</u>
Fingerprint Identification Account—State	
Appropriation . . . . .	<del>(\$12,617,000)</del>
	<u>\$12,956,000</u>
Dedicated Marijuana Account—State Appropriation	
(FY 2022) . . . . .	\$2,423,000
Dedicated Marijuana Account—State Appropriation	
(FY 2023) . . . . .	\$2,423,000
Washington Internet Crimes Against Children Account—	
State Appropriation . . . . .	\$1,000,000
<b>TOTAL APPROPRIATION . . . . .</b>	<del>(\$194,515,000)</del>

\$215,356,000

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

(1) (~~(\$8,500,000)~~) \$12,500,000 of the disaster response account—state appropriation is provided solely for Washington state fire service resource mobilization costs incurred in response to an emergency or disaster authorized under RCW 43.43.960 through 43.43.964. The state patrol shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on current and planned expenditures from this account. This work shall be done in coordination with the military department.

(2) \$2,423,000 of the dedicated marijuana account—state appropriation for fiscal year 2022 and \$2,423,000 of the dedicated marijuana account—state appropriation for fiscal year 2023 are provided solely for the Washington state patrol to partner with multi-jurisdictional drug and gang task forces to detect, deter, and dismantle criminal organizations involved in criminal activity including diversion of (~~(marijuana)~~) cannabis from the legalized market and the illicit production and distribution of (~~(marijuana)~~) cannabis and (~~(marijuana)~~) cannabis-related products in Washington state.

(3) \$643,000 of the general fund—state appropriation for fiscal year 2022 and \$643,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for addressing a backlog of toxicology tests in the toxicology laboratory.

(4) \$356,000 of the general fund—state appropriation for fiscal year 2022, \$356,000 of the general fund—state appropriation for fiscal year 2023, and \$298,000 of the death investigations account—state appropriations are provided solely for increased supply and maintenance costs for the crime laboratory division and toxicology laboratory division.

(5) \$510,000 of the county criminal justice assistance account—state appropriation is provided solely for the Washington state patrol to support local police, sheriffs' departments, and multiagency task forces in the prosecution of criminals. However, the office of financial management must reduce the allotment of the amount provided in this subsection if allotment of the full appropriation will put the account into deficit.

**(6)(a) (~~(\$700,000)~~) \$1,000,000 of the fire service training account—state appropriation is provided solely for the firefighter apprenticeship training program.**

**(b) *The joint apprenticeship training committee shall submit a report to the fiscal committees of the legislature by December 1, 2022, describing how the funding appropriated in this section was spent during the biennium. At a minimum, the report shall include information about the number of individuals that completed the training, the level of training or type of training being taught, the total cost of training everyone through completion, the percentage of passage rate for trainees, and the geographic location of the fire department sponsoring the trainee.***

(7) \$316,000 of the general fund—state appropriation for fiscal year 2023 and \$1,000,000 of the Washington internet crimes against children account—state appropriation are provided solely for the missing and exploited children's

task force within the patrol to help prevent possible abuse to children and other vulnerable citizens from sexual abuse.

(8) \$1,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Substitute Senate Bill No. 5055 (law enforcement grievances), which changes methods for selecting an arbitrator for labor disputes involving law enforcement disciplinary matters. ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(9) \$213,000 of the general fund—state appropriation for fiscal year 2022 and \$163,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Substitute House Bill No. 1223 (custodial interrogations). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(10) \$1,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute House Bill No. 1054 (peace officer tactics and equipment). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(11) \$2,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1310 (use of force). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(12) \$1,334,000 of the general fund—state appropriation for fiscal year 2022 (is) and \$2,373,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for facility and staff costs associated with construction of a second toxicology laboratory facility in Federal Way. The Washington state patrol must provide a report on the progress of the toxicology lab construction semiannually to the fiscal committees of the legislature with a final report due 90 days after completion of the project. The report must include, but is not limited to:

- (a) A detailed list of expenditures so far;
- (b) A detailed list of expenditure yet to be made before the completion of the project;
- (c) An updated project timeline with expected end date; and
- (d) Other project details that the Washington state patrol finds important to relay.

(13) \$213,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the Washington state patrol to outsource death investigation cases to reduce the current backlog of cases awaiting toxicology testing.

(14) \$1,320,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for an enhanced forensic capabilities pilot program that provides expedited DNA technology and forensic services to assist in the processing of crime scene evidence, expediting investigative leads, and reducing the backlog of other cases. ~~((Prior to the purchase of the DNA technology and forensic services for the pilot program, the Washington state patrol must submit a plan to the legislature no later than December 31, 2021, that addresses the following operational issues of the program:))~~ To ensure readiness to proceed with implementation, the Washington state patrol must identify needed resources, complete prehiring, and develop a competitive procurement process



by July 1, 2022. The Washington state patrol must complete a preliminary report by December 2, 2022, describing major milestones and achievements of the program to date and submit a final report to the appropriate committees of the legislature by June 30, 2023. The preliminary report must include, but is not limited to, the following:

(a) Protocols on the operation and use of the program while maintaining civil liberties and protecting individual privacy;

(b) A description of how expedited DNA technology and forensic services will tie into the current operations of the state patrol's existing crime lab; and

(c) Details of how the Washington state patrol will protect individual privacy and civil liberties in relation to the program described in this subsection.

(15) \$94,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 2057 (state patrol workforce). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(16) \$191,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1725 (missing indigenous persons). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(17) \$330,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1735 (peace officers/use of force). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

*(18) \$638,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute Senate Bill No. 5880 (fire sprinkler contractors). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.*

*(19) \$1,655,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Senate Bill No. 5983 (cannabinoid products). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.*

(20) \$441,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to process the backlog of court orders and dispositions. By June 30, 2023, the department must provide a report to the appropriate legislative committees that describes any continued staffing needs for this purpose.

(21) \$1,000 of the general fund—state appropriation for fiscal year 2023 is for implementation of Engrossed Fourth Substitute House Bill No. 1412 (legal financial obligations).

*\*Sec. 402 was partially vetoed. See message at end of chapter.*

**PART V  
EDUCATION**

**\*Sec. 501.** 2021 c 334 s 501 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

General Fund—State Appropriation (FY 2022) . . . . .	(\$31,237,000)
	\$31,995,000
General Fund—State Appropriation (FY 2023) . . . . .	(\$30,769,000)
	\$41,420,000
General Fund—Federal Appropriation . . . . .	(\$105,917,000)

	<u>\$106,299,000</u>
General Fund—Private/Local Appropriation . . . . .	(( <del>\$8,060,000</del> ))
	<u>\$8,064,000</u>
Washington Opportunity Pathways Account—State Appropriation . . . . .	(( <del>\$265,000</del> ))
	<u>\$8,609,000</u>
Dedicated Marijuana Account—State Appropriation (FY 2022) . . . . .	\$520,000
Dedicated Marijuana Account—State Appropriation (FY 2023) . . . . .	(( <del>\$533,000</del> ))
	<u>\$550,000</u>
Performance Audits of Government Account—State Appropriation . . . . .	\$213,000
Workforce Education Investment Account—State Appropriation . . . . .	(( <del>\$3,812,000</del> ))
	<u>\$7,420,000</u>
Elementary and Secondary School Emergency Relief III Account—Federal Appropriation . . . . .	(( <del>\$4,631,000</del> ))
	<u>\$7,116,000</u>
TOTAL APPROPRIATION . . . . .	(( <del>\$185,957,000</del> ))
	<u>\$212,206,000</u>

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

(1) BASE OPERATIONS AND EXPENSES OF THE OFFICE

(a) ((~~\$14,470,000~~)) \$15,228,000 of the general fund—state appropriation for fiscal year 2022 and ((~~\$14,486,000~~)) \$17,635,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the operation and expenses of the office of the superintendent of public instruction.

(i) The superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award.

(ii) Districts shall report to the office of the superintendent of public instruction daily student unexcused absence data by school, using a uniform definition of unexcused absence as established by the superintendent.

(iii) By October 31st of each year, the office of the superintendent of public instruction shall produce an annual status report on implementation of the budget provisos in section 501, chapter 415, Laws of 2019 and sections 515 and 522 of this act. The status report of each proviso shall include, but not be limited to, the following information: Purpose and objective, number of state staff funded by the proviso, number of contractors, status of proviso implementation, number of beneficiaries by year, list of beneficiaries, a comparison of budgeted funding and actual expenditures, other sources and amounts of funding, and proviso outcomes and achievements.

(iv) The superintendent of public instruction, in consultation with the secretary of state, shall update the program prepared and distributed under RCW 28A.230.150 for the observation of temperance and good citizenship day to

include providing an opportunity for eligible students to register to vote at school.

(v) Districts shall annually report to the office of the superintendent of public instruction on: (A) The annual number of graduating high school seniors within the district earning the Washington state seal of biliteracy provided in RCW 28A.300.575; and (B) the number of high school students earning competency-based high school credits for world languages by demonstrating proficiency in a language other than English. The office of the superintendent of public instruction shall provide a summary report to the office of the governor and the appropriate committees of the legislature by December 1st of each year.

(vi) The office of the superintendent of public instruction shall provide statewide oversight and coordination to the regional nursing corps program supported through the educational service districts.

(vii) Within the amounts provided in this subsection (1)(a), \$318,000 of the general fund—state appropriation for fiscal year 2022 and \$310,000 of the general fund—state appropriation for fiscal year 2023 are for 2.0 FTE to support multi-tiered systems of support (MTSS) data management and implementation activities.

(viii) Within the amounts provided in this subsection (1)(a), \$79,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a contract to assess the feasibility, specifications, and cost estimates for full development and implementation of a MTSS database.

(ix) Within the amounts provided in this subsection (1)(a), \$53,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a contract with regional and/or national experts to train the MTSS staff and staff from the center on the improvement of student learning on MTSS implementation science and evidence-based practices as distinct but complementary to the Washington integrated student supports protocol.

(x) Within amounts provided in this subsection (1)(a), \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a climate science curriculum staff position within the office of the superintendent of public instruction and to integrate climate change content into the Washington state learning standards across subject areas and grade levels. The office shall develop materials and resources that accompany the updated learning standards that encourage school districts to develop interdisciplinary units focused on climate change that include authentic learning experiences, that integrate a range of perspectives, and that are action oriented.

(xi) Within the amounts provided in this subsection (1)(a), sufficient funding is provided for the office to implement House Bill No. 1833 (school meals/electronic info).

(xii) Within the amounts provided in this subsection (1)(a), sufficient funding is provided for the office to implement House Bill No. 1834 (student absences/mental health).

(xiii) Within the amounts provided in this subsection (1)(a), \$50,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office to provide an annual report to the appropriate committees of the legislature and the office of the governor beginning January 1, 2023, and on January 1st of each year thereafter, on special education students receiving

services outside of the state of Washington. At a minimum, the report must contain the following data:

(A) The number of Washington K-12 education students enrolled in special education services that have been moved to out-of-state facilities/schools to receive their Washington state funded education;

(B) The district that had previously served each student prior to relocation;

(C) The current location/facility where the student is now enrolled and receiving services; and

(D) The annual cost, and the per pupil cost of each student receiving services outside of the state.

(b) \$1,217,000 of the general fund—state appropriation for fiscal year 2022 and \$1,217,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for maintenance of the apportionment system, including technical staff and the data governance working group.

(c) \$494,000 of the general fund—state appropriation for fiscal year 2022 and \$494,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of chapter 240, Laws of 2010, including staffing the office of equity and civil rights.

(d) \$61,000 of the general fund—state appropriation for fiscal year 2022 and \$61,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the ongoing work of the education opportunity gap oversight and accountability committee.

(e) \$61,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$61,000)~~) \$96,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of chapter 380, Laws of 2009 (enacting the interstate compact on educational opportunity for military children).

(f) (~~(\$265,000)~~) \$268,000 of the Washington opportunity pathways account—state appropriation is provided solely for activities related to public schools other than common schools authorized under chapter 28A.710 RCW.

(g) Within amounts appropriated in this section, the office of the superintendent of public instruction and the state board of education shall adopt a rule that the minimum number of students to be used for public reporting and federal accountability purposes is ten.

(h) \$123,000 of the general fund—state appropriation for fiscal year 2022 and \$123,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 163, Laws of 2012 (foster care outcomes). The office of the superintendent of public instruction shall annually report each December on the implementation of the state's plan of cross-system collaboration to promote educational stability and improve education outcomes of foster youth.

(i) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 178, Laws of 2012 (open K-12 education resources).

(j) \$14,000 of the general fund—state appropriation for fiscal year 2022 and \$14,000 of the general fund—state appropriation for fiscal year 2023 are

provided solely for implementation of chapter 242, Laws of 2013 (state-tribal education compacts).

(k) \$131,000 of the general fund—state appropriation for fiscal year 2022, \$131,000 of the general fund—state appropriation for fiscal year 2023, and \$213,000 of the performance audits of government account—state appropriation are provided solely for the office of the superintendent of public instruction to perform on-going program reviews of alternative learning experience programs, dropout reengagement programs, and other high risk programs. Findings from the program reviews will be used to support and prioritize the office of the superintendent of public instruction outreach and education efforts that assist school districts in implementing the programs in accordance with statute and legislative intent, as well as to support financial and performance audit work conducted by the office of the state auditor.

(l) \$117,000 of the general fund—state appropriation for fiscal year 2022 and \$117,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 3, Laws of 2015 1st sp. sess. (computer science).

(m) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 237, Laws of 2017 (paraeducators).

(n) \$385,000 of the general fund—state appropriation for fiscal year 2022 and \$385,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of native education to increase services to tribes, including but not limited to, providing assistance to tribes and school districts to implement Since Time Immemorial, applying to become tribal compact schools, convening the Washington state native American education advisory committee, and extending professional learning opportunities to provide instruction in tribal history, culture, and government. The professional development must be done in collaboration with school district administrators and school directors. Funding in this subsection is sufficient for the office, the Washington state school directors' association government-to-government task force, and the association of educational service districts to collaborate with the tribal leaders congress on education to develop a tribal consultation training and schedule. The tribal consultation training and schedule must be developed by January 1, 2022.

(o) \$205,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$205,000)~~ \$1,205,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to promote the financial literacy of students. The effort will be coordinated through the financial literacy public-private partnership. The amounts provided in this subsection are sufficient for implementation of Second Substitute Senate Bill No. 5720 (student financial literacy). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(p) \$75,000 of the general fund—state appropriation for fiscal year 2022 and \$75,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for staff at the office of the superintendent of public instruction to coordinate and promote efforts to develop integrated math, science, technology, and engineering programs in schools and districts across the state.

(q) \$481,000 of the general fund—state appropriation for fiscal year 2022 and \$481,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for additional full-time equivalent staff to support the work of the safety net committee and to provide training and support to districts applying for safety net awards.

(r) Districts shall report to the office the results of each collective bargaining agreement for certificated staff within their district using a uniform template as required by the superintendent, within thirty days of finalizing contracts. The data must include but is not limited to: Minimum and maximum base salaries, supplemental salary information, and average percent increase for all certificated instructional staff. Within existing resources by December 1st of each year, the office shall produce a report for the legislative evaluation and accountability program committee summarizing the district level collective bargaining agreement data.

(s) \$4,631,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely for administrative costs related to the management of federal funds provided for COVID-19 response and other emergency needs.

(t) \$70,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of the superintendent of public instruction to provide centralized support and coordination, including supervision and training, for social workers hired by or contracting with school districts.

(u) \$2,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5764 (apprenticeships and higher ed). If this bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

## (2) DATA SYSTEMS

(a) \$1,802,000 of the general fund—state appropriation for fiscal year 2022 and \$1,802,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementing a comprehensive data system to include financial, student, and educator data, including development and maintenance of the comprehensive education data and research system (CEDARS).

(b) \$281,000 of the general fund—state appropriation for fiscal year 2022 and \$281,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(c) \$450,000 of the general fund—state appropriation for fiscal year 2022 and \$450,000 of the general fund—state appropriation for fiscal year 2023 are provided for the superintendent of public instruction to develop and implement a statewide accountability system to address absenteeism and to improve student graduation rates. The system must use data to engage schools and districts in identifying successful strategies and systems that are based on federal and state accountability measures. Funding may also support the effort to provide assistance about successful strategies and systems to districts and schools that are underperforming in the targeted student subgroups.

### (3) WORK GROUPS

(a) \$335,000 of the general fund—state appropriation for fiscal year 2022 and \$335,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 206, Laws of 2018 (career and college readiness).

(b) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided for the office of the superintendent of public instruction to meet statutory obligations related to the provision of medically and scientifically accurate, age-appropriate, and inclusive sexual health education as authorized by chapter 206, Laws of 1988 (AIDS omnibus act) and chapter 265, Laws of 2007 (healthy youth act).

(c) \$118,000 of the general fund—state appropriation for fiscal year 2022 and \$118,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 75, Laws of 2018 (dyslexia).

(d) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 386, Laws of 2019 (social emotional learning).

(e) \$130,000 of the general fund—state appropriation for fiscal year 2022 and \$130,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to collaborate with the department of children, youth, and families to complete a report with options and recommendations for administrative efficiencies and long term strategies that align and integrate high-quality early learning programs administered by both agencies and consistent with implementation of Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.). The report, due September 1, 2022, shall address capital needs, data collection and data sharing, licensing changes, quality standards, options for community-based and school-based settings with inclusive facilities and operations, fiscal modeling, and any statutory changes needed to achieve administrative efficiencies.

(f) \$107,000 of the general fund—state appropriation for fiscal year 2022 and \$107,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office to support the children and youth behavioral health work group created in chapter 130, Laws of 2020 (child. mental health wk. grp).

(g) \$310,000 of the general fund—state appropriation for fiscal year 2022 and \$249,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the development and implementation of a language access technical assistance program for school districts and to reconvene an expanded work group under section 2, chapter 256, Laws of 2019. The activities of and resources provided by the language access technical assistance program must align with the recommendations in the October 2020 report of the language access work group created by section 2, chapter 256, Laws of 2019 in order to improve awareness and fulfillment of language access rights for families in educational settings. The work group under this subsection shall, by December 1, 2021, report to the appropriate committees of the legislature recommendations for standards, training, testing, and credentialing for spoken and sign language interpreters for students' families and for collecting information related to

language access services in schools and school districts. Within the amounts provided in this subsection, the office must provide a report to the appropriate committees of the legislature by December 1, 2021. The report shall include, at a minimum, information regarding the different languages in which students and students' families prefer to communicate by each school district.

(h)(i) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the superintendent of public instruction to convene a work group to identify trauma informed strategies, approaches, and curricula for supporting students in distress and with challenging behaviors that prioritize relational safety. Stipends may be provided for work group members who are representing families and individuals as experts with lived experiences to compensate for time and travel to meetings. The work group at a minimum must include the following:

(A) One representative from the department of children, youth, and families with expertise on inclusion, equitable access, trauma informed practices, and relational safety in education settings;

(B) One representative from an organization representing youth with intellectual and developmental disabilities;

(C) Individuals representing youth with communication disorders, students or young adults who have lived experience with restraint and isolation, and students or adults who are survivors of the school-to-prison pipeline;

(D) One representative from an organization working to eliminate racial inequities in education;

(E) One representative from an organization working to eliminate disparities for families and students with a native language other than English;

(F) One representative from an organization working to improve inclusive practices in Washington that works with families and communities;

(G) One member of an organization representing youth in foster care;

(H) One member of an organization representing youth experiencing homelessness; and

(I) An administrator, teacher, and paraeducator professional with experience working in or around a self-contained behavior program.

(ii) The work group shall submit a report to the education committees of the legislature, the governor's office, and the education ombuds by December 1, 2022. The report must include a list of approved crisis response protocols and deescalation techniques for schools that are trauma informed and prioritize relational safety, recommended elements needed to improve access to mental health supports for all students, building-based strategies to enhance fidelity to multi-tiered systems of support and student behavior plans for students with challenging behaviors and strategies to track and reduce/eliminate restraint and isolation use, and best practices for implementation of identified strategies, with recommendations for district compliance and tracking mechanisms.

#### (4) STATEWIDE PROGRAMS

(a) \$2,590,000 of the general fund—state appropriation for fiscal year 2022 and \$2,590,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington kindergarten inventory of developing skills. State funding shall support statewide administration and district implementation of the inventory under RCW 28A.655.080.



(b) \$703,000 of the general fund—state appropriation for fiscal year 2022 and \$703,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 72, Laws of 2016 (educational opportunity gap).

(c) \$950,000 of the general fund—state appropriation for fiscal year 2022 and \$950,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington reading corps. The superintendent shall allocate reading corps members to schools identified for comprehensive or targeted support and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs.

(d) \$10,000 of the general fund—state appropriation for fiscal year 2022 and \$10,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for chapter 102, Laws of 2014 (biliteracy seal).

(e)(i) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$50,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for school bullying and harassment prevention activities.

(ii) \$15,000 of the general fund—state appropriation for fiscal year 2022 and \$15,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 240, Laws of 2016 (school safety).

(iii) \$570,000 of the general fund—state appropriation for fiscal year 2022 and \$570,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to provide statewide support and coordination for the regional network of behavioral health, school safety, and threat assessment established in chapter 333, Laws of 2019 (school safety and well-being). Within the amounts provided in this subsection (4)(e)(iii), \$200,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for grants to schools or school districts for planning and integrating tiered suicide prevention and behavioral health supports. Grants must be awarded first to districts demonstrating the greatest need and readiness. Grants may be used for intensive technical assistance and training, professional development, and evidence-based suicide prevention training.

(iv) \$196,000 of the general fund—state appropriation for fiscal year 2022 and \$196,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the school safety center within the office of the superintendent of public instruction.

(A) Within the amounts provided in this subsection (4)(e)(iv), \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a school safety program to provide school safety training for all school administrators and school safety personnel. The school safety center advisory committee shall develop and revise the training program, using the best practices in school safety.

(B) Within the amounts provided in this subsection (4)(e)(iv), \$96,000 of the general fund—state appropriation for fiscal year 2022 and \$96,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for administration of the school safety center. The safety center shall act as an

information dissemination and resource center when an incident occurs in a school district in Washington or in another state, coordinate activities relating to school safety, review and approve manuals and curricula used for school safety models and training, and maintain a school safety information web site.

(f)(i) \$162,000 of the general fund—state appropriation for fiscal year 2022 and \$162,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for youth suicide prevention activities.

(ii) \$76,000 of the general fund—state appropriation for fiscal year 2022 and \$76,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 64, Laws of 2018 (sexual abuse of students).

(g)(i) \$280,000 of the general fund—state appropriation for fiscal year 2022, \$280,000 of the general fund—state appropriation for fiscal year 2023, and (~~(\$1,053,000)~~) \$1,070,000 of the dedicated marijuana account—state appropriation are provided solely for dropout prevention, intervention, and reengagement programs, including the jobs for America's graduates (JAG) program, dropout prevention programs that provide student mentoring, and the building bridges statewide program. Students in the foster care system or who are homeless shall be given priority by districts offering the jobs for America's graduates program. The office of the superintendent of public instruction shall convene staff representatives from high schools to meet and share best practices for dropout prevention. Of these amounts, \$520,000 of the dedicated marijuana account—state appropriation for fiscal year 2022, and (~~(\$533,000)~~) \$550,000 of the dedicated marijuana account—state appropriation for fiscal year 2023 are provided solely for the building bridges statewide program.

(ii) \$293,000 of the general fund—state appropriation for fiscal year 2022 and \$293,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to support district implementation of comprehensive guidance and planning programs in support of high-quality high school and beyond plans consistent with RCW 28A.230.090.

(iii) \$178,000 of the general fund—state appropriation for fiscal year 2022 and \$178,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 291, Laws of 2017 (truancy reduction efforts).

(h) Sufficient amounts are appropriated in this section for the office of the superintendent of public instruction to create a process and provide assistance to school districts in planning for future implementation of the summer knowledge improvement program grants.

(i) \$358,000 of the general fund—state appropriation for fiscal year 2022 and \$358,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of chapter 221, Laws of 2019 (CTE course equivalencies).

(j) \$196,000 of the general fund—state appropriation for fiscal year 2022 and \$196,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of chapter 252, Laws of 2019 (high school graduation reqs.).

(k) \$60,000 of the general fund—state appropriation for fiscal year 2022, \$60,000 of the general fund—state appropriation for fiscal year 2023, and

\$680,000 of the general fund—federal appropriation are provided solely for the implementation of chapter 295, Laws of 2019 (educator workforce supply). Of the amounts provided in this subsection, \$680,000 of the general fund—federal appropriation is provided solely for title II SEA state-level activities to implement section 103, chapter 295, Laws of 2019 relating to the regional recruiters program.

(l) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a tribal liaison at the office of the superintendent of public instruction to facilitate access to and support enrollment in career connected learning opportunities for tribal students, including career awareness and exploration, career preparation, and career launch programs, as defined in RCW 28C.30.020, so that tribal students may receive high school or college credit to the maximum extent possible.

(m) \$57,000 of the general fund—state appropriation for fiscal year 2022 and \$57,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 288, Laws of 2020 (school meals at no cost).

(n) \$269,000 of the general fund—state appropriation for fiscal year 2022 and \$142,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 353, Laws of 2020 (innovative learning pilot).

(o) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to provide statewide coordination towards multicultural, culturally responsive, and anti-racist education to support academically, socially, and culturally literate learners. The office must engage community members and key interested parties to:

(i) Develop a clear definition and framework for African American studies to guide instruction in grades seven through twelve;

(ii) Develop a plan for aligning African American studies across all content areas; and

(iii) Identify professional development opportunities for educators and administrators to build capacity in creating high-quality learning environments centered in belonging and racial equity, anti-racist approaches, and asset-based methodologies that pull from all students' cultural funds of knowledge.

(p) \$275,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to convene and provide staff support to the K-12 basic education compensation advisory committee established in section 951 of this act.

(q) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to develop resources, share best practices, and provide technical assistance for school districts to support implementation of comprehensive, culturally responsive, and high-quality civics education. Within amounts provided in this subsection, the office shall administer competitive grant awards of up to \$1,500

per first class school district and \$750 per second class school district to support in-service training and the development or adoption of curriculum and instructional materials. The office shall utilize a portion of this funding to assess the learning outcomes related to civic education curriculum and to support related assessments that gauge the degree to which high quality civic education is taking place in school districts throughout the state.

(r) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to provide technical assistance to school districts through the center for the improvement of student learning. The technical assistance must support the implementation of trauma-informed practices, policies, and procedures, including implementation of social emotional learning programs, multi-tiered systems of support, and other evidence-based programs that improve school climate and student emotional wellbeing.

(s) \$49,000 of the general fund—state appropriation for fiscal year 2022 and \$49,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1214 (K-12 safety & security serv.). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(t) \$35,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Substitute House Bill No. 1363 (secondary trauma/K-12). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(u) \$140,000 of the general fund—state appropriation for fiscal year 2022 and \$135,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 1208 (learning assistance program). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(v) \$505,000 of the general fund—state appropriation for fiscal year 2022 and \$486,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1295 (institutional ed./release). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(w) \$60,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the office of the superintendent of public instruction to evaluate and implement best practices and procedures for ensuring that student lunch periods include a seated lunch duration of at least 20 minutes. The office of the superintendent of public instruction shall, through an application-based process, select six public schools to serve as demonstration sites. Of the amounts provided in this subsection:

(i) \$30,000 of the general fund—state appropriation is provided solely for annual grant awards of \$5,000 each provided to the six school districts selected to serve as school demonstration sites;

(ii) \$20,000 of the general fund—state appropriation is provided solely for the office to hire a consultant with expertise in nutrition programs to oversee the demonstration projects and provide technical support; and

(iii) \$10,000 of the general fund—state appropriation is provided solely for the office to provide technical support to the demonstration sites and report its

findings and recommendations to the education committees of the house of representatives and the senate by October 1, 2022.

(x) \$27,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Substitute Senate Bill No. 5030 (school counseling programs). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(y) \$16,000 of the general fund—state appropriation for fiscal year 2022 and \$16,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(z) \$553,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of the superintendent of public instruction to develop and implement a mathematics pathways pilot to modernize algebra II. The office should use research and engage stakeholders to develop a revised and expanded course.

*(aa)(i) \$76,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of the superintendent of public instruction to collaborate with the department of health to submit a report of findings related to statewide implementation of RCW 28A.210.383. In preparing the report, the office must collaborate with the department to:*

*(A) Analyze information about the schools that maintain a supply of epinephrine autoinjectors under RCW 28A.210.383;*

*(B) Examine the barriers and challenges licensed health professionals with the authority to prescribe epinephrine autoinjectors experience in prescribing this medication under a standing order;*

*(C) Review whether and to what extent the requirement under RCW 28A.210.320 that a student with a life-threatening allergic reaction present a medication or treatment order addressing the medical services that may be required to be performed at the school reduces the need for and use of a school supply of epinephrine autoinjectors;*

*(D) Determine the number of unused epinephrine autoinjectors discarded by schools, and returned to students' families, at the end of the 2022-23 school year;*

*(E) Complete an inventory of the number and categories of school district staff provided with training on identifying and responding to life-threatening allergies between September 1, 2017, and June 1, 2023; and*

*(F) Investigate any other implementation issues raised by school nurses, students who have life-threatening allergic reactions, and students' families during meetings held by the office for the purpose of soliciting feedback on these issues.*

*(ii) When collecting and analyzing information required under (i) of this subsection (4)(aa), the office and the department must collect information from multiple sources, and disaggregate information during analysis, such that information can be separated by school geography, student enrollment, school socioeconomic status, and other student demographics.*

*(iii) The office and the department must submit the report to the appropriate committees of the legislature by June 30, 2023.*

(bb) \$3,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office to contract for regional multitiered systems of support (MTSS) implementation specialists during the 2022-23 school year to help districts administer the MTSS assessments and adopt evidence-based strategies that address the specific academic, social, emotional, and behavioral health needs of students exacerbated by the pandemic. Funding may also be used for the specialists to provide MTSS training and technical assistance to help school districts and educational service districts connect students with appropriate supports to improve student outcomes and reduce educational opportunity gaps.

(cc) \$367,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1153 (language access in schools). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(dd) \$8,341,000 of the Washington state opportunity pathways account—state appropriation is provided solely for support to small school districts and public schools receiving allocations under chapters 28A.710 and 28A.715 RCW that have less than 800 enrolled students, are located in urban or suburban areas, and budgeted for less than \$18,000 per pupil in general fund expenditures in the 2021-22 school year. For eligible school districts and schools, the superintendent of public instruction must allocate an amount equal to the lesser of (dd)(i) or (ii) of this subsection multiplied by the school district or school's budgeted enrollment in the 2021-22 school year.

(i) The state local effort assistance threshold in RCW 28A.500.015 in the 2022 calendar year.

(ii) \$18,000 minus the school district or school's budgeted general fund expenditures per pupil in the 2021-22 school year.

(ee)(i) \$80,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office to assist sexual assault survivors in Washington public schools. Funding provided in this subsection must be used by the office to:

(A) Research best practices for a victim-centered, trauma-informed approach to responding to sexual assault and supporting survivors in schools;

(B) Conduct listening sessions across the state for the purpose of assessing challenges with responding to sexual assault and supporting survivors in schools;

(C) Update model protocols for responding to sexual assault and supporting survivors in schools;

(D) Develop a plan for deploying victim-centered, trauma-informed training for school administrators and counselors, based on best practices for responding to sexual assault and supporting survivors in schools and informed by the requirements of title IX of the education amendments of 1972; and

(E) Review current legal requirements mandating that educators and staff report suspected sexual assault and assess whether changes to those requirements should be made to align them with best practices for responding to sexual assault and supporting survivors in schools.

(ii) The office must consult with the department of children, youth, and families, law enforcement professionals, national and state organizations supporting the interests of sexual assault survivors, victims' advocates,

educators, school administrators, school counselors, and sexual assault survivors.

(iii) The office must submit to the governor and the appropriate committees of the legislature a preliminary report by December 1, 2022. It is the intent of the legislature to provide funding for the office to submit a final report, including a summary of its findings and recommendations, by October 1, 2023.

(ff) \$25,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office to create and distribute promotional and educational materials to school districts for Americans of Chinese descent history month.

(gg) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the superintendent to contract with a community-based youth development nonprofit organization for a pilot program to provide behavioral health support for youth and trauma-informed, culturally responsive staff training.

(hh) \$300,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the superintendent to establish a media literacy and digital citizenship ambassador program to promote the integration of media literacy and digital citizenship instruction.

(ii) \$294,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute Senate Bill No. 5252 (school consultation/tribes). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(5) CAREER CONNECTED LEARNING

(a) \$852,000 of the workforce education investment account—state appropriation is provided solely for expanding career connected learning as provided in RCW 28C.30.020.

(b) \$960,000 of the workforce education investment account—state appropriation is provided solely for increasing the funding per full-time equivalent for career launch programs as described in RCW 28A.700.130. In the 2021-2023 fiscal biennium, for career launch enrollment exceeding the funding provided in this subsection, funding is provided in section 504 of this act.

(c) \$500,000 of the workforce education investment account—state appropriation is provided solely for the Federal Way school district to establish pre-apprenticeship pathways and career connected learning programs in the skilled trades in Federal Way.

(d) \$1,500,000 of the workforce education investment account—state is provided solely for Marysville school district to collaborate with Arlington school district, Everett Community College, other local school districts, local labor unions, local Washington state apprenticeship and training council registered apprenticeship programs, and local industry groups to continue the regional apprenticeship pathways program.

(e) \$3,600,000 of the workforce education investment account—state appropriation is provided solely for the office of the superintendent of public instruction to administer grants to skill centers for nursing programs to purchase or upgrade simulation laboratory equipment.

*\*Sec. 501 was partially vetoed. See message at end of chapter.*

**Sec. 502.** 2021 c 334 s 502 (uncodified) is amended to read as follows:  
**FOR THE STATE BOARD OF EDUCATION**

General Fund—State Appropriation (FY 2022)	\$3,001,000
General Fund—State Appropriation (FY 2023)	<del>(\$5,003,000)</del>
	<u>\$5,398,000</u>
Washington Opportunity Pathways Account—State Appropriation	<del>(\$322,000)</del>
	<u>\$326,000</u>
TOTAL APPROPRIATION	<del>(\$8,326,000)</del>
	<u>\$8,725,000</u>

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

(1) \$152,000 of the general fund—state appropriation for fiscal year 2022 and \$138,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to the state board of education for the following: Continuation of the mastery-based learning work group (chapter 252, Laws of 2019), expansion of ongoing pathways research, and a report outlining findings and recommendations to the governor and education committees of the legislature by December 31, 2022.

(2) \$1,500,000 of the general fund—state appropriation for fiscal year 2022 and \$3,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to the state board of education for implementation of mastery-based learning in school district demonstration sites for the purpose of addressing learning recovery and other educational issues related to COVID-19. The funds must be used for grants to school districts, professional development of school district staff, and implementation support provided by the state board of education. The state board of education shall require grant recipients to report on impacts and participate in a collaborative to share best practices. Grants for mastery-based learning may be made in partnership with private matching funds.

(3) \$263,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the state board of education for a community engagement coordinator position within the state board of education. Funding provided in this subsection may also be used for contracts for partner organizations, including community-based and nonprofit organizations, to support the engagement coordinator.

(4) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the state board of education to identify, develop, or purchase a school climate survey tool or other assessment options, and work with the office of the superintendent of public instruction and school districts to develop a statewide implementation plan, and report back on progress to the governor and education committees of the legislature by June 30, 2023.

Sec. 503. 2021 c 334 s 503 (uncodified) is amended to read as follows:

**FOR THE PROFESSIONAL EDUCATOR STANDARDS BOARD**

General Fund—State Appropriation (FY 2022)	\$16,868,000
General Fund—State Appropriation (FY 2023)	<del>(\$19,203,000)</del>
	<u>\$21,438,000</u>
TOTAL APPROPRIATION	<del>(\$36,071,000)</del>
	<u>\$38,306,000</u>

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



(1) \$1,693,000 of the general fund—state appropriation for fiscal year 2022 and \$1,725,000 of the general fund—state appropriation for fiscal year 2023 are for the operation and expenses of the Washington professional educator standards board including implementation of chapter 172, Laws of 2017 (educator prep. data/PESB).

(2)(a) \$600,000 of the general fund—state appropriation for fiscal year 2022 and \$600,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to improve preservice teacher training and funding of alternate routes to certification programs administered by the professional educator standards board.

(b) Within the amounts provided in this subsection (2), up to \$500,000 of the general fund—state appropriation for fiscal year 2022 and up to \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided for grants to public or private colleges of education in Washington state to develop models and share best practices for increasing the classroom teaching experience of preservice training programs.

(3) \$622,000 of the general fund—state appropriation for fiscal year 2022 and \$622,000 of the general fund—state appropriation for fiscal year 2023 are provided for the recruiting Washington teachers program with priority given to programs that support bilingual teachers, teachers from populations that are underrepresented, and English language learners. Of the amounts provided in this subsection (3), \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation and expansion of the bilingual educator initiative pilot project established under RCW 28A.180.120.

(4) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of chapter 295, Laws of 2019 (educator workforce supply).

(5) \$13,499,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$16,076,000)~~) \$17,535,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 237, Laws of 2017 (paraeducators). Of the amounts provided in this subsection:

(a) \$250,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to develop an online course to train educators on effective community, family, and student engagement.

(b) \$12,587,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$15,414,000)~~) \$16,873,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to districts to provide two days of training per school year in the paraeducator certificate program to all paraeducators. Funds in this subsection are provided solely for reimbursement to school districts that provide paraeducators with two days of training in the paraeducator certificate program in each of the 2020-21 and 2021-22 school years. Funding provided in this subsection is sufficient for new paraeducators to receive four days of training in the paraeducator certificate program during their first year.

(6) \$54,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Second Substitute House Bill No. 1028

(residency teacher cert.). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(7) \$63,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to develop standards for two specialty endorsements in computer science, one in elementary computer science and one in secondary computer science. The professional educator standards board shall consult with the superintendent of public instruction to confirm that the specialty endorsements reflect the appropriate content necessary to teach computer science in the classroom, as defined by the office of the superintendent of public instruction with industry input. The computer science specialty endorsements must be available to all certificated teachers who hold a valid license and who demonstrate sufficient content knowledge in computer science.

(8) \$187,000 of the general fund—state appropriation for fiscal year 2022 and \$30,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5044 (schools/equity training). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(9) \$700,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the board to administer grants to reimburse school districts for professional development activities of up to \$2,000 per employee or contracted staff service provider in the role of educational interpreter who are training to meet standards in RCW 28A.410.271. Funding provided in this subsection may be used for:

(a) Professional development, training, or mentoring services;

(b) Paid time to attend training or mentoring opportunities;

(c) Compensation for substitutes to enable educational interpreters to access professional development, training, or mentoring services during the instructional day without interrupting service to students;

(d) Courses offered at institutions of higher education located in Washington and designed to improve professional skills to meet the educational needs of students who are deaf or hard of hearing;

(e) Assessment fees for initial submission or assessment retakes to meet or exceed standards in RCW 28A.410.271(3)(a) and (b); and

(f) Other activities as defined by the Washington professional educator standards board in consultation with the Washington center for deaf and hard of hearing youth and associations representing school administrators and educational interpreters.

(10) \$13,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1153 (language access in schools). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

**\*Sec. 504.** 2021 c 334 s 504 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT**

General Fund—State Appropriation (FY 2022) . . . . .	(( <del>\$9,852,652,000</del> ))
	\$9,481,252,000
General Fund—State Appropriation (FY 2023) . . . . .	(( <del>\$9,550,695,000</del> ))
	\$8,975,955,000
General Fund—Federal Appropriation . . . . .	\$204,000

Education Legacy Trust Account—State Appropriation . . . .	( <del>(\$1,398,115,000)</del> )
	<u>\$1,608,115,000</u>
<u>Coronavirus State Fiscal Recovery Fund—Federal</u>	
<u>Appropriation</u> . . . . .	\$280,875,000
TOTAL APPROPRIATION . . . . .	( <del>(\$20,801,462,000)</del> )
	<u>\$20,346,401,000</u>

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

(1)(a) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) For the 2021-22 and 2022-23 school years, the superintendent shall allocate general apportionment funding to school districts as provided in the funding formulas and salary allocations in sections 504 and 505 of this act, excluding (c) of this subsection.

(c) From July 1, 2021, to August 31, 2021, the superintendent shall allocate general apportionment funding to school districts programs as provided in sections 503 and 504, chapter 357, Laws of 2020, as amended.

(d) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the fourth day of school in September and on the first school day of each month October through June, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. Any school district concluding its basic education program in May must report the enrollment of the last school day held in May in lieu of a June enrollment.

(e)(i) Funding provided in part V of this act is sufficient to provide each full-time equivalent student with the minimum hours of instruction required under RCW 28A.150.220.

(ii) The office of the superintendent of public instruction shall align the agency rules defining a full-time equivalent student with the increase in the minimum instructional hours under RCW 28A.150.220, as amended by the legislature in 2014.

(f) The superintendent shall adopt rules requiring school districts to report full-time equivalent student enrollment as provided in RCW 28A.655.210.

(g) For the 2021-22 and 2022-23 school years, school districts must report to the office of the superintendent of public instruction the monthly actual average district-wide class size across each grade level of kindergarten, first grade, second grade, and third grade classes. The superintendent of public instruction shall report this information to the education and fiscal committees of the house of representatives and the senate by September 30th of each year.

(2) CERTIFICATED INSTRUCTIONAL STAFF ALLOCATIONS

Allocations for certificated instructional staff salaries for the 2021-22 and 2022-23 school years are determined using formula-generated staff units calculated pursuant to this subsection.

(a) Certificated instructional staff units, as defined in RCW 28A.150.410, shall be allocated to reflect the minimum class size allocations, requirements, and school prototypes assumptions as provided in RCW 28A.150.260. The

superintendent shall make allocations to school districts based on the district's annual average full-time equivalent student enrollment in each grade.

(b) Additional certificated instructional staff units provided in this subsection (2) that exceed the minimum requirements in RCW 28A.150.260 are enhancements outside the program of basic education, except as otherwise provided in this section.

(c)(i) The superintendent shall base allocations for each level of prototypical school, including those at which more than fifty percent of the students were eligible for free and reduced-price meals in the prior school year, on the following regular education average class size of full-time equivalent students per teacher, except as provided in (c)(ii) of this subsection:

General education class size:

Grade	RCW 28A.150.260	2021-22 School Year	2022-23 School Year
Grade K		17.00	17.00
Grade 1		17.00	17.00
Grade 2		17.00	17.00
Grade 3		17.00	17.00
Grade 4		27.00	27.00
Grades 5-6		27.00	27.00
Grades 7-8		28.53	28.53
Grades 9-12		28.74	28.74

The superintendent shall base allocations for: Laboratory science average class size as provided in RCW 28A.150.260; career and technical education (CTE) class size of 23.0; and skill center program class size of 19. Certificated instructional staff units provided for skills centers that exceed the minimum requirements of RCW 28A.150.260 achieve class size reductions under RCW 28A.400.007 and are part of the state's program of basic education.

(ii) Pursuant to RCW 28A.150.260(4)(a), the assumed teacher planning period, expressed as a percentage of a teacher work day, is 13.42 percent in grades K-6, and 16.67 percent in grades 7-12; and

(iii) Advanced placement and international baccalaureate courses are funded at the same class size assumptions as general education schools in the same grade; and

(d)(i) Funding for teacher librarians, school nurses, social workers, school psychologists, and guidance counselors is allocated based on the school prototypes as provided in RCW 28A.150.260, as amended by Second Substitute House Bill No. 1664 (schools/support funding), and is considered certificated instructional staff, except as provided in (d)(ii) of this subsection.

(ii)(A) For the twenty schools with the lowest overall school score for all students in the 2018-19 school year, as determined by the Washington school improvement framework among elementary schools, middle schools, and other schools not serving students up to twelfth grade, having enrollments greater than one hundred fifty students, in addition to the allocation under (d)(i) of this subsection the superintendent shall allocate additional funding for guidance

counselors for each level of prototypical school in the 2021-22 school year as follows:

	Elementary	Middle
Guidance counselors	0.307	0.512

To receive additional allocations under this subsection (2)(d)(ii)(A), a school eligible to receive the allocation must have demonstrated actual staffing for guidance counselors for its prototypical school level that meets or exceeds the staffing for guidance counselors in (d)(i) of this subsection and this subsection (2)(d)(ii)(A) for its prototypical school level. School districts must distribute the additional guidance counselors allocation in this subsection to the schools that generate the allocation. The enhancement within this subsection is not part of the state's program of basic education.

(B) For qualifying high-poverty schools in the 2022-23 school year, at which more than 50 percent of the students were eligible for free and reduced-price meals in the prior school year, in addition to the allocation under (d)(i) of this subsection, the superintendent shall allocate additional funding for guidance counselors for each level of prototypical school as follows:

	Elementary	Middle	High
Guidance counselors	<del>((0.500))</del> <u>0.333</u>	<del>((0.500))</del> <u>0.333</u>	<del>((0.500))</del> <u>0.333</u>

(C) Students in approved career and technical education and skill center programs generate certificated instructional staff units to provide for the services of teacher librarians, school nurses, social workers, school psychologists, and guidance counselors at the following combined rate per 1000 student full-time equivalent enrollment:

	2021-22 School Year	2022-23 School Year
Career and Technical Education	3.07	<del>((3.07))</del> <u>3.35</u>
Skill Center	3.41	<del>((3.41))</del> <u>3.69</u>

(3) ADMINISTRATIVE STAFF ALLOCATIONS

(a) Allocations for school building-level certificated administrative staff salaries for the 2021-22 and 2022-23 school years for general education students are determined using the formula generated staff units calculated pursuant to this subsection. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent enrollment in each grade. The following prototypical school values shall determine the allocation for principals, assistant principals, and other certificated building level administrators:

Prototypical School Building:	
Elementary School	1.253

Middle School	1.353
High School	1.880

(b) Students in approved career and technical education and skill center programs generate certificated school building-level administrator staff units at per student rates that are a multiple of the general education rate in (a) of this subsection by the following factors:

Career and Technical Education students	1.025
Skill Center students	1.198

(4) CLASSIFIED STAFF ALLOCATIONS

Allocations for classified staff units providing school building-level and district-wide support services for the 2021-22 and 2022-23 school years are determined using the formula-generated staff units provided in RCW 28A.150.260 and pursuant to this subsection, and adjusted based on each district's annual average full-time equivalent student enrollment in each grade.

(5) CENTRAL OFFICE ALLOCATIONS

In addition to classified and administrative staff units allocated in subsections (3) and (4) of this section, classified and administrative staff units are provided for the 2021-22 and 2022-23 school years for the central office administrative costs of operating a school district, at the following rates:

(a) The total central office staff units provided in this subsection (5) are calculated by first multiplying the total number of eligible certificated instructional, certificated administrative, and classified staff units providing school-based or district-wide support services, as identified in RCW 28A.150.260(6)(b) and the increased allocations provided pursuant to subsections (2) and (4) of this section, by 5.3 percent.

(b) Of the central office staff units calculated in (a) of this subsection, 74.53 percent are allocated as classified staff units, as generated in subsection (4) of this section, and 25.48 percent shall be allocated as administrative staff units, as generated in subsection (3) of this section.

(c) Staff units generated as enhancements outside the program of basic education to the minimum requirements of RCW 28A.150.260, and staff units generated by skill center and career-technical students, are excluded from the total central office staff units calculation in (a) of this subsection.

(d) For students in approved career-technical and skill center programs, central office classified units are allocated at the same staff unit per student rate as those generated for general education students of the same grade in this subsection (5), and central office administrative staff units are allocated at staff unit per student rates that exceed the general education rate established for students in the same grade in this subsection (5) by ~~((12.52))~~ 12.58 percent in the 2021-22 school year and ~~((11.96))~~ 12.11 percent in the 2022-23 school year for career and technical education students, and ~~((17.86))~~ 17.92 percent in the 2021-22 school year and ~~((17.26))~~ 17.42 percent in the 2022-23 school year for skill center students.

(6) FRINGE BENEFIT ALLOCATIONS

Fringe benefit allocations shall be calculated at a rate of 22.71 percent in the 2021-22 school year and (~~22.71~~) 22.98 percent in the 2022-23 school year for certificated salary allocations provided under subsections (2), (3), and (5) of this section, and a rate of 22.75 percent in the 2021-22 school year and (~~22.75~~) 22.80 percent in the 2022-23 school year for classified salary allocations provided under subsections (4) and (5) of this section.

(7) INSURANCE BENEFIT ALLOCATIONS

Insurance benefit allocations shall be calculated at the rates specified in section 506 of this act, based on the number of benefit units determined as follows: Except for nonrepresented employees of educational service districts, the number of calculated benefit units determined below. Calculated benefit units are staff units multiplied by the benefit allocation factors established in the collective bargaining agreement referenced in (~~section 942 of this act~~) section 934 of this act. These factors are intended to adjust allocations so that, for the purpose of distributing insurance benefits, full-time equivalent employees may be calculated on the basis of 630 hours of work per year, with no individual employee counted as more than one full-time equivalent. The number of benefit units is determined as follows:

(a) The number of certificated staff units determined in subsections (2), (3), and (5) of this section multiplied by 1.02; and

(b) The number of classified staff units determined in subsections (4) and (5) of this section multiplied by 1.43.

(8) MATERIALS, SUPPLIES, AND OPERATING COSTS (MSOC) ALLOCATIONS

Funding is allocated per annual average full-time equivalent student for the materials, supplies, and operating costs (MSOC) incurred by school districts, consistent with the requirements of RCW 28A.150.260.

(a)(i) MSOC funding for general education students are allocated at the following per student rates:

MSOC RATES/STUDENT FTE

MSOC Component	2021-22 School Year	2022-23 School Year
Technology	\$140.84	( <del>\$168.10</del> ) <u>\$173.59</u>
Utilities and Insurance	\$382.70	( <del>\$388.82</del> ) <u>\$403.75</u>
Curriculum and Textbooks	\$151.22	( <del>\$153.64</del> ) <u>\$159.54</u>
Other Supplies	\$299.50	( <del>\$303.29</del> ) <u>\$316.73</u>
Library Materials	\$21.54	( <del>\$21.89</del> ) <u>\$21.97</u>

MSOC RATES/STUDENT FTE

Instructional Professional Development for Certificated and Classified Staff	\$23.39	<del>((23.76))</del> <u>\$24.67</u>
Facilities Maintenance	\$189.59	<del>((192.62))</del> <u>\$200.02</u>
Security and Central Office	\$131.35	<del>((133.45))</del> <u>\$138.57</u>
TOTAL MSOC/STUDENT FTE	\$1,340.13	<del>((1,386.57))</del> <u>\$1,438.84</u>

(ii) For the 2021-22 school year and 2022-23 school year, as part of the budget development, hearing, and review process required by chapter 28A.505 RCW, each school district must disclose: (A) The amount of state funding to be received by the district under (a) and (d) of this subsection (8); (B) the amount the district proposes to spend for materials, supplies, and operating costs; (C) the difference between these two amounts; and (D) if (A) of this subsection (8)(a)(ii) exceeds (B) of this subsection (8)(a)(ii), any proposed use of this difference and how this use will improve student achievement.

(iii) Within the amount provided in (a)(i) of this subsection (8), allocations for MSOC technology in excess of RCW 28A.150.260 are not part of the state's basic education.

(b) Students in approved skill center programs generate per student FTE MSOC allocations of \$1,585.55 for the 2021-22 school year and ~~((1,610.92))~~ \$1,672.76 for the 2022-23 school year.

(c) Students in approved exploratory and preparatory career and technical education programs generate per student FTE MSOC allocations of \$1,585.55 for the 2021-22 school year and ~~((1,610.92))~~ \$1,672.76 for the 2022-23 school year.

(d) Students in grades 9-12 generate per student FTE MSOC allocations in addition to the allocations provided in (a) through (c) of this subsection at the following rate:

MSOC Component	2021-22 School Year	2022-23 School Year
Technology	\$40.50	<del>((41.15))</del> <u>\$42.72</u>
Curriculum and Textbooks	\$44.18	<del>((44.89))</del> <u>\$46.61</u>
Other Supplies	\$86.06	<del>((87.43))</del> <u>\$90.79</u>
Library Materials	\$5.99	<del>((6.09))</del> <u>\$6.32</u>



Instructional Professional Development for Certified and Classified Staff	\$7.36	(( <del>\$7.48</del> )) <u>\$7.77</u>
TOTAL GRADE 9-12 BASIC EDUCATION MSOC/STUDENT FTE	\$184.09	(( <del>\$187.04</del> )) <u>\$194.21</u>

(9) SUBSTITUTE TEACHER ALLOCATIONS

For the 2021-22 and 2022-23 school years, funding for substitute costs for classroom teachers is based on four (4) funded substitute days per classroom teacher unit generated under subsection (2) of this section, at a daily substitute rate of \$151.86.

(10) ALTERNATIVE LEARNING EXPERIENCE PROGRAM FUNDING

(a) Amounts provided in this section from July 1, 2021, to August 31, 2021, are adjusted to reflect provisions of chapter 357, Laws of 2020, as amended (allocation of funding for students enrolled in alternative learning experiences).

(b) The superintendent of public instruction shall require all districts receiving general apportionment funding for alternative learning experience (ALE) programs as defined in WAC 392-121-182 to provide separate financial accounting of expenditures for the ALE programs offered in district or with a provider, including but not limited to private companies and multidistrict cooperatives, as well as accurate, monthly headcount and FTE enrollment claimed for basic education, including separate counts of resident and nonresident students.

(11) DROPOUT REENGAGEMENT PROGRAM

The superintendent shall adopt rules to require students claimed for general apportionment funding based on enrollment in dropout reengagement programs authorized under RCW 28A.175.100 through 28A.175.115 to meet requirements for at least weekly minimum instructional contact, academic counseling, career counseling, or case management contact. Districts must also provide separate financial accounting of expenditures for the programs offered by the district or under contract with a provider, as well as accurate monthly headcount and full-time equivalent enrollment claimed for basic education, including separate enrollment counts of resident and nonresident students.

(12) ALL DAY KINDERGARTEN PROGRAMS

(a) Funding in this section is sufficient to fund all day kindergarten programs in all schools in the 2021-22 school year and 2022-23 school year, pursuant to RCW 28A.150.220 and 28A.150.315.

**(b) To generate an allocation under this section, enrollments under uniform entry qualifications for kindergarten admission require an individualized decision by the district that is based upon the ability, or the need, or both, of an individual student as required in RCW 28A.225.160. Due to significant growth in exceptions provided under optional school district transitional kindergarten programs, and to ensure compliance with RCW 28A.225.160, the superintendent of public instruction must adopt rules for allocations under this section regarding exceptions to uniform entry qualifications for kindergarten admission for the 2022-23 school year. Rules established under the subsection must:**

(i) Limit allocations for exceptions to uniform entry qualifications for kindergarten under this section only to students enrolled as individualized exceptions based upon the ability, or the need, or both, of an individual student;

(ii) Define full-time equivalent enrollments under exceptions to uniform entry qualifications for kindergarten that exceed a district's 2021-22 enrollments under exceptions as nonindividualized programmatic exceptions, which do not generate allocations under this section;

(iii) Allow school districts to fund nonindividualized programmatic exceptions from local revenues as enrichments of the state's statutory program of basic education; and

(iv) Include a review no later than June 30, 2023, based on the Washington state institute for public policy report required in section 607(4)(n) of this act and any applicable statutory changes made subsequent to this act.

### (13) ADDITIONAL FUNDING FOR SMALL SCHOOL DISTRICTS AND REMOTE AND NECESSARY PLANTS

For small school districts and remote and necessary school plants within any district which have been judged to be remote and necessary by the superintendent of public instruction, additional staff units are provided to ensure a minimum level of staffing support. Additional administrative and certificated instructional staff units provided to districts in this subsection shall be reduced by the general education staff units, excluding career and technical education and skills center enhancement units, otherwise provided in subsections (2) through (5) of this section on a per district basis.

(a) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the superintendent of public instruction and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(b) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the superintendent of public instruction:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(c) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools, except as noted in this subsection:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full-time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full-time equivalent students;

(iii) Districts receiving staff units under this subsection shall add students enrolled in a district alternative high school and any grades nine through twelve alternative learning experience programs with the small high school enrollment for calculations under this subsection;

(d) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(e) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit;

(f)(i) For enrollments generating certificated staff unit allocations under (a) through (e) of this subsection, one classified staff unit for each 2.94 certificated staff units allocated under such subsections;

(ii) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit; and

(g) School districts receiving additional staff units to support small student enrollments and remote and necessary plants under this subsection (13) shall generate additional MSOC allocations consistent with the nonemployee related costs (NERC) allocation formula in place for the 2010-11 school year as provided section 502, chapter 37, Laws of 2010 1st sp. sess. (2010 supplemental budget), adjusted annually for inflation.

(14) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(15) The superintendent may distribute funding for the following programs outside the basic education formula during fiscal years 2022 and 2023 as follows:

(a) \$650,000 of the general fund—state appropriation for fiscal year 2022 and \$650,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW.

(b) \$436,000 of the general fund—state appropriation for fiscal year 2022 and \$436,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs.

(16) Funding in this section is sufficient to fund a maximum of 1.6 FTE enrollment for skills center students pursuant to chapter 463, Laws of 2007.

(17) Funding in this section is sufficient to fund a maximum of 1.2 FTE enrollment for career launch students pursuant to RCW 28A.700.130. Expenditures for this purpose must come first from the appropriations provided in section 501(5) of this act; funding for career launch enrollment exceeding those appropriations is provided in this section. The office of the superintendent of public instruction shall provide a summary report to the office of the governor and the appropriate committees of the legislature by January 1, 2022. The report must include the total FTE enrollment for career launch students, the FTE enrollment for career launch students that exceeded the appropriations provided in section 501(5) of this act, and the amount expended from this section for those students.

(18) Students participating in running start programs may be funded up to a combined maximum enrollment of 1.2 FTE including school district and institution of higher education enrollment consistent with the running start course requirements provided in chapter 202, Laws of 2015 (dual credit education opportunities). In calculating the combined 1.2 FTE, the office of the superintendent of public instruction may average the participating student's September through June enrollment to account for differences in the start and end dates for courses provided by the high school and higher education institution. Additionally, the office of the superintendent of public instruction, in consultation with the state board for community and technical colleges, the student achievement council, and the education data center, shall annually track and report to the fiscal committees of the legislature on the combined FTE experience of students participating in the running start program, including course load analyses at both the high school and community and technical college system. The office of the superintendent of public instruction must adopt rules to fund the participating student's enrollment in running start courses during the summer term.

(19) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (13) of this section, the following apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education

formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (13) of this section shall be reduced in increments of twenty percent per year.

(20)(a) Indirect cost charges by a school district to approved career and technical education middle and secondary programs shall not exceed the lesser of five percent or the cap established in federal law of the combined basic education and career and technical education program enhancement allocations of state funds. Middle and secondary career and technical education programs are considered separate programs for funding and financial reporting purposes under this section.

(b) Career and technical education program full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported career and technical education program enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support.

(21) Funding in this section is sufficient to provide full general apportionment payments to school districts eligible for federal forest revenues as provided in RCW 28A.520.020. For the 2021-2023 biennium, general apportionment payments are not reduced for school districts receiving federal forest revenues.

(22) \$16,211,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to ensure that school districts receive at least \$500 per pupil for COVID-19 relief funding when combined with federal relief dollars. These funds are one-time allocations to school districts and may be used according to the allowable uses defined in section 2001(2)(e) of the American rescue plan act of 2021, P.L. 117-2. Prior to receiving funds, a school district must submit an academic and student well-being recovery plan to the office of the superintendent of public instruction as required in section 12(3), chapter 3, Laws of 2021, and must also report progress on implementing the plan in a manner identified by the superintendent.

(a) The office of the superintendent of public instruction must calculate a relief per pupil amount for each district defined as: The quotient from dividing the total funding allocated to each district from the federal relief funds, as defined in (b) of this subsection, by a school district's total enrollment as defined in (c) of this subsection. A school district with a relief per pupil amount less than \$500 shall receive the difference between \$500 and the relief per pupil amount, multiplied by the school district's total enrollment.

(b) For the purposes of this subsection, federal relief funds allocated to school districts include:

(i) Subgrants authorized under section 18003, the coronavirus aid, relief, and economic security act, P.L. 116-136;

(ii) Subgrants authorized under section 313, the coronavirus response and relief supplemental appropriations act, P.L. 116-260; and

(iii) Subgrants authorized under section 2001, the American rescue plan act of 2021, P.L. 117-2.

(c) For the purposes of this subsection, a school district's total enrollment means the district's 2019-20 school year annual average full-time equivalent student enrollment, excluding full-time equivalent student enrollments for which funds are separately calculated and allocated under RCW 28A.232.020, 28A.600.310(4), 28A.245.020, and 28A.175.110.

(d) For the purposes of this subsection, this subsection applies to state-tribal compact schools established under chapter 28A.715 RCW.

(23) (~~(\$27,806,000)~~) \$14,859,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for enrollment stabilization allocations required in section 1519 of this act.

(24) \$566,000 of the general fund—state appropriation for fiscal year 2022, \$250,000 of the general fund—state appropriation for fiscal year 2023, and \$204,000 of the general fund—federal appropriation (CRRSA/ESSER) are provided solely for an enrollment stabilization allocation for the Washington youth academy national guard youth challenge program. Federal funding is provided in response to the COVID-19 pandemic as authorized in subsection 313(e), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M.

(25) \$280,875,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for enrollment stabilization allocations pursuant to Substitute House Bill No. 1590 (enrollment stabilization). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(26) \$145,489,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1664 (schools/support funding). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

*\*Sec. 504 was partially vetoed. See message at end of chapter.*

**Sec. 505.** 2021 c 334 s 505 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION EMPLOYEE COMPENSATION**

(1) The following calculations determine the salaries used in the state allocations for certificated instructional, certificated administrative, and classified staff units as provided in RCW 28A.150.260, and under section 504 of this act: For the 2021-22 school year and the 2022-23 school year salary allocations for certificated instructional staff, certificated administrative staff, and classified staff units are determined for each school district by multiplying the statewide minimum salary allocation for each staff type by the school district's regionalization factor shown in LEAP Document 3.

Statewide Minimum Salary Allocation

Staff Type	2021-22 School Year	2022-23 School Year
Certificated Instructional	\$68,937	<del>(\$70,040)</del> <u>\$72,728</u>

Statewide Minimum Salary Allocation

Certificated Administrative	\$102,327	<del>(\$103,964)</del> <u>\$107,955</u>
Classified	\$49,453	<del>(\$50,244)</del> <u>\$52,173</u>

(2) For the purposes of this section, "LEAP Document 3" means the school district regionalization factors for certificated instructional, certificated administrative, and classified staff, as developed by the legislative evaluation and accountability program committee on ~~(February 1, 2021, at 5:17))~~ February 18, 2022, at 6:09 hours.

(3) Incremental fringe benefit factors are applied to salary adjustments at a rate of 22.07 percent for school year 2021-22 and ~~((22.07))~~ 22.34 percent for school year 2022-23 for certificated instructional and certificated administrative staff and 19.25 percent for school year 2021-22 and ~~((19.25))~~ 19.30 percent for the 2022-23 school year for classified staff.

(4) The salary allocations established in this section are for allocation purposes only except as provided in this subsection, and do not entitle an individual staff position to a particular paid salary except as provided in RCW 28A.400.200, as amended by chapter 13, Laws of 2017 3rd sp. sess. (fully funding the program of basic education).

**Sec. 506.** 2021 c 334 s 506 (uncodified) is amended to read as follows:  
**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS**

General Fund—State Appropriation (FY 2022) . . . . .	<del>(\$102,094,000)</del> <u>\$97,080,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	<del>(\$310,929,000)</del> <u>\$580,811,000</u>
<u>Coronavirus State Fiscal Recovery Fund—Federal</u> <u>Appropriation</u> . . . . .	<u>\$1,720,000</u>
TOTAL APPROPRIATION . . . . .	<del>(\$413,023,000)</del> <u>\$679,611,000</u>

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

(1) The salary increases provided in this section are 2.0 percent for the 2021-22 school year, and ~~((1.6))~~ 5.5 percent for the 2022-23 school year, the annual inflationary adjustments pursuant to RCW 28A.400.205.

(2)(a) In addition to salary allocations, the appropriations in this section include funding for professional learning as defined in RCW 28A.415.430, 28A.415.432, and 28A.415.434. Funding for this purpose is calculated as the equivalent of three days of salary and benefits for each of the funded full-time equivalent certificated instructional staff units. Nothing in this section entitles an individual certificated instructional staff to any particular number of professional learning days.

(b) Of the funding provided for professional learning in this section, the equivalent of one day of salary and benefits for each of the funded full-time

equivalent certificated instructional staff units in the 2021-22 school year must be used to train school district staff on cultural competency, diversity, equity, or inclusion, as required in (~~Engrossed Substitute Senate Bill No. 5044 (schools/equity training)~~) chapter 197, Laws of 2021.

(3)(a) The appropriations in this section include associated incremental fringe benefit allocations at 22.07 percent for the 2021-22 school year and (~~22.07~~) 22.34 percent for the 2022-23 school year for certificated instructional and certificated administrative staff and 19.25 percent for the 2021-22 school year and (~~19.25~~) 19.30 percent for the 2022-23 school year for classified staff.

(b) The appropriations in this section include the increased or decreased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Changes for general apportionment (basic education) are based on the salary allocations and methodology in sections 504 and 505 of this act. Changes for special education result from changes in each district's basic education allocation per student. Changes for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 504 and 505 of this act. Changes for pupil transportation are determined by the superintendent of public instruction pursuant to RCW 28A.160.192, and impact compensation factors in sections 504, 505, and 506 of this act.

(c) The appropriations in this section include no salary adjustments for substitute teachers.

(4) The appropriations in this section are sufficient to fund the collective bargaining agreement referenced in (~~section 942 of this act~~) section 934 of this act and reflect the incremental change in cost of allocating rates as follows: For the 2021-22 school year, \$968 per month and for the 2022-23 school year, (~~(\$1,032)~~) \$1,026 per month.

(5) When bargaining for funding for school employees health benefits for the 2021-2023 fiscal biennium, any proposal agreed upon must assume the imposition of a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than ninety-five percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(6) The rates specified in this section are subject to revision each year by the legislature.

**Sec. 507.** 2021 c 334 s 507 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION**

General Fund—State Appropriation (FY 2022) . . . . .	<del>(\$615,759,000)</del>
	<u>\$605,160,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	<del>(\$649,872,000)</del>
	<u>\$672,475,000</u>
TOTAL APPROPRIATION . . . . .	<del>(\$1,265,631,000)</del>
	<u>\$1,277,635,000</u>



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

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2021-22 and 2022-23 school years, the superintendent shall allocate funding to school district programs for the transportation of eligible students as provided in RCW 28A.160.192. Funding in this section constitutes full implementation of RCW 28A.160.192, which enhancement is within the program of basic education. Students are considered eligible only if meeting the definitions provided in RCW 28A.160.160.

(b) From July 1, 2021, to August 31, 2021, the superintendent shall allocate funding to school districts programs for the transportation of students as provided in section 506, chapter 357, Laws of 2020, as amended.

(3) Within amounts appropriated in this section, up to \$10,000,000 of the general fund—state appropriation for fiscal year 2022 and up to \$10,000,000 of the general fund—state appropriation for fiscal year 2023 are for a transportation alternate funding grant program based on the alternate funding process established in RCW 28A.160.191. The superintendent of public instruction must include a review of school district efficiency rating, key performance indicators and local school district characteristics such as unique geographic constraints in the grant award process.

(4) A maximum of \$939,000 of the general fund—state appropriation for fiscal year 2022 and a maximum of \$939,000 of the general fund—state appropriation for fiscal year 2023 may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(5) Subject to available funds under this section, school districts may provide student transportation for summer skills center programs.

(6) The office of the superintendent of public instruction shall provide reimbursement funding to a school district for school bus purchases only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195.

(7) The superintendent of public instruction shall base depreciation payments for school district buses on the presales tax five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the lowest bid in the appropriate bus category for that school year.

(8) Funding levels in this section reflect waivers granted by the state board of education for four-day school weeks as allowed under RCW 28A.305.141.

(9) The office of the superintendent of public instruction shall annually disburse payments for bus depreciation in August.

(10) The superintendent must provide student transportation allocations for the 2021-22 school year equal to the greater of allocations provided in the 2019-

20 school year or the student transportation allocations calculated under RCW 28A.160.192. These allocations satisfy the formula requirements for transportation allocations under RCW 28A.160.192.

(11) (~~(\$33,858,000)~~) \$29,745,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for transportation emergency allocations required in section 1504(12) of this act.

(12)(a) \$13,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the superintendent to provide transportation safety net funding to school districts with a demonstrated need for additional transportation funding for special passengers. Transportation safety net awards shall only be provided when a school district's allowable transportation expenditures attributable to serving special passengers exceeds the amount allocated under subsection (2)(a) of this section and any excess transportation costs reimbursed by federal, state, tribal, or local child welfare agencies.

(b) To be eligible for additional transportation safety net award funding, the school district must report, in accordance with statewide accounting guidance, the amount of the excess costs and the specific activities or services provided to special passengers that created the excess costs. The office of the superintendent of public instruction must request from school districts an application for transportation safety net funding no later than May 1st. The application must contain the school district's anticipated excess costs through the end of the current school year.

(c) Transportation safety net awards allocated under this subsection are not part of the state's program of basic education.

Sec. 508. 2021 c 334 s 508 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—SCHOOL FOOD SERVICES**

General Fund—State Appropriation (FY 2022) . . . . .	\$11,667,000
General Fund—State Appropriation (FY 2023) . . . . .	<del>(\$11,667,000)</del>
	<u>\$33,334,000</u>
General Fund—Federal Appropriation . . . . .	<del>(\$551,378,000)</del>
	<u>\$573,246,000</u>
TOTAL APPROPRIATION . . . . .	<del>(\$574,712,000)</del>
	<u>\$618,247,000</u>

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

(1) \$11,548,000 of the general fund—state appropriation for fiscal year 2022 and \$11,548,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for state matching money for federal child nutrition programs, and may support the meals for kids program through the following allowable uses:

(a) Elimination of breakfast copays for eligible public school students and lunch copays for eligible public school students in grades pre-kindergarten through twelfth grades who are eligible for reduced-price lunch as required in Engrossed House Bill No. 1342 (reduced-price lunch copays);

(b) Assistance to school districts and authorized public and private nonprofit organizations for supporting summer food service programs, and initiating new summer food service programs in low-income areas;

(c) Reimbursements to school districts for school breakfasts served to students eligible for free and reduced-price lunch, pursuant to chapter 287, Laws of 2005; and

(d) Assistance to school districts in initiating and expanding school breakfast programs.

(2) The office of the superintendent of public instruction shall report annually to the fiscal committees of the legislature on annual expenditures in subsection (1)(a) through (c) of this section.

(3) The superintendent of public instruction shall provide the department of health with the following data, where available, for all nutrition assistance programs that are funded by the United States department of agriculture and administered by the office of the superintendent of public instruction. The superintendent must provide the report for the preceding federal fiscal year by February 1, 2022, and February 1, 2023. The report must provide:

- (a) The number of people in Washington who are eligible for the program;
- (b) The number of people in Washington who participated in the program;
- (c) The average annual participation rate in the program;
- (d) Participation rates by geographic distribution; and
- (e) The annual federal funding of the program in Washington.

(4)(a) \$21,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for reimbursements to school districts for schools and groups of schools required to participate in the federal community eligibility program under section 1, chapter 7, Laws of 2022 (schools/comm. eligibility) for meals not reimbursed at the federal free meal rate. If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(b) \$119,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$119,000)~~) \$286,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 271, Laws of 2018 (school meal payment) to increase the number of schools participating in the federal community eligibility program and to support breakfast after the bell programs authorized by the legislature that have adopted the community eligibility provision, and for staff at the office of the superintendent of public instruction to implement section 1, chapter 7, Laws of 2022 (schools/comm. eligibility).

(5) \$14,200,000 of the general fund—federal appropriation (CRRSA) is provided solely for emergency costs for child nutrition programs provided under section 722 of P.L. 116-260, the consolidated appropriations act, 2021, title VII, chapter 3 to school food programs.

(6) \$18,223,000 of the general fund—federal appropriation is provided solely for reimbursement of local education agencies expenditures for the acquisition of unprocessed or minimally processed domestic food products from the United States department of agriculture supply chain assistance funds authorized by the commodity credit corporation charter act of 2021.

(7) \$3,645,000 of the general fund—federal appropriation is provided solely for food assistance purchases of domestic local foods for distribution to schools from the United States department of agriculture local food for schools cooperative agreement program authorized by the commodity credit corporation charter act of 2021.

\*Sec. 509. 2021 c 334 s 509 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL EDUCATION PROGRAMS**

General Fund—State Appropriation (FY 2022) . . . . .	<del>(\$1,455,154,000)</del>
	<u>\$1,464,854,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	<del>(\$1,537,068,000)</del>
	<u>\$1,459,576,000</u>
General Fund—Federal Appropriation . . . . .	\$571,229,000
Education Legacy Trust Account—State Appropriation . . . . .	\$54,694,000
Elementary and Secondary School Emergency Relief III	
Account—Federal Appropriation . . . . .	\$7,000,000
TOTAL APPROPRIATION . . . . .	<del>(\$3,625,145,000)</del>
	<u>\$3,557,353,000</u>

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

(1)(a) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 504 and 506 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(b) Funding provided within this section is sufficient for districts to provide school principals and lead special education teachers annual professional development on the best-practices for special education instruction and strategies for implementation. Districts shall annually provide a summary of professional development activities to the office of the superintendent of public instruction.

(2)(a) The superintendent of public instruction shall ensure that:

(i) Special education students are basic education students first;

(ii) As a class, special education students are entitled to the full basic education allocation; and

(iii) Special education students are basic education students for the entire school day.

(b) The superintendent of public instruction shall continue to implement the full cost method of excess cost accounting, as designed by the committee and recommended by the superintendent, pursuant to section 501(1)(k), chapter 372, Laws of 2006.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4)(a) For the 2021-22 and 2022-23 school years, the superintendent shall allocate funding to school district programs for special education students as provided in RCW 28A.150.390, except that the calculation of the base allocation also includes allocations provided under section 504 (2) and (4) of this act and RCW 28A.150.415, which enhancement is within the program of basic education.

(b) From July 1, 2021, to August 31, 2021, the superintendent shall allocate funding to school district programs for special education students as provided in section 507, chapter 357, Laws of 2020, as amended.

(5) The following applies throughout this section: The definitions for enrollment and enrollment percent are as specified in RCW 28A.150.390(3). Each district's general fund—state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 13.5 percent.

(6) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with RCW 28A.150.390(3) (c) and (d), and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(7) (~~(\$63,338,000)~~) \$76,334,000 of the general fund—state appropriation for fiscal year 2022, (~~(\$82,671,000)~~) \$91,192,000 of the general fund—state appropriation for fiscal year 2023, and \$29,574,000 of the general fund—federal appropriation are provided solely for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (4) of this section. If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in this subsection (7) in any fiscal year, the superintendent shall expend all available federal discretionary funds necessary to meet this need. At the conclusion of each school year, the superintendent shall recover safety net funds that were distributed prospectively but for which districts were not subsequently eligible.

(a) For the 2021-22 and 2022-23 school years, safety net funds shall be awarded by the state safety net oversight committee as provided in section 109(1) chapter 548, Laws of 2009 (education).

(b) The office of the superintendent of public instruction shall make award determinations for state safety net funding in August of each school year, except that the superintendent of public instruction shall make award determinations for state safety net funding in July of each school year for the Washington state school for the blind and for the center for childhood deafness and hearing loss. Determinations on school district eligibility for state safety net awards shall be based on analysis of actual expenditure data from the current school year.

(8) A maximum of (~~(\$931,000)~~) \$1,250,000 may be expended from the general fund—state appropriations to fund (~~(5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center)~~) teachers and aides at Seattle children's hospital. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(9) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(10) A school district may carry over from one year to the next year up to 10 percent of the general fund—state funds allocated under this program; however, carryover funds shall be expended in the special education program.

(11) \$88,000 of the general fund—state appropriation for fiscal year 2022, \$87,000 of the general fund—state appropriation for fiscal year 2023, and \$214,000 of the general fund—federal appropriation are provided solely for a special education family liaison position within the office of the superintendent of public instruction.

(12) \$5,000,000 of the general fund—state appropriation for fiscal year 2022, \$12,000,000 of the general fund—state appropriation for fiscal year 2023, and \$7,000,000 of the elementary and secondary school emergency relief III account—federal appropriation are provided solely for the office of the superintendent of public instruction to provide an allocation to school districts for extension of transition services for students with disabilities who turned age 21 during the 2019-20 or 2020-21 school years, did not graduate with a regular diploma, and require recovery services on or after July 1, 2021, as determined by the student's individualized education plan team. The extension of these services does not reduce or supplant any other services for which the individual would be eligible. Allocations for this purpose may not exceed the amounts provided in this subsection. The office of the superintendent of public instruction may adopt formulas and procedures to define a per-student amount to be provided to students that meet the criteria, so that allocations do not exceed amounts provided in this subsection. Amounts provided in this subsection are outside the state's program of basic education.

(13)(a) \$52,704,000 of the general fund—federal appropriation (ARPA) is provided solely for allocations from federal funding as authorized in section 2014, the American rescue plan act of 2021, P.L. 117-2.

(b) \$4,411,000 of the general fund—federal appropriation (ARPA) is provided solely for providing preschool services to qualifying special education students under section 619 of the federal individuals with disabilities education act, pursuant to section 2002, the American rescue plan act of 2021, P.L. 117-2.

(14) \$7,000,000 of the general fund—state appropriation for fiscal year 2022 and \$5,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to support professional development in inclusionary practices for classroom teachers. The primary form of support to public school classroom teachers must be for mentors who are experts in best practices for inclusive education, differentiated instruction, and individualized instruction. Funding for mentors must be prioritized to the public schools with the highest percentage of students with individualized education programs aged three through 21 who spend the least amount of time in general education classrooms.

**(15)(a) Within amounts provided in section 501(1)(a) of this act, the office of the superintendent of public instruction shall submit a report on districts receiving funding for services to students of preschool age with disabilities, as defined in RCW 28A.155.070, for the 2022-23 school year. The report must include data on revenues and expenditures for the special education programs offered in-district or with a provider, or for special education services offered in-home or outside of traditional preschool settings, including but not limited to:**

**(i) Revenues received by each district;**

**(ii) Expenditures by district by object, activity, and national center of education statistics codes;**

(iii) Expenditures by district and by object, activity, and national center of education statistics codes for children in preschool programs offered by the district;

(iv) Expenditures by district and by object, activity, and national center of education statistics codes for children in preschool programs offered by other providers;

(v) Expenditures by district and by object, activity, and national center of education statistics codes for children receiving special education services in-home or outside of traditional preschool settings; and

(vi) Expenditures by category of disability for children in preschool settings offered by the district or other providers, or for children receiving special education services in-home or outside of traditional preschool settings.

(b) The superintendent shall submit a preliminary report by June 30, 2023. It is the intent of the legislature that the superintendent submit a final report by December 1, 2023, and that funding for this purpose be provided in the 2023-2025 fiscal biennium operating budget.

*\*Sec. 509 was partially vetoed. See message at end of chapter.*

Sec. 510. 2021 c 334 s 510 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS**

General Fund—State Appropriation (FY 2022) . . . . .	\$28,636,000
General Fund—State Appropriation (FY 2023) . . . . .	..( <del>\$28,636,000</del> )
	<b>\$30,886,000</b>
TOTAL APPROPRIATION . . . . .	..( <del>\$57,272,000</del> )
	<b>\$59,522,000</b>

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

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) Funding within this section is provided for regional professional development related to mathematics and science curriculum and instructional strategies aligned with common core state standards and next generation science standards. Funding shall be distributed among the educational service districts in the same proportion as distributions in the 2007-2009 biennium. Each educational service district shall use this funding solely for salary and benefits for a certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.

(3) Funding in this section is provided for regional professional development related to English language arts curriculum and instructional strategies aligned with common core state standards. Each educational service district shall use this funding solely for salary and benefits for certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.

(4) Funding in this section is provided for regional technical support for the K-20 telecommunications network to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(5) Funding in this section is provided for a corps of nurses located at the educational service districts, to be dispatched in coordination with the office of the superintendent of public instruction, to provide direct care to students, health education, and training for school staff. Beginning in fiscal year 2022, allocations for the corps of nurses is sufficient to provide one day per week of nursing services for all second-class school districts.

(6) Funding in this section is provided for staff and support at the nine educational service districts to provide a network of support for school districts to develop and implement comprehensive suicide prevention and behavioral health supports for students.

(7) Funding in this section is provided for staff and support at the nine educational service districts to provide assistance to school districts with comprehensive safe schools planning, conducting needs assessments, school safety and security trainings, coordinating appropriate crisis and emergency response and recovery, and developing threat assessment and crisis intervention teams. Beginning in fiscal year 2022, allocations for staff and support for regional safety centers are increased to 3 full-time equivalent certificated instructional staff for each regional safety center.

(8) Funding in this section is provided for regional English language arts coordinators to provide professional development of teachers and principals around the new early screening for dyslexia requirements.

(9) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.305.130, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

(10) ~~\$2,150,000~~ of the general fund—state appropriation for fiscal year 2022 and ~~(\$2,150,000)~~ \$2,169,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for each educational service district to provide technology consultation, procurement, and training required under Engrossed Second Substitute House Bill No. 1365 (schools/computers & devices). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(11) \$1,009,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Senate Bill No. 5539 (ed. service district funding). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

**Sec. 511.** 2021 c 334 s 511 (uncodified) is amended to read as follows:  
**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR LOCAL EFFORT ASSISTANCE**  
General Fund—State Appropriation (FY 2022) . . . . . ~~(\$271,870,000)~~  
\$272,986,000



General Fund—State Appropriation (FY 2023) . . . . .	(\$247,305,000)
	\$250,542,000
<u>Coronavirus State Fiscal Recovery Fund—Federal</u>	
<u>Appropriation</u> . . . . .	\$63,909,000
TOTAL APPROPRIATION . . . . .	(\$519,175,000)
	\$587,437,000

The appropriations in this section are subject to the following conditions and limitations: \$63,909,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for enrollment stabilization local effort assistance funding as required in Substitute House Bill No. 1590 (enrollment stabilization). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

**Sec. 512.** 2021 c 334 s 512 (uncodified) is amended to read as follows:  
**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS**

General Fund—State Appropriation (FY 2022) . . . . .	(\$17,779,000)
	\$14,074,000
General Fund—State Appropriation (FY 2023) . . . . .	(\$19,481,000)
	\$13,894,000
TOTAL APPROPRIATION . . . . .	(\$37,260,000)
	\$27,968,000

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

- (1) Each general fund—state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.
- (2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.
- (3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.
- (4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.
- (5) \$701,000 of the general fund—state appropriation for fiscal year 2022 and \$701,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, programs for juveniles under the juvenile rehabilitation administration, and programs for juveniles operated by city and county jails.

(6) (~~(\$3,157,000)~~) \$1,944,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$3,613,000)~~) \$2,090,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to increase the capacity of institutional education programs to differentiate instruction to meet students' unique educational needs, including students with individualized educational plans. Those needs may include but are not limited to one-on-one instruction, enhanced access to counseling for social emotional needs of the student, and services to identify the proper level of instruction at the time of student entry into the facility. Allocations of amounts for this purpose in a school year must be based on 45 percent of full-time enrollment in institutional education receiving a differentiated instruction amount per pupil equal to the total statewide allocation generated by the distribution formula under RCW 28A.150.260 (4)(a), (5), (6), and (8) and the allocation under RCW 28A.150.415, per the statewide full-time equivalent enrollment in common schools.

(7) \$300,000 of the general fund—state appropriation in fiscal year 2022 and \$300,000 of the general fund—state appropriation in fiscal year 2023 are provided solely to support three student records coordinators to manage the transmission of academic records for each of the long-term juvenile institutions. One coordinator is provided for each of the following: The Issaquah school district for the Echo Glen children's center, the Chehalis school district for Green Hill academic school, and the Naselle-Grays River Valley school district for Naselle youth camp school.

(8) Ten percent of the funds allocated for the institution may be carried over from one year to the next.

(9) \$588,000 of the general fund—state appropriation for fiscal year 2022 and \$897,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for one educational advocate to each institution with enrollments above 40 full-time equivalent students beginning in the 2021-22 school year in addition to any educational advocates supported by federal funding. Educational advocates will provide the following supports to students enrolled in or just released from institutional education programs:

(a) Advocacy for institutional education students to eliminate barriers to educational access and success;

(b) Consultation with juvenile rehabilitation staff to develop educational plans for and with participating youth;

(c) Monitoring educational progress of participating students;

(d) Providing participating students with school and local resources that may assist in educational access and success upon release from institutional education facilities; and

(e) Coaching students and caregivers to advocate for educational needs to be addressed at the school district upon return to the community.

(10) \$49,000 of the general fund—state appropriation for fiscal year 2022 and \$75,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to increase materials, supplies, and operating costs by \$85 per pupil beginning in the 2021-22 school year for technology supports for institutional education programs. This funding is in addition to general education materials, supplies, and operating costs provided to institutional education programs, which exclude formula costs supported by the institutional facilities.

(11) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to support instruction in cohorts of students grouped by similar age and academic levels.

**Sec. 513.** 2021 c 334 s 513 (uncodified) is amended to read as follows:  
**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS**

General Fund—State Appropriation (FY 2022) . . . . .	..((\$33,262,000))
	<u>\$31,926,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	..((\$33,711,000))
	<u>\$32,176,000</u>
TOTAL APPROPRIATION . . . . .	..((\$66,973,000))
	<u>\$64,102,000</u>

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

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2021-22 and 2022-23 school years, the superintendent shall allocate funding to school district programs for highly capable students as provided in RCW 28A.150.260(10)(c) except that allocations must be based on 5.0 percent of each school district's full-time equivalent enrollment. In calculating the allocations, the superintendent shall assume the following: (i) Additional instruction of 2.1590 hours per week per funded highly capable program student; (ii) fifteen highly capable program students per teacher; (iii) 36 instructional weeks per year; (iv) 900 instructional hours per teacher; and (v) the compensation rates as provided in sections 505 and 506 of this act.

(b) From July 1, 2021, to August 31, 2021, the superintendent shall allocate funding to school districts programs for highly capable students as provided in section 511, chapter 357, Laws of 2020, as amended.

**Sec. 514.** 2021 c 334 s 514 (uncodified) is amended to read as follows:  
**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR MISCELLANEOUS—EVERY STUDENT SUCCEEDS ACT**

General Fund—Federal Appropriation . . . . .	..((\$6,802,000))
	<u>\$9,802,000</u>
TOTAL APPROPRIATION . . . . .	..((\$6,802,000))
	<u>\$9,802,000</u>

**Sec. 515.** 2021 c 334 s 515 (uncodified) is amended to read as follows:  
**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—EDUCATION REFORM PROGRAMS**

General Fund—State Appropriation (FY 2022) . . . . .	..((\$137,813,000))
	<u>\$134,083,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	..((\$141,081,000))
	<u>\$138,519,000</u>
General Fund—Federal Appropriation . . . . .	..((\$96,598,000))
	<u>\$96,683,000</u>
General Fund—Private/Local Appropriation . . . . .	\$1,450,000
Education Legacy Trust Account—State Appropriation . . . . .	..((\$1,638,000))

	<u>\$1,642,000</u>
TOTAL APPROPRIATION . . . . .	(( <del>\$378,580,000</del> ))
	<u>\$372,377,000</u>

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

(1) ACCOUNTABILITY

(a) \$26,975,000 of the general fund—state appropriation for fiscal year 2022, \$26,975,000 of the general fund—state appropriation for fiscal year 2023, \$1,350,000 of the education legacy trust account—state appropriation, and \$15,868,000 of the general fund—federal appropriation are provided solely for development and implementation of the Washington state assessment system.

(b) \$14,352,000 of the general fund—state appropriation for fiscal year 2022 and \$14,352,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 159, Laws of 2013 (K-12 education - failing schools).

(2) EDUCATOR CONTINUUM

(a) (~~(\$75,374,000)~~) \$71,644,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$78,547,000)~~) \$75,805,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the following bonuses for teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching in a Washington public school, subject to the following conditions and limitations:

(i) For national board certified teachers, a bonus of \$5,705 per teacher in the 2021-22 school year and a bonus of (~~(\$5,796)~~) \$6,019 per teacher in the 2022-23 school year;

(ii) An additional \$5,000 annual bonus shall be paid to national board certified teachers who teach in either: (A) High schools where at least 50 percent of student headcount enrollment is eligible for federal free or reduced-price lunch, (B) middle schools where at least 60 percent of student headcount enrollment is eligible for federal free or reduced-price lunch, or (C) elementary schools where at least 70 percent of student headcount enrollment is eligible for federal free or reduced-price lunch;

(iii) The superintendent of public instruction shall adopt rules to ensure that national board certified teachers meet the qualifications for bonuses under (b) of this subsection for less than one full school year receive bonuses in a prorated manner. All bonuses in this subsection will be paid in July of each school year. Bonuses in this subsection shall be reduced by a factor of 40 percent for first year NBPTS certified teachers, to reflect the portion of the instructional school year they are certified; and

(iv) During the 2021-22 and 2022-23 school years, and within available funds, certificated instructional staff who have met the eligibility requirements and have applied for certification from the national board for professional teaching standards may receive a conditional loan of two thousand dollars or the amount set by the office of the superintendent of public instruction to contribute toward the current assessment fee, not including the initial up-front candidacy payment. The fee shall be an advance on the first annual bonus under RCW 28A.405.415. The conditional loan is provided in addition to compensation received under a district's salary allocation and shall not be included in

calculations of a district's average salary and associated salary limitation under RCW 28A.400.200. Recipients who fail to receive certification after fully exhausting all years of candidacy as set by the national board for professional teaching standards are required to repay the conditional loan. The office of the superintendent of public instruction shall adopt rules to define the terms for initial grant of the assessment fee and repayment, including applicable fees. To the extent necessary, the superintendent may use revenues from the repayment of conditional loan scholarships to ensure payment of all national board bonus payments required by this section in each school year.

(b) \$3,418,000 of the general fund—state appropriation for fiscal year 2022 and \$3,418,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of a new performance-based evaluation for certificated educators and other activities as provided in chapter 235, Laws of 2010 (education reform) and chapter 35, Laws of 2012 (certificated employee evaluations).

(c) \$477,000 of the general fund—state appropriation for fiscal year 2022 and \$477,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(d) \$810,000 of the general fund—state appropriation for fiscal year 2022 and \$810,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the development of a leadership academy for school principals and administrators. The superintendent of public instruction shall contract with an independent organization to operate a state-of-the-art education leadership academy that will be accessible throughout the state. Semiannually the independent organization shall report on amounts committed by foundations and others to support the development and implementation of this program. Leadership academy partners shall include the state level organizations for school administrators and principals, the superintendent of public instruction, the professional educator standards board, and others as the independent organization shall identify.

(e) \$10,500,000 of the general fund—state appropriation for fiscal year 2022 and \$10,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a beginning educator support program (BEST). The program shall prioritize first year educators in the mentoring program. School districts and/or regional consortia may apply for grant funding. The program provided by a district and/or regional consortia shall include: A paid orientation; assignment of a qualified mentor; development of a professional growth plan for each beginning educator aligned with professional certification; release time for mentors and new educators to work together; and educator observation time with accomplished peers. Funding may be used to provide statewide professional development opportunities for mentors and beginning educators.

(f) \$4,000,000 of the general fund—state appropriation for fiscal year 2022 and \$4,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the provision of training for teachers, principals, and principal evaluators in the performance-based teacher principal evaluation program.

**Sec. 516.** 2021 c 334 s 516 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS**

General Fund—State Appropriation (FY 2022) . . . . .	..( <del>(\$228,658,000)</del> )
	<u>\$217,022,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	..( <del>(\$233,390,000)</del> )
	<u>\$218,054,000</u>
General Fund—Federal Appropriation . . . . .	\$102,242,000
TOTAL APPROPRIATION . . . . .	..( <del>(\$564,290,000)</del> )
	<u>\$537,318,000</u>

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

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2021-22 and 2022-23 school years, the superintendent shall allocate funding to school districts for transitional bilingual programs under RCW 28A.180.010 through 28A.180.080, including programs for exited students, as provided in RCW 28A.150.260(10)(b) and the provisions of this section. In calculating the allocations, the superintendent shall assume the following averages: (i) Additional instruction of 4.7780 hours per week per transitional bilingual program student in grades kindergarten through six and 6.7780 hours per week per transitional bilingual program student in grades seven through twelve in school years 2021-22 and 2022-23; (ii) additional instruction of 3.0000 hours per week in school years 2021-22 and 2022-23 for the head count number of students who have exited the transitional bilingual instruction program within the previous two years based on their performance on the English proficiency assessment; (iii) fifteen transitional bilingual program students per teacher; (iv) 36 instructional weeks per year; (v) 900 instructional hours per teacher; and (vi) the compensation rates as provided in sections 505 and 506 of this act. Pursuant to RCW 28A.180.040(1)(g), the instructional hours specified in (a)(ii) of this subsection (2) are within the program of basic education.

(b) From July 1, 2021, to August 31, 2021, the superintendent shall allocate funding to school districts for transitional bilingual instruction programs as provided in section 514, chapter 357, Laws of 2020, as amended.

(3) The superintendent may withhold allocations to school districts in subsection (2) of this section solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2) up to the following amounts: (~~(+1.77)~~) 1.89 percent for school year 2021-22 and (~~(+1.76)~~) 1.88 percent for school year 2022-23.

(4) The general fund—federal appropriation in this section is for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

(5) \$35,000 of the general fund—state appropriation for fiscal year 2022 and \$35,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to track current and former transitional bilingual program students.

(6) \$1,185,000 of the general fund—state appropriation in fiscal year 2022 and \$1,185,000 of the general fund—state appropriation in fiscal year 2023 are provided solely for the central provision of assessments as provided in RCW 28A.180.090, and is in addition to the withholding amounts specified in subsection (3) of this section.

Sec. 517. 2021 c 334 s 517 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE LEARNING ASSISTANCE PROGRAM**

General Fund—State Appropriation (FY 2022)	.....	..( <del>(\$446,816,000)</del> )
		<u>\$449,472,000</u>
General Fund—State Appropriation (FY 2023)	.....	..( <del>(\$455,435,000)</del> )
		<u>\$447,888,000</u>
General Fund—Federal Appropriation	.....	\$533,481,000
<u>Coronavirus State Fiscal Recovery Fund—Federal</u>		
<u>Appropriation</u>	.....	<u>\$26,382,000</u>
<b>TOTAL APPROPRIATION</b>	.....	<b>..(<del>(\$1,435,732,000)</del>)</b>
		<b><u>\$1,457,223,000</u></b>

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

(1) The general fund—state appropriations in this section are subject to the following conditions and limitations:

(a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b)(i) For the 2021-22 and 2022-23 school years, the superintendent shall allocate funding to school districts for learning assistance programs as provided in RCW 28A.150.260(10)(a), except that the allocation for the additional instructional hours shall be enhanced as provided in this section, which enhancements are within the program of the basic education. In calculating the allocations, the superintendent shall assume the following averages: (A) Additional instruction of 2.3975 hours per week per funded learning assistance program student for the 2021-22 and 2022-23 school years; (B) additional instruction of 1.1 hours per week per funded learning assistance program student for the 2021-22 and 2022-23 school years in qualifying high-poverty school building; (C) fifteen learning assistance program students per teacher; (D) 36 instructional weeks per year; (E) 900 instructional hours per teacher; and (F) the compensation rates as provided in sections 505 and 506 of this act.

(ii) From July 1, 2021, to August 31, 2021, the superintendent shall allocate funding to school districts for learning assistance programs as provided in section 515, chapter 357, Laws of 2020, as amended.

(c) A school district's funded students for the learning assistance program shall be the sum of the district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced-price lunch in the prior school year. The prior school year's October headcount enrollment for free and reduced-price lunch shall be as reported in the comprehensive education data and research system.

(2) Allocations made pursuant to subsection (1) of this section shall be adjusted to reflect ineligible applications identified through the annual income

verification process required by the national school lunch program, as recommended in the report of the state auditor on the learning assistance program dated February, 2010.

(3) The general fund—federal appropriation in this section is provided for Title I Part A allocations of the every student succeeds act of 2016.

(4) A school district may carry over from one year to the next up to 10 percent of the general fund—state funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(5) Within existing resources, during the 2021-22 and 2022-23 school years, school districts are authorized to use funds allocated for the learning assistance program to also provide assistance to high school students who have not passed the state assessment in science.

(6) In addition to funding allocated under RCW 28A.150.260(10), the superintendent must allocate the following additional learning assistance program amounts to school districts from the coronavirus state fiscal recovery fund—federal appropriation:

(a) High poverty-based allocations in the 2022-23 school year for schools not eligible in the 2022-23 school year that were eligible for high poverty allocation in the previous school year.

(b) Allocations necessary to increase a school district's allocations under RCW 28A.150.260(10)(a)(i) up to an amount that would be generated based on the district's percentage of October headcount in grades K-12 eligible for free or reduced-price lunch in the 2019-20 school year if greater than the percentage allowed under RCW 28A.150.260(10)(a)(i).

**Sec. 518.** 2021 c 334 s 518 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—PER PUPIL ALLOCATIONS**

	Statewide Average Allocations	
	Per Annual Average Full-Time Equivalent Student	
	2021-22	2022-23
	School Year	School Year
Basic Education Program		
General Apportionment	<del>((9,415))</del>	<del>((9,671))</del>
	<u>\$9,405</u>	<u>\$10,098</u>
Pupil Transportation	<del>((587))</del>	<del>((595))</del>
	<u>\$623</u>	<u>\$644</u>
Special Education Programs	<del>((9,874))</del>	<del>((10,290))</del>
	<u>\$9,976</u>	<u>\$10,812</u>
Institutional Education Programs	<del>((22,730))</del>	<del>((23,220))</del>
	<u>\$26,347</u>	<u>\$27,779</u>
Programs for Highly Capable Students	\$611	<del>((623))</del>
		<u>\$645</u>
Transitional Bilingual Programs	<del>((1,430))</del>	<del>((1,442))</del>
	<u>\$1,442</u>	<u>\$1,509</u>



Learning Assistance Program	(( <del>\$964</del> ))	(( <del>\$967</del> ))
	<u>\$964</u>	<u>\$1,011</u>

**Sec. 519.** 2021 c 334 s 519 (uncodified) is amended to read as follows:  
**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

(1) Amounts distributed to districts by the superintendent through part V of this act are for allocation purposes only, unless specified by part V of this act, and do not entitle a particular district, district employee, or student to a specific service, beyond what has been expressly provided in statute. Part V of this act restates the requirements of various sections of Title 28A RCW. If any conflict exists, the provisions of Title 28A RCW control unless this act explicitly states that it is providing an enhancement. Any amounts provided in part V of this act in excess of the amounts required by Title 28A RCW provided in statute, are not within the program of basic education unless clearly stated by this act.

(2) When adopting new or revised rules or policies relating to the administration of allocations in part V of this act that result in fiscal impact, the office of the superintendent of public instruction shall seek legislative approval through the budget request process.

(3) Appropriations made in this act to the office of the superintendent of public instruction shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act, except as expressly provided in subsection (4) of this section.

(4) The appropriations to the office of the superintendent of public instruction in this act shall be expended for the programs and amounts specified in this act. However, after May 1, 2022, unless specifically prohibited by this act and after approval by the director of financial management, the superintendent of public instruction may transfer state general fund appropriations for fiscal year 2022 among the following programs to meet the apportionment schedule for a specified formula in another of these programs: General apportionment; employee compensation adjustments; pupil transportation; special education programs; institutional education programs; transitional bilingual programs; highly capable programs; and learning assistance programs.

(5) The director of financial management shall notify the appropriate legislative fiscal committees in writing prior to approving any allotment modifications or transfers under this section.

(6) Appropriations in sections 504 and 506 of this act for insurance benefits under chapter 41.05 RCW are provided solely for the superintendent to allocate to districts for employee health benefits as provided in ~~((section 942 of this act))~~ section 934 of this act. The superintendent may not allocate, and districts may not expend, these amounts for any other purpose beyond those authorized in ~~((section 942 of this act))~~ section 934 of this act.

~~((5))~~ (7) As required by RCW 28A.710.110, the office of the superintendent of public instruction shall transmit the charter school authorizer oversight fee for the charter school commission to the charter school oversight account.

**Sec. 520.** 2021 c 334 s 520 (uncodified) is amended to read as follows:  
**FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR CHARTER SCHOOLS**  
 Washington Opportunity Pathways Account—State

Appropriation.....	..(( <del>\$140,838,000</del> ))
	<u>\$145,786,000</u>

Coronavirus State Fiscal Recovery Fund—Federal

<u>Appropriation.....</u>	<u>\$1,667,000</u>
TOTAL APPROPRIATION.....	..(( <del>\$140,838,000</del> ))
	<u>\$147,453,000</u>

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

(1) The superintendent shall distribute funding appropriated in this section to charter schools under chapter 28A.710 RCW. Within amounts provided in this section the superintendent may distribute funding for safety net awards for charter schools with demonstrated needs for special education funding beyond the amounts provided under chapter 28A.710 RCW.

(2) \$23,000 of the Washington opportunity pathways account—state appropriation is provided solely for enrollment stabilization allocations required in section 1519 of this act.

(3) \$147,000 of the Washington opportunity pathways account—state appropriation is provided solely for transportation emergency allocations required in section 1516(3) of this act.

(4) \$1,667,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for enrollment stabilization allocations pursuant to Substitute House Bill No. 1590 (enrollment stabilization). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

**Sec. 521.** 2021 c 334 s 521 (uncodified) is amended to read as follows:  
**FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE WASHINGTON STATE CHARTER SCHOOL COMMISSION**

Washington Opportunity Pathways Account—State

Appropriation.....	\$23,000
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Charter Schools Oversight Account—State

Appropriation.....	..(( <del>\$3,605,000</del> ))
	<u>\$3,882,000</u>

TOTAL APPROPRIATION.....	..(( <del>\$3,628,000</del> ))
	<u>\$3,905,000</u>

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

(1) The entire Washington opportunity pathways account—state appropriation in this section is provided to the superintendent of public instruction solely for the operations of the Washington state charter school commission under chapter 28A.710 RCW.

(2) \$28,000 of the charter schools oversight account—state appropriation is provided solely to the Washington state charter school commission to enable each charter school to participate in the governance training required under Engrossed Substitute Senate Bill No. 5044 (schools/equity training). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(3) \$238,000 of the charter schools oversight account—state appropriation is provided solely for office of the attorney general legal services related to

litigation challenging the commission's authority to oversee and regulate charter schools.

Sec. 522. 2021 c 334 s 522 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GRANTS AND PASS THROUGH FUNDING**

General Fund—State Appropriation (FY 2022) . . . . .	(\$80,319,000)
	<u>\$80,493,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	(\$52,691,000)
	<u>\$78,255,000</u>
General Fund—Federal Appropriation . . . . .	\$989,995,000
Elementary and Secondary School Emergency Relief	
III—Federal Appropriation . . . . .	(\$1,850,386,000)
	<u>\$1,850,527,000</u>
TOTAL APPROPRIATION . . . . .	(\$2,973,391,000)
	<u>\$2,999,270,000</u>

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

(1) \$4,894,000 of the general fund—state appropriation for fiscal year 2022 and \$4,894,000 of the general fund—state appropriation for fiscal year 2023 are provided for the office of the superintendent of public instruction to administer programs and grants which increase equitable access to dual credit programs, including subsidizing or eliminating student costs for dual credit courses or exams. By November 2022, the office shall submit a report to relevant committees of the legislature describing options for entering into statewide agreements with dual credit exam companies that will reduce the overall costs for all students and eliminate costs for students who are low income.

(2)(a) \$2,752,000 of the general fund—state appropriation for fiscal year 2022 and \$2,752,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for secondary career and technical education grants pursuant to chapter 170, Laws of 2008, including parts of programs receiving grants that serve students in grades four through six. If equally matched by private donations, \$1,075,000 of the 2022 appropriation and \$1,075,000 of the 2023 appropriation shall be used to support FIRST robotics programs in grades four through twelve. Of the amounts provided in this subsection, \$800,000 of the fiscal year 2022 appropriation and \$800,000 of the fiscal year 2023 appropriation are provided solely for the purpose of statewide supervision activities for career and technical education student leadership organizations.

(b) \$135,000 of the general fund—state appropriation for fiscal year 2022 and \$135,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for science, technology, engineering and mathematics lighthouse projects, consistent with chapter 238, Laws of 2010.

(c) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for advanced project lead the way courses at ten high schools. To be eligible for funding in 2022, a high school must have offered a foundational project lead the way course during the 2020-21 school year. The 2022 funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2021-22 school year. To be

eligible for funding in 2023, a high school must have offered a foundational project lead the way course during the 2021-22 school year. The 2023 funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2022-23 school year. The office of the superintendent of public instruction and the education research and data center at the office of financial management shall track student participation and long-term outcome data. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(d) \$2,127,000 of the general fund—state appropriation for fiscal year 2022 and \$2,127,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for annual startup, expansion, or maintenance of core plus programs in maritime, construction, and aerospace and advanced manufacturing programs. To be eligible for funding to start up, maintain, or expand programs under (i) through (iii) of this subsection (d), the skills center and high schools must be selected through a competitive grant process administered by the office of the superintendent of public instruction in consultation with the advisory committee established in (vi) of this subsection (d). The office and the education research and data center shall report annually student participation and long-term outcome data. Within the amounts provided in this subsection:

(i) \$900,000 of the general fund—state appropriation for fiscal year 2022 and \$900,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants for the annual startup, expansion, or maintenance of core plus programs in aerospace and advanced manufacturing programs.

(ii) \$350,000 of the general fund—state appropriation for fiscal year 2022 and \$350,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants for the annual startup, expansion, or maintenance of core plus programs in construction programs.

(iii) \$350,000 of the general fund—state appropriation for fiscal year 2022 and \$350,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants for the annual startup, expansion, or maintenance of core plus programs in maritime programs.

(iv) For (i) through (iii) of this subsection (d), when the grant demand does not align with the specified allocation, the superintendent may allocate funding toward sector areas that meet criteria based on agreement from industry sector representatives.

(v) \$527,000 of the general fund—state appropriation for fiscal year 2022 and \$527,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office to administer, evaluate, and promote programs under (i) through (iii) of this subsection (d) based on industry sector recommendations, including contracts with sector-specific entities to expand sector-specific employer engagement programs, increase work placement opportunities, validate credentials necessary for direct employment, and provide professional development to support schools, teachers, and students. The office may also contract with an entity with experience promoting core plus programming across industry sectors and education providers to expand awareness and adoption of core plus programs.

(vi) The office shall convene and manage an advisory committee of industry sector leadership from the core plus program areas and a representative from a

statewide business and manufacturing association to inform the administration and continual improvement of core plus programs, including grant determinations, reviewing data and outcomes, recommending program improvements, and ensuring the use of qualified contractors. The committee will advise the superintendent on appropriate credentials, industry-based competencies, and programs of study for high-demand sectors represented in these program areas.

(3)(a) \$75,000 of the general fund—state appropriation for fiscal year 2022 and \$75,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for project citizen and we the people: The citizen and the constitution programs sponsored by the national conference of state legislatures and the center for civic education to promote participation in government by middle and high school students. Of the amounts provided, \$15,000 of the general fund—state appropriation for fiscal year 2022 and \$15,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for awarding a travel grant to the winner of the we the people: The citizen and the constitution state competition.

(b) \$373,000 of the general fund—state appropriation for fiscal year 2022 and \$373,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 127, Laws of 2018 (civics education). Of the amounts provided in this subsection (3)(b), \$10,000 of the general fund—state appropriation for fiscal year 2022 and \$10,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grant programs to school districts to help cover travel costs associated with civics education competitions.

(4)(a) \$55,000 of the general fund—state appropriation for fiscal year 2022 and \$55,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction for statewide implementation of career and technical education course equivalency frameworks authorized under RCW 28A.700.070 for math and science. This may include development of additional equivalency course frameworks, course performance assessments, and professional development for districts implementing the new frameworks.

(b) Within the amounts appropriated in this section the office of the superintendent of public instruction shall ensure career and technical education courses are aligned with high-demand, high-wage jobs. The superintendent shall verify that the current list of career and technical education courses meets the criteria established in RCW 28A.700.020(2). The superintendent shall remove from the list any career and technical education course that no longer meets such criteria.

(c) \$3,000,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$3,000,000)~~ \$5,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to provide grants to school districts and educational service districts for science teacher training in the next generation science standards including training in the climate science standards. At a minimum, school districts shall ensure that teachers in one grade level in each elementary, middle, and high school participate in this science training. Of the amount appropriated \$1,000,000 is provided solely for community-based nonprofits including tribal

education organizations to partner with public schools for next generation science standards.

(5) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Kip Tokuda memorial Washington civil liberties public education program. The superintendent of public instruction shall award grants consistent with RCW 28A.300.410.

(6) \$5,895,000 of the general fund—state appropriation for fiscal year 2022 and \$5,895,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a contract with a nongovernmental entity or entities for demonstration sites to improve the educational outcomes of students who are dependent pursuant to chapter 13.34 RCW pursuant to chapter 71, Laws of 2016 (foster youth edu. outcomes). The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(a) Of the amount provided in this subsection (6), \$446,000 of the general fund—state appropriation for fiscal year 2022 and \$446,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the demonstration site established pursuant to the 2013-2015 omnibus appropriations act, section 202(10), chapter 4, Laws of 2013, 2nd sp. sess.

(b) Of the amount provided in this subsection (6), \$1,015,000 of the general fund—state appropriation for fiscal year 2022 and \$1,015,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the demonstration site established pursuant to the 2015-2017 omnibus appropriations act, section 501(43)(b), chapter 4, Laws of 2015, 3rd sp. sess., as amended.

(c) Of the amounts provided in this subsection (6), \$684,000 of the general fund—state appropriation for fiscal year 2022 and \$684,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the demonstration site established with funding provided in the 2017-2019 omnibus appropriations act, chapter 1, Laws of 2017, 3rd sp. sess., as amended.

(d) \$1,000,000 of the general fund—state appropriation for fiscal year 2022 and \$1,250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the demonstration site established with funding provided in this act.

(e) \$55,000 of the general fund—state appropriation for fiscal year 2022 and \$55,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for maintaining and implementing the data sharing agreement between the office, the department of children, youth, and families, and the contractors to support targeted service delivery, program evaluation, and statewide education outcomes measurement for students served under this section.

(7)(a) \$1,200,000 of the general fund—state appropriation for fiscal year 2022 and \$1,200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 157, Laws of 2016 (homeless students).

(b) \$36,000 of the general fund—state appropriation for fiscal year 2022 and \$36,000 of the general fund—state appropriation for fiscal year 2023 are

provided solely for chapter 212, Laws of 2014 (homeless student educational outcomes).

(8) \$375,000 of the general fund—state appropriation for fiscal year 2022 and \$375,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a nonviolence and ethical leadership training and professional development program provided by the institute for community leadership.

(9)(a) \$1,425,000 of the general fund—state appropriation for fiscal year 2022 and \$1,425,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for dual language grants to grow capacity for high quality dual language learning. Grant funding may be used for new and existing dual language programs, heritage language programs for immigrant and refugee students, and indigenous language programs for native students.

(b) Each grant recipient must convene an advisory board to guide the development and continuous improvement of its dual language program, including but not limited to: Determining which schools and languages will be prioritized; conducting outreach to the community; and addressing enrollment considerations and the hiring of staff. At least half the members of the board must be parents of English learner students or current or former English learner students. The other members of the board must represent teachers, students, school leaders, governing board members, youth, and community-based organizations that support English learners.

(10)(a) \$4,940,000 of the general fund—state appropriation for fiscal year 2022 and \$4,940,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington state achievers scholarship and Washington higher education readiness program. The funds shall be used to: Support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars; and to identify and reduce barriers to college for low-income and underserved middle and high school students. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(b) \$1,454,000 of the general fund—state appropriation for fiscal year 2022 and \$1,454,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for contracting with a college scholarship organization with expertise in conducting outreach to students concerning eligibility for the Washington college bound scholarship consistent with chapter 405, Laws of 2007. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(c) \$362,000 of the general fund—state appropriation for fiscal year 2022 and \$362,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 180, Laws of 2017 (Washington Aim program).

(11)(a) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington state leadership and assistance for science education reform (LASER) regional partnership activities, including instructional material purchases, teacher and principal professional

development, and school and community engagement events. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(b)(i) \$3,000,000 of the general fund—state appropriation for fiscal year 2022 and \$3,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a statewide information technology academy program. This public-private partnership will provide educational software, as well as information technology certification and software training opportunities for students and staff in public schools for the 2021-22 and 2022-23 school years only. The office must evaluate other options that may be available in the state for a future public-private partnership to deliver similar services to students and staff of public schools at no cost to the state.

(ii) The office must require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework. The report must include the number of students served disaggregated by gender, race, ethnicity, and free-and-reduced lunch eligibility as well as the number of industry certificates attained by type of certificate.

(c) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$50,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants of \$2,500 to provide twenty middle and high school teachers each year with professional development training for implementing integrated math, science, technology, and engineering programs in their schools.

(d) \$1,000,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the computer science and education grant program to support the following three purposes: Train and credential teachers in computer sciences; provide and upgrade technology needed to learn computer science; and, for computer science frontiers grants to introduce students to and engage them in computer science. The office of the superintendent of public instruction must use the computer science learning standards adopted pursuant to chapter 3, Laws of 2015 (computer science) in implementing the grant, to the extent possible. Additionally, grants provided for the purpose of introducing students to computer science are intended to support innovative ways to introduce and engage students from historically underrepresented groups, including girls, low-income students, and minority students, to computer science and to inspire them to enter computer science careers. The office of the superintendent of public instruction may award up to \$500,000 each year, without a matching requirement, to districts with greater than fifty percent of students eligible for free and reduced-price meals. All other awards must be equally matched by private sources for the program, including gifts, grants, or endowments.

(e) \$750,000 of the general fund—state appropriation for fiscal year 2022 and \$750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to contract with a qualified 501(c)(3) nonprofit community-based organization physically located in Washington state that has at least 18 years of experience collaborating with the office and school districts statewide to integrate the state learning standards in English language arts, mathematics, and science with



FieldSTEM outdoor field studies and project-based and work-based learning opportunities aligned with the environmental, natural resource, and agricultural sectors. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(f) \$62,000 of the general fund—state appropriation for fiscal year 2022 and \$62,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for competitive grants to school districts to increase the capacity of high schools to offer AP computer science courses. In making grant allocations, the office of the superintendent of public instruction must give priority to schools and districts in rural areas, with substantial enrollment of low-income students, and that do not offer AP computer science. School districts may apply to receive either or both of the following grants:

(i) A grant to establish partnerships to support computer science professionals from private industry serving on a voluntary basis as coinstructors along with a certificated teacher, including via synchronous video, for AP computer science courses; or

(ii) A grant to purchase or upgrade technology and curriculum needed for AP computer science, as well as provide opportunities for professional development for classroom teachers to have the requisite knowledge and skills to teach AP computer science.

(g) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Mobius science center to expand mobile outreach of science, technology, engineering, and mathematics (STEM) education to students in rural, tribal, and low-income communities.

(12) \$85,000 of the general fund—state appropriation for fiscal year 2022 and \$85,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the centrum program at Fort Worden state park.

(13) ~~(\$750,000)~~ (a) \$788,000 of the general fund—state appropriation for fiscal year 2022 and \$750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for contracts with Washington state based nonprofit organizations that provide a career-integrated one-to-one mentoring program for disadvantaged high school students facing academic and personal challenges with the goal of keeping them on track for graduation and post-high school success. The mentoring must include a focus on college readiness, career exploration and social-emotional learning. An applicant requesting funding for these dollars must successfully demonstrate to the department that it currently provides a career-integrated one-to-one volunteer mentoring program and has been mentoring high school youth for at least twenty years in the state prior to application.

(b) Of the amounts provided in this subsection, \$38,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the office to contract with a Washington-based nonprofit organization that provides one-to-one mentoring through a volunteer-supported network for disadvantaged youth facing academic and personal challenges to provide supportive services for youth who are experiencing mental and behavioral health crises due to the pandemic. Funding may also be used to assist youth mentors, and for staff who provide services to youth and their families and are experiencing secondary

trauma. The organization must be affiliated with a national volunteer-supported mentoring network and have been providing one-to-one volunteer mentoring programs for at least 20 years in the state.

(14) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office to contract with an organization to create an after-school and summer learning program in the city of Federal Way. The program shall provide comprehensive, culturally competent academic support and cultural enrichment for primarily latinx, spanish-speaking, low-income sixth, seventh, and eighth grade students. The department must contract with an organization with over forty years of experience that serves the latino community in Seattle and King county and has previously established an after-school and summer learning program.

(15) \$850,000 of the general fund—state appropriation for fiscal year 2022 and \$850,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to create and administer a grant program for districts to reduce associated student body fees or participation fees for students who are eligible to participate in the federal free and reduced-price meals program. The office must distribute grants for the 2021-22 school year to school districts by August 10, 2021, and grants for the 2022-23 school year by August 1, 2022.

(a) Grant awards must be prioritized in the following order:

(i) High schools implementing the United States department of agriculture community eligibility provision;

(ii) High schools with the highest percentage of students in grades nine through twelve eligible to participate in the federal free and reduced-price meals program; and

(iii) High schools located in school districts enrolling 5,000 or fewer students.

(b) High schools that do not comply with the data collection and reporting requirements in RCW 28A.320.540 are not eligible for grant funding.

(c) The office of the superintendent of public instruction shall award grants that are the lesser of the cost of the high school's associated student body card multiplied by the number of students eligible for the free or reduced-price meals program that purchased a student body card in either 2018-19 or 2019-20 school year, whichever is higher, or \$10,000.

(d) The office may award additional funding if:

(i) The appropriations provided are greater than the total amount of funding requested at the end of the application cycle; and

(ii) The applicant shows a demonstrated need for additional support.

(16) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the south Kitsap school district to codevelop a pilot strategy to increase completion rates for the free application for federal student aid (FAFSA).

(17) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to contract with a Washington-based nonprofit organization to promote equitable

access in science, technology, engineering, and math education for historically underserved students and communities. The nonprofit shall provide a system of science educational programming specifically for migrant and bilingual students, including teacher professional development, culturally responsive classroom resources that are aligned with Washington state science and environmental and sustainability learning standards, and implementation support. At least 50 percent of the funding provided in this subsection must serve schools and school districts in eastern Washington. The nonprofit organization must have experience developing and implementing science and environmental science programming and resources for migrant and bilingual students.

(18) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to contract with a nonprofit organization serving opportunity youth in Pierce, King and Snohomish counties. The organization must assist traditionally underrepresented students on nontraditional educational pathways by providing mentorship and technical assistance in navigating higher education and financial aid. The office may require the recipient of these funds to report the impacts of the efforts in alignment with the measures of the Washington school improvement framework.

(19) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to administer a grants program for school districts to acquire and use research-based, social emotional learning curricula in accordance with the state social emotional learning standards. The office must prioritize school districts that do not have existing research based social emotional learning programs and that are also eligible for high-poverty allocations from the learning assistance program.

(20) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office to contract with a nonprofit organization that specializes in using e-sports to engage students in seven career clusters to bring team-based, career related e-sports programs to each high school in the Battle Ground, Evergreen, and Vancouver school districts. Any funding remaining may be used for e-sports programs in the middle schools of the three school districts.

(21) \$1,399,000 of the general fund—state appropriation for fiscal year 2022 and \$1,399,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for school districts to support youth who are truant under chapter 28A.225 RCW or at risk of becoming truant, and for costs associated with filing or serving petitions under RCW 28A.225.030.

(22) The general fund—state appropriations in this section for fiscal year 2022 have been reduced by \$24,000 (~~and the general fund—state appropriations in this section for fiscal year 2023 have been reduced by \$5,000~~) to reflect global compensation savings. The office of financial management, in consultation with the office of the superintendent of public instruction, shall adjust allotments from the appropriations in this section, including allotments of amounts provided solely for a specific purpose, to reflect the reduction to the overall appropriation.

(23) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office to contract with an organization that works with educators to secure salmon eggs, offer learning opportunities as the fry develop, and assist when students release their fry into local creeks and lakes. Funding may only be used for new programs located in elementary schools that are eligible for high-poverty allocations from the learning assistance program. Of the amounts provided in this subsection, the office may use no more than \$35,000 each fiscal year for office administration costs related to the contract.

(24) \$9,850,000 of the general fund—state appropriation for fiscal year 2022 and \$9,850,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to administer the technology grant program established under Engrossed Second Substitute House Bill No. 1365 (schools/computers & devices). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(25) \$199,000 of the general fund—state appropriation for fiscal year 2022 and \$247,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the media literacy and digital citizenship grant program created in Engrossed Second Substitute House Bill No. 1365 (schools/computers & devices). Total grant awards may not exceed \$150,000. Of the amounts provided in this subsection, \$50,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for two regional conferences. ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(26) \$70,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the southwest boys & girls club to provide community mentoring, academic intervention, and culturally specific supports through the "be great-graduate initiative" for a cohort of White Center youth identified as high risk.

(27) ~~((\$250,000))~~ \$236,000 of the general fund—state appropriation for fiscal year 2022 ~~((is))~~ and \$14,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to support teachers with costs associated with becoming certified, endorsed, or licensed in computer science including, but not limited to, professional development, training, licensure exams, courses in pedagogy, and courses in computer science content. Entities eligible for these funds include, but are not limited to, individual teachers, local education agencies, approved professional learning providers, and institutions of higher education located in Washington state.

(28) ~~((\$150,000))~~ \$300,000 of the general fund—state appropriation for fiscal year 2022 and ~~((\$150,000))~~ \$450,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Highline school district to contract with an organization to offer pre-apprenticeship opportunities for at least two cohorts of students each year in south King county during the summer months of 2021, 2022, and 2023. Students from the Highline school district and neighboring school districts in south King county are eligible for the program.

(29) \$255,000 of the general fund—state appropriation for fiscal year 2022 and \$255,000 of the general fund—state appropriation for fiscal year 2023 are

provided solely for the continuation of the math improvement pilot program. The entirety of the funds appropriated for fiscal year 2022 must be disbursed by the office to the recipients of the grants no later than August 1, 2021, and the entirety of the funds appropriated for fiscal year 2023 must be disbursed by the office to the recipients of the grants no later than August 1, 2022. Of the amounts provided in the subsection:

(a) \$85,000 of the general fund—state appropriation for fiscal year 2022 and \$85,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Spokane school district.

(b) \$85,000 of the general fund—state appropriation for fiscal year 2022 and \$85,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Chehalis school district.

(c) \$85,000 of the general fund—state appropriation for fiscal year 2022 and \$85,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Bremerton school district.

(30) Within existing resources, the office shall develop recommendation to the legislature to merge the grant programs and specific appropriations of pass-through funding for certain activities or entities in this section into a competitive grant funding process in future biennia. A competitive process must allocate funding using the following five separate categories:

(a) Student supports and safety. Programs under this category will support the mental, social-emotional, and physical safety of students;

(b) Educator growth and development. Programs under this category will support the recruitment and retention of educators, and support their continual professional growth;

(c) Curricula development, dissemination, and supports. Programs under this category will support the development, implementation, and continuous improvement of curricula and other programs specific to state learning standards and content areas;

(d) Eliminating inequitable student outcomes. Programs under this category will increase outcomes for specific student groups, including students experiencing homelessness or foster care; and

(e) Graduation success and preparation for postsecondary pathways. Programs under this category will increase access to graduation pathways aligned with students' postsecondary goals and support for each student to graduate ready to achieve those goals. These may include dual credit programs; dropout prevention, intervention, and reengagement programs; core plus programs; and other high demand career and technical education programs.

(31) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the south Kitsap school district for the controls programmer apprenticeship program.

(32) \$800,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$800,000)~~ \$5,300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for transitional support grants to school districts to support schools that incur costs transitioning from Native American school mascots, logos, or team names under section 3 of Substitute House Bill No. 1356 (Native American names, etc.).

(33) \$10,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office to administer an outdoor learning grant program to develop and support outdoor educational experiences for students in Washington public schools. The office must award grants to eligible school districts and outdoor education program providers starting in the 2022-23 school year. The office may consult with the Washington recreation and conservation office on outdoor learning program grants. Of the amounts provided in this subsection:

(a) \$195,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office to implement Second Substitute House Bill No. 2078 (outdoor learning grant prg.). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(b) \$3,903,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the outdoor learning grant program, which consists of two types of grants:

(i) Allocation-based grants for school districts to develop or support outdoor educational experiences; and

(ii) Competitive grants for outdoor education providers that are designed to support existing capacity and to increase future capacity for outdoor learning experiences.

(c) \$5,902,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the outdoor education experiences program. The office must prioritize providing the program to fifth and sixth grade students in high poverty schools, expanding to other fifth and sixth grade students subject to available funds.

(34) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for an education and workforce pathway pilot program at the northwest career and technical academy. The pilot program will oversee a pathway including high schools, skills centers, community and technical colleges, and employers that results in students earning a high school diploma and an associate in technical arts degree, while maintaining summer employment.

(35) \$150,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of the superintendent of public instruction to administer grants to school districts for a plant-based school meals pilot program. Grant recipients may use the funding for food supplies, delivery costs, equipment purchases, education, and other expenditures to increase access to plant-based school meals. Grant awards to school districts may not exceed \$10,000 per district.

(36) \$148,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to provide before and after-school programming to low-income elementary school students in the Tukwila school district. Funding in this subsection may be distributed to the Tukwila school district or to local before or after-school program providers that provide child care for low-income elementary school students in the school district.

(37) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the Tacoma school district to identify specific career-relevant coursework and facility needs for the development of a comprehensive maritime-focused career and technical education program in the south Puget

Sound area. Funding must be used by the district to engage with the maritime industry in and around the port of Tacoma to conduct a workforce training gap analysis. The district must also coordinate with the office, the state board of education, and the workforce training board to create the relevant curriculum and identify facility needs to establish a new marine trades program.

(38) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office to contract with an organization to expand the senior support initiative that helps high school seniors in the Tacoma school district navigate their postsecondary pathway options. The organization may provide support to Tacoma school district seniors through academic supports, financial aid and scholarships, college entry and communication, workforce entry and apprenticeships, housing, child care, and other basic needs. The organization must be a foundation focused on students that coordinates the efforts of parents, youth, community, and policymakers across multiple sectors to address equity gaps facing children and youth in the Tacoma school district.

(39) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office to contract with a nonprofit organization to develop and provide a Latino youth-on-youth gang violence prevention program for students. The program must target Latino students ages 11 through 17 who are either involved in or at risk of becoming involved in a gang or in gang activities. Eligible students must be enrolled in either the Moses Lake or Federal Way school districts. The nonprofit organization must have at least 15 years of experience serving Latino communities and promoting advocacy and must provide kindergarten through 12th grade social emotional learning, mental health wraparound services, and parent engagement programs in Washington.

(40)(a) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office to administer a pilot program to subsidize eligible dual or concurrent enrollment course costs for students who qualify for free or reduced-price meals and are participating in dual enrollment courses offered by one of three community colleges designated by the office and the state board of community and technical colleges. Eligible dual enrollment course programs include the running start and college in the high school programs. One of the community colleges must be located in a county with a population greater than 125,000 but less than 150,000.

(b) The office must subsidize the course costs by transmitting to each of the three institutions of higher education \$1,000 per full-time equivalent student during the 2022-23 academic year. For eligible students who qualify for free or reduced-price meals and are enrolled in running start courses, the pilot program must subsidize:

(i) Any student-voted fees, technology fees, course fees, laboratory fees, or other fees required for enrollment, up to 17 credits per quarter, that were not waived by the institution of higher education under RCW 28A.600.310; and

(ii) Textbooks and other course materials required by the institution of higher education.

(c) Any funds remaining after the office subsidizes the costs included in (b) of this subsection may be used to subsidize waived fees or transportation costs for eligible students who qualify for free or reduced-price meals and are enrolled in running start courses.

(d) The office must submit a preliminary report to the legislature by June 30, 2023, on the results of the pilot program. It is the intent of the legislature to provide funding for a final report due to the legislature by August 31, 2023.

(41) \$468,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office to contract with a nonprofit organization to establish a workforce pilot program with the Vancouver school district that provides targeted training to expand the school district's candidate pool for school bus drivers and paraeducators. The nonprofit organization must be based in Vancouver, Washington and must have experience assisting individuals in becoming economically self-sufficient by providing resources, training, and job placement opportunities. By June 30, 2023, the office will collaborate with the nonprofit organization and the Vancouver school district to submit a report to the legislature with results of the workforce pilot program and recommendations for expanding the program.

(42) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office to contract with the association of Washington school principals to provide support, mentoring, mediation, and professional learning services to school principals and assistant principals in the greater Seattle area.

(43) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for grants to school districts and educational service districts operating institutional education programs for youth in state long-term juvenile institutions to provide access to computer science elective courses created in Senate Bill No. 5657 (computer science instruction). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(44) \$2,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the grant program created in Second Substitute Senate Bill No. 5720 (student financial literacy) which provides grants to school districts for integrating financial literacy education into professional development for certificated staff. If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(45) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for grants to school districts, charter schools, and state-tribal education compact schools to establish K-12 intensive tutoring programs. Grants shall be used to recruit, train, and hire tutors to provide one-on-one tutoring services to K-12 students experiencing learning loss as a result of the COVID-19 pandemic. The tutors must receive training in proven tutoring models to ensure their effectiveness in addressing learning loss.

(46) \$3,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office to distribute after-exit running start grants to school districts that identify running start students that have exceeded maximum enrollment under running start formulas and high school graduates who have 15 or fewer college credits to earn before meeting associate degree requirements for instruction not funded under section 504(18) of this act. High school graduates who meet these requirements are eligible to receive funds from these grants for fees to the community and technical college to earn up to 15 college credits during the summer academic term following their high school graduation.

(47) FEDERAL GRANTS FOR COVID-19 RECOVERY



(a) \$12,885,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely to administer a grant program for community-based organizations to collaborate with school districts to support learning recovery and acceleration.

(b) \$742,367,000 of the general fund—federal appropriation (CRRSA/ESSER) from funds attributable to subsection 313(c), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M is provided solely for subgrants to local education agencies. Total subgrants awarded under this subsection (~~((33))~~) (47)(b) and section 12, chapter 3, Laws of 2021 may not exceed the federal amounts provided under subsection 313(c), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M.

(c)(i) \$46,263,000 of the general fund—federal appropriation (CRRSA/GEER) is provided solely to provide emergency assistance to nonpublic schools, as authorized in section 312(d), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M. Total funds provided under this subsection (~~((33))~~) (47)(c)(i) and section 13, chapter 3, Laws of 2021 may not exceed the federal amounts provided in section 312(d), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M.

(ii) \$43,708,000 of the general fund—federal appropriation (ARPA) is provided solely to provide emergency assistance to nonpublic schools, as authorized in section 2002, the American rescue plan act of 2021, P.L. 117-2.

(d) \$1,333,801,000 of the elementary and secondary school emergency relief III account—federal appropriation is provided solely for allocations from funds attributable to subsection 2001(e)(2) the American rescue plan act of 2021, P.L. 117-2 for subgrants to local education agencies.

(e) \$333,450,000 of the elementary and secondary school emergency relief III account—federal appropriation is provided solely for allocations from funds attributable to subsection 2001(e)(1), the American rescue plan act of 2021, P.L. 117-2 for subgrants to local education agencies to address learning loss. Total funds provided under this subsection (~~((33))~~) (47)(e) and section 1518(33)(b) of this act for the same purpose may not exceed the funding authorized in this subsection (~~((33))~~) (47)(e).

(f) \$18,525,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(2), the American rescue plan act of 2021, P.L. 117-2 is provided solely for grants to entities or organizations to provide outdoor education summer enrichment programs to youth. Recipients must prioritize activities or programs that:

- (i) Promote students connecting socially with their classmates;
- (ii) Encourage students to engage in physical activity; and
- (iii) Support families who have struggled with child care needs.

(g) \$18,525,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(3), the American rescue plan act of 2021, P.L. 117-2 is provided solely to support evidence-based comprehensive afterschool programs.

(h) \$10,000,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection

2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely for grants to districts to expand the number of dual language classrooms in early grades and professional development to accelerate literacy gains in early grades, especially for English learners.

(i) \$4,000,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely for grants to school districts to expand career and technical education graduation pathway options, including career-connected learning opportunities.

(j) \$4,000,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely for grants for supplies, equipment, staffing, and services to increase access to summer meals and safe school meals in the 2021-22 school year and summer prior to the start of the school year.

(k) \$60,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely to support a technical advisory workgroup to explore and recommend residency options for pre-service educators, with a focus on educators of color and bilingual speakers and how the apportionment system could support a teacher residency initiative. The workgroup will provide preliminary recommendations by November 1, 2021, and final recommendations by November 1, 2022.

(l) \$78,172,000 of the general fund—federal appropriation is provided solely for allocations from federal funding in response to the COVID-19 pandemic as authorized in section 18003, the coronavirus aid, relief, and economic security act, P.L. 116-136, division B. Total funds provided under this subsection ((~~(23)~~)) (47)(l) and amounts expended in the 2019-2021 fiscal biennium for the same purpose may not exceed the federal amounts provided in section 18003, the coronavirus response and relief supplemental appropriation act, P.L. 116-136, division B.

(m) \$10,000,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(b), the American rescue plan act of 2021, P.L. 117-2, is provided solely for the office of the superintendent of public instruction to contract with the Washington school principals' education foundation to support pandemic related learning loss through outdoor learning and overnight camp experiences. The association, in consultation with the office, must provide grants to school districts that partner with an accredited residential outdoor school to provide up to 20,000 fifth and sixth grade students with up to five days of outdoor learning at an overnight camp. Prioritization must be given to schools that have been identified for improvement and students who are most impacted by opportunity gaps as determined by measures of the Washington school improvement framework. Outdoor schools must provide curriculum that is aligned to state learning standards and provide opportunities for accelerated learning, including career connected learning in field based environmental science, technology, engineering, and math. Funds may be used by residential outdoor schools for operational activities necessary for reopening.

(n) (~~(\$12,000,000)~~) \$12,141,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(b), the American rescue plan act of 2021, P.L. 117-2, is provided solely for the purposes of identifying children and youth experiencing homelessness and providing children and youth experiencing homelessness with:

(i) Wrap-around services due to the challenges of the COVID-19 public health emergency; and

(ii) Assistance needed to enable children and youth experiencing homelessness to attend school and participate fully in school activities.

(o) \$27,375,000 of the general fund—state appropriation for fiscal year 2022, \$79,485,000 of the general fund—federal appropriation (CRRSA/ESSER), and \$93,140,000 of the elementary and secondary school emergency relief III account—federal appropriation are provided solely for the office of the superintendent of public instruction to administer grants for the purposes of learning recovery and acceleration. Allowable uses of the funds are limited to:

(i) One-time contracts for classified, certificated, or administrative staff who will provide tiered academic and social-emotional supports to students most impacted by the disruption of in-person learning, including locating and reengaging students who have disengaged from school, one-on-one and small-group instruction, and other intensive learning supports;

(ii) Professional learning for educators focused on learning recovery and acceleration, including assessing student learning and social-emotional needs, transitioning to standards-based curricula and grading, adopting competency or mastery-based options specifically for credit retrieval purposes, and family and student engagement strategies;

(iii) Procuring assessment or data systems that provide actionable just-in-time data regarding student progress throughout the school year; and

(iv) Direct supports to students to improve school engagement and accelerate learning.

## PART VI HIGHER EDUCATION

**Sec. 601.** 2021 c 334 s 603 (uncodified) is amended to read as follows:  
**PUBLIC BACCALAUREATE INSTITUTIONS**

(1) The state universities, the regional universities, and The Evergreen State College must accept the transfer of college-level courses taken by students under RCW 28A.600.290 or 28A.600.300 if a student seeking a transfer of the college-level courses has been admitted to the state university, the regional university, or The Evergreen State College, and if the college-level courses are recognized as transferrable by the admitting institution of higher education.

(2) Appropriations in sections (~~(606 through 611 of this act)~~) 603 through 608 of this act are sufficient to implement 2021-23 collective bargaining agreements at institutions of higher education negotiated under chapter 41.80 RCW.

(3) Within amounts appropriated to institutions in (~~(sections 606 through 611 of this act)~~) 603 through 608 of this act, institutions shall employ at least one full-time mental health counselor licensed under chapter 18.225 RCW who has experience working with active members of the military or military veterans, to

work with student, faculty, and staff veterans, as well as their spouses and dependents, through the institution's veteran resource center.

(4) For institutions of higher education receiving funding for cybersecurity and nursing academic programs for students in sections 603 through 608 of this act, each institution must coordinate with the student achievement council as provided in section 609(17) of this act and submit a progress report on new or expanded cybersecurity and nursing academic programs, including the number of students enrolled.

Sec. 602. 2021 c 334 s 605 (uncodified) is amended to read as follows:

**FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

General Fund—State Appropriation (FY 2022) . . . . .	..(( <del>\$742,558,000</del> ))	
		<u>\$744,893,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	..(( <del>\$768,651,000</del> ))	
		<u>\$832,406,000</u>
Community/Technical College Capital Projects		
Account—State Appropriation . . . . .		\$22,436,000
Education Legacy Trust Account—State Appropriation . . . . .	..(( <del>\$159,208,000</del> ))	
		<u>\$159,900,000</u>
Workforce Education Investment Account—State		
Appropriation . . . . .	..(( <del>\$219,259,000</del> ))	
		<u>\$237,295,000</u>
<b>TOTAL APPROPRIATION . . . . .</b>	<b>..((<del>\$1,912,112,000</del>))</b>	<b><u>\$1,996,930,000</u></b>

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

(1) \$33,261,000 of the general fund—state appropriation for fiscal year 2022 and \$33,261,000 of the general fund—state appropriation for fiscal year 2023 are provided solely as special funds for training and related support services, including financial aid, as specified in RCW 28C.04.390. Funding is provided to support at least 7,170 full-time equivalent students in fiscal year 2022 and at least 7,170 full-time equivalent students in fiscal year 2023.

(2) \$5,000,000 of the general fund—state appropriation for fiscal year 2022, \$5,000,000 of the general fund—state appropriation for fiscal year 2023, and \$5,450,000 of the education legacy trust account—state appropriation are provided solely for administration and customized training contracts through the job skills program. The state board shall make an annual report by January 1st of each year to the governor and to the appropriate policy and fiscal committees of the legislature under RCW 43.01.036 regarding implementation of this section, listing the scope of grant awards, the distribution of funds by educational sector and region of the state, and the results of the partnerships supported by these funds.

(3) \$425,000 of the general fund—state appropriation for fiscal year 2022 and \$425,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for Seattle Central College's expansion of allied health programs.

(4)(a) \$5,250,000 of the general fund—state appropriation for fiscal year 2022 and \$5,250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the student achievement initiative.

(b) By December 1, 2021, the state board for community and technical colleges must report to the appropriate committees of the legislature an update on the student achievement initiative including, but not limited to, the following:

(i) Annual change in student achievement initiative funds by institution;

(ii) Student achievement initiative funds awarded by college by performance funding category including basic skills, first 15 and 30 credits, retention, and completion;

(iii) Impact of guided pathways implementation on student achievement initiative awards; and

(iv) Any additional private or foundation dollars invested in the student achievement initiative.

(5) \$1,610,000 of the general fund—state appropriation for fiscal year 2022, and \$1,610,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the mathematics, engineering, and science achievement program.

(6) \$1,500,000 of the general fund—state appropriation for fiscal year 2022 and \$1,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for operating a fabrication composite wing incumbent worker training program to be housed at the Washington aerospace training and research center.

(7) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the aerospace center of excellence currently hosted by Everett community college to:

(a) Increase statewide communications and outreach between industry sectors, industry organizations, businesses, K-12 schools, colleges, and universities;

(b) Enhance information technology to increase business and student accessibility and use of the center's web site; and

(c) Act as the information entry point for prospective students and job seekers regarding education, training, and employment in the industry.

(8) (~~(\$20,759,000)~~) \$21,428,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$21,154,000)~~) \$21,920,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(9) Community and technical colleges are not required to send mass mailings of course catalogs to residents of their districts. Community and technical colleges shall consider lower cost alternatives, such as mailing postcards or brochures that direct individuals to online information and other ways of acquiring print catalogs.

(10) The state board for community and technical colleges shall not use funds appropriated in this section to support intercollegiate athletics programs.

(11) \$157,000 of the general fund—state appropriation for fiscal year 2022 and \$157,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Wenatchee Valley college wildfire prevention program.

(12) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Puget Sound welcome back center at Highline College to create a grant program for internationally trained individuals seeking employment in the behavioral health field in Washington state.

(13) \$750,000 of the general fund—state appropriation for fiscal year 2022 and \$750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for increased enrollments in the integrated basic education and skills training program. Funding will support approximately 120 additional full-time equivalent enrollments annually.

(14)(a) The state board must provide quality assurance reports on the ctcLink project at the frequency directed by the office of chief information officer for review and for posting on its information technology project dashboard.

(b) The state board must develop a technology budget using a method similar to the state capital budget, identifying project costs, funding sources, and anticipated deliverables through each stage of the investment and across fiscal periods and biennia from project initiation to implementation. The budget must be updated at the frequency directed by the office of chief information officer for review and for posting on its information technology project dashboard.

(c) The office of the chief information officer may suspend the ctcLink project at any time if the office of the chief information officer determines that the project is not meeting or is not expected to meet anticipated performance measures, implementation timelines, or budget estimates. Once suspension or termination occurs, the state board shall not make additional expenditures on the ctcLink project without approval of the chief information officer. The ctcLink project funded through the community and technical college innovation account created in RCW 28B.50.515 is subject to the conditions, limitations, and review provided in section 701 of this act.

(15) \$216,000 of the general fund—state appropriation for fiscal year 2022 and \$216,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the opportunity center for employment and education at North Seattle College.

(16) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for Highline College to implement the Federal Way higher education initiative in partnership with the city of Federal Way and the University of Washington Tacoma campus.

(17) \$350,000 of the general fund—state appropriation for fiscal year 2022 and \$350,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for Peninsula College to maintain the annual cohorts of the specified programs as follows:

- (a) Medical assisting, 40 students;
- (b) Nursing assistant, 60 students; and
- (c) Registered nursing, 32 students.

(18) \$338,000 of the general fund—state appropriation for fiscal year 2022 and \$338,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington state labor education and research center at South Seattle College.

(19) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the aerospace and advanced manufacturing center of excellence hosted by Everett Community College to develop a semiconductor and electronics manufacturing branch in Vancouver.

(20) \$15,220,000 of the workforce education investment account—state appropriation is provided solely for college operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(21) \$15,220,000 of the workforce education investment account—state appropriation is provided solely for employee compensation, academic program enhancements, student support services, and other institutional priorities that maintain a quality academic experience for Washington students.

(22) \$1,500,000 of the general fund—state appropriation for fiscal year 2022, \$1,500,000 of the general fund—state appropriation for fiscal year 2023, and \$75,847,000 of the workforce education investment account—state appropriation are provided solely for statewide implementation of guided pathways at each of the state's community and technical colleges or similar programs designed to improve student success, including, but not limited to, academic program redesign, student advising, and other student supports.

(23) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal 2023 are provided solely for a reentry navigator position at Olympic College to assist formerly incarcerated people gain admittance into college. A report shall be submitted to the legislature by December 1, 2022, on admittance rates on formerly incarcerated individuals, effective methods of contact and engagement of formerly incarcerated individuals, and how guided pathways can be assisted with reentry navigator positions.

(24) \$40,800,000 of the workforce education investment account—state appropriation is provided solely to continue to fund nurse educator salaries.

(25) \$40,000,000 of the workforce education investment account—state appropriation is provided to continue to fund high-demand program faculty salaries, including but not limited to nurse educators, other health-related professions, information technology, computer science, and trades.

(26) \$8,000,000 of the workforce education investment account—state appropriation is provided solely for the state board for community and technical colleges to expand high-demand and career launch enrollments, as provided under RCW 28C.30.020. Within the amounts provided in this subsection (26):

(a) \$6,000,000 of the amounts in this subsection (26) are provided for expansion of career launch enrollments, as provided under RCW 28C.30.020.

(b) \$2,000,000 of the amounts in this subsection (26) are provided for expansion of enrollments in high demand programs. These programs include, but are not limited to, allied health, computer and information science, manufacturing, and other fields identified by the state board for community and technical colleges.

(c) The state board for community and technical colleges may transfer amounts between (a) and (b) of this subsection (26) if either program does not have sufficient demand to spend the allocated funding. Any transfer must be

approved by the state board for community and technical colleges and the office of financial management.

(27) \$750,000 of the general fund—state appropriation for fiscal year 2022 and \$750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to the state board for community and technical colleges to support the completion of the English 101 curriculum review to remove barriers to student success. A report should be submitted to the appropriate committees of the legislature under RCW 43.01.036 by June 30, 2023, or upon the completion of the English 101 review to report on lessons learned, best practices, and recommendations for completion of additional curricula reviews.

(28) \$8,000,000 of the workforce education investment account—state appropriation is provided solely for the emergency assistance grant program in RCW 28B.50.295.

(29) \$10,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the state board for community and technical colleges to coordinate with the Washington student achievement council task force as described in (~~section 612(6) of this act~~) section 609(6) of this act to provide the following running start data for fiscal year 2019, fiscal year 2020, and fiscal year 2021, for each community and technical college:

(a) The total number of running start students served by headcount and full-time equivalent;

(b) The total amount of running start revenue received through apportionment as allocated with the running start rate by the office of the superintendent of public instruction through local school districts;

(c) Course completion rates for running start students;

(d) A list of courses by two-digit classification of instructional program code and the number of running start students in each course;

(e) A list of career and technical education area courses and the number of running start students in each course;

(f) The number of students at each community or technical college receiving complete fee waivers as required by RCW 28A.600.310(3)(a); and

(g) The method used by each college to determine running start fee waiver eligibility, including any policies adopted by the college or its program.

(30) \$16,000 of the general fund—state appropriation for fiscal year 2022 and \$91,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute House Bill No. 1044 (prison to postsecondary ed.). (~~If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~)

(31) \$516,000 of the general fund—state appropriation for fiscal year 2022 and \$516,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 1166 (college students pilot). (~~If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~)

(32) \$350,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1273 (menstrual products/schools). (~~If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~)

(33) \$2,048,000 of the general fund—state appropriation for fiscal year 2022 and \$1,119,000 of the general fund—state appropriation for fiscal year



2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5227 (diversity, etc./higher education). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(34) \$15,848,000 of the workforce education investment account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5194 (equity and access in higher education). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(35)(a) \$2,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for grants to promote workforce development in trucking and trucking-related supply chain industries and the school bus driving industry by expanding the number of registered apprenticeships, pre-apprenticeships, and trucking related training programs; and providing support for registered apprenticeships or programs in trucking and trucking-related supply chain industries and the school bus driving industry.

(b) Grants awarded under this subsection may be used for:

(i) Equipment upgrades or new equipment purchases for training purposes;

(ii) New training spaces and locations to support capacity needs and expansion of training to veterans and veteran spouses, and underserved populations to include foster care and homeless transition populations;

(iii) Curriculum development and instructor training for driving, repair and service of technological advancements facing the industries;

(iv) Tuition assistance for commercial vehicle driver training, mechanical, and support functions that support the trucking industry and the school bus driving industry; and

(v) Funding to increase capacity and availability of child care options for shift work schedules.

(c) An entity is eligible to receive a grant if it is a nonprofit, nongovernmental, or institution of primary or higher education that provides training opportunities, including apprenticeships, pre-apprenticeships, pre-employment training, commercial vehicle driver training, vocational training related to mechanical and support functions that support the trucking industry or the school bus driving industry; or incumbent worker training to prepare workers for the trucking and trucking-related supply chain industries or the school bus driving industry. Preference will be given to entities in compliance with government approved or accredited programs. Reporting requirements, as determined by the board, shall be required.

(d) The board may use up to 5 percent of funds for administration of grants.

(36) \$8,000,000 of the workforce education investment account—state appropriation is provided solely for grants for nursing programs to purchase or upgrade simulation laboratory equipment.

(37)(a) \$7,018,000 of the workforce education investment account—state appropriation is provided solely to expand cybersecurity academic enrollments by 500 FTE students.

(b) The state board for community and technical colleges must coordinate with the student achievement council as provided in section 609(17) of this act to submit a progress report on the new or expanded cybersecurity academic programs, including the number of students enrolled.

(38) \$205,000 of the workforce education investment account—state appropriation is provided solely to establish a center for excellence in cybersecurity.

(39) \$2,000,000 of the general fund—state appropriation for fiscal year 2022 and \$3,497,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for legal services related to litigation by employees within the community and technical college system challenging the denial of retirement and sick leave benefits. The cases include *Wolf v. State and SBCTC*, *Rush v. State and SBCTC* (retirement), and *Rush v. State and SBCTC* (sick leave).

(40) \$7,000,000 of the general fund—state appropriation for fiscal year 2023 and \$1,000,000 of the workforce education investment account—state appropriation are provided solely to expand the opportunity grant program to provide health care workforce grants for students.

(41) \$2,720,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for each community and technical college to contract with a community-based organization to assist with financial aid access and support in communities.

(42) In addition to the homeless student assistance pilot program sites funded in subsection (31) of this section, \$2,932,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the expansion of the program in RCW 28B.50.916 to all community colleges.

(43) \$1,728,000 of the workforce education investment account—state appropriation is provided solely for the expansion of existing programming to accommodate refugees and immigrants who have arrived in Washington state on or after July 1, 2021, and are eligible for federal refugee resettlement services, including those from Afghanistan and Ukraine.

(44) \$4,146,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for institution compensation costs in recognition that these costs exceed estimated increases in undergraduate operating fee revenue.

(45)(a) \$3,760,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for nursing education, to increase the number of nursing slots for academic year 2022-23 by at least 50 and build capacity for at least 200 new slots in the 2023-2025 biennium, and to purchase two simulation vans.

(b) Of the amount provided in this subsection, \$300,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for community and technical colleges who enroll new cohorts of at least 25 nursing students in the 2023 spring academic quarter.

(c) The state board for community and technical colleges must coordinate with the student achievement council as provided in section 609(17) of this act to submit a progress report on the new or expanded nursing academic programs, including the number of students enrolled per program.

(46)(a) \$75,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the state board in collaboration with the dental industry to report on strategies to support and transform the education and training of the dental hygiene and dental assistant professions.

(b) The report shall include, but is not limited to, recommendations on the following topics:

(i) Examining options to enhance workforce diversity;

(ii) Reducing barriers to entry; and

(iii) Proposing changes for education program sustainability.

(c) The state board must solicit input and collaborate on the report with a representative from a dental association, a representative from a hygienist association, an expert in dental hygiene education, a representative from the dental assistant profession, and a representative from the dental benefits industry.

(d) The report must be submitted to the legislature pursuant to RCW 43.01.036 by December 1, 2022.

(47) \$30,000 of the general fund—state appropriation for fiscal year 2022 and \$243,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for Renton Technical College to establish a pilot program to increase outreach and participation in running start and adult education programs. A report on participation rates and student engagement must be submitted to the appropriate committees of the legislature pursuant to RCW 43.01.036 by December 1, 2022.

(48) \$1,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the development of a climate solutions and climate justice curriculum.

(49)(a) \$80,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a pilot program to help students, including those enrolled in state registered apprenticeship programs, connect with health care coverage. The state board for community and technical colleges must provide resources for up to two community or technical colleges, one on the east side and one on the west side of the Cascade mountains, to hire or train an employee to:

(i) Provide information to students and college staff about available health insurance options;

(ii) Develop culturally relevant materials and conduct outreach for historically marginalized and underserved student populations to assist these populations in their knowledge of access to low cost or free health insurance plans;

(iii) Provide ongoing technical assistance to students about health insurance options or health insurance application process; and

(iv) Provide technical assistance to students as a health benefit exchange certified assister, to help students understand, shop, apply, and enroll in health insurance through Washington health planfinder.

(b) Participation in the exchange assister program is contingent on fulfilling applicable contracting, security, and other program requirements.

(c) The legislature expects the state board, in collaboration with the student achievement council and the health benefit exchange, to report to the appropriate committees of the legislature information about barriers students, including those enrolled in state registered apprenticeship programs, encountered to accessing health insurance coverage; and to provide recommendations on how to improve student access to health coverage based on data gathered from the pilot program.

(50) \$331,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for Engrossed Second Substitute Senate Bill No. 5764 (apprenticeships and higher ed). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(51) \$170,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1751 (hazing prevention). If the bill is not enacted by June 30, 2022, the amount in this subsection shall lapse.

(52) \$36,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 2019 (careers in retail). If the bill is not enacted by June 30, 2022, the amount in this subsection shall lapse.

(53) \$1,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1835 (postsecondary enrollment). If the bill is not enacted by June 30, 2022, the amount in this subsection shall lapse.

\*Sec. 603. 2021 c 334 s 606 (unmodified) is amended to read as follows:

**FOR THE UNIVERSITY OF WASHINGTON**

General Fund—State Appropriation (FY 2022) . . . . .	<del>(\$394,246,000)</del>
	<u>\$391,802,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	<del>(\$403,164,000)</del>
	<u>\$423,726,000</u>
Aquatic Lands Enhancement Account—State Appropriation . . . . .	<del>(\$1,619,000)</del>
	<u>\$1,630,000</u>
University of Washington Building Account—State Appropriation . . . . .	\$1,546,000
Education Legacy Trust Account—State Appropriation . . . . .	<del>(\$36,708,000)</del>
	<u>\$37,020,000</u>
Economic Development Strategic Reserve Account—State Appropriation . . . . .	<del>(\$3,094,000)</del>
	<u>\$3,101,000</u>
Biotoxin Account—State Appropriation . . . . .	<del>(\$605,000)</del>
	<u>\$609,000</u>
Dedicated Marijuana Account—State Appropriation (FY 2022) . . . . .	\$263,000
Dedicated Marijuana Account—State Appropriation (FY 2023) . . . . .	<del>(\$263,000)</del>
	<u>\$325,000</u>
Accident Account—State Appropriation . . . . .	<del>(\$7,874,000)</del>
	<u>\$7,988,000</u>
Medical Aid Account—State Appropriation . . . . .	<del>(\$7,468,000)</del>
	<u>\$7,564,000</u>
Workforce Education Investment Account—State Appropriation . . . . .	<del>(\$49,853,000)</del>
	<u>\$52,333,000</u>
Geoduck Aquaculture Research Account—State Appropriation . . . . .	<del>(\$15,000)</del>
	<u>\$22,000</u>
TOTAL APPROPRIATION . . . . .	<del>(\$906,718,000)</del>
	<u>\$927,929,000</u>

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

(1) (~~(\$43,087,000)~~) \$44,474,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$43,905,000)~~) \$45,497,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(2) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for labor archives of Washington. The university shall work in collaboration with the state board for community and technical colleges.

(3) \$8,000,000 of the education legacy trust account—state appropriation is provided solely for the family medicine residency network at the university to maintain the number of residency slots available in Washington.

(4) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(5) \$14,000,000 of the education legacy trust account—state appropriation is provided solely for the expansion of degrees in the department of computer science and engineering at the Seattle campus.

(6) \$3,062,000 of the economic development strategic reserve account—state appropriation is provided solely to support the joint center for aerospace innovation technology.

(7) The University of Washington shall not use funds appropriated in this section to support intercollegiate athletics programs.

(8) \$7,345,000 of the general fund—state appropriation for fiscal year 2022 and \$7,345,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the continued operations and expansion of the Washington, Wyoming, Alaska, Montana, Idaho medical school program.

(9) \$2,625,000 of the general fund—state appropriation for fiscal year 2022 and \$2,625,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the institute for stem cell and regenerative medicine. Funds appropriated in this subsection must be dedicated to research utilizing pluripotent stem cells and related research methods.

(10) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided to the University of Washington to support youth and young adults experiencing homelessness in the university district of Seattle. Funding is provided for the university to work with community service providers and university colleges and departments to plan for and implement a comprehensive one-stop center with navigation services for homeless youth; the university may contract with the department of commerce to expand services that serve homeless youth in the university district.

(11) \$1,200,000 of the general fund—state appropriation for fiscal year 2022 and \$1,800,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the adult psychiatry residency program at the

University of Washington to offer additional residency positions that are approved by the accreditation council for graduate medical education.

(12) \$172,000 of the general fund—state appropriation for fiscal year 2022 and \$172,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a University of Washington study in the south Cascades to determine current wolf use and density, and to gather baseline data to understand the effects of wolf recolonization on predator-prey dynamics of species that currently have established populations in the area.

(a) The study objectives shall include:

(i) Determination of whether wolves have started to recolonize a 5,000 square kilometer study area in the south Cascades of Washington, and if so, an assessment of their distribution over the landscape as well as their health and pregnancy rates;

(ii) Baseline data collection, if wolves have not yet established pack territories in this portion of the state, that will allow for the assessment of how the functional densities and diets of wolves across the landscape will affect the densities and diets in the following predators and prey: Coyote, cougar, black bear, bobcat, red fox, wolverine, elk, white tailed deer, mule deer, moose, caribou, and snowshoe hare;

(iii) Examination of whether the microbiome of each species changes as wolves start to occupy suitable habitat; and

(iv) An assessment of the use of alternative wildlife monitoring tools to cost-effectively monitor size of the wolf population over the long-term.

(b) A report on the findings of the study shall be shared with the Washington department of fish and wildlife.

(13)(a) \$20,000,000 of the general fund—state appropriation for fiscal year 2022 and \$20,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to support the operations and teaching mission of the Harborview Medical Center and the University of Washington Medical Center.

(b) By December 1, 2022, the University of Washington must report to the appropriate committees of the legislature the impact of the funding in (a) of this subsection on the fiscal position of Harborview medical center and the University of Washington medical center in the 2021-2023 fiscal biennium. To ensure transparency, consistency, accuracy, and clarity, the report must:

(i) Follow generally accepted accounting principles;

(ii) Use generally accepted terms and define those terms;

(iii) Provide data on revenue and expenses, using standard formats already in existence, such as comprehensive hospital abstract reporting system (CHARS) data, and delineated by functional areas of state government;

(iv) Incorporate wherever possible publicly available data, as a public institution including, but not limited to, the following sources:

(A) CHARS;

(B) Comprehensive annual financial reports; and

(C) The most recent independent auditor report, including financial statements connected to the report; and

(v) Provide supporting documentation.

(14) \$1,000,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—appropriation for fiscal year 2023 are

provided solely for the University of Washington's psychiatry integrated care training program.

(15) \$426,000 of the general fund—state appropriation for fiscal year 2022 and \$640,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for child and adolescent psychiatry residency positions that are approved by the accreditation council for graduate medical education, as provided in RCW 28B.20.445.

(16) \$1,000,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the University of Washington School of Dentistry to support its role as a major oral health provider to individuals covered by medicaid and the uninsured.

(17) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the pre-law pipeline and social justice program at the University of Washington-Tacoma.

(18) \$226,000 of the general fund—state appropriation for fiscal year 2022 and \$226,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the university's neurology department to create a telemedicine program to disseminate dementia care best practices to primary care practitioners using the project ECHO model. The program shall provide a virtual connection for providers and content experts and include didactics, case conferences, and an emphasis on practice transformation and systems-level issues that affect care delivery. The initial users of this program shall include referral sources in health care systems and clinics, such as the university's neighborhood clinics and Virginia Mason Memorial in Yakima with a goal of adding 15 to 20 providers from smaller clinics and practices per year.

(19) \$102,000 of the general fund—state appropriation for fiscal year 2022 and \$102,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the university's center for international trade in forest products.

(20) \$625,000 of the general fund—state appropriation for fiscal year 2022 and \$625,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Latino center for health.

(21) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a firearm policy research program. The program will:

- (a) Support investigations of firearm death and injury risk factors;
- (b) Evaluate the effectiveness of state firearm laws and policies;
- (c) Assess the consequences of firearm violence; and
- (d) Develop strategies to reduce the toll of firearm violence to citizens of the state.

(22) \$463,000 of the general fund—state appropriation for fiscal year 2022 and \$400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the climate impacts group in the college of the environment.

(23) \$225,000 of the general fund—state appropriation for fiscal year 2022 and \$75,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the climate impacts group in the college of the environment to provide an updated climate impacts risk assessment designed to inform future

updates to the statewide climate resilience strategy. The group must coordinate with the office of the governor to refine the scope of assessment. The final report and associated deliverables must be completed and submitted to the governor and appropriate committees of the legislature by December 15, 2022.

(24) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the college of education to collaborate with teacher preparation programs and the office of the superintendent of public instruction to develop open access climate science educational curriculum for use in teacher preparation programs.

(25) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Harry Bridges center for labor studies. The center shall work in collaboration with the state board for community and technical colleges.

(26) \$21,461,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(27) \$8,000,000 of the workforce education investment account—state appropriation is provided solely for employee compensation, academic program enhancements, student support services, and other institutional priorities that maintain a quality academic experience for Washington students.

(28) \$8,000,000 of the workforce education investment account—state appropriation is provided solely to maintain degree production in the college of engineering at the Seattle campus.

(29) \$1,000,000 of the workforce education investment account—state appropriation is provided solely to maintain the Washington state academic redshirt program.

(30) \$2,700,000 of the workforce education investment account—state appropriation is provided solely to maintain degree capacity and undergraduate enrollments in engineering, mathematics, and science programs to support the biomedical innovation partnership zone at the Bothell campus.

(31) \$3,268,000 of the workforce education investment account—state appropriation is provided solely to maintain bachelor of science programs in mechanical and civil engineering to support increased student and local employer demand for graduates in these fields at the Tacoma campus.

(32) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for Washington mathematics, engineering, science achievement programs to provide enrichment opportunities in mathematics, engineering, science, and technology to students who are traditionally underrepresented in these programs.

(33) \$75,000 of the general fund—state appropriation for fiscal year 2022 and \$75,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a community care coordinator for transitional-age youth for the doorway project in partnership with the Seattle campus.

(34) (~~\$4,000,000~~) \$6,000,000 of the workforce education investment account—state appropriation is provided solely for the expansion of the Paul G.



Allen school of computer science and engineering in order to award an additional 100 degrees per year focusing on traditionally underrepresented students. A report on degrees awarded must be submitted to the appropriate committees of the legislature June 30, 2022, and June 30, 2023.

(35) \$45,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the community immersion law enforcement project at the Tacoma campus.

(36)(a) \$200,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for research to determine the use and effectiveness of restorative justice, including for hate crime victims and individuals who commit hate crimes. Researchers shall engage in listening sessions with impacted communities, which must include tribal governments and community-based organizations. Researchers shall consult with judges, prosecutors, defense attorneys, victim advocates, impacted communities, and community based restorative justice agencies to inform whether restorative justice would be an effective public policy option to:

(i) Provide healing support for individual hate crime victims and their communities;

(ii) Provide accountability processes for individuals who commit hate crimes;

(iii) Provide opportunities for individuals who commit hate crimes to learn about the impact of their crimes and repair the damage;

(iv) Repair interpersonal and communal relationships;

(v) Reduce hate crime offender recidivism; and

(vi) Determine if restorative justice could be equally available to all victims and communities.

(b) The researcher shall provide a report to the relevant committees of the legislature under RCW 43.01.036 by December 1, 2021. The report must include best practice recommendations for establishing a restorative justice program and required data collection to address hate crimes in Washington. The report shall include how restorative justice recommendations can be implemented in conjunction with the recommendations of the hate crime advisory working group established in RCW 43.10.300.

(37) \$250,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for scholarships to students in the applied child and adolescent psychology masters program. Priority should be given to traditionally underrepresented students and those students who are bilingual.

(38) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to expand a series of online courses related to behavioral health and student well-being that are currently offered at the Bothell campus for school district staff. The standards for the courses must be consistent with knowledge, skill, and performance standards related to mental health and well-being of public school students. The online courses must provide:

(a) Foundational knowledge in behavioral health, mental health, and mental illness;

(b) Information on how to assess, intervene upon, and refer behavioral health and intersection of behavioral health and substance use issues; and

(c) Approaches to promote health and positively influence student health behaviors.

(39) To ensure transparency and accountability, in the 2021-2023 fiscal biennium the University of Washington shall comply with any and all financial and accountability audits by the Washington state auditor including any and all audits of university services offered to the general public, including those offered through any public-private partnership, business venture, affiliation, or joint venture with a public or private entity, except the government of the United States. The university shall comply with all state auditor requests for the university's financial and business information including the university's governance and financial participation in these public-private partnerships, business ventures, affiliations, or joint ventures with a public or private entity. In any instance in which the university declines to produce the information to the state auditor, the university will provide the state auditor a brief summary of the documents withheld and a citation of the legal or contractual provision that prevents disclosure. The summaries must be compiled into a report by the state auditor and provided on a quarterly basis to the legislature.

(40) \$50,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department of environmental and occupational health sciences to provide an air quality report. The report will study the relationship between indoor and outdoor ultrafine particle air quality at sites with vulnerable populations, such as schools or locations underneath flight paths within 10 miles of Sea-Tac airport. The report recommendations must include an item addressing filtration systems at select locations with vulnerable populations. The report shall be submitted to the house environment and energy committee and the senate environment, energy and technology committee by December 15, 2021.

(41) \$100,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$100,000)~~) \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Burke museum of natural history and culture to make education programs offered by the museum accessible to more students across Washington, especially students in underserved schools and locations. The funding shall be used for:

(a) Increasing the number of students who participate in Burke education programs at reduced or no cost, including virtual programs;

(b) Providing bus reimbursement for students visiting the museum on field trips and to support travel to bring museum programs across the state; and

(c) Staff who will form partnerships with school districts to serve statewide communities more efficiently and equitably, including through the Burkemobile program.

(42)(a) \$100,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the center for cannabis research at the university to collaborate with the Washington State University collaboration on cannabis policy, research, and outreach to create frameworks for future studies. Each framework will include the length of time to complete, research licenses necessary, cost, literature review of national and international research, and a scope of work to be completed. The following frameworks shall be compiled in a report:

(i) Measuring and assessing impairment due to (~~(marijuana)~~) cannabis use; and

(ii) Correlation between age of use, dosage of use, and appearance of occurrence of cannabis induced psychosis.

(b) The report on the frameworks must be submitted to the appropriate committees of the legislature by December 1, 2021.

(43) \$205,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$205,000)~~) \$410,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the university's center for human rights. The appropriation must be used to supplement, not supplant, other funding sources for the center for human rights.

(44) \$143,000 of the general fund—state appropriation for fiscal year 2022 and \$143,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to the University of Washington for the establishment and operation of the state forensic anthropologist. The university shall work in conjunction with and provide the full funding directly to the King county medical examiner's office to support the statewide work of the state forensic anthropologist.

(45) \$450,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to the University of Washington school of medicine for the development of simulation training devices at the Harborview medical center's paramedic training program.

(46) \$64,000 of the general fund—state appropriation for fiscal year 2022 and \$64,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

(47) \$557,000 of the general fund—state appropriation for fiscal year 2022 and \$443,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the creation of the center for environmental forensic science.

(48) \$80,000 of the general fund—state appropriation for fiscal year 2022 and \$80,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the college of education to partner with school districts to continue the math improvement pilot program.

(49) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the university to conduct monitoring and research related to Puget Sound kelp conservation and recovery.

(50) \$20,000 of the general fund—state appropriation for fiscal year 2022 and \$10,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to expand online tutorial and link to web-based, continuing education funded by the centers for disease control for training for the primary care health workforce regarding the protocols for perinatal monitoring, birth-dose immunization, early diagnosis, linkage to care, and treatment for persons diagnosed with chronic hepatitis B or hepatitis using a telehealth model operated by the University of Washington.

(a) Training shall:

(i) Focus on increased provider proficiency and increased number of trained providers in areas with high rates of reported cases of hepatitis B or hepatitis, including regions with high incidence of drug use or upward trend of children

who have not received hepatitis B virus vaccinations according to centers for disease control recommendations; and

(ii) Provide access to:

(A) University of Washington medicine specialists in infectious diseases, hepatology, and addiction medicine;

(B) Brief updates on evidence-based strategies to diagnose, treat, and manage acute and chronic hepatitis B, acute and chronic hepatitis C, or coinfections;

(C) Continuing medical education credits per hour of participation; and

(D) Phone consultation with specialists during nonscheduled time for patients who experience complications.

(b) All digital and hardcopy training, educational, and outreach materials for this program must be culturally relevant and linguistically diverse.

(51)(a) \$108,000 of the general fund—state appropriation for fiscal year 2022 and \$52,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the University of Washington Evans school of public policy and governance to conduct a boater safety analysis, including, but not limited to, the following:

(i) The prevalence of boating fatalities and rescues in Washington state;

(ii) A comparison of Washington's rates of fatalities and rescues to other states; and

(iii) Recommendations of effective and collective ways to increase boater safety in the state.

(b) The Evans school may convene stakeholders to analyze data and make recommendations. By December 31, 2022, the Evans school must submit a report of findings and recommendations to the appropriate committees of the legislature.

(52) \$736,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1272 (health system transparency). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(53) \$159,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1273 (menstrual products/schools). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(54) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1335 (racial restrictions/review). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(55) \$24,000 of the general fund—state appropriation for fiscal year 2022 and \$25,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1196 (audio-only telemedicine). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(56) \$69,000 of the general fund—state appropriation for fiscal year 2022 and \$69,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill

No. 5194 (equity and access in higher education). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(57) \$60,000 of the general fund—state appropriation for fiscal year 2022 and \$60,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5141 (environmental justice task force recs). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(58) \$146,000 of the general fund—state appropriation for fiscal year 2022 and \$158,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5227 (diversity, etc./higher education). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(59) \$422,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of chapter 6, Laws of 2021 (Engrossed Substitute Senate Bill No. 5272).

(60) The appropriations in this section include sufficient funding for the implementation of chapter 96, Laws of 2021 (Substitute Senate Bill No. 5228).

(61) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$1,782,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5126 (climate commitment act). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(62) ~~\$125,000~~ of the general fund—state appropriation for fiscal year 2022 and ~~(((\$125,000)) \$225,000~~ of the general fund—state appropriation for fiscal year 2023 are provided solely for an increase in financial student assistance in public service oriented graduate and professional degree programs, referred to as "fee-based" programs, whose tuition for public service degrees is over ~~(((\$35,000)) \$18,000~~ per year. Programs shall create mechanisms to prioritize assistance to traditionally underrepresented students, specifically those who have expressed a commitment to service in the physician assistant, community oriented public health, or social work programs. The institution may offer financial assistance for students that volunteer or work with public health agencies, including as contact tracers.

(63) \$1,250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the community-engagement test to facilitate clean energy transitions by partnering with communities, utilities, and project developers.

(64) \$2,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for staffing and operational expenditures related to the battery fabrication testbed.

(65) \$621,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for maintenance and operation costs for the Milgard hall at University of Washington—Tacoma.

(66) \$505,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for pharmacy behavioral health. The University of Washington school of pharmacy/medicine pharmacy services will hire two residency training positions and one behavioral health faculty to create a residency program focused on behavioral health.

(67) \$3,777,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for institution compensation costs in recognition that these costs exceed estimated increases in undergraduate operating fee revenue.

(68) \$225,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the center for health workforce studies to develop a program to track dental workforce trends, needs, and enhancements to better serve the increasing population and demand for access to adequate oral health care. The center shall develop the program in consultation with dental stakeholders, including, but not limited to, provider associations and oral health philanthropic leaders. The workforce reporting program is to be considered a public-private partnership. The institutions may accept matching funds from interested stakeholders to help facilitate and administer the workforce reporting program. The program shall:

(a) Provide ongoing assessment of the supply and distribution of, and demand for, the state's oral health workforce;

(b) Conduct studies to describe the demographic, education, and practice characteristics of occupations engaged in providing oral health care and to improve understanding of workplace factors that influence workforce recruitment and retention; and

(c) Display and disseminate findings through a public facing website dashboard, in a deidentified and aggregate format, and through findings briefs accessible from the website, among other methods of dissemination.

(69) \$300,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the institution to contract with a nonprofit organization to provide a report on the community inventory to help align the Washington park arboretum planning with the diverse needs and priorities of the community.

(70) \$1,242,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for an increase in the number of nursing slots and graduates in the already established accelerated bachelor of science in nursing program. Of the amounts provided in this subsection, \$273,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the Tacoma school of nursing and healthcare leadership.

(71) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the memory and brain wellness center to support the statewide expansion of the dementia friends program.

(72) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a \$2,500 monthly stipend to students during the 20-week training period of the business certificate program at the Bothell campus established in partnership with the MLK Gandhi empowerment initiative. The business certificate program must consist of two cohorts of 20 students.

(73) \$455,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the startup program within the school of computer science and engineering.

(74)(a) \$400,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the colab for community and behavioral health policy to work in collaboration with the Latino center for health and allies in healthier systems for health & abundance in youth to convene a community coalition and design team to develop recommendations for the expansion of culturally responsive community mental health services focused on children and

adolescents in Washington. Community and lived experience stakeholders, representing communities of color, must make up over half of the team. The coalition's recommendations shall address:

(i) Expansion of clinical training for a lived experience workforce to provide culturally responsive and evidence-informed mental health services focused on families, children, and youth;

(ii) An implementation plan that allows for local flexibility and local community input; and

(iii) An evaluation plan that will yield information about the success in implementation statewide and the improved experiences of those seeking mental health services.

(b) The coalition must report its findings and recommendations to the appropriate committees of the legislature by December 15, 2022.

(75)(a) \$89,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to establish a data repository to assist the state and all political subdivisions with evaluating whether and to what extent existing laws and practices with respect to voting and elections are consistent with public policy, implementing best practices in voting and elections, and to investigate potential infringements upon the right to vote.

(b) The operation of the repository shall be the responsibility of the director of the repository who shall be employed by the University of Washington with doctoral level expertise in demography, statistical analysis, and electoral systems. The director shall be appointed by the governor. The director shall appoint necessary staff to implement and maintain the repository.

(c) The repository shall maintain in electronic format at least the following data and records, where available, for at least the previous 12-year period:

(i) Estimates of the total population, voting age population, and citizen voting age population by race, ethnicity, and language-minority groups, broken down to the election district and precinct level on a year-by-year basis for every political subdivision in the state, based on data from the United States census bureau, American community survey, or data of comparable quality collected by a public office;

(ii) Election results at the precinct level for every statewide election and every election in every political subdivision;

(iii) Regularly updated voter registration lists, voter history files, voting center locations, ballot drop box locations, and student engagement hub locations for every election in every political subdivision;

(iv) Contemporaneous maps, descriptions of boundaries, and shapefiles for election districts and precincts;

(v) Ballot rejection lists, curing lists, and reasoning for ballot rejection for every election in every political subdivision;

(vi) Apportionment plans for every election in every political subdivision; and

(vii) Any other data that the director deems advisable.

(d) The director shall update the data in the repository no later than 30 business days after certification of each election as required by RCW 29A.60.190 or 29A.60.250.

(e) Except for any data, information, or estimates that identifies individual voters, the data, information, and estimates maintained by the repository shall be posted online and made available to the public at no cost.

(f) The repository shall prepare any estimates made pursuant to this section by applying the most advanced, peer-reviewed, and validated methodologies.

(g) On or before January 1, 2023, the repository shall publish on its website and transmit to the state for dissemination to county auditors secretary of a list of political subdivisions required pursuant to section 203 of the federal voting rights act to provide assistance to members of language-minority groups and each language in which those political subdivisions are required to provide assistance. Each county auditor shall transmit the list described herein to all political subdivisions within their jurisdiction.

(h) Upon the certification of election results and the completion of the voter history file after each election, the secretary of state shall transmit copies of:

(i) Election results at the election district level;

(ii) Contemporaneous voter registration lists;

(iii) Voter history files;

(iv) Maps, descriptions, and shapefiles for election districts; and

(v) Lists of voting centers and student engagement hubs.

(i) Staff at the repository may provide nonpartisan technical assistance to political subdivisions, scholars, and the general public seeking to use the resources of the repository.

(76) \$122,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for sexual assault nurse examiner training.

(77) Within the amounts appropriated in this section, the University of Washington must explore pathways for providing direct admissions to the nursing programs at the Seattle campus. By December 1, 2022, the university must report pursuant to RCW 43.01.036 to the appropriate committees of the legislature recommendations for direct admissions, including a timeline for implementation and estimated costs.

(78) \$232,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the center for environmental forensic science for the procurement of an AccuTOF DART mass spectrometry system to perform rapid forensic wood identification to combat illegal logging and associated trade.

(79) \$167,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to the center for an informed public for research to identify new technologies and strategies to resist strategic misinformation in collaboration with Finnish higher education institutions and organizations. By June 30, 2023, the center must submit a report pursuant to RCW 43.01.036 to the appropriate committees of the legislature on the use of funds, key metrics and deliverables, and recommendations for further opportunities for collaboration.

(80) \$18,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for Engrossed Second Substitute Senate Bill No. 5764 (apprenticeships and higher ed). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(81) \$277,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for Substitute Senate Bill No. 5644 (behavior health co-response). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.



(82) \$15,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for Engrossed Substitute Senate Bill No. 5874 (military student residency). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(83) \$102,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the university to collaborate with the department of health and the health care authority to develop a licensure and regulatory program for behavioral health support specialists consistent with the provisions in Engrossed Second Substitute Senate Bill No. 5884 (behavioral health support).

(84) \$121,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1751 (hazing prevention). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(85) \$16,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1181 (veterans & military suicide). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(86)(a) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to the institution to conduct a study, in consultation with the department of health and with approval from the Washington state institutional review board, of the ability of Washington residents to make use of the rights established in chapter 70.245 RCW to achieve full access to the Washington death with dignity act. The institution and department shall enter into a signed data sharing agreement for the purpose of the study. Pursuant to RCW 42.56.070, 42.56.360, and 70.245.150, the data sharing agreement must specify that data shared or obtained in the course of this study are not subject to public disclosure. The study shall review the extent to which there are barriers to achieving full access to the Washington death with dignity act.

(b) The department shall provide to the institution the data requested on deaths of all Washington residents and legal next of kin by August 1, 2022.

(c) By December 1, 2022, the institution shall report its findings to the governor and appropriate committees of the legislature under RCW 43.01.036. Pursuant to RCW 42.56.070, 42.56.360, and 70.245.150, the report must protect the confidentiality of the subjects of any data that it receives while conducting its research, including the names of any patients and health care providers.

*\*Sec. 603 was partially vetoed. See message at end of chapter.*

**\*Sec. 604.** 2021 c 334 s 607 (uncodified) is amended to read as follows:

**FOR WASHINGTON STATE UNIVERSITY**

General Fund—State Appropriation (FY 2022) . . . . .	(\$245,660,000)
	\$246,492,000
General Fund—State Appropriation (FY 2023) . . . . .	(\$251,842,000)
	\$264,669,000
General Fund—Federal Appropriation . . . . .	\$500,000
Washington State University Building Account—State Appropriation . . . . .	\$792,000
Education Legacy Trust Account—State Appropriation . . . . .	\$33,995,000
Model Toxics Control Operating Account—State Appropriation . . . . .	\$2,076,000

Dedicated Marijuana Account—State Appropriation (FY 2022) . . . . .	\$138,000
Dedicated Marijuana Account—State Appropriation (FY 2023) . . . . .	<del>(\$138,000)</del>
	<u>\$175,000</u>
Workforce Education Investment Account—State Appropriation . . . . .	<del>(\$29,680,000)</del>
	<u>\$31,736,000</u>
Waste Reduction, Recycling, and Litter Control Account—State Appropriation . . . . .	\$331,000
TOTAL APPROPRIATION . . . . .	<del>(\$565,152,000)</del>
	<u>\$580,904,000</u>

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

(1) \$90,000 of the general fund—state appropriation for fiscal year 2022 and \$90,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a rural economic development and outreach coordinator.

(2) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(3) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for state match requirements related to the federal aviation administration grant.

(4) Washington State University shall not use funds appropriated in this section to support intercollegiate athletic programs.

(5) \$7,000,000 of the general fund—state appropriation for fiscal year 2022, \$7,000,000 of the general fund—state appropriation for fiscal year 2023, and \$22,800,000 of the workforce education investment account—state appropriation are provided solely for the continued development and operations of a medical school program in Spokane.

(6) \$135,000 of the general fund—state appropriation for fiscal year 2022 and \$135,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a honey bee biology research position.

(7) ~~(\$30,628,000)~~ \$31,614,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$31,210,000)~~ \$32,341,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(8) \$580,000 of the general fund—state appropriation for fiscal year 2022 and \$580,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the development of an organic agriculture systems degree program located at the university center in Everett.

(9) \$630,000 of the general fund—state appropriation for fiscal year 2022 and \$630,000 of the general fund—state appropriation for fiscal year 2023 are

provided solely for the creation of an electrical engineering program located in Bremerton. At full implementation, the university is expected to increase degree production by 25 new bachelor's degrees per year. The university must identify these students separately when providing data to the education research data center as required in subsection (2) of this section.

(10) \$1,370,000 of the general fund—state appropriation for fiscal year 2022 and \$1,370,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the creation of software engineering and data analytic programs at the university center in Everett. At full implementation, the university is expected to enroll 50 students per academic year. The university must identify these students separately when providing data to the education research data center as required in subsection (2) of this section.

(11) General fund—state appropriations in this section are reduced to reflect a reduction in state-supported tuition waivers for graduate students. When reducing tuition waivers, the university will not change its practices and procedures for providing eligible veterans with tuition waivers.

(12) \$1,154,000 of the general fund—state appropriation for fiscal year 2022 and \$1,154,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 36, Laws of 2017 3rd sp. sess. (renewable energy, tax incentives).

(13) \$376,000 of the general fund—state appropriation for fiscal year 2022 and \$376,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for chapter 202, Laws of 2017 (E2SHB 1713) (children's mental health).

(14) \$585,000 of the general fund—state appropriation for fiscal year 2022 and \$585,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 159, Laws of 2017 (2SSB 5474) (elk hoof disease).

(15)(a) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the joint center for deployment and research in earth abundant materials.

(b) By December 1, 2021, the joint center for deployment and research in earth abundant materials must report to the appropriate committees of the legislature on the center's research grant program, including but not limited to the following:

(i) The annual amount of funding available for the grant program, including any private or foundation dollars;

(ii) The average award amount per project;

(iii) The educational impact of funded projects on high schools and community and technical colleges; and

(iv) The impact of project findings on technologies in Washington using earth-abundant materials.

(16) \$2,076,000 of the model toxics control operating account—state appropriation is provided solely for the university's soil health initiative and its network of long-term agroecological research and extension (LTARE) sites. The network must include a Mount Vernon REC site.

(17) \$6,880,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including

compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(18) \$20,000 of the general fund—state appropriation for fiscal year 2022 and \$20,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of clean technology to convene a sustainable aviation biofuels work group to further the development of sustainable aviation fuel as a productive industry in Washington. The work group must include members from the legislature and sectors involved in sustainable aviation biofuels research, development, production, and utilization. The work group must provide a report including any pertinent recommendations to the governor and appropriate committees of the legislature by December 1, 2022.

(19) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for Washington State University's energy program to launch a least-conflict priority solar siting pilot project in the Columbia basin of eastern and central Washington. This program shall engage all relevant stakeholders to identify priority areas where there is the least amount of potential conflict in the siting of utility scale PV solar and to develop a map highlighting these areas. The program shall also compile the latest information on opportunities for dual-use and colocation of PV solar with other land values. The appropriation is the maximum amount the department may expend for this purpose.

(20) \$42,000 of the general fund—state appropriation for fiscal year 2022 and \$42,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

(21) ~~\$175,000 of the general fund—state appropriation for fiscal year 2022~~ ~~and \$215,000 of the general fund—state appropriation for fiscal year 2023~~ are provided solely for the William D. Ruckelshaus center to partner with the Washington State University for the continued work of the Washington state criminal sentencing task force established in ~~(section 1002 of this act)~~ section 944 of this act.

(22)(a) \$85,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the William D. Ruckelshaus center to conduct a situation assessment to gauge the prospects for a collaborative approach to integration of leadership, aligning roles and responsibilities, and increasing efficiency and responsiveness of the state's K-12 education governance structure. The assessment must:

(i) Identify issues, challenges, and opportunities related to administration and governance of K-12 education in Washington state;

(ii) Consist of interviews with representatives of state-funded K-12 education agencies, boards, commissions, and other relevant entities identified by the center;

(iii) Explore potential opportunities for the integration, alignment, and/or consolidation of roles and responsibilities of entities; and

(iv) Identify key areas of focus.

(b) The center must report the assessment's findings and recommendations to the education committees of the legislature by March 31, 2022, with a

preliminary report by February 1, 2022, as to whether circumstances support the convening and facilitation of a collaborative work group.

(23)(a) \$331,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for the university to conduct an organic waste study to:

(i) Assess local and state government compost usage in projects and buy-back programs under RCW 43.19A.120 and 43.19A.130 including but not limited to participation, effectiveness, and amount and types of usage of compost; and

(ii) Develop a model to estimate carbon sequestration from organic waste-derived soil amendment application to soil, and identify technologies, methods, and potential funding for carbon sequestration from Washington's organic wastes including but not limited to the potential inclusion of these materials in carbon markets and trading.

(b) The university must submit a report on the assessment's findings and model development to the appropriate committees of the legislature by December 31, 2022.

(24) \$500,000 of the general fund—federal appropriation (CRRSA) is provided solely to support farm stress programs in response to the COVID-19 pandemic, as authorized in section 766, division N, consolidated appropriations act, 2021, P.L. 116-260.

(25) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Third Substitute House Bill No. 1091 (transportation fuel/carbon). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(26) \$86,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1273 (menstrual products/schools). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(27) \$101,000 of the general fund—state appropriation for fiscal year 2022 and \$101,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5227 (diversity, etc./higher education). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(28) \$281,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of chapter 6, Laws of 2021 (Engrossed Substitute Senate Bill No. 5272).

(29) The appropriations in this section include sufficient funding for the implementation of chapter 96, Laws of 2021 (Substitute Senate Bill No. 5228).

(30) \$224,000 of the general fund—state appropriation for fiscal year 2022 and \$221,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute Senate Bill No. 5253 (pollinator health). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(31) \$1,718,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5126 (climate commitment act). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(32) \$412,000 from the institutions of higher education—grant and contracts account is provided solely for implementation of Substitute Senate Bill No. 5317 (pesticide registration). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(33) \$33,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for compensation funding for Western Washington University employees that work on the Washington State University Everett campus.

(34) \$341,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for pharmacy behavioral health. Washington State University college of pharmacy and pharmaceutical sciences will hire two residency training positions and one behavioral health faculty to create a residency program focused on behavioral health.

(35) \$1,337,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for institution compensation costs in recognition that these costs exceed estimated increases in undergraduate operating fee revenue.

(36) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the Washington state commission on pesticide registration to fund research to develop alternatives for growers currently using organophosphate pesticides.

(37) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for residential energy code education and support, including training, hotline support to the building industry, and informational material and web resources. The energy program shall engage stakeholders in a discussion of overall enforcement support and work to identify workforce development needs and opportunities.

(38) \$750,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the Washington state academy of sciences to provide support for core operations and to accomplish its mission of providing science in the service of Washington, pursuant to its memorandum of understanding with the university.

*(39)(a) \$175,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the Washington state academy of sciences for a review of department of fish and wildlife fishery-related mortality estimates for wild salmonid stocks from conventional and alternative commercial fishing gears authorized for use within lower Columbia river nontribal salmon fisheries, specifically gill net, tangle net, beach seine, purse seine, and pound net, and the ability of each fishing gear to selectively harvest hatchery-reared salmon.*

*(b) The review must:*

*(i) Determine the extent to which wild salmonid stocks are harvested in a gear-specific fishery, including a review of current stock composition estimates;*

*(ii) Identify and synthesize stock-specific data and peer-reviewed scientific literature that exists for immediate and long-term post-release mortality rates and annual wild salmonid stock encounters for each gear within specific fishing seasons in the lower Columbia river; and*

*(iii) Determine the origins and scientific bases of stock-specific bycatch mortality rate estimates currently used by the department of fish and wildlife for management of endangered species act listed fish stocks impacted by each*

nontribal commercial fishing gear and evaluate the precision and accuracy of these estimates relative to the data and peer-reviewed scientific literature that exists.

(c) By June 30, 2023, the Washington academy of sciences must submit a report to the appropriate committees of the legislature pursuant to RCW 43.01.036 of its findings and recommendations related to gear-specific data gaps and the need to potentially reassess approved bycatch mortality and encounter rates used by the department of fish and wildlife for fishery management. It is intended that the report will inform development of an investment plan and management strategy to continue the transition of lower Columbia river nontribal commercial fisheries toward science-based selective fishing regimes that create the least harm to wild salmonids and are most beneficial to Columbia river basin salmon recovery efforts.

(40) \$188,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for stormwater research to study the long-term efficacy of green stormwater infrastructure that incorporates compost to remove pollutants.

(41) \$2,056,000 of the workforce education investment account—state appropriation is provided solely to establish a bachelor's degree in cybersecurity operations.

(42) \$80,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5764 (apprenticeships and higher ed). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(43) \$135,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1814 (community solar projects). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(44) \$121,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1751 (hazing prevention). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(45) \$122,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of House Bill No. 1622 (sex. assault nurse education). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(46) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for Washington State University to partner with a nonprofit entity based in Olympia that focuses on sustainable infrastructure solutions to develop recommendations for increasing the economic value and sustainability of Washington's agricultural sector through the use of industrial symbiosis principles, to connect agriculture producers and processors with partners to achieve synergies through systems-based resource sharing resulting in economic benefits and value creation for all participants, through sustainable resource recovery and optimization of energy, water, and organic waste streams. By June 30, 2023, the Washington State University must report recommendations to the appropriate committees of the legislature pursuant to RCW 43.01.036.

*\*Sec. 604 was partially vetoed. See message at end of chapter.*

**Sec. 605.** 2021 c 334 s 608 (uncodified) is amended to read as follows:  
**FOR EASTERN WASHINGTON UNIVERSITY**

General Fund—State Appropriation (FY 2022) . . . . .	(( <del>\$58,079,000</del> ))
	<u>\$58,296,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	(( <del>\$59,057,000</del> ))
	<u>\$61,496,000</u>
Education Legacy Trust Account—State Appropriation . . . . .	\$16,838,000
Workforce Education Investment Account—State Appropriation . . . . .	(( <del>\$5,210,000</del> ))
	<u>\$15,244,000</u>
TOTAL APPROPRIATION . . . . .	(( <del>\$139,184,000</del> ))
	<u>\$151,874,000</u>

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

(1) At least \$200,000 of the general fund—state appropriation for fiscal year 2022 and at least \$200,000 of the general fund—state appropriation for fiscal year 2023 must be expended on the Northwest autism center.

(2) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(3) Eastern Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(4) ((~~\$11,002,000~~)) \$11,356,000 of the general fund—state appropriation for fiscal year 2022 and ((~~\$11,211,000~~)) \$11,617,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(5) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(6) \$56,000 of the general fund—state appropriation for fiscal year ((~~2022~~)) 2023 is provided solely for a comprehensive analysis of the deep lake watershed involving land owners, ranchers, lake owners, one or more conservation districts, the department of ecology, and the department of natural resources.

(7) \$2,274,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(8) \$2,636,000 of the workforce education investment account—state appropriation is provided solely to maintain a computer engineering degree program in the college of science, technology, engineering, and math.

(9) \$45,000 of the general fund—state appropriation for fiscal year 2022 and \$45,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.



(10) \$300,000 of the workforce education investment account—state appropriation is provided solely to establish a center for inclusive excellence for faculty and staff.

(11) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for increasing dual credit options, to address issues of equity in higher education access.

(12) \$110,000 of the general fund—state appropriation for fiscal year 2022 and \$110,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a new summer bridge program.

(13) \$27,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1273 (menstrual products/schools). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(14) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1335 (racial restrictions/review). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(15) \$121,000 of the general fund—state appropriation for fiscal year 2022 and \$121,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5227 (diversity, etc./higher education). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(16) \$548,000 of the workforce education investment account—state appropriation is provided solely for a professional masters of science cyber operations degree option.

(17) \$2,262,000 of the workforce education investment account—state appropriation is provided solely to establish a bachelor of science in cybersecurity degree option through the computer science program.

(18) \$1,054,000 of the workforce education investment account—state appropriation is provided solely for the implementation of a coordinated care network that will help to maximize the collaboration of various student support services to create wraparound care for students to address obstacles to degree completion. The amount provided in this subsection must be used to supplement, not supplant, other funding sources for the program.

(19) \$262,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for institution compensation costs in recognition that these costs exceed estimated increases in undergraduate operating fee revenue.

(20) \$6,170,000 of the workforce education investment account—state appropriation is provided solely to establish a bachelor of science in nursing program.

(21) \$68,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5764 (apprenticeships and higher ed). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(22) \$43,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1751

(hazing prevention). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

**Sec. 606.** 2021 c 334 s 609 (uncodified) is amended to read as follows:

**FOR CENTRAL WASHINGTON UNIVERSITY**

General Fund—State Appropriation (FY 2022) . . . . .	<del>(\$59,896,000)</del>
	<u>\$60,220,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	<del>(\$61,151,000)</del>
	<u>\$64,057,000</u>
Central Washington University Capital Projects	
Account—State Appropriation . . . . .	\$76,000
Education Legacy Trust Account—State Appropriation . . . . .	\$19,076,000
Workforce Education Investment Account—State	
Appropriation . . . . .	<del>(\$4,022,000)</del>
	<u>\$5,071,000</u>
TOTAL APPROPRIATION . . . . .	<del>(\$144,221,000)</del>
	<u>\$148,500,000</u>

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

(1) The university must continue work with the education research and data center to demonstrate progress in engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in engineering programs above the prior academic year.

(2) Central Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(3) ~~(\$12,401,000)~~ \$12,800,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$12,636,000)~~ \$13,094,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(4) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(5) \$2,236,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(6) \$1,050,000 of the workforce education investment account—state appropriation is provided solely to increase the number of certified K-12 teachers.

(7) \$736,000 of the workforce education investment account—state appropriation is provided solely to maintain mental health counseling positions.

(8) \$240,000 of the general fund—state appropriation for fiscal year 2022 and \$240,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for two psychologists to increase access to mental health counseling for traditionally underrepresented students.

(9) \$52,000 of the general fund—state appropriation for fiscal year 2022 and \$52,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

(10) \$155,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to implement chapter 295, Laws of 2019 (educator workforce supply).

(11) \$750,000 of the general fund—state appropriation for fiscal year 2022 and \$750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to establish a bachelor of science in computer science at the university's Des Moines center.

(12) \$31,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1273 (menstrual products/schools). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(13) \$131,000 of the general fund—state appropriation for fiscal year 2022 and \$131,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5227 (diversity, etc./higher education). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(14) \$16,000 of the general fund—state appropriation for fiscal year 2022 and \$16,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5259 (law enforcement data). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(15) \$613,000 of the workforce education investment account—state appropriation is provided solely for expanding cybersecurity capacity by adding additional faculty resources in the department of computer science.

(16) \$293,000 of the workforce education investment account—state appropriation is provided solely for a peer mentoring program. The amount provided in this subsection must be used to supplement, not supplant, other funding sources for the program.

(17) \$325,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for institution compensation costs in recognition that these costs exceed estimated increases in undergraduate operating fee revenue.

(18) \$143,000 of the workforce education investment account—state appropriation is provided solely for the creation of an extended orientation program to help promote retention of underserved students. The amount provided in this subsection must be used to supplement, not supplant, other funding sources for the program.

(19) \$20,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1751 (hazing prevention). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(20) \$55,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for community collaborations to document and preserve the Roslyn cemetery.

**Sec. 607.** 2021 c 334 s 610 (uncodified) is amended to read as follows:

**FOR THE EVERGREEN STATE COLLEGE**

General Fund—State Appropriation (FY 2022) . . . . .	<del>(\$32,450,000)</del>
	<u>\$32,123,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	<del>(\$32,068,000)</del>
	<u>\$35,611,000</u>
The Evergreen State College Capital Projects	
Account—State Appropriation . . . . .	\$80,000
Education Legacy Trust Account—State Appropriation . . . . .	\$5,450,000
Workforce Education Investment Account—State	
Appropriation . . . . .	\$3,906,000
TOTAL APPROPRIATION . . . . .	<del>(\$73,954,000)</del>
	<u>\$77,170,000</u>

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

(1) (~~(\$3,772,000)~~) \$3,893,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$3,843,000)~~) \$3,983,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(2) Funding provided in this section is sufficient for The Evergreen State College to continue operations of the Longhouse Center and the Northwest Indian applied research institute.

(3) Within amounts appropriated in this section, the college is encouraged to increase the number of tenure-track positions created and hired.

(4) (~~(\$3,207,000)~~) \$2,760,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$2,677,000)~~) \$3,560,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington state institute for public policy to initiate, sponsor, conduct, and publish research that is directly useful to policymakers and manage reviews and evaluations of technical and scientific topics as they relate to major long-term issues facing the state. Within the amounts provided in this subsection (4):

(a) \$1,391,000 of the amounts in fiscal year 2022 and \$1,399,000 of the amounts in fiscal year 2023 are provided for administration and core operations.

(b) \$828,000 of the amounts in fiscal year 2022 and \$937,000 of the amounts in fiscal year 2023 are provided solely for ongoing and continuing studies on the Washington state institute for public policy's work plan.

(c) \$60,000 of the amounts in fiscal year 2022 are provided solely to the Washington state institute for public policy for the continued work and research on behalf of the domestic violence risk assessment work group (~~established in section 959 of this act~~).

(d) \$25,000 of the amounts in fiscal year 2022 and \$40,000 of the amounts in fiscal year 2023 are provided solely to the Washington state institute for public policy for the continued work and research on behalf of the Washington state criminal sentencing task force established in (~~section 1002 of this act~~) section 944 of this act.

(e)(i) (~~(\$90,000)~~) \$14,000 of the amounts in fiscal year 2022 and \$76,000 of the amounts in fiscal year 2023 are provided solely for the Washington state institute for public policy to study net nanny and similar fictitious victim sting operations. The study must:

(A) Describe the current research on net nanny-type sting operations, including any evidence of their effectiveness in deterring or reducing crime, their costs, and the potential advantages or drawbacks of their use in crime prevention; and

(B) Compare the characteristics of individuals convicted under net nanny stings with individuals convicted of child sex offenses through other avenues.

(i) The Washington state patrol shall provide the Washington state institute for public policy with the data necessary to conduct the analysis in (c)(i)(B) of this subsection. A net nanny sting operation is a collaborative operation that includes local, state, and federal law enforcement that targets the arrest and prosecution of individuals involved in child abuse and exploitation using the internet by using a fictitious victim. By June 30, (~~2022~~) 2023, the institute must submit results from the study to the appropriate committees of the legislature.

(f) (~~(\$70,000)~~) \$124,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$130,000)~~) \$76,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington state institute for public policy to study legal financial obligations as defined in RCW 9.94A.030.

(i) The study should explore the following topics:

(A) The amount of legal and financial obligations imposed over the last three years;

(B) The total amounts outstanding and the total amounts collected annually, including annual collection rates; including all restitution, costs, fees, fines, penalty assessments, and interest, disaggregated;

(C) Statutes which allow for the imposition of legal and financial obligations;

(D) The percentage of the judicial branch's budget which has been supported by legal and financial obligations since the system's inception;

(E) The programs funded by legal financial obligations; and

(F) How other states fund their court system including but not limited to whether they use legal financial obligations to provide support.

(ii) The study should recommend to the legislature potential methods and processes to delink court related funding and other county and local funding from the collection of legal financial obligations and to provide such funding through other means.

(iii) The Washington state institute for public policy may solicit input for the study from interested parties to include but not be limited to the Washington state association of counties, the Washington state association of county officials, the Washington state association of prosecuting attorneys, superior court judges, civil legal aid, civil rights attorneys, disability rights advocates, crime victim advocates, persons formerly incarcerated, advocates for persons who are currently or formerly incarcerated, academic researchers, persons with expertise analyzing data on legal financial obligations, the Washington state minority and justice commission, and the administrative office of the courts.

(iv) An initial report is due to the legislature by December 1, 2021, with a supplemental and final report due to the legislature by December 1, 2022.

(g) (~~(\$75,000)~~) \$7,000 of the general fund—state appropriation for fiscal year 2022 (~~(\*)~~) and \$68,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the institute to review available research

literature to investigate and describe any relationship between early substance abuse of cannabis, opioids, or cocaine and mental health disorders in young adults; and any relationship between nutrition and mental health disorders in young adults. The institute shall report its findings to the legislature no later than ~~((June 30, 2022))~~ December 1, 2022.

(h)(i) ~~(((\$175,000))~~ \$102,000 of the amounts in fiscal year 2022 and \$73,000 of the amounts in fiscal year 2023 are provided solely for the Washington state institute for public policy to partner with a content expert to conduct a wilderness therapy research review. The University of Washington evidence-based practice institute and Washington State University impact center must assist the institute in identifying a content expert. For the review, the institute must:

(A) Identify wilderness therapy program models related to behavioral health which have a treatment approach which is well defined or definable and have a strong evidence base to be added to reporting guides for being identified as an evidence-based practice for mental health, including identification of target populations for these programs;

(B) Identify wilderness/adventure program models available for prevention services which are cost beneficial; and

(C) Assess the interest and likelihood of support for programs of this nature among relevant interest groups, such as state prevention coalitions and tribes, if such programs were listed as approved cost beneficial prevention programs by the division of behavioral health and recovery and the Washington state health care authority.

(ii) The institute must submit to the appropriate committees of the legislature a report on (h)(i)(A) and (B) of this subsection by ~~((December 31, 2021))~~ June 30, 2022, and a report on (h)(i)(C) of this subsection by ~~((June 30, 2022))~~ December 1, 2022.

(i) ~~(((\$272,000))~~ \$15,000 of the amounts in fiscal year 2022 and ~~(((\$98,000))~~ \$286,000 of the amounts in fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5304 (reentry services/state and local institutions). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection (4)(i) shall lapse.))~~

(j) ~~(((\$71,000))~~ \$48,000 of the amounts in fiscal year 2022 and ~~(((\$66,000))~~ \$89,000 of the amounts in fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5194 (equity and access in higher education). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection (4)(j) shall lapse.))~~

(k)(i) ~~(((\$150,000))~~ \$75,000 of the general fund—state appropriation for fiscal year 2022 ~~((is))~~ and \$75,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington state institute for public policy to conduct a cost-benefit analysis for an exclusive or partial American steel requirement for future contracts and subcontracts authorized in the capital budget. The cost-benefit analysis must, to the extent feasible:

(A) Compare existing types and uses of steel to America made steel alternatives, including evaluation of quality;

(B) Examine benefits to Washington workers and the Washington economy;

(C) Examine lifecycle and embodied carbon greenhouse gas emissions;

(D) Identify requirements for purchasing American steel that minimize costs and maximize benefits; and

(E) Evaluate American steel requirements or preferences in other states.

(ii) The institute may solicit input for the analysis from representatives of interested parties to include, but not be limited to, the construction and manufacturing sectors, organized labor in the construction and manufacturing sectors, cities, counties, American steel manufacturing companies, environmental advocacy organizations, and appropriate state agencies.

(iii) The institute must submit a final report to the appropriate committees of the legislature by December 1, (~~2021~~) 2022.

(l) \$47,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1044 (prison to postsecondary ed.). (~~If the bill is not enacted by June 30, 2021, the amount provided in this subsection (4)(l) shall lapse.~~)

(m) \$71,000 of the amounts in fiscal year 2022 and \$91,000 of the amounts in fiscal year 2023 are provided solely for implementation of chapter 314, Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141) (env. justice task force recs).

(n) \$125,000 of the amounts in fiscal year 2023 is provided solely for an evaluation of student participation in transitional kindergarten programs across the state. By December 31, 2023, the institute shall report the results of its evaluation to the appropriate legislative committees; the governor; the office of the superintendent of public instruction; and the department of children, youth, and families. It is the intent of the legislature to provide funding in the 2023-2025 fiscal biennium budget for the institute to complete the report by December 31, 2023. For the evaluation, to the extent data is available, the institute shall collect data regarding:

(i) The number of districts providing transitional kindergarten programs, including the number of classrooms and students in the program per district;

(ii) The number of children participating in transitional kindergarten programs across the state, disaggregated by demographic information such as race, gender, and income level;

(iii) The number of children participating in transitional kindergarten programs that attended prekindergarten previous to transitional kindergarten;

(iv) The number of children participating in transitional kindergarten who received early learning services through the early childhood education and assistance program;

(v) The number of children participating in transitional kindergarten with an individualized education plan;

(vi) An analysis of how school districts select and prioritize children for enrollment in transitional kindergarten;

(vii) The differences in teacher preparation, certification, and classroom instruction for transitional kindergarten compared to the early childhood education and assistance program;

(viii) The identification of why school districts offer transitional kindergarten, the early childhood education and assistance program, and other early learning programs such as traditional or developmental prekindergarten, and the funding sources used; and

(ix) The use of transitional kindergarten in other states in comparison to Washington state, and any outcome data available.

(o)(i) \$62,000 of the amounts for fiscal year 2023 is provided solely for a comprehensive study to assess specific needs of farmworkers in the state in order to help policymakers determine whether those needs are being met by state administered programs, policies, and statutes. The institute must consult with farmworker advocacy organizations, state agencies administering programs and policies impacting farmworkers, and nonprofit organizations that work directly with farmworkers.

(ii) As part of its information gathering, the institute must hear from farmworkers, either directly or through the nonprofit organizations, regarding farmworkers' experiences and working conditions. These personal, real-life experiences from farmworkers must be based on informal interviews or surveys conducted by Latino nonprofit organizations that have well-established connections and relationships with farmworkers.

(iii) The study must focus on needs related to health and safety in the workplace, payment of wages, and preventing harassment and discrimination of, and retaliation against, farmworkers for asserting their rights regarding health and safety standards, wage and hour laws, and access to services.

(iv) The study must include:

(A) An examination of how the relevant state agencies coordinate with each other and federal agencies in administering and enforcing the various laws, policies, and programs, and of the agencies' education and outreach to farmworkers regarding farmworkers' rights and protections;

(B) A review of available data from, and research of, programs that are intended to increase health and safety outcomes for farmworkers and that are intended to provide farmworkers access to services and benefits; and

(C) Options on ways to improve agency coordination and the effectiveness of reviewed programs.

(v) It is the intent of the legislature to provide funding in the 2023-2025 fiscal biennium budget for the institute to complete the report by June 30, 2025, with a preliminary report submitted by December 1, 2023.

(p) \$116,000 of the amounts in fiscal year 2023 is provided solely for the Washington state institute for public policy to undertake a study on the nature and scope of the underground economy and to recommend what policy changes, if any, are needed to address the underground economy in the construction industry, including whether greater cohesion and transparency among state agencies is needed. The report must address the extent of and projected costs to the state and workers of the underground economy. The institute must submit a report to the appropriate committees of the legislature by December 1, 2022.

(q) Notwithstanding other provisions in this subsection, the board of directors for the Washington state institute for public policy may adjust due dates for projects included on the institute's 2021-23 work plan as necessary to efficiently manage workload.

(5) \$2,636,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.



(6) \$670,000 of the workforce education investment account—state appropriation is provided solely to maintain enrollment capacity in psychology programs.

(7) \$600,000 of the workforce education investment account—state appropriation is provided solely to increase student success by maintaining support for a student precollege immersion program and The Evergreen first-year experience.

(8) \$213,000 of the general fund—state appropriation for fiscal year 2022 and \$213,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for additional faculty to support Native American and indigenous programs.

(9) \$85,000 of the general fund—state appropriation for fiscal year 2022 and \$85,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to the native pathways program for an assistant director.

(10) \$110,000 of the general fund—state appropriation for fiscal year 2022 and \$110,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to establish a new tribal liaison position.

(11) \$39,000 of the general fund—state appropriation for fiscal year 2022 and \$39,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

(12) \$7,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1273 (menstrual products/schools). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(13) \$236,000 of the general fund—state appropriation for fiscal year 2022 and \$220,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5227 (diversity, etc./higher education). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(14) \$158,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for institution compensation costs in recognition that these costs exceed estimated increases in undergraduate operating fee revenue.

(15) \$142,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for student mental health and wellness. The amount provided in this subsection must be used to supplement, not supplant, other funding sources for the program.

(16) \$196,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for additional laboratory, art, and media lab sections.

(17) \$600,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to develop and expand current corrections education programs offered in department of corrections facilities. The college shall appoint a project implementation team, collaborate with stakeholders to plan student success programs and curriculum which lead to transferable credit, associate and bachelor's degrees, and other workforce credentials, and train faculty and staff on working with incarcerated populations.

(18) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of chapter 329, Laws of 2021 (Substitute House Bill No. 1223) (custodial interrogations).

(19) \$27,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1751 (hazing prevention). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

**Sec. 608.** 2021 c 334 s 611 (uncodified) is amended to read as follows:

**FOR WESTERN WASHINGTON UNIVERSITY**

General Fund—State Appropriation (FY 2022) . . . . .	<del>(\$83,910,000)</del>
	<u>\$84,528,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	<del>(\$85,554,000)</del>
	<u>\$91,203,000</u>
Western Washington University Capital Projects	
Account—State Appropriation . . . . .	\$1,424,000
Education Legacy Trust Account—State Appropriation . . . . .	\$13,831,000
Workforce Education Investment Account—State	
Appropriation . . . . .	<del>(\$6,698,000)</del>
	<u>\$8,727,000</u>
<b>TOTAL APPROPRIATION . . . . .</b>	<del><b>(\$191,417,000)</b></del>
	<u><b>\$199,713,000</b></u>

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

(1) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(2) Western Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(3) ~~(\$17,116,000)~~ \$17,667,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$17,441,000)~~ \$18,073,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(4) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to recruit and retain high quality and diverse graduate students.

(5) \$494,000 of the general fund—state appropriation for fiscal year 2022 and \$548,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for critical support services to ensure traditionally underrepresented students receive the same opportunities for academic success as their peers.

(6) \$700,000 of the general fund—state appropriation for fiscal year 2022 and \$700,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the creation and implementation of an early childhood education degree program at the western on the peninsulas campus. The

university must collaborate with Olympic college. At full implementation, the university is expected to grant approximately 75 bachelor's degrees in early childhood education per year at the western on the peninsula campus.

(7) \$1,306,000 of the general fund—state appropriation for fiscal year 2022 and \$1,306,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the university to develop a new program in marine, coastal, and watershed sciences.

(8) \$886,000 of the general fund—state appropriation for fiscal year 2022 and \$886,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the university to reduce tuition rates for four-year degree programs offered in partnership with Olympic college—Bremerton, Olympic college—Poulsbo, and Peninsula college—Port Angeles that are currently above state-funded resident undergraduate tuition rates.

(9) \$90,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the university to assess the feasibility and benefits of expanding outdoor residential school programs to equitably serve either all fifth and sixth grade students, or only fifth or only sixth grade students statewide. The study shall explore the equity concerns exacerbated by the COVID-19 pandemic in the areas of outdoor recreation and outdoor learning experiences, with a focus on using physical activity and exposure to natural settings as a strategy for improving health disparities and accelerating learning for historically underserved populations. The study must also consider programs and facilities at outdoor residential schools, youth camps, and state parks and assess the impact of COVID-19 on these institutions, and recommend strategies to preserve and expand capacity for outdoor school. The university shall submit a report to the office of the governor, the office of the superintendent of public instruction, and the education committees of the legislature summarizing the assessment and making recommendations no later than September 30, 2021.

(10) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(11) \$2,256,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(12) \$3,426,000 of the workforce education investment account—state appropriation is provided solely to maintain access to science, technology, engineering, and mathematics degrees.

(13) \$1,016,000 of the workforce education investment account—state appropriation is provided solely to establish an academic curriculum in ethnic studies.

(14) \$48,000 of the general fund—state appropriation for fiscal year 2022 and \$48,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

(15) \$530,000 of the general fund—state appropriation for fiscal year 2022 and \$530,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the creation and implementation of two bilingual educator

programs in the south King county region, including a bilingual elementary education degree program and a secondary education degree program. At full implementation, each cohort shall support up to 25 students per year.

(16) \$40,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1273 (menstrual products/schools). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(17) \$353,000 of the general fund—state appropriation for fiscal year 2022 and \$153,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5227 (diversity, etc./higher education). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(18) \$5,000 of the general fund—state appropriation for fiscal year 2022 and \$2,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5259 (law enforcement data). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(19) \$769,000 of the workforce education investment account—state appropriation is provided solely for upgrading Cyber Range equipment and software.

(20) \$1,260,000 of the workforce education investment account—state appropriation is provided solely for student support services that include resources for outreach and financial aid support, retention initiatives including targeted support for underserved student populations, mental health support, and initiatives aimed at addressing learning disruption due to the global pandemic. The amount provided in this subsection must be used to supplement, not supplant, other funding sources for student support services.

(21) \$461,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for establishing a new master of science program in nursing.

(22) \$433,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the registered nurse to bachelors in nursing program.

(23) \$767,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for institution compensation costs in recognition that these costs exceed estimated increases in undergraduate operating fee revenue.

(24) \$30,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a review of how existing homeowners' associations, condominium associations, associations of apartment owners, and common interest communities in Washington can incorporate accessory dwelling units. The review shall include an examination of the governing documents of these associations and communities to determine how accessory dwelling units are explicitly or implicitly restricted and what the overall impact is on the state's housing supply from such restrictions. By June 30, 2023, in compliance with RCW 43.01.036, the institution must submit a report detailing its findings to the appropriate committees of the legislature.

(25) \$66,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1751 (hazing prevention). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

**Sec. 609.** 2021 c 334 s 612 (uncodified) is amended to read as follows:

**FOR THE STUDENT ACHIEVEMENT COUNCIL—POLICY COORDINATION AND ADMINISTRATION**

General Fund—State Appropriation (FY 2022) . . . . .	(( <del>\$7,667,000</del> ))	<u>\$7,777,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	(( <del>\$7,552,000</del> ))	<u>\$12,583,000</u>
General Fund—Federal Appropriation . . . . .	(( <del>\$4,928,000</del> ))	<u>\$4,941,000</u>
Workforce Education Investment Account—State Appropriation . . . . .	(( <del>\$615,000</del> ))	<u>\$6,427,000</u>
<b>TOTAL APPROPRIATION . . . . .</b>	<b>((<del>\$20,762,000</del>))</b>	<b><u>\$31,728,000</u></b>

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

(1) \$126,000 of the general fund—state appropriation for fiscal year 2022 and \$126,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the consumer protection unit.

(2) \$500,000 of the workforce education investment account—state appropriation is provided solely to implement a marketing and communications agenda as required in RCW 28C.30.040(1)(c).

(3) \$115,000 of the workforce education investment account—state appropriation is provided solely for the Washington student loan refinancing program as provided in chapter 28B.94 RCW.

(4) \$575,000 of the general fund—state appropriation for fiscal year 2022 and \$575,000 of the general fund—state appropriation for fiscal year 2023 are provided to increase the number of high school seniors and college bound scholars that complete the free application for federal student aid and the Washington application for state financial aid through digital engagement tools, expanded training, and increased events for high school students.

(5) The student achievement council must ensure that all institutions of higher education as defined in RCW 28B.92.030 and eligible for state financial aid programs under chapters 28B.92 and 28B.118 RCW provide the data needed to analyze and evaluate the effectiveness of state financial aid programs. This data must be promptly transmitted to the education data center so that it is available and easily accessible.

(6) \$25,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the Washington student achievement council to convene and coordinate a task force to propose strategies to eliminate financial and nonfinancial barriers to low-income students participating in running start, college in the high school, advanced placement, international baccalaureate, Cambridge, and career and technical education dual credit programs. The task force shall submit a report to the appropriate committees of the legislature by December 1, 2021. The report must include:

(a) Strategies to address the following financial and nonfinancial barriers to students:

(i) Per credit tuition fees and any other fees charged for college in the high school and career and technical education dual credit courses;

(ii) Books, fees, and any other direct costs charged to running start students when enrolling in college courses; and

(iii) Exam fees and other charges to students enrolling in exam-based dual credit courses;

(b) Recommendations on student supports to close equity gaps in dual credit access, participation, and success;

(c) Recommendations to improve and increase communication with students and families regarding the awareness, access, and completion of dual credit;

(d) Expanding access to dual credit opportunities for students in career and technical education pathways; and

(e) Running start data for fiscal year 2019, fiscal year 2020, and fiscal year 2021 for each community and technical college as described in ~~(section 605(29) of this act)~~ section 602(29) of this act.

(7) \$29,000 of the general fund—state appropriation for fiscal year 2022 and \$29,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute House Bill No. 1044 (prison to postsecondary ed.). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(8) \$16,000 of the general fund—state appropriation for fiscal year 2022 and \$16,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute Senate Bill No. 5249 (mastery-based learning). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(9) \$1,000,000 of the workforce education investment account—state appropriation is provided solely for the career launch grant pool for the public four-year institutions.

(10) \$3,600,000 of the workforce education investment account—state appropriation is provided solely for a grant pool dedicated to nursing programs to purchase or upgrade simulation laboratory equipment.

(11) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the student achievement council to convene and coordinate the development of education and training programs for employees, focusing on correctional officers and medical staff, of the department of corrections to be provided through a contract with The Evergreen State College. Education and training programs must be designed collaboratively to best meet the needs of the department of corrections.

(12) \$850,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for administrative support services to carry out duties and responsibilities necessary for recipients of the Washington college grant who are enrolled in a state registered apprenticeship program.

(13) \$246,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to expand the homeless student assistance pilot program by two additional public four-year institutions of higher education. The institutions participating in the pilot program are subject to the same requirements as in RCW 28B.50.916. Of the amounts in this subsection, \$30,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for administration.

(14) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a Pierce county school district to expand a current program assisting high school seniors to identify a postsecondary pathway through a data driven approach.

(15)(a) \$80,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a pilot program to help students, including those enrolled in state registered apprenticeship programs, connect with health care coverage. The student achievement council, in cooperation with the council of presidents, must provide resources for up to two four-year colleges or universities, one on the east side and one on the west side of the Cascade mountains, to hire or train an employee to:

(i) Provide information to students and college and university staff about available health insurance options;

(ii) Develop culturally relevant materials and conduct outreach for historically marginalized and underserved student populations to assist these populations in their knowledge of access to low cost or free health insurance plans;

(iii) Provide ongoing technical assistance to students about health insurance options or health insurance application process; and

(iv) Provide technical assistance to students as a health benefit exchange certified assister, to help students understand, shop, apply, and enroll in health insurance through Washington health planfinder.

(b) Participation in the exchange assister program is contingent on fulfilling applicable contracting, security, and other program requirements.

(c) The legislature expects the council, in collaboration with the council of presidents and the health benefit exchange, to report to the appropriate committees of the legislature information about barriers students, including those enrolled in state registered apprenticeship programs, encountered to accessing health insurance coverage; and to provide recommendations on how to improve student and staff access to health coverage based on data gathered from the pilot program.

(16) \$25,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the Washington student achievement council to convene stakeholders from institutions of higher education, students, and community-based organizations to develop recommendations regarding residency statutes with the goal of ensuring consistent application of residency statutes and clarifying pathways to being a Washington resident student with a focus on ensuring equity to accessing student residency. By December 1, 2022, the council must submit a report with recommendations to the appropriate committees of the legislature pursuant to RCW 43.01.036.

(17) \$10,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the council to submit a progress report on the new or expanded cybersecurity and nursing academic programs that receive funding in sections 602 through 608 of this act, including the number of students enrolled. The council must coordinate with the institutions of higher education and the state board for community and technical colleges as provided in sections 601(4), 602(37), and 602(45) of this act. The progress report must be submitted to the

appropriate committees of the legislature, pursuant to RCW 43.01.036, by June 30, 2023, and a final report is expected by December 1, 2024.

(18) \$2,800,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to a nonprofit organization located in King county to expand college services to support underserved students impacted by the pandemic and improve college retention and completion rates.

(19) \$275,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for Engrossed Second Substitute Senate Bill No. 5764 (apprenticeships and higher ed). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(20) \$137,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5847 (public employee PLSF info). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(21) \$1,200,000 of the workforce education investment account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1835 (postsecondary enrollment). No more than \$200,000 of the amounts provided in this subsection may be used for administration. If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(22) \$150,000,000 of the Washington student loan account—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1736 (state student loan program). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(23) If Second Substitute Senate Bill No. 5789 (innovation challenge program) is enacted by June 30, 2022, community-based organizations that receive state funding under subsection (18) of this section and section 602(41) of this act are not eligible for Washington career and college pathways innovation challenge program grant funding for the same purpose.

**Sec. 610.** 2021 c 334 s 613 (uncodified) is amended to read as follows:

**FOR THE STUDENT ACHIEVEMENT COUNCIL—OFFICE OF STUDENT FINANCIAL ASSISTANCE**

General Fund—State Appropriation (FY 2022) . . . . .	..(( <del>\$274,215,000</del> ))
	<u>\$274,216,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	..(( <del>\$270,597,000</del> ))
	<u>\$224,541,000</u>
General Fund—Federal Appropriation . . . . .	..(( <del>\$14,061,000</del> ))
	<u>\$14,096,000</u>
General Fund—Private/Local Appropriation . . . . .	\$300,000
Education Legacy Trust Account—State Appropriation . . . . .	\$85,488,000
Washington Opportunity Pathways Account—State Appropriation . . . . .	..(( <del>\$164,598,000</del> ))
	<u>\$223,786,000</u>
Aerospace Training Student Loan Account—State Appropriation . . . . .	..(( <del>\$216,000</del> ))
	<u>\$217,000</u>
Workforce Education Investment Account—State Appropriation . . . . .	..(( <del>\$299,870,000</del> ))
	<u>\$248,456,000</u>



Health Professionals Loan Repayment and Scholarship

Program Account—State Appropriation . . . . .	\$1,720,000
TOTAL APPROPRIATION . . . . .	<del>(\$1,111,065,000)</del>
	<u>\$1,072,820,000</u>

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

(1) \$7,834,000 of the general fund—state appropriation for fiscal year 2022 and \$7,835,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for student financial aid payments under the state work study program, including up to four percent administrative allowance for the state work study program.

(2) ~~(\$236,416,000)~~ \$176,416,000 of the general fund—state appropriation for fiscal year 2022, ~~(\$297,865,000)~~ \$218,824,000 of the workforce education investment account—state appropriation, \$69,639,000 of the education legacy trust fund—state appropriation, and ~~(\$147,654,000)~~ \$207,654,000 of the Washington opportunity pathways account—state appropriation are provided solely for the Washington college grant program as provided in RCW 28B.92.200.

(3) Changes made to the state work study program in the 2009-2011 and 2011-2013 fiscal biennia are continued in the 2021-2023 fiscal biennium including maintaining the increased required employer share of wages; adjusted employer match rates; discontinuation of nonresident student eligibility for the program; and revising distribution methods to institutions by taking into consideration other factors such as off-campus job development, historical utilization trends, and student need.

(4) \$1,165,000 of the general fund—state appropriation for fiscal year 2022, \$1,165,000 of the general fund—state appropriation for fiscal year 2023, \$15,849,000 of the education legacy trust account—state appropriation, and ~~(\$16,944,000)~~ \$16,132,000 of the Washington opportunity pathways account—state appropriation are provided solely for the college bound scholarship program and may support scholarships for summer session. The office of student financial assistance and the institutions of higher education shall not consider awards made by the opportunity scholarship program to be state-funded for the purpose of determining the value of an award amount under RCW 28B.118.010.

(5) \$6,999,000 of the general fund—state appropriation for fiscal year 2022 and \$6,999,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the passport to college program. The maximum scholarship award is up to \$5,000. The council shall contract with a nonprofit organization to provide support services to increase student completion in their postsecondary program and shall, under this contract, provide a minimum of \$500,000 in fiscal years 2022 and 2023 for this purpose.

(6) \$2,981,000 of the general fund—state appropriation for fiscal year 2022 ~~((\$8,551,000))~~ and \$8,551,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to meet state match requirements associated with the opportunity scholarship program. The legislature will evaluate subsequent appropriations to the opportunity scholarship program based on the extent that

additional private contributions are made, program spending patterns, and fund balance.

(7) \$3,800,000 of the general fund—state appropriation for fiscal year 2022 and \$3,800,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for expenditure into the health professionals loan repayment and scholarship program account. These amounts must be used to increase the number of licensed primary care health professionals to serve in licensed primary care health professional critical shortage areas. Contracts between the office and program recipients must guarantee at least three years of conditional loan repayments. The office of student financial assistance and the department of health shall prioritize a portion of any nonfederal balances in the health professional loan repayment and scholarship fund for conditional loan repayment contracts with psychiatrists and with advanced registered nurse practitioners for work at one of the state-operated psychiatric hospitals. The office and department shall designate the state hospitals as health professional shortage areas if necessary for this purpose. The office shall coordinate with the department of social and health services to effectively incorporate three conditional loan repayments into the department's advanced psychiatric professional recruitment and retention strategies. The office may use these targeted amounts for other program participants should there be any remaining amounts after eligible psychiatrists and advanced registered nurse practitioners have been served. The office shall also work to prioritize loan repayments to professionals working at health care delivery sites that demonstrate a commitment to serving uninsured clients. It is the intent of the legislature to provide funding to maintain the current number and amount of awards for the program in the 2023-2025 fiscal biennium on the basis of these contractual obligations.

(8) \$1,000,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for behavioral health loan repayment program grants, pursuant to chapter 302, Laws of 2019 (2SHB 1668) (Washington health corps).

(9) \$4,125,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$4,125,000)~~) \$6,125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for expenditure into the health professionals loan repayment and scholarship program account. The amount provided in this subsection is provided solely to increase loans within the behavioral health program.

(10) \$2,000,000 of the workforce education investment account—state appropriation is provided solely for the future teachers conditional scholarship and loan repayment program established in chapter 28B.102 RCW.

(11) \$2,000,000 of the general fund—federal appropriation (ARPA) is provided solely for ARPA anticipated state grants for the national health service corps.

(12) \$1,279,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$1,138,000)~~) \$1,313,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington award for vocational excellence. \$175,000 of the general fund—state appropriation for fiscal year 2023 shall be used for administration.

(13) \$258,000 of the general fund—state appropriation for fiscal year 2022 and \$258,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 1166 (college students pilot). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(14) ~~\$500,000 of the general fund—state appropriation for fiscal year 2022 ((is)) and \$206,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a state match associated with the rural jobs program. ((The legislature will evaluate appropriations in future biennia to the rural jobs program based on the extent that additional private contributions are made-))~~

(15) \$27,627,000 of the workforce education investment account—state appropriation is provided solely for an annual bridge grant of \$500 to eligible students. A student is eligible for a grant if the student receives a maximum college grant award and does not receive the college bound scholarship program under chapter 28B.118 RCW. Bridge grant funding provides supplementary financial support to low-income students to cover higher education expenses.

(16) \$3,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of House Bill No. 2007 (nurse educator loans). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

**Sec. 611.** 2021 c 334 s 614 (uncodified) is amended to read as follows:  
**FOR THE WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD**

General Fund—State Appropriation (FY 2022) . . . . .	<del>(\$2,715,000))</del>
	<u>\$2,798,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	<del>(\$2,436,000))</del>
	<u>\$5,139,000</u>
General Fund—Federal Appropriation . . . . .	<del>(\$55,483,000))</del>
	<u>\$55,611,000</u>
General Fund—Private/Local Appropriation . . . . .	\$212,000
Workforce Education Investment Account—State	
Appropriation . . . . .	\$150,000
Coronavirus State Fiscal Recovery Fund—Federal	
Appropriation . . . . .	\$250,000
TOTAL APPROPRIATION . . . . .	<del>(\$61,246,000))</del>
	<u>\$64,160,000</u>

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

(1) \$240,000 of the general fund—state appropriation for fiscal year 2022 and \$240,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the health workforce council of the state workforce training and education coordinating board. In partnership with the office of the governor, the health workforce council shall continue to assess workforce shortages across behavioral health disciplines and incorporate the recommended action plan completed in 2020.

(2) \$150,000 of the workforce education investment account—state appropriation is provided solely for staffing costs to support the workforce

education investment accountability and oversight board established in RCW 28C.18.200.

(3) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the board to continue work under a new behavioral health workforce advisory committee, which shall monitor and report on the progress of recommendations from the board's previous behavioral health workforce assessments, and continue to develop policy and practice recommendations on emerging issues in the behavioral health workforce. The board must convene and staff the committee. The committee must provide a report and relevant recommendations to the appropriate committees of the legislature and the office of the governor under RCW 43.01.036 by December 1, 2021, and December 1, 2022.

(4) \$250,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for an accredited osteopathic medical school to implement an interprofessional curriculum to educate health care providers and workforce on opioid misuse and addiction.

(5) \$225,000 of the general fund—state appropriation for fiscal year 2022 and \$225,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the board to collaborate and assist in the report required by the new behavioral health advisory committee established in subsection (3) of this section. The report shall contain an analysis of behavioral health workforce shortages and challenges, data to inform systems change, and relevant policy recommendations and actions informed by the employer demand projection and talent development pipeline analyses to the appropriate committees of the legislature and the office of the governor by December 1, 2021, and December 1, 2022. The board shall contract with a statewide nonprofit organization with expertise in promoting and supporting science, technology, engineering, and math education from early learning through postsecondary education to provide a regional analysis of supply pipelines to current behavioral health care opportunities, at the secondary and postsecondary levels, and will identify gaps and barriers to programs that lead to high-demand behavioral health occupations. In coordination with the board's employer demand projection analysis, the contractor will provide an analysis of the talent development pipeline to help inform the committee's work.

(6) \$772,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to conduct health workforce surveys, in collaboration with the nursing care quality assurance commission, to collect and analyze data on the long-term care workforce; and manage a stakeholder process to address retention and career pathways in long-term care facilities.

(7) \$1,200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for apprenticeship grants, in collaboration with the nursing care quality assurance commission and the department of labor and industries, to address the long-term care workforce.

(8) \$209,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for administrative expenditures for the Washington award for vocational excellence.

(9) \$216,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the board to collaborate with other state workforce agencies

to identify a governance structure that provides strategic direction on cross-organizational information technology projects. By December 1, 2022, the board will submit a report the governor's office and appropriate legislative committees with recommendations on a coalition model that will result in better service coordination and public stewardship that enables the efficient delivery of workforce development services.

(10) \$18,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for Second Substitute Senate Bill No. 5789 (innovation challenge program). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(11) \$187,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 2019 (careers in retail). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

**Sec. 612.** 2021 c 334 s 615 (uncodified) is amended to read as follows:

**FOR THE STATE SCHOOL FOR THE BLIND**

General Fund—State Appropriation (FY 2022) . . . . .	(( <del>\$9,224,000</del> ))
	<u>\$9,278,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	(( <del>\$9,357,000</del> ))
	<u>\$9,939,000</u>
General Fund—Private/Local Appropriation . . . . .	\$34,000
TOTAL APPROPRIATION . . . . .	(( <del>\$18,615,000</del> ))
	<u>\$19,251,000</u>

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

(1) Funding provided in this section is sufficient for the school to offer to students enrolled in grades six through twelve for full-time instructional services at the Vancouver campus or online with the opportunity to participate in a minimum of one thousand eighty hours of instruction and the opportunity to earn twenty-four high school credits.

(2) \$24,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1153 (language access in schools). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

**Sec. 613.** 2021 c 334 s 616 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS**

General Fund—State Appropriation (FY 2022) . . . . .	(( <del>\$14,767,000</del> ))
	<u>\$15,108,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	(( <del>\$14,974,000</del> ))
	<u>\$16,104,000</u>
TOTAL APPROPRIATION . . . . .	(( <del>\$29,741,000</del> ))
	<u>\$31,212,000</u>

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

(1) Funding provided in this section is sufficient for the center to offer students ages three through twenty-one enrolled at Washington School for the

Deaf the opportunity to participate in a minimum of one thousand eighty hours of instruction and the opportunity to earn twenty-four high school credits.

(2) \$225,000 of the general fund—state appropriation in fiscal year 2022 and \$225,000 of the general fund—state appropriation in fiscal year 2023 are provided solely for the center for deaf and hard of hearing youth to develop or expand a mentoring program for persons employed as educational interpreters in public schools. Funding provided under this section is provided solely for recruiting, hiring, and training persons to be employed by Washington sensory disability services who must provide mentoring services in different geographic regions of the state, with the dual goals of providing services, beginning with the 2021-22 school year, to any requesting school district; and assisting persons in the timely and successful achievement of performance standards for educational interpreters.

(3) \$5,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1153 (language access in schools). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

Sec. 614. 2021 c 334 s 617 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE ARTS COMMISSION**

General Fund—State Appropriation (FY 2022) . . . . .	<del>(\$2,614,000)</del>
	<u>\$2,760,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	<del>(\$2,648,000)</del>
	<u>\$4,788,000</u>
General Fund—Federal Appropriation . . . . .	<del>(\$3,156,000)</del>
	<u>\$3,169,000</u>
General Fund—Private/Local Appropriation . . . . .	<del>(\$50,000)</del>
	<u>\$143,000</u>
Coronavirus State Fiscal Recovery Fund—Federal Appropriation . . . . .	\$2,000,000
TOTAL APPROPRIATION . . . . .	<del>(\$10,468,000)</del>
	<u>\$12,860,000</u>

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

(1) \$80,000 of the general fund—state appropriation for fiscal year 2022 and \$79,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the creative districts program.

(2) \$1,000,000 of the general fund—federal appropriation (ARPA) is provided solely for grants to arts organizations for programing and general operating expenses pursuant to section 2021 of the American rescue plan act of 2021, P.L. 117-2.

(3) \$1,000,000 of the coronavirus state fiscal recovery fund—federal appropriation for fiscal year 2022 and \$1,000,000 of the coronavirus state fiscal recovery fund—federal appropriation for fiscal year 2023 are provided solely for the Washington state arts commission to stabilize, recover, and preserve the state's arts and cultural organizations in light of pandemic conditions. From these amounts, the commission may distribute relief, response, and recovery grants to arts and cultural organizations statewide, subject to appropriate agreements.

(4) \$71,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a business network in the Goldendale area to continue an arts-based revitalization and transformation project in downtown Goldendale.

Sec. 615. 2021 c 334 s 618 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

General Fund—State Appropriation (FY 2022) . . . . .	(\$4,024,000)
	\$4,270,000
General Fund—State Appropriation (FY 2023) . . . . .	(\$4,035,000)
	\$4,878,000
TOTAL APPROPRIATION . . . . .	(\$8,059,000)
	\$9,148,000

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

(1) \$210,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the Washington state historical society to partner with a statewide organization specializing in the preservation of Washington state Jewish history to establish a new archive that captures the narratives and primary source materials of Jewish Washingtonians. This new archive must create the capacity to capture a 15-year backlog of hundreds of narratives and materials of Jewish Washingtonians, as well as unlimited new submissions, with the future goal of making these materials available to the public and linking to existing Jewish archival collections at the University of Washington.

(2) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract with an organization that works with and connects museums in Washington state to create an inventory of heritage organizations across the state as the first phase of a Washington museums connect initiative.

Sec. 616. 2021 c 334 s 619 (uncodified) is amended to read as follows:

**FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

General Fund—State Appropriation (FY 2022) . . . . .	(\$3,305,000)
	\$3,481,000
General Fund—State Appropriation (FY 2023) . . . . .	(\$3,388,000)
	\$4,095,000
TOTAL APPROPRIATION . . . . .	(\$6,693,000)
	\$7,576,000

**PART VII  
SPECIAL APPROPRIATIONS**

Sec. 701. 2021 c 334 s 701 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—INFORMATION TECHNOLOGY INVESTMENT POOL**

General Fund—State Appropriation (FY 2022) . . . . .	(\$9,029,000)
	\$14,143,000
General Fund—State Appropriation (FY 2023) . . . . .	(\$4,514,000)
	\$14,244,000
General Fund—Federal Appropriation . . . . .	(\$2,481,000)
	\$5,736,000

General Fund—Private/Local Appropriation . . . . .	<del>(\$92,000)</del>
	\$113,000
Other Appropriated Funds . . . . .	<del>(\$15,707,000)</del>
	\$19,647,000
TOTAL APPROPRIATION . . . . .	<del>(\$31,823,000)</del>
	\$53,883,000

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

(1) The appropriations in this section are provided solely for expenditure into the information technology investment revolving account created in RCW 43.41.433. Amounts in the account are provided solely for the information technology projects shown in LEAP omnibus documents IT-2021, dated April 22, 2021, and IT-2022, dated March 8, 2022, which ~~((is))~~ are hereby incorporated by reference. To facilitate the transfer of moneys from other funds and accounts that are associated with projects contained in LEAP omnibus documents IT-2021, dated April 22, 2021, and IT-2022, dated March 8, 2022, the state treasurer is directed to transfer moneys from other funds and accounts to the information technology investment revolving account in accordance with schedules provided by the office of financial management. Restricted federal funds may be transferred only to the extent permitted by law, and will otherwise remain outside the information technology investment account. The projects affected remain subject to the other provisions of this section.

(2) Agencies must apply to ~~((the office of financial management and))~~ the office of the chief information officer ~~((to receive funding from the information technology investment revolving account))~~ for certification and release of funding for each gate of the project. ((The)) When the office of the chief information officer certifies the key deliverables of the gate have been met and a current technology budget is approved, it must notify the office of financial management ((must notify)) and the fiscal committees of the legislature ((of the receipt of each application and)). The office of financial management may not approve ((a funding request for)) funding for the certified project gate any earlier than ten business days from the date of notification to the fiscal committees of the legislature.

(3)(a) Allocations and allotments of information technology investment revolving account must be made for discrete stages of projects as determined by the technology budget approved by the office of the chief information officer and office of financial management.

(b) Fifteen percent of total funding allocated by the office of financial management, or another amount as defined jointly by the office of financial management and the office of the chief information officer, will be retained in the account, but remain allocated to that project. The retained funding will be released to the agency only after successful completion of that stage of the project. For the one Washington project, the amount retained is increased to at least twenty percent of total funding allocated for any stage of that project.

(4)(a) Each project must have a technology budget. The technology budget must have the detail by fiscal month for the 2021-2023 fiscal biennium. The technology budget must use a method similar to the state capital budget, identifying project costs, each fund source, and anticipated deliverables through



each stage of the entire project investment and across fiscal periods and biennia from project onset through implementation and close out, as well as at least five years of maintenance and operations costs.

(b) As part of the development of a technology budget and at each request for funding, the agency shall submit an updated technology budget, if changes occurred, to include detailed financial information to the office of financial management and the office of the chief information officer. The technology budget must describe the total cost of the project, as well as maintenance and operations costs, to include and identify at least:

(i) Fund sources:

(A) If the project is funded from the information technology revolving account, the technology budget must include a worksheet that provides the fund sources that were transferred into the account by fiscal year;

(B) If the project is by a central service agency, and funds are driven out by the central service model, the technology budget must provide a statewide impact by agency by fund as a worksheet in the technology budget file;

(ii) Full time equivalent staffing level to include job classification assumptions;

(iii) ~~(Discrete)~~ Discrete financial budget codes to include at least the appropriation index and program index;

(iv) Object and subobject codes of expenditures;

(v) Anticipated deliverables;

(vi) Historical budget and expenditure detail by fiscal year; and

(vii) Maintenance and operations costs by fiscal year for at least five years as a separate worksheet.

(c) If a project technology budget changes and a revised technology budget is completed, a comparison of the revised technology budget to the last approved technology budget must be posted to the dashboard, to include a narrative rationale on what changed, why, and how that impacts the project in scope, budget, and schedule.

(5)(a) Each project must have an investment plan that includes:

(i) An organizational chart of the project management team that identifies team members and their roles and responsibilities;

(ii) The office of the chief information officer staff assigned to the project;

(iii) An implementation schedule covering activities, critical milestones, and deliverables at each stage of the project for the life of the project at each agency affected by the project;

(iv) Performance measures used to determine that the project is on time, within budget, and meeting expectations for quality of work product;

(v) Ongoing maintenance and operations cost of the project post implementation and close out delineated by agency staffing, contracted staffing, and service level agreements; and

(vi) Financial budget coding to include at least discrete financial coding for the project.

(6) Projects with estimated costs greater than one hundred million dollars from initiation to completion and implementation may be divided into discrete subprojects as determined by the office of the chief information officer, except for the one Washington project which must be divided into the following discrete subprojects: Core financials, expanding financials and procurement, budget, and

human resources. Each subproject must have a technology budget and investment plan as provided in this section.

(7)(a) The office of the chief information officer shall maintain an information technology project dashboard that provides updated information each fiscal month on projects subject to this section. This includes, at least:

- (i) Project changes each fiscal month;
- (ii) Noting if the project has a completed market requirements document, and when it was completed;
- (iii) Financial status of information technology projects under oversight;
- (iv) Coordination with agencies;
- (v) Monthly quality assurance reports, if applicable;
- (vi) Monthly office of the chief information officer status reports;
- (vii) Historical project budget and expenditures through fiscal year 2021;
- (viii) Budget and expenditures each fiscal month;
- (ix) Estimated annual maintenance and operations costs by fiscal year; and
- (x) Posting monthly project status assessments on scope, schedule, budget, and overall by the:

(A) Office of the chief information officer;

(B) Agency project team; and

(C) Quality assurance vendor, if applicable to the project.

(b) The dashboard must retain a roll up of the entire project cost, including all subprojects, that can display subproject detail. This includes coalition projects that are active.

(8) If the project affects more than one agency:

(a) A separate technology budget and investment plan must be prepared for each agency; and

(b) The dashboard must contain a statewide project technology budget roll up that includes each affected agency at the subproject level.

(9) For any project that exceeds two million dollars in total funds to complete, requires more than one biennium to complete, or is financed through financial contracts, bonds, or other indebtedness:

(a) Quality assurance for the project must report independently to the office of the chief information officer;

(b) The office of the chief information officer must review, and, if necessary, revise the proposed project to ensure it is flexible and adaptable to advances in technology;

(c) The technology budget must specifically identify the uses of any financing proceeds. No more than thirty percent of the financing proceeds may be used for payroll-related costs for state employees assigned to project management, installation, testing, or training;

(d) The agency must consult with the office of the state treasurer during the competitive procurement process to evaluate early in the process whether products and services to be solicited and the responsive bids from a solicitation may be financed; and

(e) The agency must consult with the contracting division of the department of enterprise services for a review of all contracts and agreements related to the project's information technology procurements.

(10) The office of the chief information officer must evaluate the project at each stage and certify whether the project is planned, managed, and meeting

deliverable targets as defined in the project's approved technology budget and investment plan.

(11) The office of the chief information officer may suspend or terminate a project at any time if it determines that the project is not meeting or not expected to meet anticipated performance and technology outcomes. Once suspension or termination occurs, the agency shall unallot any unused funding and shall not make any expenditure for the project without the approval of the office of financial management. The office of the chief information officer must report on July 1 and December 1 each calendar year any suspension or termination of a project in the previous six month period to the legislative fiscal committees.

(12) The office of the chief information officer, in consultation with the office of financial management, may identify additional projects to be subject to this section, including projects that are not separately identified within an agency budget. The office of the chief information officer must report on July 1 and December 1 each calendar year any additional projects to be subjected to this section that were identified in the previous six month period to the legislative fiscal committees.

(13) Any cost to administer or implement this section for projects listed in subsection (1) of this section, must be paid from the information technology investment revolving account. For any other information technology project made subject to the conditions, limitations, and review of this section, the cost to implement this section must be paid from the funds for that project.

(14) The following information technology projects are subject to the conditions, limitations, and review in this section:

- (a) The unclaimed property system project of the department of revenue;
- (b) The one Washington procurement project of the department of enterprise services;
- (c) The security systems on campus project of the department of enterprise services;
- (d) The network core equipment project of the consolidated technology services agency; and
- (e) The data center switching equipment project of the consolidated technology services agency.

**Sec. 702.** 2021 c 334 s 702 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT**

General Fund—State Appropriation (FY 2022) . . . . .	(\$1,273,008,000)
	<u>\$1,265,240,000</u>
General Fund—State Appropriation (FY 2023) . . . . .	(\$1,374,570,000)
	<u>\$1,342,278,000</u>
State Building Construction Account—State Appropriation . . . . .	(\$12,323,000)
	<u>\$19,323,000</u>
Columbia River Basin Water Supply Development Account—State Appropriation . . . . .	\$13,000
Watershed Restoration and Enhancement Bond Account— State Appropriation . . . . .	\$181,000
State Taxable Building Construction Account—State	

Appropriation . . . . .	\$467,000
Debt-Limit Reimbursable Bond Retirement Account—	
State Appropriation . . . . .	\$511,000
TOTAL APPROPRIATION . . . . .	<del>(\$2,661,073,000)</del>
	<u>\$2,628,013,000</u>

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for expenditure into the debt-limit general fund bond retirement account.

**Sec. 703.** 2021 c 334 s 704 (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**

General Fund—State Appropriation (FY 2022) . . . . .	\$1,400,000
General Fund—State Appropriation (FY 2023) . . . . .	\$1,400,000
State Building Construction Account—State	
Appropriation . . . . .	<del>(\$2,466,000)</del>
	<u>\$4,249,000</u>

Columbia River Basin Water Supply Development	
Account—State Appropriation . . . . .	\$3,000

Watershed Restoration and Enhancement Bond Account—	
State Appropriation . . . . .	\$39,000

State Taxable Building Construction Account—State	
Appropriation . . . . .	\$94,000
TOTAL APPROPRIATION . . . . .	<del>(\$5,402,000)</del>
	<u>\$7,185,000</u>

**Sec. 704.** 2021 c 334 s 705 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—EMERGENCY FUND**

General Fund—State Appropriation (FY 2022) . . . . .	<del>(\$850,000)</del>
	<u>\$1,100,000</u>

General Fund—State Appropriation (FY 2023) . . . . .	<del>(\$850,000)</del>
	<u>\$1,000,000</u>

TOTAL APPROPRIATION . . . . .	<del>(\$1,700,000)</del>
	<u>\$2,100,000</u>

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are for the governor's emergency fund for the critically necessary work of any agency.

**Sec. 705.** 2021 c 334 s 706 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—EMERGENCY ASSISTANCE FUND**

General Fund—State Appropriation (FY 2022) . . . . .	<del>(\$2,500,000)</del>
	<u>\$5,000,000</u>

General Fund—State Appropriation (FY 2023) . . . . .	<del>(\$2,500,000)</del>
	<u>\$5,000,000</u>

TOTAL APPROPRIATION . . . . .	<del>(\$5,000,000)</del>
	<u>\$10,000,000</u>

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are for the governor's emergency fund for individual assistance consistent with RCW 38.52.030(9) during an emergency proclaimed by the governor, as defined in RCW 38.52.010(9). The office of financial management must notify the fiscal committees of the legislature of the receipt of each application or request for individual assistance from the governor's emergency fund by the governor or the adjutant general. The office of financial management may not approve, nor release, funding for 10 business days from the date of notification to the fiscal committees of the legislature.

Sec. 706. 2021 c 334 s 718 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—ANDY HILL CANCER RESEARCH ENDOWMENT FUND MATCH TRANSFER ACCOUNT**

General Fund—State Appropriation (FY 2022)	\$951,000
<u>General Fund—State Appropriation (FY 2023)</u>	<u>\$30,683,000</u>
TOTAL APPROPRIATION	<del>(\$951,000)</del> <u>\$31,634,000</u>

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the Andy Hill cancer research endowment fund match transfer account per RCW 43.348.080 to fund the Andy Hill cancer research endowment program. Matching funds using the amounts appropriated in this section may not be used to fund new grants that exceed two years in duration.

Sec. 707. 2021 c 334 s 723 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—NORTHEAST WASHINGTON WOLF-LIVESTOCK MANAGEMENT ACCOUNT**

General Fund—State Appropriation (FY 2022)	\$496,000
General Fund—State Appropriation (FY 2023)	<del>(\$456,000)</del> <u>\$546,000</u>
TOTAL APPROPRIATION	<del>(\$952,000)</del> <u>\$1,042,000</u>

The appropriations in this section are subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the northeast Washington wolf-livestock management account for the deployment of nonlethal wolf deterrence resources as provided in chapter 16.76 RCW.

Sec. 708. 2021 c 334 s 724 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—LONG-TERM SERVICES AND SUPPORTS ACCOUNT**

General Fund—State Appropriation (FY 2022)	<del>(\$19,618,000)</del> <u>\$46,148,000</u>
TOTAL APPROPRIATION	<del>(\$19,618,000)</del> <u>\$46,148,000</u>

The appropriation in this section is subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the long-term services and supports account pursuant to chapter 98, Laws of 2020 and

chapter 363, Laws of 2019. This constitutes a loan from the general fund and must be repaid, with interest, to the general fund by June 30, (~~2022~~) 2024.

Sec. 709. 2021 c 334 s 744 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—COVID-19 PUBLIC HEALTH RESPONSE ACCOUNT—PUBLIC HEALTH WORKFORCE**

General Fund—Federal Appropriation . . . . .	(\$100,000,000)
	<u>\$85,000,000</u>
TOTAL APPROPRIATION . . . . .	(\$100,000,000)
	<u>\$85,000,000</u>

The appropriation in this section is subject to the following conditions and limitations: The entire general fund—federal appropriation (ARPA) is provided solely for expenditure into the COVID-19 public health response account, from which the department of health may make expenditures from this sum solely to hire case investigators, contact tracers, public health nurses, disease intervention specialists, epidemiologists, and other positions as may be required to prevent, prepare for, and respond to COVID-19, and to provide personal protection equipment. Allowable uses include distribution or reimbursement to local health jurisdictions and tribes for activities consistent with the purposes of this section.

Sec. 710. 2021 c 334 s 745 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—COVID-19 PUBLIC HEALTH RESPONSE ACCOUNT—VACCINES**

General Fund—Federal Appropriation . . . . .	(\$100,000,000)
	<u>\$76,000,000</u>
TOTAL APPROPRIATION . . . . .	(\$100,000,000)
	<u>\$76,000,000</u>

The appropriation in this section is subject to the following conditions and limitations: The entire general fund—federal appropriation (ARPA) is provided solely for expenditure into the COVID-19 public health response account, from which the department of health may make expenditures from this sum solely for vaccine distribution and administration, including the establishment and expansion of community vaccination centers and mobile vaccination units, particularly in underserved areas; reporting enhancements; communication efforts; and transportation of individuals, particularly in underserved populations, to vaccination sites. Allowable uses include distribution or reimbursement to local health jurisdictions and tribes for activities consistent with the purposes of this section.

Sec. 711. 2021 c 334 s 746 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—COVID-19 PUBLIC HEALTH RESPONSE ACCOUNT—TESTING AND TRACING**

General Fund—Federal Appropriation . . . . .	(\$900,000,000)
	<u>\$780,000,000</u>
TOTAL APPROPRIATION . . . . .	(\$900,000,000)
	<u>\$780,000,000</u>

The appropriation in this section is subject to the following conditions and limitations: The entire general fund—federal appropriation (ARPA) is provided

solely for expenditure into the COVID-19 public health response account, from which the department of health may make expenditures from this sum solely for the statewide response to the COVID-19 pandemic, including diagnostic testing, case investigation and contact tracing, care coordination, outbreak response, data collection and analysis, and other activities required to support the response. Allowable uses include distribution or reimbursement to local health jurisdictions and tribes for activities consistent with the purposes of this section.

Sec. 712. 2021 c 334 s 748 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—STATE HEALTH CARE AFFORDABILITY ACCOUNT**

General Fund—State Appropriation (FY 2023) . . . . .	..(( <del>\$50,000,000</del> ))
	<u>\$55,000,000</u>
TOTAL APPROPRIATION . . . . .	..(( <del>\$50,000,000</del> ))
	<u>\$55,000,000</u>

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

(1) The appropriations are provided solely for expenditure into the state health care affordability account created in ~~((Engrossed Second Substitute Senate Bill No. 5377 (standardized health plans)))~~ RCW 43.71.130. ~~((If the bill is not enacted by June 30, 2021, the amounts appropriated in this section shall lapse.))~~

(2) It is the intent of the legislature to continue the policy of expending \$5,000,000 into the account each fiscal year in future biennia for the purpose of funding premium assistance for customers ineligible for federal premium tax credits who meet the eligibility criteria established in section 214(11)(a) of this act. Future expenditures into the account are contingent upon approval of the applicable waiver described in section 214(12)(b) of this act.

Sec. 713. 2021 c 334 s 753 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—CORONAVIRUS RELIEF FUNDS**

General Fund—Federal Appropriation . . . . .	..(( <del>\$280,000,000</del> ))
	<u>\$5,711,000</u>
TOTAL APPROPRIATION . . . . .	..(( <del>\$280,000,000</del> ))
	<u>\$5,711,000</u>

The appropriation in this section is subject to the following conditions and limitations: The entire general fund—federal appropriation (CRF) is provided solely to the office of financial management for ~~((allotment))~~ allocation to state agencies for costs eligible to be paid from the coronavirus relief fund created by section 5001, the coronavirus aid, relief, and economic security act, P.L. 116-136, division A and where funding is provided elsewhere in this act for those costs using a funding source other than the coronavirus relief fund. For any agency receiving an ~~((allotment))~~ allocation under this section, the office must place an equal amount of the agency's state or other federal source appropriation authority in unallotted reserve status, and those amounts may not be expended. In determining the use of amounts appropriated in this section, the office of financial management shall prioritize the preservation of state general fund moneys and federal state fiscal recovery fund moneys. The office must report on

the use of the amounts appropriated in this section to the fiscal committees of the legislature monthly until all coronavirus relief fund moneys are expended or the unexpended moneys returned to the federal government, whichever is earlier.

NEW SECTION. Sec. 714. A new section is added to 2021 c 334 (uncodified) to read as follows:

**FOR SUNDRY CLAIMS**

The following sums, or so much thereof as may be necessary, are appropriated from the general fund for fiscal year 2022, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims.

These appropriations are to be disbursed on vouchers approved by the director of the department of enterprise services, except as otherwise provided, for reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110, as follows:

- (1) William J. Damson, claim number 9991006839 .....\$14,880
- (2) David Ziller, claim number 9991006721 .....\$13,257
- (3) Caleb B. Cline, claim number 9991006671. ....\$23,367
- (4) Julaine D. Pettis, claim number 9991005948. ....\$20,000
- (5) Jaydra Erchul Johnson, claim number 9991005804 .....\$8,270
- (6) Christopher Lundvall, claim number 9991007205 .....\$45,022
- (7) Carlos Cervantes, claim number 9991007388 .....\$6,298
- (8) Jarel Jones-White, claim number 9991007721 .....\$3,665

NEW SECTION. Sec. 715. A new section is added to 2021 c 334 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—APPLE HEALTH AND HOMES ACCOUNT**

General Fund—State Appropriation (FY 2023).....	\$37,192,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$37,192,000</b>

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the apple health and homes account created in Engrossed Substitute House Bill No. 1866 (supportive housing). If the bill is not enacted by June 30, 2022, the amount appropriated in this section shall lapse.

NEW SECTION. Sec. 716. A new section is added to 2021 c 334 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—WASHINGTON AUTO THEFT PREVENTION AUTHORITY ACCOUNT**

General Fund—State Appropriation (FY 2023).....	\$3,500,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$3,500,000</b>

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the Washington auto theft prevention authority account created in RCW 46.66.080.

NEW SECTION. Sec. 717. A new section is added to 2021 c 334 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—CAPITAL COMMUNITY ASSISTANCE ACCOUNT**

General Fund—State Appropriation (FY 2023).....	\$650,000,000
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TOTAL APPROPRIATION . . . . . \$650,000,000

The appropriation in this section is subject to the following conditions and limitations: The amount in this section is provided solely for expenditure into the capital community assistance account created in section 946 of this act.

NEW SECTION. Sec. 718. A new section is added to 2021 c 334 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—OPERATING SUBACCOUNT OF THE COMMUNITY PRESERVATION AND DEVELOPMENT AUTHORITY ACCOUNT**

General Fund—State Appropriation (FY 2022) . . . . . \$2,000,000  
 TOTAL APPROPRIATION . . . . . \$2,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the operating subaccount of the community preservation and development authority account created in RCW 43.167.040.

NEW SECTION. Sec. 719. A new section is added to 2021 c 334 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—COMMUNITY REINVESTMENT ACCOUNT**

General Fund—State Appropriation (FY 2023) . . . . . \$200,000,000  
 TOTAL APPROPRIATION . . . . . \$200,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the community reinvestment account created in section 947 of this act.

NEW SECTION. Sec. 720. A new section is added to 2021 c 334 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT: JUVENILE CODE REVISIONS**

General Fund—State Appropriation (FY 2022) . . . . . \$331,000  
 General Fund—State Appropriation (FY 2023) . . . . . \$331,000  
 TOTAL APPROPRIATION . . . . . \$662,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

NEW SECTION. Sec. 721. A new section is added to 2021 c 334 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—DRIVER RESOURCE CENTER FUND**

General Fund—State Appropriation (FY 2023) . . . . . \$6,000,000  
 TOTAL APPROPRIATION . . . . . \$6,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the driver resource center fund created in Substitute House Bill No. 2076 (transp. network companies). If the bill is not enacted by June 30, 2022, the amount appropriated in this section shall lapse.

NEW SECTION. Sec. 722. A new section is added to 2021 c 334 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—ENTERPRISE SERVICES ACCOUNT**

General Fund—State Appropriation (FY 2022) . . . . .	\$500,000
TOTAL APPROPRIATION . . . . .	\$500,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the enterprise services account created in RCW 43.19.025 in support of the real estate services program.

NEW SECTION. Sec. 723. A new section is added to 2021 c 334 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—FAMILY AND MEDICAL LEAVE INSURANCE ACCOUNT**

General Fund—State Appropriation (FY 2023) . . . . .	\$350,000,000
TOTAL APPROPRIATION . . . . .	\$350,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the family and medical leave insurance account created in RCW 50A.05.070 on June 30, 2023. The office of financial management may only expend the amount necessary to keep the family and medical leave insurance account from being in a deficit at the close of the fiscal biennium, after certification from the employment security department.

NEW SECTION. Sec. 724. A new section is added to 2021 c 334 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—WASHINGTON CAREER AND COLLEGE PATHWAYS INNOVATION CHALLENGE PROGRAM ACCOUNT**

General Fund—State Appropriation (FY 2023) . . . . .	\$6,000,000
TOTAL APPROPRIATION . . . . .	\$6,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the Washington career and college pathways innovation challenge program account created in RCW 28B.120.040 to implement Second Substitute Senate Bill No. 5789 (innovation challenge program). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse. General fund appropriations into the account are intended for the current and next ensuing fiscal biennium only. The student achievement council must report on the uses of the general fund moneys deposited in the account by December 1, 2022, to allow the legislature to assess the program and general fund support.

**NEW SECTION. Sec. 725.** A new section is added to 2021 c 334 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—WASHINGTON INTERNET CRIMES AGAINST CHILDREN ACCOUNT**

General Fund—State Appropriation (FY 2022) . . . . .	\$1,135,000
General Fund—State Appropriation (FY 2023) . . . . .	\$1,135,000
TOTAL APPROPRIATION . . . . .	\$2,270,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the Washington internet crimes against children account created in RCW 43.101.435.

**NEW SECTION. Sec. 726.** A new section is added to 2021 c 334 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—JUDICIAL INFORMATION SYSTEMS ACCOUNT**

General Fund—State Appropriation (FY 2022) . . . . .	\$11,306,000
General Fund—State Appropriation (FY 2023) . . . . .	\$6,224,000
TOTAL APPROPRIATION . . . . .	\$17,530,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the judicial information systems account created in RCW 2.68.020.

**NEW SECTION. Sec. 727.** A new section is added to 2021 c 334 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—JUDICIAL STABILIZATION TRUST ACCOUNT**

General Fund—State Appropriation (FY 2022) . . . . .	\$2,000,000
General Fund—State Appropriation (FY 2023) . . . . .	\$112,750,000
TOTAL APPROPRIATION . . . . .	\$114,750,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the judicial stabilization account created in RCW 43.79.505.

**NEW SECTION. Sec. 728.** A new section is added to 2021 c 334 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—WASHINGTON STATE LEADERSHIP BOARD ACCOUNT**

General Fund—State Appropriation (FY 2023) . . . . .	\$637,000
TOTAL APPROPRIATION . . . . .	\$637,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the Washington state leadership board account created in Senate Bill No. 5750 (WA leadership board). If the bill is not enacted by June 30, 2022, the amounts provided in this section shall lapse.

**NEW SECTION. Sec. 729.** A new section is added to 2021 c 334 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—LIABILITY ACCOUNT**

General Fund—State Appropriation (FY 2023) . . . . .	\$217,000,000
TOTAL APPROPRIATION . . . . .	\$217,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the liability account created in RCW 4.92.130 to ensure the account is not in deficit.

NEW SECTION. Sec. 730. A new section is added to 2021 c 334 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—MULTIMODAL TRANSPORTATION ACCOUNT**

General Fund—State Appropriation (FY 2022) . . . . .	\$2,000,000,000
TOTAL APPROPRIATION . . . . .	\$2,000,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the multimodal transportation account created in RCW 47.66.070.

NEW SECTION. Sec. 731. A new section is added to 2021 c 334 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—SALMON RECOVERY ACCOUNT**

General Fund—State Appropriation (FY 2023) . . . . .	\$100,000,000
TOTAL APPROPRIATION . . . . .	\$100,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the salmon recovery account created in RCW 77.85.170.

NEW SECTION. Sec. 732. A new section is added to 2021 c 334 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—STATE VEHICLE PARKING ACCOUNT**

General Fund—State Appropriation (FY 2022) . . . . .	\$2,178,000
TOTAL APPROPRIATION . . . . .	\$2,178,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the state vehicle parking account created in RCW 43.01.225 in support of the parking program within the department of enterprise services.

NEW SECTION. Sec. 733. A new section is added to 2021 c 334 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—TRIBAL GOVERNMENT ASSISTANCE**

General Fund—State Appropriation (FY 2022) . . . . .	\$401,000
TOTAL APPROPRIATION . . . . .	\$401,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the office of financial management to distribute to tribes with police officers certified through the criminal justice training commission pursuant to RCW 43.101.157 to assist with one-time costs related to law enforcement and criminal justice related legislation enacted between January 1, 2020, and June 30, 2021. Distributions

shall be made according to LEAP document tribal allocations 1 dated February 20, 2022.

**NEW SECTION. Sec. 734.** A new section is added to 2021 c 334 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—DISASTER RESPONSE ACCOUNT**

General Fund—State Appropriation (FY 2023) . . . . .	\$13,964,000
TOTAL APPROPRIATION . . . . .	\$13,964,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the disaster response account created in RCW 38.52.105.

**NEW SECTION. Sec. 735.** A new section is added to 2021 c 334 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—ELECTRIC VEHICLE INCENTIVE ACCOUNT**

General Fund—State Appropriation (FY 2023) . . . . .	\$120,000,000
TOTAL APPROPRIATION . . . . .	\$120,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the electric vehicle incentive account created in section 948 of this act.

**NEW SECTION. Sec. 736.** A new section is added to 2021 c 334 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—RECRUITMENT AND RETENTION ADJUSTMENTS**

General Fund—State Appropriation (FY 2023) . . . . .	\$50,000,000
General Fund—Federal Appropriation . . . . .	\$10,978,000
General Fund—Private/Local Appropriation . . . . .	\$808,000
Salary and Insurance Contributions Increase	
Revolving Account—State Appropriation . . . . .	\$22,554,000
TOTAL APPROPRIATION . . . . .	\$84,340,000

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

(1) Funding is provided solely for implementation of classification-based salary adjustments for state employees whose jobs are difficult for the state to recruit and retain a competitive workforce. The office of financial management is directed to develop a plan to make appropriate adjustments based upon the results of the 2020 state salary survey conducted according to RCW 41.06.160, and make adjustments to the results of the study as the director determines to be well-documented by agency experience due to the SARS-CoV2 (COVID-19) pandemic, including resulting changes in the labor market. Before determining any adjustments, the director must seek input from the exclusive bargaining representatives for any potentially impacted bargaining units. The classification adjustments must uniformly take effect July 1, 2022.

(2) Adjustments are to be made across the state workforce, including both represented and non-represented employees with a goal of addressing those jobs that fall the farthest below market rates, or where the documented agency

experience recruiting or retaining employees is the most severe. Adjustments will not be made to job classifications that are exclusive to higher education institutions. In making the adjustments, the director may also include increases to address issues of compression and inversion.

(3) Upon completion of the plan, the director must transmit the plan to the legislative fiscal committees and the joint committee on employment relations. This transmission must identify the job classes, by agency and number of employees, that are impacted by the plan. The transmission also must indicate the proposed increase for each impacted job class.

(4) Where the adjustments affect represented employees, expenditure of the amounts provided for this purpose 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.

(5) The office of financial management shall allocate the moneys appropriated in this section to individual agencies in the amounts necessary to fulfill the plan but may not exceed amounts provided in this section.

(6) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special fund salary and insurance contribution increase revolving fund in accordance with schedules provided by the office of financial management.

NEW SECTION. Sec. 737. A new section is added to 2021 c 334 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—WASHINGTON STUDENT LOAN ACCOUNT**

General Fund—State Appropriation (FY 2023) . . . . .	\$111,000,000
Workforce Education Investment Account—State Appropriation. . . . .	\$39,000,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$150,000,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the Washington student loan account created in Engrossed Second Substitute House Bill No. 1736 (state student loan program). If the bill is not enacted by June 30, 2022, the amount appropriated in this section shall lapse.

NEW SECTION. Sec. 738. The following acts or parts of acts are each repealed:

- (1) 2021 c 334 s 730 (uncodified);
- (2) 2021 c 334 s 731 (uncodified);
- (3) 2021 c 334 s 732 (uncodified);
- (4) 2021 c 334 s 733 (uncodified);
- (5) 2021 c 334 s 734 (uncodified);
- (6) 2021 c 334 s 735 (uncodified);
- (7) 2021 c 334 s 736 (uncodified);
- (8) 2021 c 334 s 737 (uncodified);
- (9) 2021 c 334 s 749 (uncodified); and
- (10) 2021 c 334 s 752 (uncodified).

PART VIII  
OTHER TRANSFERS AND APPROPRIATIONS

Sec. 801. 2021 c 334 s 801 (uncodified) is amended to read as follows:  
**FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION**

General Fund Appropriation for fire insurance premium distributions . . . . .	..(( <u>\$9,757,000</u> ))
	<u>\$12,107,000</u>
General Fund Appropriation for prosecuting attorney distributions . . . . .	..(( <u>\$9,284,000</u> ))
	<u>\$7,975,000</u>
General Fund Appropriation for boating safety and education distributions. . . . .	..(( <u>\$4,000,000</u> ))
	<u>\$6,395,000</u>
General Fund Appropriation for public utility district excise tax distributions . . . . .	..(( <u>\$66,759,000</u> ))
	<u>\$67,206,000</u>
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies . . . . .	\$3,303,000
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distributions . . . . .	\$140,000
Timber Tax Distribution Account Appropriation for distribution to "timber" counties . . . . .	..(( <u>\$73,911,000</u> ))
	<u>\$77,324,000</u>
County Criminal Justice Assistance Appropriation . . . . .	..(( <u>\$114,428,000</u> ))
	<u>\$115,238,000</u>
Municipal Criminal Justice Assistance Appropriation . . . . .	..(( <u>\$45,073,000</u> ))
	<u>\$45,587,000</u>
City-County Assistance Appropriation. . . . .	..(( <u>\$39,939,000</u> ))
	<u>\$56,205,000</u>
Liquor Excise Tax Account Appropriation for liquor excise tax distribution . . . . .	..(( <u>\$76,474,000</u> ))
	<u>\$87,317,000</u>
Columbia River Water Delivery Account Appropriation for the Confederated Tribes of the Colville Reservation . . . . .	..(( <u>\$8,612,000</u> ))
	<u>\$8,690,000</u>
Columbia River Water Delivery Account Appropriation for the Spokane Tribe of Indians . . . . .	..(( <u>\$5,975,000</u> ))
	<u>\$6,036,000</u>
Liquor Revolving Account Appropriation for liquor profits distribution . . . . .	\$98,876,000
General Fund Appropriation for other tax distributions . . . . .	..(( <u>\$80,000</u> ))
	<u>\$102,000</u>
General Fund Appropriation for ( <del>Marijuana</del> ) <u>Cannabis</u> Excise Tax distributions. . . . .	..(( <u>\$40,000,000</u> ))
	<u>\$20,000,000</u>

Dedicated Marijuana Account Appropriation for Cannabis

Excise Tax distributions pursuant to Engrossed  
Second Substitute Senate Bill No. 5796 (cannabis  
revenue) . . . . . \$25,243,000

General Fund Appropriation for Habitat Conservation  
Program distributions. . . . . \$5,754,000

General Fund Appropriation for payment in lieu of  
taxes to counties under Department of Fish and  
Wildlife Program . . . . . \$4,040,000

Puget Sound Taxpayer Accountability Account  
Appropriation for distribution to counties in  
amounts not to exceed actual deposits into the  
account and attributable to those counties'  
share pursuant to RCW 43.79.520. . . . . ((~~\$33,460,000~~))  
\$51,983,000

Manufacturing and Warehousing Job Centers Account  
Appropriation for distribution to local taxing  
jurisdictions to mitigate the unintended  
revenue redistributions effect of sourcing law  
changes pursuant to Engrossed Substitute House  
Bill No. 1521 (warehousing & manufacturing  
jobs). ((~~If Engrossed Substitute House  
Bill No. 1521 (warehousing &  
manufacturing jobs) is not enacted by  
June 30, 2021, this distribution is  
null and void.~~)). . . . . \$12,150,000  
TOTAL APPROPRIATION . . . . . ((~~\$652,015,000~~))  
\$711,671,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

Sec. 802. 2021 c 334 s 802 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—FOR THE COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

Impaired Driving Safety Appropriation . . . . . ((~~\$2,551,000~~))  
\$2,015,000  
TOTAL APPROPRIATION . . . . . ((~~\$2,551,000~~))  
\$2,015,000

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2021-2023 fiscal biennium in accordance with RCW 82.14.310. This funding is provided to counties for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered);



chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

**Sec. 803.** 2021 c 334 s 803 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

Impaired Driving Safety Appropriation . . . . .	(\$1,700,000)
	<u>\$1,343,000</u>
TOTAL APPROPRIATION . . . . .	(\$1,700,000)
	<u>\$1,343,000</u>

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2021-2023 fiscal biennium to all cities ratably based on population as last determined by the office of financial management. The distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located. This funding is provided to cities for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

**Sec. 804.** 2021 c 334 s 805 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—TRANSFERS**

Dedicated Marijuana Account: For transfer to the basic health plan trust account, the lesser of the amount determined pursuant to RCW 69.50.540 or this amount for fiscal year 2022, ((~~\$255,000,000~~)) \$265,000,000 and this amount for fiscal year 2023, ((~~\$265,000,000~~)) \$268,000,000 . . . . . ((~~\$520,000,000~~))  
\$533,000,000

Dedicated Marijuana Account: For transfer to the state general fund, the lesser of the amount determined pursuant to RCW 69.50.540 or this amount for fiscal year 2022, ((~~\$195,000,000~~)) \$202,000,000 and this amount for fiscal year 2023, \$200,000,000 . . . . . ((~~\$395,000,000~~))  
\$402,000,000

Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the actual amount of the annual base payment to the tobacco settlement account for fiscal year 2022 . . . . . \$90,000,000

Tobacco Settlement Account: For transfer to the

state general fund, in an amount not to exceed the actual amount of the annual base payment to the tobacco settlement account for fiscal year 2023 . . . . .	\$90,000,000
Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the actual amount of the tobacco arbitration payment to the tobacco settlement account, ( <del>(\$11,000,000 for fiscal year 2022 and \$8,000,000)</del> ) for fiscal year 2023. . . . .	<del>(\$19,000,000)</del> <u>\$8,000,000</u>
State Treasurer's Service Account: For transfer to the state general fund, \$5,000,000 for fiscal year 2022 and \$5,000,000 for fiscal year 2023 . . . . .	\$10,000,000
General Fund: For transfer to the fair fund under RCW 15.76.115, \$2,750,000 for fiscal year 2022 and \$2,750,000 for fiscal year 2023 . . . . .	\$5,500,000
Financial Services Regulation Account: For transfer to the state general fund, \$3,500,000 for fiscal year 2022 and \$3,500,000 for fiscal year 2023 . . . . .	\$7,000,000
Marine Resources Stewardship Trust Account: For transfer to the aquatic lands enhancement account, up to \$40,000 for fiscal year 2022. . . . .	\$40,000
Water Pollution Control Revolving Administration Account: For transfer to the water pollution control revolving account, \$6,000,000 for fiscal year 2022 . . . . .	\$6,000,000
General Fund: For transfer to the home security fund, \$4,500,000 for fiscal year 2022 and \$4,500,000 for fiscal year 2023 . . . . .	\$9,000,000
<del>((Long Term Services and Supports Trust Account: For transfer to the general fund as repayment for start up costs for the long term services program, the lesser of the amount determined by the treasurer for full repayment of the \$17,040,000 transferred from the general fund in the 2019-2021 biennium and \$19,618,000 transferred from the general fund in fiscal year 2022, which totals \$36,658,000 transferred from the general fund in the 2019-2021 biennium and fiscal year 2022 for start up costs with any related interest, or this amount for fiscal year 2022, \$37,092,000 . . . . .</del>	<del>(\$37,092,000))</del>
Gambling Revolving Account: For transfer to the state general fund as repayment of the loan	

pursuant to chapter 127, Laws of 2020 (sports wagering/compacts), \$3,000,000 for fiscal year 2022 and the lesser of the remaining amount determined by the treasurer for full repayment of the \$6,000,000 transferred from the general fund in the 2019-2021 fiscal biennium with any related interest, or this amount for fiscal year 2023 ((~~\$6,500,000~~) \$3,500,000 . . . . . \$6,500,000

School Employees' Insurance Account: For transfer to the general fund as repayment of the remainder of the loans for start costs for the school employees benefit program, (~~(\$16,587,000)~~) \$15,615,000 for fiscal year 2022 . . . . . (~~(\$16,587,000)~~) \$15,615,000

General Fund: For transfer to the manufacturing and warehousing jobs centers account \$6,750,000 for fiscal year 2022 and \$5,400,000 for fiscal year 2023 pursuant to Engrossed Substitute House Bill No. 1521 (warehousing & manufacturing jobs). (~~If Engrossed Substitute House Bill No. 1521 (warehousing & manufacturing jobs) is not enacted by June 30, 2021, this transfer is null and void.~~) . . . . . \$12,150,000

General Fund: For transfer to the Washington housing trust fund, \$10,000,000 for fiscal year 2022 . . . . . \$10,000,000

General Fund: For transfer to the forest resiliency account trust fund, \$6,000,000 for fiscal year 2022 . . . . . \$6,000,000

Streamlined Sales and Use Tax Mitigation Account:  
For transfer to the general fund, \$3,186,000 or as much thereof that represents the balance in the account for fiscal year 2022. . . . . . \$3,186,000

General Fund: For transfer to the municipal criminal justice assistance account for fiscal year 2022 . . . . . \$761,000

General Fund: For transfer to the wildfire response, forest restoration, and community resilience account, solely for the implementation of chapter 298, Laws of 2021 (2SHB 1168) (long-term forest health), \$12,475,000 for fiscal year 2022 and \$74,632,000 for fiscal year 2023 . . . . . \$87,107,000

General Fund: For transfer to the state drought preparedness and response account, \$4,500,000 for fiscal year 2022 and \$4,500,000 for fiscal year 2023 . . . . . \$9,000,000

General Fund: For transfer to the Washington rescue plan transition account, \$1,100,000,000 for fiscal year

2023 .....\$1,100,000,000

PART IX
MISCELLANEOUS

NEW SECTION. Sec. 901. A new section is added to 2021 c 334 (uncodified) to read as follows:

COLLECTIVE BARGAINING AGREEMENTS

Subsections (2) in sections 902 through 927 and 934 through 937 of this act represent the results of the collective bargaining process from reopening the 2021-2023 contracts for the limited purpose of bargaining over compensation, and are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreements. The collective bargaining agreements contained in Part IX of this act may also be funded by expenditures from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided. Funding is not provided for compensation and fringe benefit provisions not presented to the legislature during the 2021 legislative session, and that came into effect prior to approval by the legislature during the 2022 legislative session.

Sec. 902. 2021 c 334 s 909 (uncodified) is amended to read as follows:

COLLECTIVE BARGAINING AGREEMENT—WFSE

(1) An agreement has been reached between the governor and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases, but does include 24 furlough days for employees in positions that do not require the position to be backfilled.

(2) An agreement has been reached between the governor and the Washington federation of state employees under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees who were employed continuously starting on or before July 1, 2021, through June 30, 2022.

Sec. 903. 2021 c 334 s 910 (uncodified) is amended to read as follows:

COLLECTIVE BARGAINING AGREEMENT—WAFWP

(1) An agreement has been reached between the governor and the Washington association of fish and wildlife professionals under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases, but does include 24 furlough days for employees in positions that do not require the position to be backfilled.

(2) An agreement has been reached between the governor and the Washington association of fish and wildlife professionals under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees who were hired before July 1, 2022.

Sec. 904. 2021 c 334 s 911 (uncodified) is amended to read as follows:

COLLECTIVE BARGAINING AGREEMENT—PTE LOCAL 17

(1) An agreement has been reached between the governor and the professional and technical employees local 17 under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases, but does include 24 furlough days for employees in positions that do not require the position to be backfilled.

(2) An agreement has been reached between the governor and the professional and technical employees local 17 under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees who were employed continuously starting on or before July 1, 2021, through June 30, 2022.

**Sec. 905.** 2021 c 334 s 912 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENT—SEIU HEALTHCARE 1199NW**

(1) An agreement has been reached between the governor and the service employees international union healthcare 1199nw under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases, but does include 24 furlough days for employees in positions that do not require the position to be backfilled.

(2) An agreement has been reached between the governor and the service employees international union healthcare 1199nw under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a retention bonus payable in two equal installments.

**Sec. 906.** 2021 c 334 s 913 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENT—COALITION OF UNIONS**

(1) An agreement has been reached between the governor and the coalition of unions under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which includes 24 furlough days for employees in positions that do not require the position to be backfilled. Funding is also provided for a 2.5 percent wage increase for fiscal year 2022 and a 2.5 percent wage increase for fiscal year 2023 for the department of corrections marine vessel operators.

(2) An agreement has been reached between the governor and the coalition of unions under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

**Sec. 907.** 2021 c 334 s 914 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENT—ASSOCIATION OF WASHINGTON ASSISTANT ATTORNEYS GENERAL/WFSE**

(1) An agreement has been reached between the governor and the association of Washington assistant attorneys general/Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which includes

some minor modifications but does not include wage increases. In addition, the agreement includes 24 furlough days for designated positions.

(2) An agreement has been reached between the governor and the association of Washington assistant attorneys general/Washington federation of state employees under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a longevity lump sum payment.

**Sec. 908.** 2021 c 334 s 915 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENT—WFSE ADMINISTRATIVE LAW JUDGES**

(1) An agreement has been reached between the governor and the Washington federation of state employees administrative law judges under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. This is the first agreement since the grant of collective bargaining rights in the 2020 legislative session. Funding is provided to fund the agreement, which includes the implementation of the Washington general government standard progression salary schedule that includes periodic increments that begin July 1, 2022. In addition, the agreement includes 24 furlough days for designated positions.

(2) An agreement has been reached between the governor and the Washington federation of state employees administrative law judges under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

**Sec. 909.** 2021 c 334 s 916 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENT—DFW SERGEANTS ASSOCIATION/TEAMSTERS 760**

(1) An agreement has been reached between the governor and the department of fish and wildlife sergeants association/teamsters 760 under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium. This is the first stand-alone agreement for this unit since its separation from the coalition of unions under chapter 41.80 RCW provided in the 2020 legislative session. Funding is provided to fund the agreement, which does not include wage increases but does allow the agreement to be reopened to negotiate compensation for fiscal year 2023.

(2) An agreement has been reached between the governor and the department of fish and wildlife sergeants association/teamsters 760 under the provisions of chapter 41.56 RCW for fiscal year 2023. The agreement includes and funding is provided for implementing a redesigned classification and compensation structure for the fish and wildlife enforcement classes and payment of educational incentives for employees who have obtained an associate degree (2 percent base pay) or bachelor's degree (4 percent base pay).

**Sec. 910.** 2021 c 334 s 917 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENT—FISH AND WILDLIFE ENFORCEMENT OFFICERS GUILD**

(1) An agreement has been reached between the governor and the fish and wildlife enforcement officers guild through an interest arbitration award under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium. This is the first stand-alone agreement for this unit since its separation from the

coalition of unions under chapter 41.80 RCW provided in the 2020 legislative session. Funding is provided to fund the award, which does not include wage increases but does allow the agreement to be reopened to negotiate base rate of pay for fiscal year 2023. The arbitration award also includes and funding is provided for an education incentive for employees who have obtained an associate's degree (2 percent of base pay) or bachelor's degree (4 percent of base pay), increased opportunities to work on holidays and receive holiday pay, and workers compensation top-off pay equivalent to the LEOFF II supplement. Finally, funding is provided for an increase in the clothing allowance for qualifying employees by \$100 per year per employee.

(2) An agreement has been reached between the governor and the fish and wildlife enforcement officers guild under the provisions of chapter 41.56 RCW for fiscal year 2023. The agreement includes and funding is provided for implementing a redesigned classification and compensation structure of the fish and wildlife enforcement classes.

**Sec. 911.** 2021 c 334 s 918 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENT—WFSE HIGHER EDUCATION COMMUNITY COLLEGE COALITION**

(1) An agreement has been reached between the governor and the Washington federation of state employees community college coalition under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases.

(2) An agreement has been reached between the governor and the Washington federation of state employees community college coalition under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

**Sec. 912.** 2021 c 334 s 919 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENT—WPEA HIGHER EDUCATION COMMUNITY COLLEGE COALITION**

(1) An agreement has been reached between the governor and the Washington public employees association community college coalition under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases.

(2) An agreement has been reached between the governor and the Washington public employees association community college coalition under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

**Sec. 913.** 2021 c 334 s 920 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENT—WSP TROOPERS ASSOCIATION**

(1) An agreement has been reached between the governor and the Washington state patrol troopers association under the provisions of chapter

41.56 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include general wages increases but does provide the ability to request to reopen the compensation article for the purpose of bargaining base rate of pay for fiscal year 2023.

(2) An agreement has been reached between the governor and the Washington state patrol troopers association under the provisions of chapter 41.56 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 10 percent for fiscal year 2023.

**Sec. 914.** 2021 c 334 s 921 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENT—WSP LIEUTENANTS AND CAPTAINS ASSOCIATION**

(1) An agreement has been reached between the governor and the Washington state patrol lieutenants and captains association under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include general wages increases but does provide the ability to request to reopen the compensation article for the purpose of bargaining base rate of pay for fiscal year 2023.

(2) An agreement has been reached between the governor and the Washington state patrol lieutenants and captains association under the provisions of chapter 41.56 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 10 percent for fiscal year 2023.

**Sec. 915.** 2021 c 334 s 922 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENT—WPEA**

(1) An agreement has been reached between the governor and the Washington public employees association general government under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which includes some minor modifications but does not include wage increases. In addition, the agreement includes 24 furlough days for designated positions.

(2) An agreement has been reached between the governor and the Washington public employees association general government under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

**Sec. 916.** 2021 c 334 s 923 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENT—TEAMSTERS LOCAL 117 DEPARTMENT OF ENTERPRISE SERVICES**

(1) An agreement has not been reached between the governor and the international brotherhood of teamsters local 117 pursuant to chapter 41.80 RCW for the 2021-2023 fiscal biennium. Pursuant to RCW 41.80.010(6), funding is provided for fiscal year 2022 to fund the terms of the 2019-2021 agreement and for fiscal year 2023 to fund the terms according to law.

(2) Again, an agreement has not been reached between the governor and the international brotherhood of teamsters local 117 department of enterprise services under the provisions of chapter 41.80 RCW for fiscal year 2023. Pursuant to RCW 41.80.010(6), the employer may unilaterally implement according to law. Therefore, funding is provided for a general wage increase of



3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

**NEW SECTION. Sec. 917.** A new section is added to 2021 c 334 (uncodified) to read as follows:

**COLLECTIVE BARGAINING AGREEMENT—TEAMSTERS LOCAL 117 DEPARTMENT OF CORRECTIONS**

An agreement has been reached between the governor and the international brotherhood of teamsters local 117 department of corrections through an interest arbitration award pursuant to chapter 41.80 RCW for the 2021-2023 fiscal biennium. The interest arbitration award included and funding is provided for a general wage increase of 4 percent, targeted wage increases, a lump sum payment for all employees, and premium pay for working on McNeil Island.

**Sec. 918.** 2021 c 334 s 924 (uncodified) is amended to read as follows:  
**COLLECTIVE BARGAINING AGREEMENT—UNIVERSITY OF WASHINGTON—SEIU 925**

(1) An agreement has been reached between the University of Washington and the service employees international union local 925 under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. The agreement includes and funding is provided for an extension of the 2019-2021 collective bargaining agreement. The agreement does not include either a general wage increase or mandatory employee furloughs.

(2) An agreement has been reached between the University of Washington and the service employees international union labor 925 under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3 percent for fiscal year 2023, evening shift differential, night shift differential, standby pay, and weekend pay premium for specified job classifications. In addition, the agreement includes and funding is provided for recruitment and retention increases and lump sum payments for specified job classifications.

**Sec. 919.** 2021 c 334 s 925 (uncodified) is amended to read as follows:  
**COLLECTIVE BARGAINING AGREEMENT—UNIVERSITY OF WASHINGTON—SEIU 1199 RESEARCH/HALL HEALTH**

(1) An agreement has been reached between the University of Washington and the service employees international union local 1199 research/hall health under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. The agreement includes and funding is provided for an extension of the 2019-2021 collective bargaining agreement. The agreement does not include either a general wage increase or mandatory employee furloughs.

(2) An agreement has been reached between the University of Washington and the service employees international union local 1199 research/hall health under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3 percent for fiscal year 2023 and lump sum payments for employees.

**Sec. 920.** 2021 c 334 s 928 (uncodified) is amended to read as follows:  
**COLLECTIVE BARGAINING AGREEMENT—UNIVERSITY OF WASHINGTON—WFSE**

(1) An agreement has been reached between the University of Washington and the Washington federation of state employees under the provisions of

chapter 41.80 RCW for the 2021-2023 fiscal biennium. The agreement includes and funding is provided for an extension of the 2019-2021 collective bargaining agreement, and an expansion of the Harborview and University of Washington Medical Center EVS custodians weekend premium. The agreement does not include either a general wage increase or mandatory employee furloughs.

(2) An agreement has been reached between the University of Washington and the Washington federation of state employees under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3 percent for fiscal year 2023, evening shift differential, night shift differential, standby pay, and weekend pay premium, for specified job classifications.

**Sec. 921.** 2021 c 334 s 929 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENT—WASHINGTON STATE UNIVERSITY—WFSE**

(1) An agreement has been reached between the Washington State University and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include changes to compensation or benefits. In addition, the agreement does not include mandatory employee furloughs.

(2) An agreement has been reached between the Washington State University and the Washington federation of state employees under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023, and any lump sum payment agreed upon in the agreement between the governor and the Washington federation of state employees for general government employees.

**Sec. 922.** 2021 c 334 s 930 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENT—WASHINGTON STATE UNIVERSITY—WSU POLICE GUILD BARGAINING UNIT 4**

(1) An agreement has been reached between the Washington State University and the WSU police guild bargaining unit 4 under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include changes to compensation or benefits. In addition, the agreement does not include mandatory employee furloughs.

(2) An agreement has been reached between the Washington State University and the WSU police guild bargaining unit 4 under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.3 percent for fiscal year 2023.

**Sec. 923.** 2021 c 334 s 932 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENT—CENTRAL WASHINGTON UNIVERSITY—WFSE**

(1) An agreement has been reached between Central Washington University and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either a general wage increase or mandatory employee furloughs.

(2) An agreement has been reached between the Central Washington University and the Washington federation of state employees under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes any general wage increase and lump sum payment agreed upon in the agreement between the governor and the Washington federation of state employees for general government employees. Therefore, the agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023, and a lump sum payment for employees who were employed continuously starting on or before July 1, 2021, through June 30, 2022.

**Sec. 924.** 2021 c 334 s 933 (uncodified) is amended to read as follows:  
**COLLECTIVE BARGAINING AGREEMENT—CENTRAL WASHINGTON UNIVERSITY—PSE**

(1) An agreement has been reached between Central Washington University and the public school employees under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either a general wage increase or mandatory employee furloughs.

(2) An agreement has been reached between the Central Washington University and the public school employees under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes any general wage increase and lump sum payment agreed upon in the agreement between the governor and the Washington federation of state employees. Therefore, funding is provided for a general wage increase of 3.25 percent for fiscal year 2023, and a lump sum payment for employees who were employed continuously starting on or before July 1, 2021, through June 30, 2022.

**Sec. 925.** 2021 c 334 s 934 (uncodified) is amended to read as follows:  
**COLLECTIVE BARGAINING AGREEMENT—THE EVERGREEN STATE COLLEGE—WFSE**

(1) An agreement has been reached between The Evergreen State College and the Washington federation of state employees supervisory and nonsupervisory units under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either a general wage increase or mandatory employee furloughs.

(2) An agreement has been reached between The Evergreen State College and the Washington federation of state employees under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes any general wage increase agreed upon in the agreement between the governor and the Washington federation of state employees for general government employees. Therefore, funding is provided for a general wage increase of 3.25 percent for fiscal year 2023.

**Sec. 926.** 2021 c 334 s 935 (uncodified) is amended to read as follows:  
**COLLECTIVE BARGAINING AGREEMENT—WESTERN WASHINGTON UNIVERSITY—WFSE**

(1) An agreement has been reached between Western Washington University and the Washington federation of state employees bargaining units A, B, and E under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either a general wage increase or mandatory employee furloughs.

(2) An agreement has been reached between Western Washington University and the Washington federation of state employees under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes any general wage increase and lump sum payment agreed upon in the agreement between the governor and the Washington federation of state employees for general government employees. Therefore, funding is provided for a general wage increase of 3.25 percent for fiscal year 2023, and a lump sum payment for employees who were employed continuously starting on or before July 1, 2021, through June 30, 2022.

**Sec. 927.** 2021 c 334 s 936 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENT—WESTERN WASHINGTON UNIVERSITY—PSE**

(1) An agreement has not been reached between Western Washington University and the public school employees bargaining units D and PT under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Pursuant to RCW 41.80.010(6), funding is provided for fiscal year 2022 to fund the terms of the 2019-2021 agreement and for fiscal year 2023 to fund the terms according to law.

(2) An agreement has been reached between Western Washington University and the public school employees bargaining units D and PT under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes any general wage increase and lump sum payment agreed upon in the agreement between the governor and the Washington federation of state employees for general government employees. Therefore, funding is provided for a general wage increase of 3.25 percent for fiscal year 2023, and a lump sum payment for employees who were employed continuously starting on or before July 1, 2021, through June 30, 2022.

**Sec. 928.** 2021 c 334 s 937 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENT—EASTERN WASHINGTON UNIVERSITY—WFSE**

(1) An agreement has been reached between Eastern Washington University and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either a general wage increase or mandatory employee furloughs.

(2) An agreement has been reached between Eastern Washington University and the Washington federation of state employees under the provisions of chapter 41.80 RCW for fiscal year 2023. Funding is provided to fund a general wage increase of 3.25 percent effective July 1, 2022.

**NEW SECTION.** **Sec. 929.** A new section is added to 2021 c 334 (uncodified) to read as follows:

**COLLECTIVE BARGAINING AGREEMENT—EASTERN WASHINGTON UNIVERSITY—PSE**

An agreement has been reached between Eastern Washington University and the public school employees under the provisions of chapter 41.80 RCW for the fiscal year 2023. Funding is provided to fund a general wage increase of 3.25 percent effective July 1, 2022.

**Sec. 930.** 2021 c 334 s 939 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENT—HIGHLINE COMMUNITY COLLEGE—WPEA**

(1) An agreement has been reached between Highline Community College and the Washington public employees association under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either a general wage increase or mandatory employee furloughs.

(2) For fiscal year 2023 employees covered by Washington public employees association at the Highline Community College are included in the coalition agreement in section 912 of this act.

NEW SECTION. **Sec. 931.** A new section is added to 2021 c 334 (uncodified) to read as follows:

**COLLECTIVE BARGAINING AGREEMENT—YAKIMA VALLEY COLLEGE—WPEA**

An agreement has been reached between Yakima Valley College and the Washington public employees' association under the provisions of chapter 41.80 RCW for the fiscal year 2023. Funding is provided to fund a general wage increase of 3.25 percent and other terms effective July 1, 2022.

**Sec. 932.** 2021 c 334 s 940 (uncodified) is amended to read as follows:

**COMPENSATION—REPRESENTED EMPLOYEES—HEALTH CARE COALITION—INSURANCE BENEFITS**

An agreement was reached for the 2021-2023 biennium between the governor and the health care coalition under the provisions of chapter 41.80 RCW. Appropriations in this act for state agencies, including institutions of higher education, are sufficient to implement the provisions of the 2021-2023 collective bargaining agreement, which maintains the provisions of the prior agreement, other than provision of gift cards through the wellness program, and are subject to the following conditions and limitations:

The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$936 per eligible employee for fiscal year 2022. For fiscal year 2023, the monthly employer funding rate shall not exceed (~~(\$1,094)~~) \$1,130 per eligible employee.

The board shall collect a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than ninety-five percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment if directed by the legislature.

**Sec. 933.** 2021 c 334 s 941 (uncodified) is amended to read as follows:

**COMPENSATION—REPRESENTED EMPLOYEES OUTSIDE HEALTH CARE COALITION—INSURANCE BENEFITS**

Appropriations for state agencies in this act are sufficient for represented employees outside the coalition for health benefits, and are subject to the following conditions and limitations: The monthly employer funding rate for

insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, may not exceed \$936 per eligible employee for fiscal year 2022. For fiscal year 2023, the monthly employer funding rate may not exceed (~~(\$1,091)~~) \$1,130 per eligible employee.

**Sec. 934.** 2021 c 334 s 942 (uncodified) is amended to read as follows:

### **COMPENSATION—SCHOOL EMPLOYEES—INSURANCE BENEFITS**

An agreement was reached for the 2021-2023 biennium between the governor and the school employee coalition under the provisions of chapters 41.56 and 41.59 RCW. Appropriations in this act for allocations to school districts are sufficient to implement the provisions of the 2021-2023 collective bargaining agreement, which maintains the provisions of the prior agreement, and are subject to the following conditions and limitations:

(1) The monthly employer funding rate for insurance benefit premiums, school employees' benefits board administration, retiree remittance, and the uniform medical plan, shall not exceed \$968 per eligible employee in the 2021-22 school year. For the 2022-23 school year, the monthly employer funding rate shall not exceed (~~(\$1,032)~~) \$1,026 per eligible employee. Employers will contribute one hundred percent of the retiree remittance defined in (~~section 943 of this act~~) section 935 of this act, which is included as part of the above monthly employer funding rate. These rates are sufficient to cover the cost to provide virtual access to behavioral health resources and interventions and case management.

(2) For the purposes of distributing insurance benefits, certificated staff units as determined in section 504 of this act will be multiplied by 1.02 and classified staff units as determined in section 504 of this act will be multiplied by 1.43.

(3) Except as provided by the parties' health care agreement, in order to achieve the level of funding provided for health benefits, the school employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or other changes to benefits consistent with RCW 41.05.740. The board shall collect a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than ninety-five percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment if directed by the legislature.

(4) The health care authority shall deposit any moneys received on behalf of the school employees' medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the school employees' and retirees' insurance account to be used for insurance benefits. Such receipts may not be used for administrative expenditures.

**Sec. 935.** 2021 c 334 s 943 (uncodified) is amended to read as follows:

**COMPENSATION—NONREPRESENTED EMPLOYEES—  
INSURANCE BENEFITS**

Appropriations for state agencies in this act are sufficient for nonrepresented state employee health benefits for state agencies, including institutions of higher education, and are subject to the following conditions and limitations:

(1) The employer monthly funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$936 per eligible employee for fiscal year 2022. For fiscal year 2023, the monthly employer funding rate shall not exceed (~~(\$1,094)~~) \$1,130 per eligible employee. These rates assume the use of plan surplus from the 2019-2021 fiscal biennium in fiscal year 2022.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. For calendar years 2022 and 2023, the subsidy shall be up to \$183 per month. Funds from reserves accumulated for future adverse claims experience, from past favorable claims experience, or otherwise, may not be used to increase this retiree subsidy beyond what is authorized by the legislature in this subsection.

(3) School districts and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, \$72.08 per month beginning September 1, 2021, and \$80.04 beginning September 1, 2022;

(b) For each part-time employee, who at the time of the remittance is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$72.08 each month beginning September 1, 2021, and \$80.04 beginning September 1, 2022, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives. The remittance requirements specified in this subsection do not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

NEW SECTION. **Sec. 936.** A new section is added to 2021 c 334 (uncodified) to read as follows:

**INITIATIVE 732 COST-OF-LIVING INCREASES**

Part 6 of this act includes funding for a cost of living adjustment for state employees pursuant to Initiative Measure No. 732 for a total increase of 4.743 percent, effective July 1, 2022.

NEW SECTION. **Sec. 937.** A new section is added to 2021 c 334 (uncodified) to read as follows:

**GENERAL WAGE INCREASES**

(1) 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.

(2) Funding is provided for a 3.25 percent salary increase effective July 1, 2022, for all classified employees as specified in subsection (1) 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 3.25 percent salary increase effective July 1, 2022, for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries of elected officials.

**Sec. 938.** 2021 c 334 s 945 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENT FOR NONSTATE EMPLOYEES—WFSE LANGUAGE ACCESS PROVIDERS**

(1) An agreement has been reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium. Funding is provided for an in-person interpreting rate increase of \$0.12 per hour for each of fiscal year 2022 and fiscal year 2023. In addition, other terms of the agreement that are funded include a continuation of the social service mileage premium.

(2) An agreement has been reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for fiscal year 2023. The agreement includes and funding is provided for an hourly rate increase of \$1.04 for fiscal year 2023.

**Sec. 939.** 2021 c 334 s 946 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENT FOR NONSTATE EMPLOYEES—SEIU LOCAL 775 HOME CARE WORKERS**

(1) An agreement has been reached between the governor and the service employees international union local 775 through an interest arbitration award under the provisions of chapter 74.39A RCW and 41.56 RCW for the 2021-2023 fiscal biennium. Funding is provided for the arbitration award that includes increases to wages and benefits and certain improvements in the second year of the agreement. Wages are increased approximately 3 percent over the biennium. Health care contributions are increased 5 percent each year of the agreement. Beginning July 1, 2022, individual providers will receive credit on the wage scale for verifiable hours worked for a related home care agency and time and one-half pay for hours worked on two holidays (Independence Day and New Year's Eve).

(2) An agreement has been reached between the governor and the service employees international union local 775 under the provisions of chapter 74.39A RCW and chapter 41.56 RCW for fiscal year 2023. The agreement includes and funding is provided for an increase to the base rate for fiscal year 2023. This approval of funding applies only to those compensation and fringe benefit terms with economic terms explicitly set forth in the contract submitted to the legislature for approval. To the extent that future compensation provisions are negotiated through a memorandum of understanding, due to changes in federal funding formula or other reasons, those additional provisions may not take effect until subsequently submitted to, and approved by, the legislature.

**Sec. 940.** 2021 c 334 s 947 (uncodified) is amended to read as follows:



**COLLECTIVE BARGAINING AGREEMENT FOR NONSTATE EMPLOYEES—SEIU LOCAL 925 CHILDCARE WORKERS**

(1) An agreement has been reached between the governor and the service employees international union local 925 under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium. Funding is provided for an increase in the hourly rate of care provided by family, friends, and neighbor providers (FFNs) in fiscal year 2023 from \$2.65 to \$3.00. The agreement maintains the current subsidy rates for licensed providers for fiscal year 2022 and includes an agreement to bargain over possible adjustments to rates for fiscal year 2023. In addition, the agreement includes and funding is provided to increase the rate paid to providers who reach level 3.5 of the state's early achievers quality rating system by 2 percent, bringing the rate to 15 percent above the base subsidy rate. Lastly, the agreement includes and funding is provided to increase the nonstandard hour care rate from \$80.00 to \$90.00 per child per month.

(2) An agreement has been reached between the governor and the service employees international union local 925 under the provisions of chapter 41.56 RCW for fiscal year 2023. The agreement includes and funding is provided for a cost of care rate enhancement for fiscal year 2023.

**Sec. 941.** 2021 c 334 s 948 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENT FOR NONSTATE EMPLOYEES—ADULT FAMILY HOME COUNCIL**

(1) An agreement has been reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium. Funding is provided for a 3 percent increase to the wages and administrative component of the base daily rate adult family home providers receive for CARE classifications A through D beginning July 1, 2021, and a 3 percent increase in E classifications beginning July 1, 2022. The agreement also includes and funds are provided for a one-time, 3 percent increase to the health care and mandatory training components of the rates beginning July 1, 2021.

(2) An agreement has been reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for fiscal year 2023. The agreement includes and funding is provided for an increase to the base rate and increase in the training contribution for fiscal year 2023.

**NEW SECTION. Sec. 942.** A new section is added to 2021 c 334 (uncodified) to read as follows:

**COMPENSATION—PENSION CONTRIBUTIONS**

Appropriations to state agencies include funding for an increase in pension contribution rates for several state pension systems as provided in this section.

(1) An increase of 0.14 percent is funded for state employer contributions to the public employees' retirement system, the public safety employees' retirement systems, and the school employees' retirement system. An increase of 0.27 percent for employer contributions to the teachers' retirement system is funded. These increases are provided for the purpose of a one-time, ongoing pension increase for retirees in the public employees' retirement system plan 1 and teachers' retirement system plan 1, as provided in Substitute Senate Bill No. 5676 (providing a benefit increase to certain retirees of the public employees' retirement system plan 1 and the teachers' retirement system plan 1). If the bill is not enacted by June 30, 2022, this subsection shall lapse.

(2) An increase of 0.10 percent is funded for state employer contributions to the public safety employees' retirement system. These increases are provided for the cost to provide an enhanced disability benefit to members of this system who experience a qualifying catastrophic disability on the job, as provided in House Bill No. 1669 (PSERS disability benefits). If the bill is not enacted by June 30, 2022, this subsection shall lapse.

NEW SECTION. **Sec. 943.** A new section is added to 2021 c 334 (uncodified) to read as follows:

The Washington state missing and murdered indigenous women and people task force is established.

(1) The task force is composed of members as provided in this subsection.

(a) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(b) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(c) The governor's office of Indian affairs shall appoint five representatives from federally recognized Indian tribes in Washington state.

(d) The president of the senate and the speaker of the house of representatives jointly shall appoint the following:

(i) One member representing the Seattle Indian health board;

(ii) One member representing the NATIVE project;

(iii) One member representing Northwest Portland area Indian health board;

(iv) One member representing the American Indian health commission;

(v) Two indigenous women or family members of indigenous women that have experienced gender-based violence;

(vi) One member representing the governor's office of Indian affairs;

(vii) The chief of the Washington state patrol or his or her representative;

(viii) One member representing the Washington state office of the attorney general;

(ix) One member representing the Washington association of sheriffs and police chiefs;

(x) One member representing the Washington state association of counties;

(xi) One member representing the association of Washington cities;

(xii) One member representing the Washington association of prosecuting attorneys; and

(xiii) One representative of the Washington association of criminal defense lawyers.

(e) Where feasible, the task force may invite and consult with:

(i) An agent representing the federal bureau of investigation;

(ii) An agent representing the office of the United States attorneys;

(iii) Federally recognized tribes located in a state adjacent to Washington state; and

(iv) Any experts or professionals involved and having expertise in the topic of missing and murdered indigenous women and people.

(2) The legislative members shall convene the initial meeting of the task force no later than the end of 2021 and thereafter convene:

(a) A minimum of two subsequent meetings annually. The membership shall select the task force's cochaIRS, which must include one legislator and one nonlegislative member; and

(b) One summit annually with the state agencies involved with the task force under subsection (1) of this section, federally recognized Indian tribes in Washington state, federally recognized tribes located in a state adjacent to Washington state, and urban Indian organizations.

(3) The task force shall review the laws and policies relating to missing and murdered American Indian and Alaska Native people. The task force shall review current policies and develop recommendations for the purpose of:

(a) Assessing systemic causes behind gender-based violence including patterns and underlying historical, social and economic, institutional, and cultural factors which may contribute to disproportionately high levels of gender-based violence that occur against American Indian and Alaska Native people and ways to improve cross-border coordination between law enforcement and federally recognized tribes that share a state border with Washington state;

(b) Assessing data tracking and reporting practices relating to gender-based violence against American Indian and Alaska Native people in Washington state;

(c) Making recommendations and best practices for improving:

(i) The collection and reporting of data by tribal, local, and state law enforcement agencies to more effectively understand and address issues of gender-based violence facing American Indian and Alaska Native people; and

(ii) Jurisdictional and data sharing issues on tribal reservation land and urban areas that impact gender-based violence against American Indian and Alaska Native people;

(d) Reviewing prosecutorial trends and practices relating to crimes of gender-based violence against American Indian and Alaska Native people in Washington state;

(e) Identifying barriers to providing more state resources in tracking gender-based violence against American Indian and Alaska Native people and reducing the incidences of gender-based violence;

(f) Assessing and identifying state resources to support programs and services for survivors, families of survivors, and tribal and urban Indian service providers working with American Indian and Alaska Native people that have experienced gender-based violence; and

(g) Identifying and making recommendations for increasing state resources for trainings on culturally attuned best practices for working with American Indian and Alaska Native communities for tribal, local, and state law enforcement personnel in Washington state.

(4) The task force, with the assistance of the Washington state office of the attorney general, must consult with federally recognized tribes in Washington state and in states bordering Washington state, and engage with urban Indian organizations to submit a status report including any initial findings, recommendations, and progress updates to the governor and the appropriate committees of the legislature by August 1, 2022, and a final report by June 1, 2023.

(5)(a) The office of the attorney general administers and provides staff support to the task force, organizes the summit, and oversees the development of the two task force reports. The office of the attorney general may contract for the summit.

(b) The Washington state office of the attorney general may, when deemed necessary by the task force, retain consultants to provide data analysis, research,

recommendations, and other services to the task force for the purposes provided in subsection (3) of this section.

(c) The Washington state office of the attorney general may share and exchange information received or created on behalf of the task force with other states, federally recognized Indian tribes, urban Indian organizations, and other national groups working on missing and murdered indigenous women and people issues.

(6) Legislative members of the task force 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.

(7) To ensure that the task force has diverse and inclusive representation of those affected by its work, task force members whose participation in the task force may be hampered by financial hardship may apply for a stipend in an amount not to exceed \$100 for each day during which the member attends an official meeting of the task force or performs statutorily prescribed duties approved by the office of the attorney general. A person shall not receive compensation for a day of service under this section if the person:

(a) Occupies a position, normally regarded as full-time in nature, in any agency of the federal government, Washington state government, or Washington state local government; and

(b) Receives any compensation from such government for working that day. The office of the attorney general, by staffing the task force, is authorized to assess eligibility for the stipend as limited by available financial resources.

**Sec. 944.** 2021 c 334 s 1002 (uncodified) is amended to read as follows:

(1) The Washington state criminal sentencing task force is established.

(2) The task force is composed of members as provided in this subsection.

(a) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(b) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(c) The president of the senate and the speaker of the house of representatives jointly shall appoint members representing the following:

(i) The office of the governor;

(ii) Caseload forecast council;

(iii) Department of corrections;

(iv) Sentencing guidelines commission;

(v) Statewide family council administered by the department of corrections;

(vi) Statewide reentry council;

(vii) Superior court judges' association;

(viii) Washington association of criminal defense attorneys or the Washington defender association;

(ix) Washington association of prosecuting attorneys;

(x) Washington association of sheriffs and police chiefs;

(xi) Washington state association of counties;

(xii) Washington state minority and justice commission;

(xiii) A labor organization representing active law enforcement officers in Washington state;

(xiv) Two different community organizations representing the interests of incarcerated persons; and

(xv) Two different community organizations or other entities representing the interests of crime victims.

(3) The legislative membership shall convene the initial meeting of the task force no later than September 1, 2019. The membership shall select the task force's cochaurs, which must include one legislator and one nonlegislative member.

(4) The task force shall review state sentencing laws, including a consideration of the report of the sentencing guidelines commission required by section 129, chapter 299, Laws of 2018. The task force shall develop recommendations for the purpose of:

(a) Reducing sentencing implementation complexities and errors;

(b) Improving the effectiveness of the sentencing system; and

(c) Promoting and improving public safety.

(5) The task force shall submit an initial report, including findings and recommendations, to the governor and the appropriate committees of the legislature by December 31, 2019. The task force shall submit a final report by December 31, ~~((2020))~~ 2022.

(6)(a) The William D. Ruckelshaus center shall administer and provide staff support and facilitation services to the task force. The center may, when deemed necessary by the task force, contract with one or more appropriate consultants to provide data analysis, research, and other services to the task force for the purposes provided in subsection (4) of this section.

(b) The caseload forecast council shall provide information, data analysis, and other necessary assistance upon the request of the task force.

(7) Legislative members of the task force 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.

(8) This section expires June 30, ~~((2022))~~ 2023.

**\*NEW SECTION. Sec. 945.** *A new section is added to 2021 c 334 (uncodified) to read as follows:*

*(1) The joint legislative task force on best practices for broadband deployment is created.*

*(2) The task force membership is composed of:*

*(a) One member from each of the two largest caucuses of the senate, appointed by the president of the senate;*

*(b) One member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;*

*(c) The director of the department of commerce or the director's designee;*

*(d) The director of the department of transportation or the director's designee; and*

*(e) The secretary of the utilities and transportation commission or the secretary's designee; and*

*(f) Additional members to be appointed by the president of the senate and the speaker of the house of representatives, as follows:*

*(i) A representative from the association of Washington cities;*

*(ii) A representative from the Washington state association of counties;*

*(iii) A representative from a telecommunications infrastructure provider; and*

*(iv) A representative from an organization providing rural telecommunications services.*

*(3) The task force must conduct the following activities:*

*(a) Review existing state and local permitting processes for broadband infrastructure in Washington state;*

*(b) Review relevant best practices in other states for the deployment of broadband and their potential application in Washington state;*

*(c) Examine any state or federal laws that limit the deployment of broadband and develop recommendations for modifications; and*

*(d) By December 1, 2022, submit a report of the task force's findings and recommendations to the appropriate committees of the legislature.*

*(4) The task force must choose cochairs from among its legislative membership. The legislative members must convene the initial meeting of the task force. All meetings of the task force must be scheduled and conducted in accordance with the requirements of both the senate and the house of representatives.*

*(5) Staff support for the task force is provided by the facilitator contracted by the department of commerce.*

*(6) Legislative members of the task force 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.*

*(7) Except for the costs of the contracted facilitator, the expenses of the task force must be paid jointly by the senate and the house of representatives, and task force expenditures and meetings are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.*

*\*Sec. 945 was vetoed. See message at end of chapter.*

**NEW SECTION. Sec. 946.** A new section is added to chapter 43.79 RCW to read as follows:

The capital community assistance 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. Moneys in the account may be used for capital costs to provide community support services, and for infrastructure and other capital expenditures to support the well-being of communities.

**NEW SECTION. Sec. 947.** A new section is added to chapter 43.79 RCW 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.

(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.

**NEW SECTION. Sec. 948.** A new section is added to chapter 43.330 RCW 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. 949.** RCW 28B.92.205 and 2019 c 406 s 20 are each amended to read as follows:

In addition to other eligibility requirements outlined in this chapter, students who demonstrate financial need are eligible to receive the Washington college grant. Financial need is as follows:

(1) Until academic year 2020-21, students with family incomes between zero and fifty percent of the state median family income, adjusted for family size, shall receive the maximum Washington college grant as defined in RCW 28B.92.030. Grants for students with incomes between fifty-one and seventy percent of the state median family income, adjusted for family size, shall be

prorated at the following percentages of the maximum Washington college grant amount:

(a) Seventy percent for students with family incomes between fifty-one and fifty-five percent of the state median family income;

(b) Sixty-five percent for students with family incomes between fifty-six and sixty percent of the state median family income;

(c) Sixty percent for students with family incomes between sixty-one and sixty-five percent of the state median family income; and

(d) Fifty percent for students with family incomes between sixty-six and seventy percent of the state median family income.

(2) Beginning with academic year 2020-21, except during the 2022-23 academic year, students with family incomes between zero and fifty-five percent of the state median family income, adjusted for family size, shall receive the maximum Washington college grant as defined in RCW 28B.92.030. During the 2022-23 academic year, students with family incomes between zero and 60 percent of the state median family income, adjusted for family size, shall receive the maximum Washington college grant. Grants for students with incomes between fifty-six and one hundred percent of the state median family income, adjusted for family size, shall be prorated at the following percentages of the maximum Washington college grant amount:

(a) Seventy percent for students with family incomes between fifty-six and sixty percent of the state median family income, except during the 2022-23 academic year;

(b) Sixty percent for students with family incomes between sixty-one and sixty-five percent of the state median family income;

(c) Fifty percent for students with family incomes between sixty-six and seventy percent of the state median family income;

(d) Twenty-four and one-half percent for students with family incomes between seventy-one and seventy-five percent of the state median family income; and

(e) Ten percent for students with family incomes between seventy-six and one hundred percent of the state median family income.

**Sec. 950.** RCW 41.60.050 and 2021 c 334 s 967 are each amended to read as follows:

The legislature shall appropriate from the personnel service fund for the payment of administrative costs of the productivity board. However, during the 2015-2017, 2017-2019, and 2019-2021(~~, and 2021-2023~~) fiscal biennia, and during fiscal year 2022, the operations of the productivity board shall be suspended.

**Sec. 951.** RCW 41.80.010 and 2021 c 334 s 968 are each amended to read as follows:

(1) For the purpose of negotiating collective bargaining agreements under this chapter, the employer shall be represented by the governor or governor's designee, except as provided for institutions of higher education in subsection (4) of this section.

(2)(a)(i) Except as otherwise provided, if an exclusive bargaining representative represents more than one bargaining unit, the exclusive bargaining representative shall negotiate with each employer representative as



designated in subsection (1) of this section one master collective bargaining agreement on behalf of all the employees in bargaining units that the exclusive bargaining representative represents.

(ii) For those exclusive bargaining representatives who represent fewer than a total of five hundred employees each, negotiation shall be by a coalition of all those exclusive bargaining representatives. The coalition shall bargain for a master collective bargaining agreement covering all of the employees represented by the coalition. The governor's designee and the exclusive bargaining representative or representatives are authorized to enter into supplemental bargaining of agency-specific issues for inclusion in or as an addendum to the master collective bargaining agreement, subject to the parties' agreement regarding the issues and procedures for supplemental bargaining. Exclusive bargaining representatives that represent employees covered under chapter 41.06 RCW and exclusive bargaining representatives that represent employees exempt under chapter 41.06 RCW shall constitute separate coalitions and must negotiate separate master collective bargaining agreements. This subsection does not prohibit cooperation and coordination of bargaining between two or more exclusive bargaining representatives.

(b) This subsection does not apply to exclusive bargaining representatives who represent employees of institutions of higher education, except when the institution of higher education has elected to exercise its option under subsection (4) of this section to have its negotiations conducted by the governor or governor's designee under the procedures provided for general government agencies in subsections (1) through (3) of this section.

(c) If five hundred or more employees of an independent state elected official listed in RCW 43.01.010 are organized in a bargaining unit or bargaining units under RCW 41.80.070, the official shall be consulted by the governor or the governor's designee before any agreement is reached under (a) of this subsection concerning supplemental bargaining of agency specific issues affecting the employees in such bargaining unit.

(d) For assistant attorneys general, the governor or the governor's designee and an exclusive bargaining representative shall negotiate one master collective bargaining agreement.

(3) The governor shall submit a request for funds necessary to implement the compensation and fringe benefit provisions in the master collective bargaining agreement or for legislation necessary to implement the agreement. Requests for funds necessary to implement the provisions of bargaining agreements shall not be submitted to the legislature by the governor unless such requests:

(a) Have been submitted to the director of the office of financial management by October 1 prior to the legislative session at which the requests are to be considered; and

(b) Have been certified by the director of the office of financial management as being feasible financially for the state.

The legislature shall approve or reject the submission of the request for funds as a whole. The legislature shall not consider a request for funds to implement a collective bargaining agreement unless the request is transmitted to the legislature as part of the governor's budget document submitted under RCW 43.88.030 and 43.88.060. If the legislature rejects or fails to act on the

submission, either party may reopen all or part of the agreement or the exclusive bargaining representative may seek to implement the procedures provided for in RCW 41.80.090.

(4)(a)(i) For the purpose of negotiating agreements for institutions of higher education, the employer shall be the respective governing board of each of the universities, colleges, or community colleges or a designee chosen by the board to negotiate on its behalf.

(ii) A governing board of a university or college may elect to have its negotiations conducted by the governor or governor's designee under the procedures provided for general government agencies in subsections (1) through (3) of this section, except that:

(A) The governor or the governor's designee and an exclusive bargaining representative shall negotiate one master collective bargaining agreement for all of the bargaining units of employees of a university or college that the representative represents; or

(B) If the parties mutually agree, the governor or the governor's designee and an exclusive bargaining representative shall negotiate one master collective bargaining agreement for all of the bargaining units of employees of more than one university or college that the representative represents.

(iii) A governing board of a community college may elect to have its negotiations conducted by the governor or governor's designee under the procedures provided for general government agencies in subsections (1) through (3) of this section.

(b) Prior to entering into negotiations under this chapter, the institutions of higher education or their designees shall consult with the director of the office of financial management regarding financial and budgetary issues that are likely to arise in the impending negotiations.

(c)(i) In the case of bargaining agreements reached between institutions of higher education other than the University of Washington and exclusive bargaining representatives agreed to under the provisions of this chapter, if appropriations are necessary to implement the compensation and fringe benefit provisions of the bargaining agreements, the governor shall submit a request for such funds to the legislature according to the provisions of subsection (3) of this section, except as provided in (c)(iii) of this subsection.

(ii) In the case of bargaining agreements reached between the University of Washington and exclusive bargaining representatives agreed to under the provisions of this chapter, if appropriations are necessary to implement the compensation and fringe benefit provisions of a bargaining agreement, the governor shall submit a request for such funds to the legislature according to the provisions of subsection (3) of this section, except as provided in this subsection (4)(c)(ii) and as provided in (c)(iii) of this subsection.

(A) If appropriations of less than ten thousand dollars are necessary to implement the provisions of a bargaining agreement, a request for such funds shall not be submitted to the legislature by the governor unless the request has been submitted to the director of the office of financial management by October 1 prior to the legislative session at which the request is to be considered.

(B) If appropriations of ten thousand dollars or more are necessary to implement the provisions of a bargaining agreement, a request for such funds shall not be submitted to the legislature by the governor unless the request:

(I) Has been submitted to the director of the office of financial management by October 1 prior to the legislative session at which the request is to be considered; and

(II) Has been certified by the director of the office of financial management as being feasible financially for the state.

(C) If the director of the office of financial management does not certify a request under (c)(ii)(B) of this subsection as being feasible financially for the state, the parties shall enter into collective bargaining solely for the purpose of reaching a mutually agreed upon modification of the agreement necessary to address the absence of those requested funds. The legislature may act upon the compensation and fringe benefit provisions of the modified collective bargaining agreement if those provisions are agreed upon and submitted to the office of financial management and legislative budget committees before final legislative action on the biennial or supplemental operating budget by the sitting legislature.

(iii) In the case of a bargaining unit of employees of institutions of higher education in which the exclusive bargaining representative is certified during or after the conclusion of a legislative session, the legislature may act upon the compensation and fringe benefit provisions of the unit's initial collective bargaining agreement if those provisions are agreed upon and submitted to the office of financial management and legislative budget committees before final legislative action on the biennial or supplemental operating budget by the sitting legislature.

(5) If, after the compensation and fringe benefit provisions of an agreement are approved by the legislature, a significant revenue shortfall occurs resulting in reduced appropriations, as declared by proclamation of the governor or by resolution of the legislature, both parties shall immediately enter into collective bargaining for a mutually agreed upon modification of the agreement.

(6) After the expiration date of a collective bargaining agreement negotiated under this chapter, all of the terms and conditions specified in the collective bargaining agreement remain in effect until the effective date of a subsequently negotiated agreement, not to exceed one year from the expiration date stated in the agreement. Thereafter, the employer may unilaterally implement according to law.

(7)(a) For the 2019-2021 fiscal biennium, the legislature may approve funding for a collective bargaining agreement negotiated by a higher education institution and the Washington federation of state employees and ratified by the exclusive bargaining representative before final legislative action on the omnibus appropriations act by the sitting legislature.

(b) Subsection (3)(a) and (b) of this section do not apply to requests for funding made pursuant to this subsection.

(8)(a) For the 2021-2023 fiscal biennium, the legislature may approve funding for a collective bargaining agreement negotiated by the governor or governor's designee and the Washington public employees association community college coalition and the general government agencies and ratified by the exclusive bargaining representative before final legislative action on the omnibus appropriations act by the sitting legislature.

(b) For the 2021-2023 fiscal biennium, the legislature may approve funding for a collective bargaining agreement negotiated between Highline Community College and the Washington public employees association and ratified by the

exclusive bargaining representative before final legislative action on the omnibus appropriations act by the sitting legislature.

(c) For the 2021-2023 fiscal biennium, the legislature may approve funding for collective bargaining agreements negotiated between Eastern Washington University and bargaining units of the Washington federation of state employees and the public school employees association, and between Yakima Valley College and the Washington public employees association, and ratified by the exclusive bargaining representatives before final legislative action on the omnibus appropriations act by the sitting legislature.

(d) Subsection (3)(a) and (b) of this section does not apply to requests for funding made pursuant to this subsection.

**Sec. 952.** RCW 43.31.605 and 2021 c 115 s 5 are each amended to read as follows:

(1)(a) Subject to the availability of funds for this purpose, the landlord mitigation program is created and administered by the department. The department shall have such rule-making authority as the department deems necessary to administer the program.

(b) The following types of claims related to landlord mitigation for renting private market rental units to low-income tenants using a housing subsidy program are eligible for reimbursement from the landlord mitigation program account:

(i) Up to one thousand dollars for improvements identified in RCW 59.18.255(1)(a). In order to be eligible for reimbursement under this subsection (1)(b)(i), the landlord must pay for the first five hundred dollars for improvements, and rent to the tenant whose housing subsidy program was conditioned on the real property passing inspection. Reimbursement under this subsection (1)(b)(i) may also include up to fourteen days of lost rental income from the date of offer of housing to the applicant whose housing subsidy program was conditioned on the real property passing inspection until move in by that applicant;

(ii) Reimbursement for damages as reflected in a judgment obtained against the tenant through either an unlawful detainer proceeding, or through a civil action in a court of competent jurisdiction after a hearing;

(iii) Reimbursement for damages established pursuant to subsection (2) of this section; and

(iv) Reimbursement for unpaid rent and unpaid utilities, provided that the landlord can evidence it to the department's satisfaction.

(c) Claims related to landlord mitigation for an unpaid judgment for rent, unpaid judgments resulting from the tenant's failure to comply with an installment payment agreement identified in RCW 59.18.610, late fees, attorneys' fees, and costs after a court order pursuant to RCW 59.18.410(3), including any unpaid portion of the judgment after the tenant defaults on the payment plan pursuant to RCW 59.18.410(3)(c), are eligible for reimbursement from the landlord mitigation program account and are exempt from any postjudgment interest required under RCW 4.56.110. Any claim for reimbursement made pursuant to RCW 59.18.410(3)(e)(ii) must be accompanied by a court order staying the writ of restitution pursuant to RCW 59.18.410(3). Any claim for reimbursement under this subsection (1)(c) is not an entitlement.

(i) The department shall provide for a form on its website for tenants and landlords to apply for reimbursement funds for the landlord pursuant to this subsection (1)(c).

(ii) The form must include: (A) Space for the landlord and tenant to provide names, mailing addresses, phone numbers, date of birth for the tenant, and any other identifying information necessary for the department to process payment; (B) the landlord's statewide vendor identification number and how to obtain one; (C) name and address to whom payment must be made; (D) the amount of the judgment with instructions to include any other supporting documentation the department may need to process payment; (E) instructions for how the tenant is to reimburse the department under (c)(iii) of this subsection; (F) a description of the consequences if the tenant does not reimburse the department as provided in this subsection (1)(c); (G) a signature line for the landlord and tenant to confirm that they have read and understood the contents of the form and program; and (H) any other information necessary for the operation of the program. If the tenant has not signed the form after the landlord has made good faith efforts to obtain the tenant's signature, the landlord may solely submit the form but must attest to the amount of money owed and sign the form under penalty of perjury.

(iii) When a landlord has been reimbursed pursuant to this subsection (1)(c), the tenant for whom payment was made shall reimburse the department by depositing the amount disbursed from the landlord mitigation program account into the court registry of the superior court in which the judgment was entered. The tenant or other interested party may seek an ex parte order of the court under the unlawful detainer action to order such funds to be disbursed by the court. Upon entry of the order, the court clerk shall disburse the funds and include a case number with any payment issued to the department. If directed by the court, a clerk shall issue any payments made by a tenant to the department without further court order.

(iv) The department may deny an application made by a tenant who has failed to reimburse the department for prior payments issued pursuant to this subsection (1)(c).

(v) With any disbursement from the account to the landlord, the department shall notify the tenant at the address provided within the application that a disbursement has been made to the landlord on the tenant's behalf and that failure to reimburse the account for the payment through the court registry may result in a denial of a future application to the account pursuant to this subsection (1)(c). The department may include any other additional information about how to reimburse the account it deems necessary to fully inform the tenant.

(vi) The department's duties with respect to obtaining reimbursement from the tenant to the account are limited to those specified within this subsection (1)(c).

(vii) If at any time funds do not exist in the landlord mitigation program account to reimburse claims submitted under this subsection (1)(c), the department must create and maintain a waitlist and distribute funds in the order the claims are received pursuant to subsection (6) of this section. Payment of any claims on the waitlist shall be made only from the landlord mitigation program account. The department shall not be civilly or criminally liable and may not have any penalty or cause of action of any nature arise against it regarding the provision or lack of provision of funds for reimbursement.

(d)(i) Claims related to landlord mitigation for:

(A) Up to \$15,000 in unpaid rent that accrued between March 1, 2020, and six months following the expiration of the eviction moratorium and the tenant being low-income, limited resourced or experiencing hardship, voluntarily vacated or abandoned the tenancy; or

(B) Up to \$15,000 in remaining unpaid rent if a tenant defaults on a repayment plan entered into under RCW 59.18.630 are eligible for reimbursement from the landlord mitigation program account subject to the program requirements under this section, provided the tenancy has not been terminated at the time of reimbursement.

(ii) A landlord is ineligible for reimbursement under this subsection (1)(d) where the tenant vacated the tenancy because of an unlawful detainer action under RCW 59.12.030(3).

(iii) A landlord in receipt of reimbursement from the program pursuant to this subsection (1)(d) is prohibited from:

(A) Taking legal action against the tenant for damages or any remaining unpaid rent accrued between March 1, 2020, and six months following the expiration of the eviction moratorium attributable to the same tenancy; or

(B) Pursuing collection, or authorizing another entity to pursue collection on the landlord's behalf, of a judgment against the tenant for damages or any remaining unpaid rent accrued between March 1, 2020, and six months following the expiration of the eviction moratorium attributable to the same tenancy.

(2) In order for a claim under subsection (1)(b)(iii) of this section to be eligible for reimbursement from the landlord mitigation program account, a landlord must:

(a) Have ensured that the rental property was inspected at the commencement of the tenancy by both the tenant and the landlord or landlord's agent and that a detailed written move-in property inspection report, as required in RCW 59.18.260, was prepared and signed by both the tenant and the landlord or landlord's agent;

(b) Make repairs and then apply for reimbursement to the department;

(c) Submit a claim on a form to be determined by the department, signed under penalty of perjury; and

(d) Submit to the department copies of the move-in property inspection report specified in (a) of this subsection and supporting materials including, but not limited to, before repair and after repair photographs, videos, copies of repair receipts for labor and materials, and such other documentation or information as the department may request.

(3) The department shall make reasonable efforts to review a claim within ten business days from the date it received properly submitted and complete claims to the satisfaction of the department. In reviewing a claim pursuant to subsection (1)(b) of this section, and determining eligibility for reimbursement, the department must receive documentation, acceptable to the department in its sole discretion, that the claim involves a private market rental unit rented to a low-income tenant who is using a housing subsidy program.

(4) Claims pursuant to subsection (1)(b) of this section related to a tenancy must total at least five hundred dollars in order for a claim to be eligible for reimbursement from the program. While claims or damages may exceed five

thousand dollars, total reimbursement from the program may not exceed five thousand dollars per tenancy. For the 2021-2023 fiscal biennium, while claims or damages may exceed \$10,000, total reimbursement from the program may not exceed \$10,000 per tenancy.

(5) Damages, beyond wear and tear, that are eligible for reimbursement include, but are not limited to: Interior wall gouges and holes; damage to doors and cabinets, including hardware; carpet stains or burns; cracked tiles or hard surfaces; broken windows; damage to household fixtures such as disposal, toilet, sink, sink handle, ceiling fan, and lighting. Other property damages beyond normal wear and tear may also be eligible for reimbursement at the department's discretion.

(6) All reimbursements for eligible claims shall be made on a first-come, first-served basis, to the extent of available funds. The department shall use best efforts to notify the tenant of the amount and the reasons for any reimbursements made.

(7) The department, in its sole discretion, may inspect the property and the landlord's records related to a claim, including the use of a third-party inspector as needed to investigate fraud, to assist in making its claim review and determination of eligibility.

(8) A landlord in receipt of reimbursement from the program pursuant to subsection (1)(b) of this section is prohibited from:

(a) Taking legal action against the tenant for damages attributable to the same tenancy; or

(b) Pursuing collection, or authorizing another entity to pursue collection on the landlord's behalf, of a judgment against the tenant for damages attributable to the same tenancy.

(9) A landlord denied reimbursement under subsection (1)(b)(iii) of this section may seek to obtain a judgment from a court of competent jurisdiction and, if successful, may resubmit a claim for damages supported by the judgment, along with a certified copy of the judgment. The department may reimburse the landlord for that portion of such judgment that is based on damages reimbursable under the landlord mitigation program, subject to the limitations set forth in this section.

(10) Determinations regarding reimbursements shall be made by the department in its sole discretion.

(11) The department must establish a website that advertises the landlord mitigation program, the availability of reimbursement from the landlord mitigation program account, and maintains or links to the agency rules and policies established pursuant to this section.

(12) Neither the state, the department, or persons acting on behalf of the department, while acting within the scope of their employment or agency, is liable to any person for any loss, damage, harm, or other consequence resulting directly or indirectly from the department's administration of the landlord mitigation program or determinations under this section.

(13)(a) A report to the appropriate committees of the legislature on the effectiveness of the program and recommended modifications shall be submitted to the governor and the appropriate committees of the legislature by January 1, 2021. In preparing the report, the department shall convene and solicit input from a group of stakeholders to include representatives of large multifamily

housing property owners or managers, small rental housing owners in both rural and urban markets, a representative of tenant advocates, and a representative of the housing authorities.

(b) The report shall include discussion of the effectiveness of the program as well as the department's recommendations to improve the program, and shall include the following:

(i) The number of total claims and total amount reimbursed to landlords by the fund;

(ii) Any indices of fraud identified by the department;

(iii) Any reports by the department regarding inspections authorized by and conducted on behalf of the department;

(iv) An outline of the process to obtain reimbursement for improvements and for damages from the fund;

(v) An outline of the process to obtain reimbursement for lost rent due to the rental inspection and tenant screening process, together with the total amount reimbursed for such damages;

(vi) An evaluation of the feasibility for expanding the use of the mitigation fund to provide up to ninety-day no interest loans to landlords who have not received timely rental payments from a housing authority that is administering section 8 rental assistance;

(vii) Any other modifications and recommendations made by stakeholders to improve the effectiveness and applicability of the program.

(14) As used in this section:

(a) "Housing subsidy program" means a housing voucher as established under 42 U.S.C. Sec. 1437 as of January 1, 2018, or other housing subsidy program including, but not limited to, valid short-term or long-term federal, state, or local government, private nonprofit, or other assistance program in which the tenant's rent is paid either partially by the program and partially by the tenant, or completely by the program directly to the landlord;

(b) "Low-income" means income that does not exceed eighty percent of the median income for the standard metropolitan statistical area in which the private market rental unit is located; and

(c) "Private market rental unit" means any unit available for rent that is owned by an individual, corporation, limited liability company, nonprofit housing provider, or other entity structure, but does not include housing acquired, or constructed by a public housing agency under 42 U.S.C. Sec. 1437 as it existed on January 1, 2018.

**Sec. 953.** RCW 43.41.450 and 2017 3rd sp.s. c 1 s 968 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 fiscal (~~biennium~~) 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. 954.** RCW 43.43.837 and 2021 c 203 s 2 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 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) 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. 955.** RCW 43.70.715 and 2021 c 334 s 1004 are each amended to read as follows:

(1) The COVID-19 public health response account is created in the custody of the state treasurer. The account shall consist of funds appropriated by the legislature and grants received by the department of health for activities in response to the coronavirus pandemic (COVID-19). Only the secretary, or the secretary's designee, may authorize expenditures from the account for costs related to the public health response to COVID-19, subject to any limitations imposed by grant funding deposited into the account. The COVID-19 public health response account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2)(a) The legislature finds that a safe, efficient, and effective delivery of vaccinations is of the utmost importance for restoring societal and economic functions. As we learn more about the virus, the vaccine, and challenges to vaccine allocation and distribution, it is anticipated that the state's COVID-19 vaccination distribution plan will evolve. To that end, the legislature has provided flexibility by funding expenditures for testing, contact tracing, mitigation activities, vaccine administration and distribution, and other allowable uses for the state, local health jurisdictions, and tribes at the discretion of the secretary and without an appropriation. However, to maintain fiscal control and to ensure spending priorities align, the department is required to collaborate and communicate with the chairs and ranking members of the health care and fiscal committees of the legislature and local health jurisdictions in advance of any significant revision of the state's COVID-19 vaccination plan and to provide regular updates on its implementation and spending.

(b) As part of the public health response to COVID-19, the expenditures from the account must be used to effectively administer the vaccine for COVID-19 and conduct testing and contact tracing. The department must ensure that COVID-19 outreach is accessible, culturally and linguistically appropriate, and that it includes community-driven partnerships and strategies.

(c) When making expenditures for administering the vaccine for COVID-19, the department must focus on identifying persons for vaccination, prioritizing underserved, underrepresented, and hard-to-reach communities, making the vaccine accessible, and providing support to schools for safe reopening. Strategies for vaccine distribution shall include the establishment and expansion of community vaccination centers, mobile vaccination units, reporting enhancements, in-home visits for vaccinations for the elderly, and transportation of individuals to vaccination sites.

(d) When making expenditures regarding testing and contact tracing, the department must provide equitable access, prioritize underserved, underrepresented, and hard-to-reach communities, and provide support and resources to facilitate the safe reopening of schools while minimizing community spread of the virus.

(e) The department may also make expenditures from the account related to developing the public health workforce using funds granted by the federal government for that purpose in section 2501, the American rescue plan act of 2021, P.L. 117-2.

(3) When making expenditures from the account, the department must include an emphasis on public communication regarding the availability and accessibility of the vaccine and testing, and the importance of vaccine and testing availability to the safe reopening of the state.

(4)(a) The department must report to the fiscal and health care committees of the legislature on a monthly basis regarding its COVID-19 response.

~~((b))~~ To the extent that it is available, the report must include data regarding vaccine distribution, testing, and contact tracing, as follows:

(i) The number of vaccines administered per day, including regional data regarding the location and age groups of persons receiving the vaccine, specifically identifying hard-to-reach communities in which vaccines were administered; and

(ii) The number of tests conducted per week, including data specifically addressing testing conducted in hard-to-reach communities.

(b)(i) Beginning with the quarter ending March 31, 2022, the department must report to the fiscal and health care committees of the legislature on a quarterly basis regarding revenues and expenditures related to the COVID-19 response. The reports must include:

(A) Quarterly expenditures of funds, by fund source, including the appropriated amounts pursuant to section 222(76) and (77) of this act for:

(I) Diagnostic testing;

(II) Case investigation and contact tracing;

(III) Outbreak response;

(IV) Care coordination;

(V) Community outreach;

(VI) Information and technology operations;

(VII) Surveillance;

(VIII) Vaccines;

(IX) Client services;

(X) Local health jurisdictions; and

(XI) Tribes; and

(B) Grant amounts received during the reporting quarter that may be used in the COVID-19 response.

(ii) The quarterly reports must reflect the previous quarter, a projection of expected expenditures and revenue for the next quarter, and an accounting of the expenditures and revenue for the 2021-2023 fiscal biennium to date. The quarterly reports are due no later than 30 days after the end of the applicable quarter.

(c) The first monthly report pursuant to (a) of this subsection is due no later than one month from February 19, 2021. Monthly reports are no longer required upon the department's determination that the remaining balance of the COVID-19 ~~((public health))~~ public health response account is less than \$100,000.

**Sec. 956.** RCW 43.79.505 and 2019 c 251 s 9 are each amended to read as follows:

The judicial stabilization trust account is created within the state treasury, subject to appropriation. All receipts from the surcharges authorized by RCW 3.62.060(2), 12.40.020, 36.18.018(4), and 36.18.020(5) shall be deposited in this account. Moneys in the account may be spent only after appropriation.

Expenditures from the account may be used only for the support of judicial branch agencies and, for the 2021-2023 fiscal biennium, for expenditures to address state and local costs related to the *State v. Blake* decision.

**Sec. 957.** RCW 43.83B.430 and 2020 c 168 s 6 are each 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.

**Sec. 958.** RCW 43.101.435 and 2019 c 415 s 971 are each amended to read as follows:

The Washington internet crimes against children account is created in the custody of the state treasurer. All receipts from legislative appropriations, donations, gifts, grants, and funds from federal or private sources must be deposited into the account. Expenditures from the account must be used exclusively by the Washington internet crimes against children task force and its affiliate agencies for combating internet-facilitated crimes against children, promoting education on internet safety to the public and to minors, and rescuing child victims from abuse and exploitation. Only the criminal justice training commission or the commission'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 commission may enter into agreements with the Washington association of sheriffs and police chiefs to administer grants and other activities funded by the account and be paid an administrative fee not to exceed three percent of expenditures. During the 2019-2021 and 2021-2023 fiscal (~~biennium~~) biennia, moneys in the account may be used by the Washington state patrol for activities related to the missing and exploited children task force.

**Sec. 959.** RCW 43.216.1368 and 2021 c 199 s 201 are each amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) Subject to the availability of amounts appropriated for this specific purpose, the department shall adopt a copayment model for households with

annual incomes above 75 percent of the state median income and at or below 85 percent of the state median income. The model must calculate a copayment for each household that is no greater than seven percent of the household's countable income within this income range.

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

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

**Sec. 960.** RCW 43.216.270 and 2020 c 270 s 9 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)(i) 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) (~~Persons~~) 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 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. ~~((The))~~ 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.

(j) 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.

(k) 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. 961.** RCW 43.348.080 and 2019 c 445 s 403 are each amended to read as follows:

(1) The Andy Hill cancer research endowment fund match transfer account is created in the custody of the state treasury to be used solely and exclusively for the program created in RCW 43.348.040. Moneys in the account may be spent only after appropriation. The purpose of the account is to provide matching funds for the fund and administrative costs. Expenditures to fund or reimburse the program administrator are not subject to the requirements of subsection (4) of this section.

(2) The legislature must appropriate a state match, up to a maximum of ten million dollars annually, beginning July 1, 2016, and each July 1st following the end of the fiscal year from tax collections and penalties generated from enforcement of state taxes on cigarettes and other tobacco products by the state liquor and cannabis board or other federal, state or local law or tax enforcement agency, as determined by the department of revenue. Tax collections include any cigarette tax, other tobacco product tax, and retail sales and use tax. Any

amounts deposited into this account from the tax imposed under RCW 82.25.010 in excess of the cap provided in this subsection must be deposited into the foundational public health services account created in RCW 82.25.015.

(3) Revenues to the account must consist of deposits into the account, taxes imposed on vapor products under RCW 82.25.010, legislative appropriations, and any gifts, grants, or donations received by the department for this purpose.

(4) Each fiscal biennium, the legislature must appropriate to the department of commerce such amounts as estimated to be the balance of the account to provide state matching funds.

(5) Expenditures, in the form of matching funds, from the account may be made only upon receipt of proof from the program administrator of nonstate or private contributions to the fund for the program. Expenditures, in the form of matching funds, may not exceed the total amount of nonstate or private contributions.

(6) The department must enter into an appropriate agreement with the program administrator to demonstrate exchange of consideration for the matching funds.

(7) Moneys expended into the account in fiscal year 2023 pursuant to section 706 of this act are not subject to the requirements of subsections (5) and (6) of this section.

**Sec. 962.** RCW 50A.10.030 and 2019 c 13 s 21 are each amended to read as follows:

(1)(a) Beginning January 1, 2019, the department shall assess for each individual in employment with an employer and for each individual electing coverage a premium based on the amount of the individual's wages subject to subsection (4) of this section.

(b) The premium rate for family leave benefits shall be equal to one-third of the total premium rate.

(c) The premium rate for medical leave benefits shall be equal to two-thirds of the total premium rate.

(2) For calendar year 2022 and thereafter, the commissioner shall determine the percentage of paid claims related to family leave benefits and the percentage of paid claims related to medical leave benefits and adjust the premium rates set in subsection (1)(b) and (c) of this section by the proportional share of paid claims.

(3)(a) Beginning January 1, 2019, and ending December 31, 2020, the total premium rate shall be four-tenths of one percent of the individual's wages subject to subsection (4) of this section.

(b) For family leave premiums, an employer may deduct from the wages of each employee up to the full amount of the premium required.

(c) For medical leave premiums, an employer may deduct from the wages of each employee up to forty-five percent of the full amount of the premium required.

(d) An employer may elect to pay all or any portion of the employee's share of the premium for family leave or medical leave benefits, or both.

(4) The commissioner must annually set a maximum limit on the amount of wages that is subject to a premium assessment under this section that is equal to the maximum wages subject to taxation for social security as determined by the social security administration.

(5)(a) Employers with fewer than fifty employees employed in the state are not required to pay the employer portion of premiums for family and medical leave.

(b) If an employer with fewer than fifty employees elects to pay the premiums, the employer is then eligible for assistance under RCW 50A.24.010.

(6) For calendar year 2021 and thereafter, the total premium rate shall be based on the family and medical leave insurance account balance ratio as of September 30th of the previous year. The commissioner shall calculate the account balance ratio by dividing the balance of the family and medical leave insurance account by total covered wages paid by employers and those electing coverage. The division shall be carried to the fourth decimal place with the remaining fraction disregarded unless it amounts to five hundred-thousandths or more, in which case the fourth decimal place shall be rounded to the next higher digit. If the account balance ratio is:

(a) Zero to nine hundredths of one percent, the premium is six tenths of one percent of the individual's wages;

(b) One tenth of one percent to nineteen hundredths of one percent, the premium is five tenths of one percent of the individual's wages;

(c) Two tenths of one percent to twenty-nine hundredths of one percent, the premium is four tenths of one percent of the individual's wages;

(d) Three tenths of one percent to thirty-nine hundredths of one percent, the premium is three tenths of one percent of the individual's wages;

(e) Four tenths of one percent to forty-nine hundredths of one percent, the premium is two tenths of one percent of the individual's wages; or

(f) Five tenths of one percent or greater, the premium is one tenth of one percent of the individual's wages.

(7) Beginning January 1, 2021, if the account balance ratio calculated in subsection (6) of this section is below five hundredths of one percent, the commissioner must assess a solvency surcharge at the lowest rate necessary to provide revenue to pay for the administrative and benefit costs of family and medical leave, for the calendar year, as determined by the commissioner. The solvency surcharge shall be at least one-tenth of one percent and no more than six-tenths of one percent and be added to the total premium rate for family and medical leave benefits. Any projected expenditures of general fund moneys into the family and medical leave insurance account pursuant to section 723 of this act must be excluded from the commissioner's determination of the necessary revenue to pay the administrative and benefit costs of family and medical leave for the calendar year.

(8)(a) The employer must collect from the employees the premiums and any surcharges provided under this section through payroll deductions and remit the amounts collected to the department.

(b) In collecting employee premiums through payroll deductions, the employer shall act as the agent of the employees and shall remit the amounts to the department as required by this title.

(c) On September 30th of each year, the department shall average the number of employees reported by an employer over the last four completed calendar quarters to determine the size of the employer for the next calendar year for the purposes of this section and RCW 50A.24.010.

(9) Premiums shall be collected in the manner and at such intervals as provided in this title and directed by the department.

(10) Premiums collected under this section are placed in trust for the employees and employers that the program is intended to assist.

(11) A city, code city, town, county, or political subdivision may not enact a charter, ordinance, regulation, rule, or resolution:

(a) Creating a paid family or medical leave insurance program that alters or amends the requirements of this title for any private employer;

(b) Providing for local enforcement of the provisions of this title; or

(c) Requiring private employers to supplement duration of leave or amount of wage replacement benefits provided under this title.

**Sec. 963.** RCW 70A.200.140 and 2021 c 334 s 987 are each amended to read as follows:

(1) There is hereby created an account within the state treasury to be known as the waste reduction, recycling, and litter control account. Moneys in the account may be spent only after appropriation. Expenditures from the waste reduction, recycling, and litter control account shall be used as follows:

(a) Forty percent to the department of ecology, primarily for use by the departments of ecology, natural resources, revenue, transportation, and corrections, and the parks and recreation commission, for litter collection programs under RCW 70A.200.170. The amount to the department of ecology shall also be used for a central coordination function for litter control efforts statewide; to support employment of youth in litter cleanup as intended in RCW 70A.200.020, and for litter pick up using other authorized agencies; and for statewide public awareness programs under RCW 70A.200.150(7). The amount to the department shall also be used to defray the costs of administering the funding, coordination, and oversight of local government programs for waste reduction, litter control, recycling, and composting so that local governments can apply one hundred percent of their funding to achieving program goals. The amount to the department of revenue shall be used to enforce compliance with the litter tax imposed in chapter 82.19 RCW;

(b)(i) Twenty percent to the department for local government funding programs for waste reduction, litter control, recycling activities, and composting activities by cities and counties under RCW 70A.200.190, to be administered by the department of ecology; (ii) any unspent funds under (b)(i) of this subsection may be used to create and pay for a matching fund competitive grant program to be used by local governments for the development and implementation of contamination reduction and outreach plans for inclusion in comprehensive solid waste management plans or by local governments and nonprofit organizations for local or statewide education programs designed to help the public with litter control, waste reduction, recycling, and composting of primarily the products taxed under chapter 82.19 RCW. Recipients under this subsection include programs to reduce wasted food and food waste that are designed to achieve the goals established in RCW 70A.205.715(1) and that are consistent with the plan developed in RCW 70A.205.715(3). Grants must adhere to the following requirements: (A) No grant may exceed sixty thousand dollars; (B) grant recipients shall match the grant funding allocated by the department by an amount equal to twenty-five percent of eligible expenses. A local government's share of these costs may be met by cash or contributed services; (C) the

obligation of the department to make grant payments is contingent upon the availability of the amount of money appropriated for this subsection (1)(b); and (D) grants are managed under the guidelines for existing grant programs; and

(c) Forty percent to the department of ecology to: (i) Implement activities under RCW 70A.200.150 for waste reduction, recycling, and composting efforts; (ii) provide technical assistance to local governments and commercial businesses to increase recycling markets and recycling and composting programs primarily for the products taxed under chapter 82.19 RCW designed to educate citizens about waste reduction, litter control, and recyclable and compostable products and programs; (iii) increase access to waste reduction, composting, and recycling programs, particularly for food packaging and plastic bags and appropriate composting techniques; and (iv) for programs to reduce wasted food and food waste that are designed to achieve the goals established in RCW 70A.205.715(1) and that are consistent with the plan developed in RCW 70A.205.715(3).

(2) All taxes imposed in RCW 82.19.010 and fines and bail forfeitures collected or received pursuant to this chapter shall be deposited in the waste reduction, recycling, and litter control account and used for the programs under subsection (1) of this section.

(3) Not less than five percent and no more than ten percent of the amount appropriated into the waste reduction, recycling, and litter control account every biennium shall be reserved for capital needs, including the purchase of vehicles for transporting crews and for collecting litter and solid waste. Capital funds shall be distributed among state agencies and local governments according to the same criteria provided in RCW 70A.200.170 for the remainder of the funds, so that the most effective waste reduction, litter control, recycling, and composting programs receive the most funding. The intent of this subsection is to provide funds for the purchase of equipment that will enable the department to account for the greatest return on investment in terms of reaching a zero litter goal.

(4) Funds in the waste reduction, recycling, and litter control account, collected under chapter 82.19 RCW, must be prioritized for the products identified under RCW 82.19.020 solely for the purposes of recycling, composting, and litter collection, reduction, and control programs.

(5) During the 2021-2023 fiscal biennium, Washington State University may use funds in the waste reduction, recycling, and litter control account, collected under chapter 82.19 RCW, to conduct an organic waste study.

(6) During the 2021-2023 fiscal biennium, and as an exception to the distribution of expenditures otherwise required in this section, the department of ecology may use funds in the waste reduction, recycling, and litter control account to continue a series of food waste reduction campaigns, to continue to invest in litter prevention campaigns, to conduct a recycling study, and to increase litter control on state highways.

**Sec. 964.** RCW 71.24.580 and 2021 c 334 s 989 are each amended to read as follows:

(1) The criminal justice treatment account is created in the state treasury. Moneys in the account may be expended solely for: (a) Substance use disorder treatment and treatment support services for offenders with a substance use disorder that, if not treated, would result in addiction, against whom charges are filed by a prosecuting attorney in Washington state; (b) the provision of

substance use disorder treatment services and treatment support services for nonviolent offenders within a drug court program and, during the 2021-23 fiscal biennium, for 180 days following graduation from the drug court program; and (c) the administrative and overhead costs associated with the operation of a drug court. Amounts provided in this subsection must be used for treatment and recovery support services for criminally involved offenders and authorization of these services shall not be subject to determinations of medical necessity. During the 2019-2021 and 2021-2023 fiscal biennia, funding from the criminal justice treatment account may be used to provide treatment and support services through the conclusion of an individual's treatment plan to individuals participating in a drug court program as of February 24, 2021, if that individual wishes to continue treatment following dismissal of charges they were facing under RCW 69.50.4013(1). Such participation is voluntary and contingent upon substantial compliance with drug court program requirements. During the 2019-2021 and 2021-2023 fiscal biennia, the legislature may appropriate from the account for municipal drug courts and increased treatment options. During the 2019-2021 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the criminal justice treatment account to the home security fund account created in RCW 43.185C.060. Moneys in the account may be spent only after appropriation.

(2) For purposes of this section:

(a) "Treatment" means services that are critical to a participant's successful completion of his or her substance use disorder treatment program, including but not limited to the recovery support and other programmatic elements outlined in RCW 2.30.030 authorizing therapeutic courts; and

(b) "Treatment support" includes transportation to or from inpatient or outpatient treatment services when no viable alternative exists, and child care services that are necessary to ensure a participant's ability to attend outpatient treatment sessions.

(3) Revenues to the criminal justice treatment account consist of: (a) Funds transferred to the account pursuant to this section; and (b) any other revenues appropriated to or deposited in the account.

(4)(a) For the fiscal year beginning July 1, 2005, and each subsequent fiscal year, the state treasurer shall transfer eight million two hundred fifty thousand dollars from the general fund to the criminal justice treatment account, divided into four equal quarterly payments. For the fiscal year beginning July 1, 2006, and each subsequent fiscal year, the amount transferred shall be increased on an annual basis by the implicit price deflator as published by the federal bureau of labor statistics.

(b) In each odd-numbered year, the legislature shall appropriate the amount transferred to the criminal justice treatment account in (a) of this subsection to the department for the purposes of subsection (5) of this section.

(5) Moneys appropriated to the authority from the criminal justice treatment account shall be distributed as specified in this subsection. The authority may retain up to three percent of the amount appropriated under subsection (4)(b) of this section for its administrative costs.

(a) Seventy percent of amounts appropriated to the authority from the account shall be distributed to counties pursuant to the distribution formula adopted under this section. The authority, in consultation with the department of

corrections, the Washington state association of counties, the Washington state association of drug court professionals, the superior court judges' association, the Washington association of prosecuting attorneys, representatives of the criminal defense bar, representatives of substance use disorder treatment providers, and any other person deemed by the authority to be necessary, shall establish a fair and reasonable methodology for distribution to counties of moneys in the criminal justice treatment account. County or regional plans submitted for the expenditure of formula funds must be approved by the panel established in (b) of this subsection.

(b) Thirty percent of the amounts appropriated to the authority from the account shall be distributed as grants for purposes of treating offenders against whom charges are filed by a county prosecuting attorney. The authority shall appoint a panel of representatives from the Washington association of prosecuting attorneys, the Washington association of sheriffs and police chiefs, the superior court judges' association, the Washington state association of counties, the Washington defender's association or the Washington association of criminal defense lawyers, the department of corrections, the Washington state association of drug court professionals, and substance use disorder treatment providers. The panel shall review county or regional plans for funding under (a) of this subsection and grants approved under this subsection. The panel shall attempt to ensure that treatment as funded by the grants is available to offenders statewide.

(6) The county alcohol and drug coordinator, county prosecutor, county sheriff, county superior court, a substance abuse treatment provider appointed by the county legislative authority, a member of the criminal defense bar appointed by the county legislative authority, and, in counties with a drug court, a representative of the drug court shall jointly submit a plan, approved by the county legislative authority or authorities, to the panel established in subsection (5)(b) of this section, for disposition of all the funds provided from the criminal justice treatment account within that county. The submitted plan should incorporate current evidence-based practices in substance use disorder treatment. The funds shall be used solely to provide approved alcohol and substance use disorder treatment pursuant to RCW 71.24.560 and treatment support services. No more than ten percent of the total moneys received under subsections (4) and (5) of this section by a county or group of counties participating in a regional agreement shall be spent for treatment support services.

(7) Counties are encouraged to consider regional agreements and submit regional plans for the efficient delivery of treatment under this section.

(8) Moneys allocated under this section shall be used to supplement, not supplant, other federal, state, and local funds used for substance abuse treatment.

(9) If a region or county uses criminal justice treatment account funds to support a therapeutic court, the therapeutic court must allow the use of all medications approved by the federal food and drug administration for the treatment of opioid use disorder as deemed medically appropriate for a participant by a medical professional. If appropriate medication-assisted treatment resources are not available or accessible within the jurisdiction, the health care authority's designee for assistance must assist the court with acquiring the resource.



(10) Counties must meet the criteria established in RCW 2.30.030(3).

(11) The authority shall annually review and monitor the expenditures made by any county or group of counties that receives appropriated funds distributed under this section. Counties shall repay any funds that are not spent in accordance with the requirements of its contract with the authority.

**Sec. 965.** RCW 74.13.802 and 2020 c 33 s 7 are each amended to read as follows:

(1) Beginning July 1, 2020, the department shall establish a child welfare housing assistance pilot program, which provides housing vouchers, rental assistance, navigation, and other support services to eligible families.

(a) The department shall operate or contract for the operation of the child welfare housing assistance pilot program under subsection (3) of this section in one county west of the crest of the Cascade mountain range and one county east of the crest of the Cascade mountain range.

(b) The child welfare housing assistance pilot program is intended to shorten the time that children remain in out-of-home care.

(2) A parent with a child who is dependent pursuant to chapter 13.34 RCW and whose primary remaining barrier to reunification is the lack of appropriate housing is eligible for the child welfare housing assistance pilot program.

(3) The department shall contract with an outside entity or entities to operate the child welfare housing assistance pilot program. If no outside entity or entities are available to operate the program or specific parts of the program, the department may operate the program or the specific parts that are not operated by an outside entity.

(4) Families may be referred to the child welfare housing assistance pilot program by a caseworker, an attorney, a guardian ad litem as defined in chapter 13.34 RCW, a parent ally as defined in RCW 2.70.060, an office of public defense social worker, or the court.

(5) The department shall consult with a stakeholder group that must include, but is not limited to, the following:

(a) Parent allies;

(b) Parent attorneys and social workers managed by the office of public defense parent representation program;

(c) The department of commerce;

(d) Housing experts;

(e) Community-based organizations;

(f) Advocates; and

(g) Behavioral health providers.

(6) The stakeholder group established in subsection (5) of this section shall begin meeting after July 28, 2019, and assist the department in design of the child welfare housing assistance pilot program in areas including, but not limited to:

(a) Equitable racial, geographic, ethnic, and gender distribution of program support;

(b) Eligibility criteria;

(c) Creating a definition of homeless for purposes of eligibility for the program; and

(d) Options for program design that include outside entities operating the entire program or specific parts of the program.

(7) By December 1, 2021, the department shall report outcomes for the child welfare housing assistance pilot program to the oversight board for children, youth, and families established pursuant to RCW 43.216.015. The report must include racial, geographic, ethnic, and gender distribution of program support.

(8) The child welfare housing assistance pilot program established in this section is subject to the availability of funds appropriated for this purpose.

(9) This section expires June 30, (~~(2022)~~) 2023.

**Sec. 966.** RCW 74.46.561 and 2021 c 334 s 993 are each amended to read as follows:

(1) The legislature adopts a new system for establishing nursing home payment rates beginning July 1, 2016. Any payments to nursing homes for services provided after June 30, 2016, must be based on the new system. The new system must be designed in such a manner as to decrease administrative complexity associated with the payment methodology, reward nursing homes providing care for high acuity residents, incentivize quality care for residents of nursing homes, and establish minimum staffing standards for direct care.

(2) The new system must be based primarily on industry-wide costs, and have three main components: Direct care, indirect care, and capital.

(3) The direct care component must include the direct care and therapy care components of the previous system, along with food, laundry, and dietary services. Direct care must be paid at a fixed rate, based on one hundred percent or greater of statewide case mix neutral median costs, but for fiscal year 2023 shall be capped so that a nursing home provider's direct care rate does not exceed (~~(one hundred thirty)~~) 165 percent of its base year's direct care allowable costs except if the provider is below the minimum staffing standard established in RCW 74.42.360(2). The legislature intends to remove the cap on direct care rates by June 30, 2027. Direct care must be performance-adjusted for acuity every six months, using case mix principles. Direct care must be regionally adjusted using countywide wage index information available through the United States department of labor's bureau of labor statistics. There is no minimum occupancy for direct care. The direct care component rate allocations calculated in accordance with this section must be adjusted to the extent necessary to comply with RCW 74.46.421.

(4) The indirect care component must include the elements of administrative expenses, maintenance costs, and housekeeping services from the previous system. A minimum occupancy assumption of ninety percent must be applied to indirect care, except during fiscal year 2023 when the minimum occupancy assumption must be 75 percent. Indirect care must be paid at a fixed rate, based on ninety percent or greater of statewide median costs. The indirect care component rate allocations calculated in accordance with this section must be adjusted to the extent necessary to comply with RCW 74.46.421.

(5) The capital component must use a fair market rental system to set a price per bed. The capital component must be adjusted for the age of the facility, and must use a minimum occupancy assumption of ninety percent.

(a) Beginning July 1, 2016, the fair rental rate allocation for each facility must be determined by multiplying the allowable nursing home square footage in (c) of this subsection by the RSMean rental rate in (d) of this subsection and by the number of licensed beds yielding the gross unadjusted building value. An equipment allowance of ten percent must be added to the unadjusted building

value. The sum of the unadjusted building value and equipment allowance must then be reduced by the average age of the facility as determined by (e) of this subsection using a depreciation rate of one and one-half percent. The depreciated building and equipment plus land valued at ten percent of the gross unadjusted building value before depreciation must then be multiplied by the rental rate at seven and one-half percent to yield an allowable fair rental value for the land, building, and equipment.

(b) The fair rental value determined in (a) of this subsection must be divided by the greater of the actual total facility census from the prior full calendar year or imputed census based on the number of licensed beds at ninety percent occupancy.

(c) For the rate year beginning July 1, 2016, all facilities must be reimbursed using four hundred square feet. For the rate year beginning July 1, 2017, allowable nursing facility square footage must be determined using the total nursing facility square footage as reported on the medicaid cost reports submitted to the department in compliance with this chapter. The maximum allowable square feet per bed may not exceed four hundred fifty.

(d) Each facility must be paid at eighty-three percent or greater of the median nursing facility RSMeans construction index value per square foot. The department may use updated RSMeans construction index information when more recent square footage data becomes available. The statewide value per square foot must be indexed based on facility zip code by multiplying the statewide value per square foot times the appropriate zip code based index. For the purpose of implementing this section, the value per square foot effective July 1, 2016, must be set so that the weighted average fair rental value rate is not less than ten dollars and eighty cents per patient day. The capital component rate allocations calculated in accordance with this section must be adjusted to the extent necessary to comply with RCW 74.46.421.

(e) The average age is the actual facility age reduced for significant renovations. Significant renovations are defined as those renovations that exceed two thousand dollars per bed in a calendar year as reported on the annual cost report submitted in accordance with this chapter. For the rate beginning July 1, 2016, the department shall use renovation data back to 1994 as submitted on facility cost reports. Beginning July 1, 2016, facility ages must be reduced in future years if the value of the renovation completed in any year exceeds two thousand dollars times the number of licensed beds. The cost of the renovation must be divided by the accumulated depreciation per bed in the year of the renovation to determine the equivalent number of new replacement beds. The new age for the facility is a weighted average with the replacement bed equivalents reflecting an age of zero and the existing licensed beds, minus the new bed equivalents, reflecting their age in the year of the renovation. At no time may the depreciated age be less than zero or greater than forty-four years.

(f) A nursing facility's capital component rate allocation must be rebased annually, effective July 1, 2016, in accordance with this section and this chapter.

(g) For the purposes of this subsection (5), "RSMeans" means building construction costs data as published by Gordian.

(6) A quality incentive must be offered as a rate enhancement beginning July 1, 2016.

(a) An enhancement no larger than five percent and no less than one percent of the statewide average daily rate must be paid to facilities that meet or exceed the standard established for the quality incentive. All providers must have the opportunity to earn the full quality incentive payment.

(b) The quality incentive component must be determined by calculating an overall facility quality score composed of four to six quality measures. For fiscal year 2017 there shall be four quality measures, and for fiscal year 2018 there shall be six quality measures. Initially, the quality incentive component must be based on minimum data set quality measures for the percentage of long-stay residents who self-report moderate to severe pain, the percentage of high-risk long-stay residents with pressure ulcers, the percentage of long-stay residents experiencing one or more falls with major injury, and the percentage of long-stay residents with a urinary tract infection. Quality measures must be reviewed on an annual basis by a stakeholder work group established by the department. Upon review, quality measures may be added or changed. The department may risk adjust individual quality measures as it deems appropriate.

(c) The facility quality score must be point based, using at a minimum the facility's most recent available three-quarter average centers for medicare and medicaid services quality data. Point thresholds for each quality measure must be established using the corresponding statistical values for the quality measure point determinants of eighty quality measure points, sixty quality measure points, forty quality measure points, and twenty quality measure points, identified in the most recent available five-star quality rating system technical user's guide published by the centers for medicare and medicaid services.

(d) Facilities meeting or exceeding the highest performance threshold (top level) for a quality measure receive twenty-five points. Facilities meeting the second highest performance threshold receive twenty points. Facilities meeting the third level of performance threshold receive fifteen points. Facilities in the bottom performance threshold level receive no points. Points from all quality measures must then be summed into a single aggregate quality score for each facility.

(e) Facilities receiving an aggregate quality score of eighty percent of the overall available total score or higher must be placed in the highest tier (tier V), facilities receiving an aggregate score of between seventy and seventy-nine percent of the overall available total score must be placed in the second highest tier (tier IV), facilities receiving an aggregate score of between sixty and sixty-nine percent of the overall available total score must be placed in the third highest tier (tier III), facilities receiving an aggregate score of between fifty and fifty-nine percent of the overall available total score must be placed in the fourth highest tier (tier II), and facilities receiving less than fifty percent of the overall available total score must be placed in the lowest tier (tier I).

(f) The tier system must be used to determine the amount of each facility's per patient day quality incentive component. The per patient day quality incentive component for tier IV is seventy-five percent of the per patient day quality incentive component for tier V, the per patient day quality incentive component for tier III is fifty percent of the per patient day quality incentive component for tier V, and the per patient day quality incentive component for tier II is twenty-five percent of the per patient day quality incentive component for tier V. Facilities in tier I receive no quality incentive component.

(g) Tier system payments must be set in a manner that ensures that the entire biennial appropriation for the quality incentive program is allocated.

(h) Facilities with insufficient three-quarter average centers for medicare and medicaid services quality data must be assigned to the tier corresponding to their five-star quality rating. Facilities with a five-star quality rating must be assigned to the highest tier (tier V) and facilities with a one-star quality rating must be assigned to the lowest tier (tier I). The use of a facility's five-star quality rating shall only occur in the case of insufficient centers for medicare and medicaid services minimum data set information.

(i) The quality incentive rates must be adjusted semiannually on July 1 and January 1 of each year using, at a minimum, the most recent available three-quarter average centers for medicare and medicaid services quality data.

(j) Beginning July 1, 2017, the percentage of short-stay residents who newly received an antipsychotic medication must be added as a quality measure. The department must determine the quality incentive thresholds for this quality measure in a manner consistent with those outlined in (b) through (h) of this subsection using the centers for medicare and medicaid services quality data.

(k) Beginning July 1, 2017, the percentage of direct care staff turnover must be added as a quality measure using the centers for medicare and medicaid services' payroll-based journal and nursing home facility payroll data. Turnover is defined as an employee departure. The department must determine the quality incentive thresholds for this quality measure using data from the centers for medicare and medicaid services' payroll-based journal, unless such data is not available, in which case the department shall use direct care staffing turnover data from the most recent medicaid cost report.

(7) Reimbursement of the safety net assessment imposed by chapter 74.48 RCW and paid in relation to medicaid residents must be continued.

(8)(a) The direct care and indirect care components must be rebased in even-numbered years, beginning with rates paid on July 1, 2016. Rates paid on July 1, 2016, must be based on the 2014 calendar year cost report. On a percentage basis, after rebasing, the department must confirm that the statewide average daily rate has increased at least as much as the average rate of inflation, as determined by the skilled nursing facility market basket index published by the centers for medicare and medicaid services, or a comparable index. If after rebasing, the percentage increase to the statewide average daily rate is less than the average rate of inflation for the same time period, the department is authorized to increase rates by the difference between the percentage increase after rebasing and the average rate of inflation.

(b) It is the intention of the legislature that direct and indirect care rates paid in fiscal year 2022 will be rebased using the calendar year 2019 cost reports. For fiscal year 2021, in addition to the rates generated by (a) of this subsection, an additional adjustment is provided as established in this subsection (8)(b). Beginning May 1, 2020, and through June 30, 2021, the calendar year costs must be adjusted for inflation by a twenty-four month consumer price index, based on the most recently available monthly index for all urban consumers, as published by the bureau of labor statistics. It is also the intent of the legislature that, starting in fiscal year 2022, a facility-specific rate add-on equal to the inflation adjustment that facilities received solely in fiscal year 2021, must be added to the rate.

(c) To determine the necessity of regular inflationary adjustments to the nursing facility rates, by December 1, 2020, the department shall provide the appropriate policy and fiscal committees of the legislature with a report that provides a review of rates paid in 2017, 2018, and 2019 in comparison to costs incurred by nursing facilities.

(9) The direct care component provided in subsection (3) of this section is subject to the reconciliation and settlement process provided in RCW 74.46.022(6). Beginning July 1, 2016, pursuant to rules established by the department, funds that are received through the reconciliation and settlement process provided in RCW 74.46.022(6) must be used for technical assistance, specialized training, or an increase to the quality enhancement established in subsection (6) of this section. The legislature intends to review the utility of maintaining the reconciliation and settlement process under a price-based payment methodology, and may discontinue the reconciliation and settlement process after the 2017-2019 fiscal biennium.

(10) Compared to the rate in effect June 30, 2016, including all cost components and rate add-ons, no facility may receive a rate reduction of more than one percent on July 1, 2016, more than two percent on July 1, 2017, or more than five percent on July 1, 2018. To ensure that the appropriation for nursing homes remains cost neutral, the department is authorized to cap the rate increase for facilities in fiscal years 2017, 2018, and 2019.

**Sec. 967.** RCW 76.04.516 and 2021 c 298 s 3 are each amended to read as follows:

(1) By December 1st of each even-numbered year, and in compliance with RCW 43.01.036, the department must report to the governor and legislature on the following:

(a) The type and amount of the expenditures made, by fiscal year, and for what purpose, from the wildfire response, forest restoration, and community resilience account created in RCW 76.04.511 and from expenditures made from the general fund for implementation of this act;

(b) The amount of unexpended and unobligated funds in the wildfire response, forest restoration, and community resilience account and recommendations for the disbursement to local districts;

(c) Progress on implementation of the wildland fire protection 10-year strategic plan including, but not limited to, how investments are reducing human-caused wildfire starts, lowering the size and scale and geography of catastrophic wildfires, reducing the communities, landscapes, and population at risk, and creating resilient landscapes and communities;

(d) Progress on implementation of the 20-year forest health strategic plan as established through the forest health assessment and treatment framework pursuant to RCW 76.06.200 including, but not limited to: Assessment of fire prone lands and communities that are in need of forest health treatments; forest health treatments prioritized and conducted by landowner type, geography, and risk level; estimated value of any merchantable materials from forest health treatments; and number of acres treated by treatment type, including the use of prescribed fire;

(e) Progress on developing markets for forest residuals and biomass generated from forest health treatments.

(2) The department must include recommendations on any adjustments that may be necessary or advisable to the mechanism of funding dispensation as created under chapter 298, Laws of 2021.

(3) The report required in this section should support existing department assessments pursuant to RCW 79.10.530 and 76.06.200.

(4)(a)(i) Prior to the determination of the 2025-2034 sustainable harvest calculation as required by RCW 79.10.320, the department must hire an independent third-party contractor to assist it in updating its forest inventory by increasing the intensity of forest sample plots on all forestlands over the next two biennium. The department's sustainable harvest calculation technical advisory committee must be involved in the design, development, and implementation of this forest inventory update.

(ii) For purposes of this subsection, "forest inventory" means the collection of sample data to estimate a range of forest attributes including, but not limited to, standing volume, stored carbon, habitat attributes, age classes, tree species, and other inventory attributes, including information needed to estimate rates of tree growth and associated carbon sequestration on department lands.

(iii) The department's sustainable harvest calculation technical advisory committee must bring forward recommendations for regular maintenance and updates to the forest inventory on a ten-year basis.

(b) Prior to the determination of the 2025-2034 sustainable harvest calculation as required by RCW 79.10.320, the department must hire a third-party contractor to review, analyze, and advise the department's forest growth and yield modeling, specific to all types of forested acres managed by the department. The department's sustainable harvest calculation technical advisory committee must be involved in the design, review, and analysis of the department's forest growth and yield modeling.

(c) Prior to the determination of the 2025-2034 sustainable harvest calculation as required by RCW 79.10.320 and in the absence of any litigation, pending or in progress, against the department's sustainable harvest calculation, the joint legislative audit and review committee established in chapter 44.28 RCW must oversee and conduct an independent review of the methodologies and data being utilized by the department in the development of the sustainable harvest calculation, including the associated forest inventory, forest growth, harvest and yield data, and modeling techniques that impact harvest levels. In carrying out the review, the joint legislative audit and review committee shall:

(i) Retain one or more contractors with expertise in forest inventories, forest growth and yield modeling, and operational research modeling in forest harvest scheduling to conduct the technical review;

(ii) Be a member of department's sustainable harvest calculation technical advisory committee, along with one of its contractors selected in (c)(i) of this subsection; and

(iii) Prior to the department's determination of the sustainable harvest ~~((calculation))~~ calculation under RCW 79.10.320, ensure that a completed independent review and report with findings and recommendations is submitted to the board of natural resources and the legislature.

(d) Upon receiving the report from the joint legislative audit and review committee required under (c)(iii) of this subsection, the board of natural

resources shall determine whether modifications are necessary to the sustainable harvest calculation prior to approving harvest level under RCW 79.10.320.

**NEW SECTION. Sec. 968.** 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. 969.** 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 March 10, 2022.

Passed by the House March 10, 2022.

Approved by the Governor March 31, 2022, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State April 1, 2022.

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

"I am returning herewith, without my approval as to Sections 117(11); 117(15); 121(4); 122, page 41, lines 4-5; 122(1); 122(2); 133, page 164, lines 21-36; 134(2); 128(138); 945; 128(235); 150(8); 150(19); 211(105); 222(56); 603(83); 215(129); 222(81); 222(86); 308(42); 308(72); 402(6); 501(1)(a)(xiii); 501(4)(aa); 509(15); 504(12)(b); 604(39); 103(10); 103(11); 103(14); 128(177); 128(230); 136(21); 141(10); 141(11); 218(31); 308(64); 402(18); and 402(19), Engrossed Substitute Senate Bill No. 5693 entitled:

"AN ACT Relating to fiscal matters."

**Section 117(11), page 29, Office of the Governor, Clean Energy Workforce Transition Work Group**

This section directs the Office of the Governor to convene a Clean Energy Workforce Transition work group including, but not limited to, the Department of Commerce, Department of Ecology, Employment Security Department, and representatives from business and labor. The work group is tasked with assessing the workforce development impacts of climate change and the state's strategies to transition to a clean economy. The work group must also develop recommendations on emerging issues related to workforce development and submit a report by December 1, 2022. Because funding was not provided for these agencies to do this work, I have vetoed Section 117(11). However, I am directing the impacted agencies to continue their work on workforce development to determine how to best support individuals in our state's energy sector.

**Section 117(15), page 30, Office of Equity, Educational Opportunity Gap Report**

**Section 121(4), page 40, Governor's Office of Indian Affairs, Educational Opportunity Gap Report**

**Section 122, page 41, lines 4-5, Section 122(1), page 41, and Section 122(2), page 41, Commission on Asian Pacific American Affairs, Educational Opportunity Gap Report**

**Section 133, page 164, lines 21-36, Commission on Hispanic Affairs, Educational Opportunity Gap Report**

**Section 134(2), pages 165-166, Commission on African American Affairs, Educational Opportunity Gap Report**

These sections direct the Office of Equity to collaborate with the Governor's Office of Indian Affairs, Commission on Asian Pacific American Affairs, Commission on Hispanic Affairs, and Commission on African American Affairs to engage contractors to conduct a detailed analysis of the educational opportunity gaps for students of color. The provisos in the final budget do not reflect the intent of the legislative members of the Educational Opportunity Gap Oversight and Accountability Committee, and they requested that I veto these sections to allow for updated provisos to be enacted next session. Therefore, I have vetoed Section 117(15); Section 121(4); Section 122, page 41, lines 4-5; Section 122(1); Section 122(2); Section 133, page 164, lines 21-36; and Section 134(2).



**Section 128(138), page 111, and Section 945, pages 809-810, Department of Commerce, Broadband Deployment Task Force**

Section 945 creates the Broadband Deployment Task Force to be chaired by the Legislature and staffed by the Department of Commerce. Because it is not appropriate for the executive branch to staff a legislative task force, I have vetoed Section 945. Because Section 945 is vetoed, the funding for the department to staff the task force is no longer needed. Therefore, I have also vetoed Section 128(138).

**Section 128(235), pages 147-148, Department of Commerce, Electric Grid Resilience**

We have multiple state agencies working to ensure that our electric grid continues to reliably provide power to Washingtonians. The requirements in this section are redundant to planning efforts already under way at the Utilities and Transportation Commission, Department of Commerce, and Northwest Power and Conservation Council. While we welcome additional resources for scenario planning and modeling, the Northwest Power and Conservation Council should perform that work because it aligns with its existing forecasting and modeling work. For these reasons, I have vetoed Section 128(235).

**Section 150(8), page 207, Consolidated Technology Services, Reporting Requirements for Health and Human Services Coalition**

The Office of the Chief Information Officer evaluates budget requests related to information technology projects from all state agencies and provides funding recommendations each fall as required by statute. This section would require the Health and Human Services Coalition agencies to submit budget details to the OCIO each July. This is in addition to the information these agencies already submit to the OCIO. This reporting is redundant and would create extra work for the agencies involved with no value added. For this reason, I have vetoed Section 150(8).

**Section 150(19), page 213, Consolidated Technology Services, Automated Decision Systems**

This section requires the Office of the Chief Information Officer (OCIO) to develop universal requirements for agencies interested in developing or procuring an automated decision system by June 30, 2022. Additionally, all agencies would be required by January 1, 2023 to submit an inventory of any automated decision system in use. These decision systems use data and algorithms to make decisions with varying degrees of human oversight or intervention. The time line to develop a meaningful framework is not feasible with pressing technology threats that must be addressed by the OCIO. For this reason, I have vetoed Section 150(19). I am directing Consolidated Technology Services to develop guidance for agencies' procurement and use of automated decision systems and to conduct a preliminary inventory of these systems currently in use by November 30, 2023.

**Section 211(105), page 318, Health Care Authority, Behavioral Health Support Specialists****Section 222(56), page 426, Department of Health, Behavioral Health Support Specialists****Section 603(83), page 710, University of Washington, Behavioral Health Support Specialists**

These sections provide funding solely for the University of Washington to collaborate with the Department of Health and the Health Care Authority to develop a licensure and regulatory program for behavioral health support specialists, consistent with the provisions in Engrossed Second Substitute Senate Bill 5884. The Department of Health cannot develop a licensure and regulatory program because the authority for this section was not enacted by the Legislature. This work is premature until the substantive law is passed. For this reason, I have vetoed Section 211(105), Section 222(56), and Section 603(83).

**Section 215(129), pages 381-383, Health Care Authority, Involuntary Treatment Act Task Force**

This section creates a task force focused on individuals refusing services for involuntary behavioral health treatment who are then referred to the state hospitals for forensic competency evaluation and restoration. The task force would identify alternate treatments for people with one or more violent offenses who are having trouble locating a community placement and for obtaining medical clearance. This proviso requires the task force to complete a preliminary report by October 15, 2022 and submit a final report by December 1, 2022, which is not enough time to complete the work. For this reason, I have vetoed Section 215(129).

**Section 222(81), pages 431-432, Department of Health, Criminal Justice Integrated Data System Task Force**

This section provides funding for the Department of Health to convene a criminal justice integrated data system task force. The task force includes members or their designee from the executive and judicial branches and from various criminal justice associations. By December 1, 2022, the task force is required to submit a report to the Legislature with recommendations, an implementation plan and a feasibility study for the creation of a criminal justice integrated data system. Additionally, funds are provided for the department to contract with the Washington Association of Coroners and Medical Examiners to conduct a study of the shortage of board-certified forensic pathologists and recommend steps to foster a more robust forensic pathology community. The funding provided for this task force is insufficient to complete this work by the December 1, 2022 timeline. Additionally, it is more appropriate for the Office of Financial Management to convene this data work group. For these reasons, I have vetoed Section 222(81).

**Section 222(86), pages 433-434, Department of Health, Behavioral Health Work Group**

This section provides funding for the Department of Health to convene a work group to study the root cause of behavioral health issues in Washington communities. The work group is required to provide a progress report to the governor and Legislature by December 15, 2022, and a final report with recommendations by June 30, 2023. The funding provided was insufficient to complete the work within the required timeframe. For this reason, I have vetoed Section 222(86).

**Section 308(42), page 547, Department of Fish and Wildlife, Salmon Data Analysis and Modeling**

This section provides funding to improve salmon population data analysis and modeling to better manage salmon fisheries and collaborate with tribal co-managers on fisheries allocations as part of the North of Falcon process. This proviso also requires the Department of Fish and Wildlife to make all state-generated documents and notes that were part of the North of Falcon process available for public review once the process is completed. I support this funding and enhancing our ability to manage fisheries. However, it is important for the state and tribal co-managers to have successful sovereign-to-sovereign negotiations. The requirements in this proviso will make this more difficult. For this reason, I have vetoed Section 308(42).

**Section 308(72), page 553, Department of Fish and Wildlife, Report on Annual Fishery Harvest Impacts**

This section requires the Department of Fish and Wildlife to complete a report on annual fish harvest impacts from 2010-2020. Compiling this information with the level of detail required by the proviso is a more cost intensive effort than is supported by the funding provided in the proviso. For this reason, I have vetoed Section 308(72). However, I am asking the department to make available to the public the pre-season and post-season assessments of Chinook and coho escapement and harvest from the Fishery Regulation Assessment Model (FRAM) for Puget Sound and the coast for the same years.

**Section 402(6), page 583, Washington State Patrol, Firefighter Apprenticeship Training Program**

This section increases the funding for the firefighter apprenticeship training program by \$300,000. There is not enough revenue in the account to support this increase in expenditure. For this reason, I have vetoed Section 402(6).

**Section 501(1)(a)(xiii), pages 589-590, Office of the Superintendent of Public Instruction, Out of State Special Education Services****Section 501(4)(aa), pages 603-604, Office of the Superintendent of Public Instruction, Allergic Reactions Report****Section 509(15), pages 638-639, Office of the Superintendent of Public Instruction, Services for Preschool Students with Disabilities**

These sections require the Office of the Superintendent of Public Instruction (OSPI) to collect and disseminate school district data on allergic reactions, out-of-state special education services, and services for preschool students with disabilities. This data is currently not being collected at the state

level and would be an administrative burden for OSPI and school districts to produce this data, especially retroactively, without a clear intent for the use of the data once collected. More clarity is needed regarding the problems to be solved so that the right types of data and analysis can be collected and completed to inform decisionmakers. For these reasons, I have vetoed Section 501(1)(a)(xiii), Section 501(4)(aa), and Section 509(15). I have asked OSPI to work with legislators to clarify the problems, identify the data needed, and devise a path forward.

**Section 504(12)(b), page 620, Office of the Superintendent of Public Instruction, Transitional Kindergarten**

This section requires the Office of the Superintendent of Public Instruction to establish rules regarding exceptions to uniform entry qualifications for kindergarten admission. This section caps the appropriations for transitional kindergarten at the fiscal year 2022 funding level while allowing school districts to use local levy revenue for any expansion of the program. Because this would limit school services for our young learners during and after the pandemic, I cannot support this proviso. Therefore, I have vetoed Section 504(12)(b). However, I request that the OSPI, upon the conclusion of a Washington State Institute for Public Policy study, work with agencies and stakeholders under the rulemaking authority in RCW 28A.225.160 to further define how school districts may grant exceptions to the uniform entry qualifications based on the ability, or the need, or both, of an individual student as laid out in statute.

**Section 604(39), pages 718-719, Washington State University, Columbia River Commercial Gillnet Fishery Mortality Study**

This section requires the Washington State Academy of Sciences to review the Department of Fish and Wildlife's fishery-related mortality estimates for wild salmonid stocks from conventional and alternative commercial fishing gear authorized for use within the lower Columbia River nontribal salmon fisheries. Commercial fishing mortality rates have been studied by WDFW, the tribes, and universities. Mortality estimates related to Endangered Species Act-listed salmonids are already reviewed and approved by NOAA Fisheries. Although better estimates of commercial mortality could potentially be helpful, any review of fishing mortality rates should also include a review of mortality from recreational fishing. For this reason, I have vetoed Section 604(39).

The following sections provided funding to agencies to implement bills which did not pass the Legislature. Because the funding has lapsed, I have vetoed Section 103(10), Section 103(11), Section 103(14), Section 128(177), Section 128(230), Section 136(21), Section 141(10), Section 141(11), Section 218(31), Section 308(64), Section 402(18), and Section 402(19).

**Section 103(10), page 8, Joint Legislative Audit and Review Committee, HB 1924, Hog Fuel Tax Exemption**

**Section 103(11), page 8, Joint Legislative Audit and Review Committee, SHB 1792, Hydrogen**

**Section 103(14), page 9, Joint Legislative Audit and Review Committee, ESSB 5004, Medical Marijuana Tax Exemption**

**Section 128(177), page 127, Department of Commerce, E2SHB 1099, Comprehensive Planning**

**Section 128(230), page 146, Department of Commerce, ESSB 5803, Wildfires/Electric Utilities**

**Section 136(21), page 177, Department of Revenue, SB 5983, Cannabinoid Regulations**

**Section 141(10), page 186, Liquor and Cannabis Board, ESSB 5004, Medical Marijuana Tax Exemption**

**Section 141(11), page 186, Liquor and Cannabis Board, SB 5983, Cannabinoid Regulations**

**Section 218(31), page 391, Criminal Justice Training Commission, ESB 5919, Police Use of Force**

**Section 308(64), page 551, Department of Fish and Wildlife, SHB 1508, Sanitary Shellfish Control**

**Section 402(18), page 586, Washington State Patrol, SSB 5880, Fire Sprinkler Contractors**

**Section 402(19), page 586, Washington State Patrol, SB 5983, Cannabinoid Regulations**

For these reasons I have vetoed Sections 117(11); 117(15); 121(4); 122, page 41, lines 4-5; 122(1); 122(2); 133, page 164, lines 21-36; 134(2); 128(138); 945; 128(235); 150(8); 150(19); 211(105); 222(56); 603(83); 215(129); 222(81); 222(86); 308(42); 308(72); 402(6); 501(1)(a)(xiii); 501(4)(aa); 509(15); 504(12)(b); 604(39); 103(10); 103(11); 103(14); 128(177); 128(230); 136(21); 141(10); 141(11); 218(31); 308(64); 402(18); and 402(19) of Engrossed Substitute Senate Bill No. 5693.

With the exception of Sections 117(11); 117(15); 121(4); 122, page 41, lines 4-5; 122(1); 122(2); 133, page 164, lines 21-36; 134(2); 128(138); 945; 128(235); 150(8); 150(19); 211(105); 222(56); 603(83); 215(129); 222(81); 222(86); 308(42); 308(72); 402(6); 501(1)(a)(xiii); 501(4)(aa); 509(15); 504(12)(b); 604(39); 103(10); 103(11); 103(14); 128(177); 128(230); 136(21); 141(10); 141(11); 218(31); 308(64); 402(18); and 402(19), Engrossed Substitute Senate Bill No. 5693 is approved."

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## 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 2022 session (67th Legislature), chapters 269 through 297, 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 25th day of April, 2022.

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



**BILL NO. TO CHAPTER NO. OF 2022 STATUTES**

Number	Chapter Number Laws of 2022	Number	Chapter Number Laws of 2022
<b>SENATE</b>			
SB	5002	SB	5617
SB	5042	2SSB	5619
ESSB	5078	SB	5624
2SSB	5085	ESSB	5628
SB	5196	SSB	5631
ESSB	5245	SB	5634
SSB	5252	SSB	5644
ESSB	5268	2SSB	5649
2ESSB	5275	SSB	5651
SSB	5376	SB	5657
SSB	5488	2SSB	5664
SB	5489	SB	5676
ESSB	5490	SSB	5678
SSB	5496	SB	5687
SSB	5497	ESSB	5689
SB	5498	ESSB	5693
SB	5504	SB	5694
SB	5505	2SSB	5695
SB	5508	SSB	5701
SB	5518	E2SSB	5702
SB	5519	SB	5713
SSB	5528	ESSB	5714
SB	5529	SB	5715
ESSB	5531	2SSB	5720
2SSB	5532	SSB	5722
SB	5539	SSB	5728
ESSB	5544	SSB	5729
SB	5545	2SSB	5736
SSB	5546	SSB	5741
SSB	5548	SSB	5745
SSB	5555	SB	5747
SSB	5558	SSB	5749
SSB	5564	SB	5750
SB	5565	SSB	5753
SB	5566	E2SSB	5755
SSB	5575	SSB	5756
SB	5582	ESSB	5758
SB	5583	ESSB	5761
SB	5585	SB	5763
SSB	5589	E2SSB	5764
SSB	5590	SSB	5765
ESSB	5593	SSB	5785
E2SSB	5600	SB	5787
SB	5602	SB	5788
SSB	5610	2SSB	5789
SB	5612	SSB	5790
SB	5615	SSB	5791
2SSB	5616	2SSB	5793
		E2SSB	5796

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**BILL NO. TO CHAPTER NO. OF 2022 STATUTES**

Number	Chapter Number Laws of 2022		Number	Chapter Number Laws of 2022
SSB	5799	.....	170	
ESB	5800	.....	.56	
SSB	5814	.....	.171	
ESSB	5815	.....	.57	
SSB	5818	.....	.246	
SSB	5819	.....	.247	
SSB	5821	.....	.58	
SSB	5838	.....	.100	
E2SSB	5842	.....	.181	
ESSB	5847	.....	.248	
ESB	5849	.....	.172	
ESSB	5853	.....	.59	
SB	5854	.....	.173	
SB	5855	.....	.174	
SSB	5860	.....	.60	
SSB	5862	.....	.101	
SB	5866	.....	.255	
SB	5868	.....	.175	
ESSB	5873	.....	.61	
ESSB	5874	.....	.249	
SB	5875	.....	.290	
ESSB	5878	.....	.250	
SSB	5883	.....	.291	
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HB	2074	.....	.40	
ESHB	2076	.....	.281	PV
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LEGEND			RCW	CH.	SEC.		
ADD	=	Add a new section	7.105.165	AMD	268	11	
AMD	=	Amend existing law	7.105.170	REP	268	45	
DECD	=	Decodify existing law	7.105.200	AMD	268	12	
RECD	=	Recodify existing law	7.105.205	AMD	268	13	
REEN	=	Reenact existing law	7.105.250	AMD	268	14	
REMD	=	Reenact and amend	7.105.255	AMD	268	15	
REP	=	Repeal existing law	7.105.305	AMD	268	16	
			7.105.310	AMD	231	9	
			7.105.310	AMD	268	17	
			7.105.320	AMD	268	18	
1.20	ADD	188	2	7.105.340	AMD	268	19
2	ADD	284	1,2,4,5	7.105.400	AMD	268	20
2.06.150	AMD	63	1	7.105.450	AMD	268	21
2.08.064	AMD	46	1	7.105.460	AMD	268	22
2.08.120	AMD	74	3	7.105.500	AMD	268	23
2.24.010	AMD	74	4	7.105.510	AMD	268	24
2.56	ADD	74	1	7.105.555	AMD	268	25
2.56.040	AMD	74	2	7.105.901	REP	268	45
3.34.100	AMD	74	6	7.105.902	AMD	268	26
3.34.130	AMD	74	7	9.01.210	AMD	16	2
3.34.150	AMD	74	5	9.02.100	AMD	65	2
3.42.010	AMD	74	8	9.02.110	AMD	65	3
3.50	ADD	74	9	9.02.120	AMD	65	8
3.50.075	AMD	74	10	9.02.130	AMD	65	4
3.50.090	AMD	74	11	9.02.140	AMD	65	5
3.62.085	AMD	260	16	9.02.160	AMD	65	6
3.66	ADD	260	18	9.02.170	AMD	65	7
3.66.120	AMD	260	1	9.41	ADD	104	3,4
4.08.050	AMD	268	32	9.41	ADD	105	4-6
4.24.130	AMD	141	1	9.41	ADD	106	3
6.17.020	AMD	260	5	9.41	ADD	191	10
7.68	ADD	171	2,3	9.41.010	AMD	104	2
7.68.240	AMD	260	22	9.41.010	AMD	105	2
7.69.030	AMD	229	1	9.41.040	AMD	268	28
7.70.065	AMD	291	1	9.41.042	AMD	268	33
7.77.170	AMD	231	6	9.41.190	AMD	105	3
7.80.120	AMD	105	1	9.41.280	AMD	106	1
7.92.020	AMD	231	7	9.41.280	REEN	106	4
7.105.010	AMD	231	8	9.41.305	AMD	106	2
7.105.010	AMD	268	1	9.41.800	AMD	268	29
7.105.050	AMD	268	2	9.41.801	AMD	268	30
7.105.055	REP	268	45	9.61.260	AMD	231	1
7.105.060	REP	268	45	9.61.260	RECD	231	4
7.105.070	AMD	268	3	9.68A.120	AMD	162	4
7.105.075	AMD	268	4	9.92.060	AMD	260	6
7.105.100	AMD	268	5	9.92.070	AMD	260	21
7.105.105	AMD	268	6	9.94.041	AMD	16	3
7.105.115	AMD	268	7	9.94A.030	AMD	231	10
7.105.120	AMD	268	8	9.94A.030	REMD	231	11
7.105.150	AMD	268	9	9.94A.505	AMD	260	23
7.105.155	AMD	268	10				

**RCW SECTIONS AFFECTED BY 2022 STATUTES**

RCW		CH.	SEC.	RCW		CH.	SEC.
9.94A.515	AMD	231	12	10.120.020	AMD	4	3
9.94A.515	AMD	231	13	10.120.020	AMD	80	3
9.94A.518	AMD	16	4	11.130.010	AMD	243	5
9.94A.518	AMD	16	5	11.130.085	AMD	243	6
9.94A.6333	AMD	260	13	11.130.210	AMD	243	7
9.94A.650	AMD	16	6	11.130.215	AMD	243	8
9.94A.703	AMD	29	7	11.130.225	AMD	243	1
9.94A.703	AMD	29	8	12.04.140	AMD	268	34
9.94A.704	AMD	29	9	12.04.150	AMD	268	35
9.94A.729	AMD	29	1	13.04.030	AMD	243	2
9.94A.74504	AMD	29	3	13.16.085	REP	145	2
9.94A.750	AMD	260	2	13.34.145	AMD	127	1
9.94A.753	AMD	260	3	13.34.180	AMD	127	2
9.94A.760	AMD	29	4	13.34.210	AMD	127	3
9.94A.760	AMD	260	4	13.40.0357	AMD	16	8
9.94A.777	AMD	260	24	13.40.0357	AMD	16	9
9.94A.780	REP	29	13	13.40.0357	AMD	268	36
9.94B.040	AMD	260	14	13.40.0357	AMD	268	37
9.94B.050	AMD	29	10	13.40.080	AMD	34	1
9.95.204	AMD	29	11	13.40.160	AMD	268	38
9.95.210	AMD	260	7	13.40.193	AMD	268	39
9.95.214	AMD	29	5	13.40.220	REP	145	2
9.96.060	REMD	16	7	13.40.265	AMD	268	40
9A.04.080	REMD	282	4	13.60.010	AMD	256	2
9A.46.060	AMD	231	14	14.08.122	AMD	56	1
9A.46.060	AMD	231	15	15	ADD	135	2-4
9A.56	ADD	221	10	15.04	ADD	180	502
9A.88.150	AMD	162	5	15.13.270	AMD	16	10
9A.90	ADD	231	3,4	15.13.270	AMD	16	11
9A.90.030	AMD	231	2	15.17.020	AMD	16	12
10.01	ADD	260	8	15.49.061	AMD	16	13
10.01.160	AMD	260	9	15.125.010	AMD	16	14
10.01.170	AMD	260	19	15.125.020	AMD	16	15
10.01.180	AMD	260	15	15.125.030	AMD	16	16
10.46.190	AMD	260	20	15.125.040	AMD	16	17
10.64.015	AMD	260	11	15.125.050	AMD	16	18
10.73.160	AMD	260	10	15.140.020	AMD	16	19
10.77	ADD	288	7,8	15.140.100	AMD	16	20
10.77.010	REMD	288	1	15.140.120	AMD	16	21
10.77.060	AMD	288	2	16.57.460	AMD	158	2
10.77.068	AMD	288	3	18	ADD	5	1-17
10.77.086	AMD	288	4	18	ADD	217	1-4
10.77.088	AMD	288	5				6
10.77.175	AMD	210	22	18.04.015	AMD	85	1
10.77.250	AMD	288	6	18.04.025	AMD	85	2
10.82.090	AMD	260	12	18.04.055	AMD	85	3
10.105.010	AMD	162	3	18.04.065	AMD	85	4
10.116.040	AMD	3	1	18.04.105	AMD	85	5
10.120.010	AMD	4	2	18.04.180	AMD	85	6
10.120.010	AMD	80	2	18.04.195	AMD	85	7

## RCW SECTIONS AFFECTED BY 2022 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
18.04.195	AMD	85	8	18.71.300	AMD	43	4
18.04.215	AMD	85	9	18.71.310	AMD	43	5
18.04.215	AMD	85	10	18.71.315	AMD	43	6
18.04.295	AMD	85	11	18.71.320	AMD	43	7
18.04.320	AMD	85	12	18.73.030	AMD	136	1
18.04.335	AMD	85	13	18.73.081	AMD	136	3
18.04.345	AMD	85	14	18.74.020	AMD	240	5
18.04.345	AMD	85	15	18.74.027	AMD	240	6
18.04.350	AMD	85	16	18.79.070	AMD	240	32
18.04.350	AMD	85	17	18.79.140	AMD	240	33
18.04.370	AMD	85	18	18.79.260	REMD	14	1
18.04.405	AMD	85	19	18.79.260	AMD	14	2
18.04.430	AMD	85	20	18.83.035	AMD	240	10
18.16.110	AMD	35	2	18.83.045	AMD	240	11
18.22.014	AMD	240	29	18.83.051	AMD	240	12
18.22.250	AMD	43	1	18.92.021	AMD	240	7
18.25.0165	AMD	240	31	18.92.040	AMD	240	8
18.30.050	AMD	240	20	18.92.047	AMD	43	8
18.30.060	AMD	240	21	18.108.020	AMD	240	9
18.32.0351	AMD	240	1	18.130	ADD	191	6
18.32.0355	AMD	240	2	18.130.040	AMD	217	5
18.32.534	AMD	43	2	18.130.070	AMD	43	9
18.35.150	AMD	240	26	18.130.175	REMD	43	10
18.36A.150	AMD	240	22	18.170.020	AMD	16	22
18.50.005	AMD	289	1	18.200.060	AMD	240	30
18.50.010	AMD	289	2	18.400.020	AMD	32	1
18.50.040	AMD	289	3	18.400.030	AMD	32	2
18.50.102	AMD	289	4	19.02.110	AMD	16	23
18.50.108	AMD	289	5	19.02.115	AMD	56	2
18.50.115	AMD	289	6	19.27A	ADD	177	3
18.52.040	AMD	240	3	19.27A.200	AMD	177	2
18.52.050	AMD	240	4	19.27A.220	AMD	177	4
18.54.030	AMD	240	23	19.27A.230	AMD	177	5
18.54.060	AMD	240	24	19.27A.240	AMD	177	6
18.54.130	AMD	240	25	19.158	ADD	195	4
18.57.003	AMD	240	27	19.158.040	AMD	195	2
18.57.003	AMD	240	28	19.158.110	AMD	195	3
18.57.015	AMD	43	3	19.260.020	REMD	19	1
18.59	ADD	152	1	19.260.020	REMD	19	2
18.59	ADD	240	18	19.260.030	AMD	19	3
18.59.120	AMD	240	19	19.260.040	AMD	19	4
18.64	ADD	240	17	19.260.050	AMD	19	5
18.64.001	AMD	240	13	19.290.020	AMD	221	3
18.64.003	AMD	240	14	19.290.030	AMD	221	4
18.64.005	AMD	240	15	19.290.070	AMD	221	5
18.64.257	AMD	23	1	19.290.070	RECD	221	10
18.64.310	AMD	240	16	19.405	ADD	92	1,2
18.71	ADD	136	2	20.01.030	AMD	16	24
18.71.015	AMD	240	34	23B.01.400	AMD	42	101
18.71.205	AMD	136	4	23B.06.230	AMD	42	102

**RCW SECTIONS AFFECTED BY 2022 STATUTES**

RCW		CH.	SEC.	RCW		CH.	SEC.
23B.06.400	AMD	42	103	28A.175.145	AMD	75	2
23B.07.020	AMD	42	104	28A.190	ADD	222	3
23B.07.070	AMD	42	105	28A.190	ADD	234	2
23B.07.200	AMD	42	106	28A.210.325	AMD	16	25
23B.11.010	AMD	42	107	28A.225.023	AMD	78	2
23B.11.030	AMD	42	108	28A.225.330	AMD	78	3
23B.11.050	AMD	42	109	28A.225.350	AMD	78	4
23B.11.060	AMD	42	110	28A.230	ADD	250	3
23B.11.090	AMD	42	111	28A.230.020	AMD	250	2
23B.11.100	AMD	42	112	28A.230.120	AMD	224	2
23B.13.020	AMD	42	113	28A.235	ADD	111	1
23B.13.200	AMD	42	114	28A.235.300	AMD	7	1
23B.13.210	AMD	42	115	28A.300	ADD	9	1
23B.13.220	AMD	42	116	28A.300	ADD	109	2
23B.13.230	AMD	42	117	28A.300	ADD	112	2,3
25.10.011	AMD	42	201	28A.300	ADD	238	1,3
25.10.101	AMD	42	202	28A.300.046	AMD	31	2
25.10.491	AMD	42	203	28A.300.460	AMD	238	2
25.10.496	AMD	42	204	28A.300.560	AMD	75	3
25.10.546	AMD	42	205	28A.300.790	AMD	112	4
25.10.771	AMD	42	206	28A.300.802	AMD	245	4
25.10.791	AMD	42	207	28A.300.820	REEN	157	8
25.15.006	AMD	42	301	28A.305.011	AMD	44	1
25.15.046	AMD	42	302	28A.305.021	AMD	79	1
25.15.116	AMD	42	303	28A.310	ADD	87	1
25.15.121	AMD	42	304	28A.310.030	AMD	79	3
25.15.131	AMD	42	305	28A.310.050	AMD	79	4
25.15.441	AMD	42	306	28A.310.060	AMD	79	5
26	ADD	88	101-103	28A.310.080	AMD	79	6
			201-204	28A.310.090	AMD	79	7
			301-303	28A.310.100	AMD	79	8
26.12.172	AMD	243	3	28A.320.125	AMD	77	1
26.23.050	AMD	243	4	28A.320.148	AMD	78	5
26.28.015	AMD	268	41	28A.320.192	AMD	78	6
26.33.370	REP	88	307	28A.320.196	AMD	75	4
26.33.400	AMD	88	204	28A.345.030	AMD	79	2
26.33.400	RECD	88	306	28A.345.070	AMD	9	2
26.50.060	AMD	231	16	28A.400.007	AMD	109	5
26.50.070	AMD	231	17	28A.500.015	AMD	108	4
28A	ADD	107	2-6	28A.525	ADD	113	2
			9-12	28A.600	ADD	222	2
28A.150.050	AMD	198	2	28A.600.160	REMD	75	5
28A.150.100	AMD	109	6	28A.600.280	AMD	75	1
28A.150.260	REMD	109	3	28A.700.030	AMD	75	6
28A.150.260	REMD	109	4	28A.710	ADD	107	7
28A.150.410	AMD	109	7	28A.710	ADD	222	4
28A.150.510	AMD	78	1	28A.710	ADD	250	4
28A.155.220	AMD	167	7	28A.715	ADD	222	5
28A.155.230	REP	107	13	28A.715	ADD	250	5
28A.160.130	AMD	200	1	28B	ADD	166	2-4

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RCW		CH.	SEC.	RCW		CH.	SEC.
28B	ADD	206	1-7	29A.76.010	AMD	48	2
28B.10	ADD	71	2	29A.84.510	AMD	69	3
28B.10	ADD	209	2-6	31.12.005	AMD	15	1
28B.10.900	AMD	209	1	31.12.402	AMD	15	2
28B.15.012	AMD	249	1	31.12.404	AMD	15	3
28B.15.621	AMD	45	1	31.12.436	AMD	15	4
28B.20.100	AMD	12	1	31.12.438	AMD	15	5
28B.20.502	AMD	16	26	31.12.565	AMD	49	8
28B.30	ADD	118	2,3	35.10.540	REP	26	10
28B.30.100	AMD	12	2	35.13.015	AMD	26	2
28B.50	ADD	214	3	35.13.020	AMD	26	3
28B.77	ADD	138	2	35.13.030	AMD	26	4
28B.77	ADD	214	2	35.13.080	AMD	26	5
28B.77	ADD	248	2	35.13.090	AMD	26	6
28B.92	ADD	214	6,7	35.13.100	AMD	26	7
28B.92.030	AMD	166	1	35.13.110	AMD	26	8
28B.92.200	AMD	214	5	35.14.010	REP	26	10
28B.92.205	AMD	297	949	35.14.020	REP	26	9
28B.103.010	AMD	68	1	35.14.030	REP	26	9
28B.103.020	AMD	68	2	35.14.040	REP	26	9
28B.115.020	AMD	276	1	35.14.050	REP	26	9
28B.115.030	AMD	276	2	35.14.060	AMD	26	1
28B.115.050	AMD	276	3	35.14.060	REP	26	9
28B.115.070	AMD	276	4	35.21	ADD	71	4
28B.115.080	AMD	276	5	35.63	ADD	180	603
28B.115.090	AMD	276	6	35.82.070	AMD	273	2
28B.115.110	AMD	276	7	35.92.050	AMD	292	405
28B.115.130	AMD	276	8	35A.06.040	AMD	30	1
28B.117.020	AMD	78	7	35A.13.050	AMD	30	2
28B.120	ADD	244	1	35A.14.025	REP	26	10
28B.120.005	REP	244	4	35A.21	ADD	71	5
28B.120.010	REP	244	4	35A.63	ADD	180	604
28B.120.020	REP	244	4	36.01	ADD	71	3
28B.120.025	REP	244	4	36.18.010	AMD	141	2
28B.120.030	REP	244	4	36.18.016	AMD	29	12
28B.120.040	AMD	244	2	36.18.020	REMD	260	17
28B.120.900	REP	244	4	36.22.176	AMD	216	7
28B.145.010	AMD	211	1	36.24.155	AMD	251	2
28B.145.030	AMD	211	2	36.28A	ADD	82	2
28B.145.100	AMD	211	3	36.28A.240	AMD	221	8
28C.18.162	AMD	75	7	36.70.330	AMD	180	601
29A.04	ADD	140	2	36.70A	ADD	180	602
29A.08.140	AMD	69	2	36.70A	ADD	218	2
29A.32.260	AMD	193	2	36.70A.040	AMD	252	1
29A.40.160	AMD	69	1	36.70A.070	AMD	220	1
29A.72	ADD	114	2,6	36.70A.070	AMD	246	2
29A.72.025	AMD	114	5	36.70A.085	AMD	252	2
29A.72.050	AMD	114	3	36.70A.106	AMD	252	3
29A.72.290	AMD	114	4	36.70A.110	AMD	252	4
29A.76.010	AMD	48	1	36.70A.130	REMD	192	1

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RCW		CH.	SEC.	RCW		CH.	SEC.
36.70A.130	REMD	287	1	41.05.017	AMD	236	3
36.70A.190	AMD	252	5	41.05.143	AMD	157	11
36.70A.210	AMD	252	6	41.05.700	AMD	213	1
36.70A.540	AMD	275	2	41.06	ADD	183	14
36.70A.600	AMD	246	1	41.06.020	AMD	71	13
36.73.065	AMD	182	406	41.06.280	AMD	157	12
36.165.060	AMD	101	1	41.26	ADD	125	2
38	ADD	286	1-5	41.26	ADD	168	1
38.16.015	AMD	258	1	41.26.420	AMD	125	1
38.38.762	AMD	16	27	41.26.463	AMD	125	3
38.52	ADD	203	11	41.26.802	AMD	125	7
38.52.010	REMD	203	2	41.32.068	REP	110	6
38.52.030	AMD	203	3	41.32.4992	AMD	52	1
38.52.105	AMD	157	10	41.32.570	AMD	110	1
38.52.440	AMD	203	4	41.32.802	AMD	110	2
38.52.500	AMD	203	5	41.32.862	AMD	110	3
38.52.501	AMD	203	6	41.35.060	AMD	110	4
38.52.505	AMD	203	7	41.35.065	REP	110	6
38.52.510	AMD	203	8	41.37.230	AMD	22	1
38.52.520	AMD	203	9	41.40.010	AMD	71	8
38.52.520	AMD	286	6	41.40.035	AMD	245	8
38.52.525	AMD	203	10	41.40.037	AMD	110	5
38.52.530	REP	203	32	41.40.1987	AMD	52	2
38.52.532	AMD	203	12	41.45.0604	AMD	125	6
38.52.535	AMD	203	13	41.45.155	AMD	125	4
38.52.540	AMD	203	14	41.45.158	AMD	125	5
38.52.545	AMD	203	15	41.50.770	AMD	72	1
38.52.550	AMD	203	16	41.56.030	AMD	71	9
38.52.561	AMD	203	17	41.56.475	AMD	131	2
38.52.575	AMD	203	18	41.60.050	AMD	297	950
39.04	ADD	191	11	41.80.005	AMD	71	10
39.12.022	REP	55	1	41.80.010	AMD	297	951
39.26.010	AMD	71	12	42.17A.005	AMD	71	14
39.30.040	AMD	180	702	42.17A.445	AMD	174	1
39.35.010	AMD	178	1	42.30	ADD	115	4,5,13
39.35.020	AMD	178	2	42.30.010	AMD	115	2
39.35.030	AMD	178	3	42.30.020	AMD	71	11
39.35.050	AMD	178	4	42.30.030	AMD	115	3
39.35A	ADD	128	5	42.30.040	AMD	115	6
39.35A.020	AMD	128	2	42.30.050	AMD	115	7
39.35C	ADD	128	4	42.30.070	AMD	115	8
39.35C.010	REMD	128	1	42.30.077	AMD	115	9
39.35C.020	AMD	128	3	42.30.080	AMD	115	10
39.53.120	AMD	103	34	42.30.090	AMD	115	11
39.89.020	REMD	38	1	42.30.110	AMD	115	12
40.24.030	AMD	231	5	42.30.110	AMD	153	13
41.04	ADD	248	4,5	42.30.900	AMD	115	14
41.05	ADD	122	2	42.52.010	REMD	71	15
41.05.017	AMD	10	2	42.52.010	REMD	173	1
41.05.017	AMD	228	2	42.52.070	AMD	37	1



**RCW SECTIONS AFFECTED BY 2022 STATUTES**

RCW		CH.	SEC.	RCW		CH.	SEC.
42.52.160	AMD	37	2	43.15.070	AMD	6	1
42.52.180	AMD	37	3	43.15.095	AMD	96	6
42.52.185	AMD	37	4	43.15.100	AMD	96	7
42.52.200	AMD	173	2	43.15.100	RECD	96	8
42.52.220	AMD	173	3	43.19.501	AMD	296	7011
42.52.360	AMD	173	4	43.19A	ADD	180	701,703
42.56	ADD	82	3	43.19A	ADD	293	1
42.56	ADD	111	2	43.20A	ADD	120	2
42.56	ADD	272	1	43.20B.095	AMD	145	3
42.56.010	AMD	71	6	43.21A.735	AMD	16	35
42.56.240	AMD	268	31	43.21B.110	REMD	180	812
42.56.270	AMD	16	28	43.21B.300	REMD	180	813
42.56.270	AMD	201	2	43.21C	ADD	180	406
42.56.400	REMD	8	2	43.21C	ADD	246	6
42.56.420	AMD	140	1	43.21C.495	AMD	246	3
42.56.620	AMD	16	29	43.21C.501	AMD	246	4
42.56.625	AMD	16	30	43.31.605	AMD	196	2
42.56.630	AMD	16	31	43.31.605	AMD	297	952
43	ADD	96	3	43.31.615	AMD	196	6
43	ADD	182	415	43.34	ADD	191	12
			427-429	43.41	ADD	248	3
43	ADD	189	1,3,4	43.41.450	AMD	297	953
43	ADD	259	1-7	43.43.380	AMD	131	1
43.03	ADD	245	3,7	43.43.580	AMD	105	7
43.03.050	AMD	245	5	43.43.837	AMD	297	954
43.03.060	AMD	245	6	43.43.885	AMD	221	9
43.03.220	REMD	245	2	43.60A	ADD	191	2-5
43.05.160	AMD	16	32	43.60A.153	REP	157	23
43.06.338	AMD	91	2	43.63A.125	AMD	296	7005
43.06.490	AMD	16	33	43.63A.307	AMD	154	1
43.06.520	AMD	16	34	43.63A.750	AMD	121	1
43.06D	ADD	146	2	43.70	ADD	191	7
43.08.190	AMD	157	13	43.70	ADD	236	5
43.09.185	AMD	148	1	43.70.715	REMD	157	7
43.09.230	AMD	148	2	43.70.715	AMD	297	955
43.09.265	REP	148	8	43.71C.100	AMD	153	11
43.09.290	AMD	71	7	43.79	ADD	157	3
43.09.420	AMD	148	3	43.79	ADD	297	946,947
43.09.430	AMD	148	4	43.79.467	REP	157	23
43.09.435	REP	148	8	43.79.505	AMD	297	956
43.09.440	AMD	148	5	43.79.550	REEN	157	4
43.09.445	REP	148	8	43.79.555	REEN	157	5
43.09.450	REP	148	8	43.79.557	REEN	157	6
43.09.455	AMD	148	6	43.79A.040	REMD	162	6
43.09.460	REP	148	8	43.79A.040	REMD	183	16
43.09.475	AMD	157	14	43.79A.040	REMD	206	8
43.15.020	AMD	96	5	43.79A.040	REMD	244	3
43.15.030	AMD	96	2	43.83B.430	AMD	296	7008
43.15.030	RECD	96	8	43.83B.430	AMD	297	957
43.15.040	RECD	96	8	43.84.092	AMD	182	403

**RCW SECTIONS AFFECTED BY 2022 STATUTES**

RCW		CH.	SEC.	RCW		CH.	SEC.
43.84.092	AMD	182	404	44.28	ADD	216	9
43.86A.030	AMD	99	1	44.44.040	AMD	233	9
43.86A.040	AMD	99	2	46	ADD	67	1-4
43.86A.050	AMD	99	3				7
43.86A.060	REMD	99	4	46	ADD	281	14,15
43.88.162	REP	148	8				17-32
43.88C.010	AMD	219	2	46.01.385	AMD	186	703
43.101.435	AMD	297	958	46.04	ADD	16	37
43.155.020	AMD	180	503	46.04	ADD	117	4
43.155.050	REMD	157	15	46.04	ADD	132	1-3
43.155.050	REMD	182	302	46.04	ADD	239	4
43.155.050	REMD	296	7009	46.09.410	AMD	40	1
43.155.160	AMD	201	1	46.09.442	AMD	40	2
43.180	ADD	165	2	46.16A.180	AMD	36	2
43.180.160	AMD	70	1	46.16A.200	REMD	130	1
43.185B.020	AMD	165	8	46.16A.300	AMD	132	4
43.185B.020	AMD	266	3	46.16A.305	REMD	132	5
43.216	ADD	39	1	46.17.015	AMD	182	207
43.216	ADD	137	2	46.17.025	AMD	182	208
43.216.1368	AMD	297	959	46.17.120	AMD	182	203
43.216.270	AMD	297	960	46.17.200	AMD	182	202
43.320	ADD	8	1	46.17.220	REMD	117	1
43.320	ADD	49	1-7	46.17.220	REMD	239	1
43.330	ADD	137	3-5	46.17.323	AMD	149	1
43.330	ADD	216	5,6	46.17.400	AMD	132	6
43.330	ADD	265	201	46.17.400	AMD	182	204
			305,306	46.18	ADD	191	8
43.330	ADD	266	2	46.18.200	REMD	117	2
43.330	ADD	292	101-104	46.18.200	REMD	239	2
43.330	ADD	297	948	46.20	ADD	57	1
43.330.412	AMD	265	304	46.20.200	AMD	182	209
43.330.530	AMD	237	2	46.20.202	REMD	182	205
43.330.530	AMD	265	301	46.20.308	AMD	16	38
43.330.532	AMD	265	302	46.25.090	AMD	51	1
43.330.534	AMD	265	303	46.25.120	AMD	16	39
43.330.540	AMD	16	36	46.37.184	AMD	279	1
43.330.767	AMD	157	1	46.52.130	AMD	182	206
43.348.080	AMD	297	961	46.55.010	AMD	186	708
43.360.030	AMD	50	1	46.55.080	AMD	186	709
43.365.005	AMD	270	1	46.61.212	AMD	279	2
43.365.010	AMD	270	2	46.61.250	REMD	235	3
43.365.020	AMD	270	4	46.61.405	AMD	235	2
43.365.030	AMD	270	3	46.61.415	AMD	235	1
43.365.040	AMD	270	6	46.61.502	AMD	16	40
43.365.050	AMD	270	7	46.61.503	AMD	16	41
43.371.100	AMD	263	1	46.61.504	AMD	16	42
43.376.020	REMD	253	3	46.61.50571	AMD	16	43
44	ADD	283	1-9	46.61.5058	AMD	162	2
			11	46.61.5249	AMD	16	44
44.04	ADD	150	2	46.61.745	AMD	16	45

**RCW SECTIONS AFFECTED BY 2022 STATUTES**

RCW		CH.	SEC.	RCW		CH.	SEC.
46.63.170	AMD	182	423	47.10.884	AMD	103	4
46.63.170	AMD	182	424	47.10.885	AMD	103	5
46.68	ADD	182	102,103	47.12	ADD	59	2
			401,402	47.12.063	AMD	186	710
46.68.041	AMD	182	210	47.12.120	AMD	59	1
46.68.060	AMD	182	434	47.12.125	AMD	59	3
46.68.067	AMD	157	2	47.12.370	AMD	184	1
46.68.290	AMD	157	16	47.24	ADD	182	418
46.68.396	AMD	182	435	47.26.424	AMD	103	29
46.68.410	AMD	186	706	47.26.4252	AMD	103	30
46.68.420	REMD	96	4	47.26.4254	AMD	103	31
46.68.420	REMD	117	3	47.26.4255	AMD	103	32
46.68.420	REMD	239	3	47.26.504	AMD	103	18
46.68.450	AMD	132	7	47.26.505	AMD	103	19
46.68.480	AMD	182	430	47.38	ADD	262	2
46.70.180	AMD	182	211	47.46.190	AMD	223	2
46.80	ADD	221	6	47.46.200	AMD	223	3
46.80.080	AMD	221	7	47.56	ADD	182	425
47	ADD	89	1-17	47.56	ADD	274	1
47.01.071	AMD	186	702	47.56.165	AMD	223	1
47.01.412	AMD	144	1	47.56.860	AMD	89	18
47.01.480	AMD	182	436	47.56.876	REMD	157	17
47.01.505	AMD	186	704	47.60	ADD	182	421,431
47.02.160	AMD	103	26	47.66	ADD	182	416,422
47.02.170	AMD	103	27	47.66.120	AMD	182	439
47.02.190	AMD	103	28	48.30	ADD	13	2
47.04	ADD	182	417	48.30.140	AMD	13	3
			419,420	48.30.150	AMD	13	4
			433	48.32A.015	AMD	151	1
47.06A	ADD	182	437	48.32A.025	AMD	151	2
47.10	ADD	103	2	48.32A.045	AMD	151	3
47.10.815	AMD	103	23	48.32A.055	AMD	151	4
47.10.816	AMD	103	24	48.32A.065	AMD	151	5
47.10.817	AMD	103	25	48.32A.075	AMD	151	6
47.10.822	AMD	103	20	48.32A.085	AMD	151	7
47.10.823	AMD	103	21	48.32A.095	AMD	151	8
47.10.824	AMD	103	22	48.32A.115	AMD	151	9
47.10.838	AMD	103	15	48.32A.135	AMD	151	10
47.10.839	AMD	103	16	48.32A.175	AMD	151	11
47.10.841	AMD	103	17	48.32A.185	AMD	151	12
47.10.846	AMD	103	12	48.43	ADD	122	3
47.10.847	AMD	103	13	48.43	ADD	123	1
47.10.848	AMD	103	14	48.43	ADD	153	10
47.10.864	AMD	103	9	48.43	ADD	155	2
47.10.865	AMD	103	10	48.43	ADD	228	1
47.10.866	AMD	103	11	48.43	ADD	236	1
47.10.876	AMD	103	6	48.43	ADD	263	5
47.10.877	AMD	103	7	48.43.005	AMD	263	2
47.10.878	AMD	103	8	48.43.093	AMD	263	3
47.10.883	AMD	103	3	48.43.535	AMD	263	4

## RCW SECTIONS AFFECTED BY 2022 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
48.43.715	AMD	236	2	50A.25.020	AMD	233	4
48.43.735	AMD	213	2	50A.25.070	AMD	18	2
48.43.780	REMD	10	1	50A.25.070	AMD	233	10
48.49	ADD	263	9,10,19	50A.25.110	AMD	18	3
			21,23	50B.04	ADD	1	8
48.49.003	AMD	263	6	50B.04	ADD	2	2
48.49.020	AMD	263	7	50B.04	ADD	18	1
48.49.030	AMD	263	8	50B.04.020	AMD	1	1
48.49.040	AMD	263	11	50B.04.030	AMD	1	2
48.49.050	AMD	263	12	50B.04.050	AMD	1	3
48.49.060	AMD	263	13	50B.04.050	AMD	2	3
48.49.070	AMD	263	14	50B.04.060	AMD	1	4
48.49.090	AMD	263	15	50B.04.080	AMD	1	5
48.49.100	AMD	263	16	50B.04.080	AMD	2	1
48.49.110	AMD	263	20	50B.04.090	AMD	1	6
48.49.130	AMD	263	17	50B.04.140	AMD	1	7
48.49.150	AMD	263	18	51.04	ADD	281	13
48.49.150	RECD	263	23	51.08.070	AMD	281	9
48.175.005	REP	67	5	51.08.178	AMD	53	1
48.175.010	REP	67	5	51.08.180	AMD	281	10
48.175.020	REP	67	5	51.12.020	AMD	281	8
48.175.030	REP	67	5	51.16	ADD	281	11
48.175.900	REP	67	5	51.16.060	AMD	281	12
48.177.010	AMD	281	33	51.28.040	AMD	269	1
48.177.010	RECD	281	35	51.32.181	AMD	290	1
49	ADD	271	1-5	51.32.187	AMD	62	1
49.04	ADD	156	2,3	52.16.010	AMD	90	1
			5-9	52.16.020	AMD	90	2
49.04.050	AMD	156	4	52.16.050	AMD	90	3
49.17	ADD	129	1	52.26.090	AMD	90	4
49.44	ADD	11	1	53.12.010	AMD	47	1
49.44	ADD	133	2	53.12.130	AMD	47	2
49.44.210	REP	133	4	54.04.190	AMD	292	404
49.46	ADD	281	1-5	59.18	ADD	81	1
			7	59.18.063	AMD	95	1
49.46.210	AMD	281	6	59.18.230	REMD	95	2
49.48.010	AMD	28	1	59.18.280	AMD	196	3
49.58.110	AMD	242	1	59.18.575	AMD	196	4
50.20.050	REEN	268	42	59.18.575	AMD	196	5
50.29.025	AMD	17	1	59.20.060	AMD	95	4
50.29.025	AMD	61	1	59.20.134	AMD	95	3
50.29.070	AMD	17	2	63	ADD	225	101-104
50.29.070	AMD	61	2				201-211
50A.05	ADD	233	5,8				301-307
50A.05.010	AMD	233	1				401-406
50A.05.050	AMD	233	7				501-504
50A.05.090	AMD	233	2				601-610
50A.10.030	AMD	297	962				701-705
50A.15.020	AMD	233	3				801-804
50A.15.040	AMD	233	6				901-906

## RCW SECTIONS AFFECTED BY 2022 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
			1001-	63.29.310	REP	225	1505
			1014	63.29.320	REP	225	1505
			1101-	63.29.330	REP	225	1505
			1104	63.29.340	REP	225	1505
			1201-	63.29.350	REP	225	1505
			1203	63.29.360	REP	225	1505
			1301-	63.29.370	REP	225	1505
			1303	63.29.380	REP	225	1505
			1401-	63.29.900	REP	225	1505
			1408	63.29.902	REP	225	1505
			1501-	63.29.903	REP	225	1505
			1503	63.29.905	REP	225	1505
			1507	63.29.906	REP	225	1505
63.29.010	REP	225	1505	64.32	ADD	27	1
63.29.020	REP	225	1505	64.34	ADD	27	2
63.29.030	REP	225	1505	64.34	ADD	165	3
63.29.040	REP	225	1505	64.34.425	AMD	27	5
63.29.050	REP	225	1505	64.34.440	AMD	165	5
63.29.060	REP	225	1505	64.38	ADD	27	3
63.29.070	REP	225	1505	64.90	ADD	27	4
63.29.080	REP	225	1505	64.90	ADD	165	4
63.29.090	REP	225	1505	64.90.640	AMD	27	6
63.29.100	REP	225	1505	64.90.655	AMD	165	6
63.29.110	REP	225	1505	65.12.005	REP	66	1
63.29.120	REP	225	1505	65.12.010	REP	66	1
63.29.130	REP	225	1505	65.12.015	REP	66	1
63.29.133	REP	225	1505	65.12.020	REP	66	1
63.29.135	REP	225	1505	65.12.025	REP	66	1
63.29.140	REP	225	1505	65.12.030	REP	66	1
63.29.150	REP	225	1505	65.12.035	REP	66	1
63.29.160	REP	225	1505	65.12.040	REP	66	1
63.29.165	REP	225	1505	65.12.050	REP	66	1
63.29.170	REP	225	1505	65.12.055	REP	66	1
63.29.180	REP	225	1505	65.12.060	REP	66	1
63.29.190	REP	225	1505	65.12.065	REP	66	1
63.29.192	REP	225	1505	65.12.070	REP	66	1
63.29.193	REP	225	1505	65.12.080	REP	66	1
63.29.194	REP	225	1505	65.12.085	REP	66	1
63.29.195	REP	225	1505	65.12.090	REP	66	1
63.29.200	REP	225	1505	65.12.100	REP	66	1
63.29.210	REP	225	1505	65.12.110	REP	66	1
63.29.220	REP	225	1505	65.12.120	REP	66	1
63.29.230	REP	225	1505	65.12.125	REP	66	1
63.29.240	REP	225	1505	65.12.130	REP	66	1
63.29.250	REP	225	1505	65.12.135	REP	66	1
63.29.260	REP	225	1505	65.12.140	REP	66	1
63.29.270	REP	225	1505	65.12.145	REP	66	1
63.29.280	REP	225	1505	65.12.150	REP	66	1
63.29.290	REP	225	1505	65.12.155	REP	66	1
63.29.300	REP	225	1505	65.12.160	REP	66	1

## RCW SECTIONS AFFECTED BY 2022 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
65.12.165	REP	66	1	65.12.550	REP	66	1
65.12.170	REP	66	1	65.12.560	REP	66	1
65.12.175	REP	66	1	65.12.570	REP	66	1
65.12.180	REP	66	1	65.12.580	REP	66	1
65.12.190	REP	66	1	65.12.590	REP	66	1
65.12.195	REP	66	1	65.12.600	REP	66	1
65.12.200	REP	66	1	65.12.610	REP	66	1
65.12.210	REP	66	1	65.12.620	REP	66	1
65.12.220	REP	66	1	65.12.630	REP	66	1
65.12.225	REP	66	1	65.12.635	REP	66	1
65.12.230	REP	66	1	65.12.640	REP	66	1
65.12.235	REP	66	1	65.12.650	REP	66	1
65.12.240	REP	66	1	65.12.660	REP	66	1
65.12.245	REP	66	1	65.12.670	REP	66	1
65.12.250	REP	66	1	65.12.680	REP	66	1
65.12.255	REP	66	1	65.12.690	REP	66	1
65.12.260	REP	66	1	65.12.700	REP	66	1
65.12.265	REP	66	1	65.12.710	REP	66	1
65.12.270	REP	66	1	65.12.720	REP	66	1
65.12.275	REP	66	1	65.12.730	REP	66	1
65.12.280	REP	66	1	65.12.740	REP	66	1
65.12.290	REP	66	1	65.12.750	REP	66	1
65.12.300	REP	66	1	65.12.760	REP	66	1
65.12.310	REP	66	1	65.12.770	REP	66	1
65.12.320	REP	66	1	65.12.780	REP	66	1
65.12.330	REP	66	1	65.12.790	REP	66	1
65.12.340	REP	66	1	65.12.800	REP	66	1
65.12.350	REP	66	1	65.12.900	REP	66	1
65.12.360	REP	66	1	66.08.050	AMD	16	46
65.12.370	REP	66	1	66.24	ADD	64	1
65.12.375	REP	66	1	66.24.140	AMD	116	7
65.12.380	REP	66	1	66.24.146	AMD	116	8
65.12.390	REP	66	1	66.24.170	AMD	116	9
65.12.400	REP	66	1	66.24.240	AMD	116	10
65.12.410	REP	66	1	66.24.244	AMD	116	11
65.12.420	REP	66	1	66.24.320	AMD	116	12
65.12.430	REP	66	1	66.24.330	AMD	116	13
65.12.435	REP	66	1	66.24.350	AMD	116	14
65.12.440	REP	66	1	66.24.420	AMD	116	2
65.12.445	REP	66	1	66.24.495	REMD	116	15
65.12.450	REP	66	1	66.24.540	AMD	116	16
65.12.460	REP	66	1	66.24.570	AMD	116	17
65.12.470	REP	66	1	66.24.580	AMD	116	18
65.12.480	REP	66	1	66.24.590	AMD	116	3
65.12.490	REP	66	1	66.24.600	AMD	116	4
65.12.500	REP	66	1	66.24.650	AMD	116	19
65.12.510	REP	66	1	66.24.655	AMD	116	5
65.12.520	REP	66	1	66.24.680	REMD	116	20
65.12.530	REP	66	1	66.24.690	AMD	116	6
65.12.540	REP	66	1	68.50	ADD	251	1

**RCW SECTIONS AFFECTED BY 2022 STATUTES**

RCW		CH.	SEC.	RCW		CH.	SEC.
68.50.320	AMD	251	5	69.50.4121	AMD	16	92
69.04.480	AMD	16	47	69.50.435	AMD	16	93
69.07.010	AMD	16	48	69.50.445	AMD	16	94
69.07.020	AMD	16	49	69.50.450	AMD	16	95
69.07.200	AMD	16	50	69.50.465	AMD	16	96
69.41.032	AMD	23	2	69.50.475	AMD	16	97
69.50	ADD	16	168,169	69.50.505	AMD	16	98
69.50.101	REMD	16	51	69.50.505	AMD	162	1
69.50.102	AMD	16	52	69.50.515	AMD	16	99
69.50.204	AMD	16	53	69.50.530	AMD	16	100
69.50.325	AMD	16	54	69.50.530	AMD	169	1
69.50.326	AMD	16	55	69.50.535	AMD	16	101
69.50.327	AMD	16	56	69.50.540	AMD	16	102
69.50.328	AMD	16	57	69.50.540	AMD	169	2
69.50.331	AMD	16	58	69.50.550	AMD	16	103
69.50.334	AMD	16	59	69.50.555	AMD	16	104
69.50.335	AMD	16	60	69.50.560	AMD	16	105
69.50.336	AMD	16	61	69.50.562	AMD	16	106
69.50.339	AMD	16	62	69.50.563	AMD	16	107
69.50.342	AMD	16	63	69.50.564	AMD	16	108
69.50.345	AMD	16	64	69.50.570	AMD	16	109
69.50.345	REMD	16	65	69.50.575	AMD	16	110
69.50.346	AMD	16	66	69.50.580	AMD	16	111
69.50.348	AMD	16	67	69.51.020	AMD	16	112
69.50.348	AMD	16	68	69.51.030	AMD	16	113
69.50.348	AMD	135	5	69.51.060	AMD	16	114
69.50.348	AMD	135	6	69.51A.005	AMD	16	115
69.50.351	AMD	16	69	69.51A.010	AMD	16	116
69.50.354	AMD	16	70	69.51A.030	AMD	16	117
69.50.357	REMD	16	71	69.51A.040	AMD	16	118
69.50.360	REMD	16	72	69.51A.043	AMD	16	119
69.50.363	AMD	16	73	69.51A.045	AMD	16	120
69.50.366	AMD	16	74	69.51A.050	AMD	16	121
69.50.369	AMD	16	75	69.51A.060	AMD	16	122
69.50.372	REMD	16	76	69.51A.100	AMD	16	123
69.50.375	AMD	16	77	69.51A.210	AMD	16	124
69.50.378	AMD	16	78	69.51A.220	AMD	16	125
69.50.380	AMD	16	79	69.51A.225	AMD	16	126
69.50.382	AMD	16	80	69.51A.230	REMD	16	127
69.50.385	AMD	16	81	69.51A.240	AMD	16	128
69.50.390	AMD	16	82	69.51A.250	AMD	16	129
69.50.395	AMD	16	83	69.51A.260	AMD	16	130
69.50.401	AMD	16	84	69.51A.270	AMD	16	131
69.50.4013	AMD	16	85	69.51A.290	AMD	16	132
69.50.4013	AMD	16	86	69.51A.300	AMD	16	133
69.50.4014	AMD	16	87	69.51A.310	AMD	16	134
69.50.4014	AMD	16	88	69.80.031	AMD	180	301
69.50.408	AMD	16	89	69.80.040	AMD	180	404
69.50.410	AMD	16	90	70	ADD	153	1-9
69.50.412	AMD	16	91	70.02.230	REEN	268	43

**RCW SECTIONS AFFECTED BY 2022 STATUTES**

RCW		CH.	SEC.	RCW		CH.	SEC.
70.02.240	REMD	268	44	70A.455	ADD	180	810
70.05	ADD	190	1	70A.455.010	AMD	180	801
70.14.160	AMD	205	1	70A.455.020	AMD	180	802
70.41	ADD	126	1	70A.455.030	AMD	180	811
70.41.430	AMD	207	2	70A.455.040	AMD	180	803
70.41.480	AMD	25	1	70A.455.050	AMD	180	804
70.54	ADD	204	1	70A.455.060	AMD	180	805
70.170.020	AMD	197	1	70A.455.070	AMD	180	806
70.170.060	AMD	197	2	70A.455.080	AMD	180	807
70.320.020	AMD	215	2	70A.455.090	AMD	180	808
70.345.010	AMD	16	135	70A.455.100	AMD	180	809
70.390	ADD	155	1	70A.455.110	REP	180	903
70A	ADD	179	1-13	70A.455.900	REP	180	903
70A	ADD	180	401,402	70A.535	ADD	182	408
			405	70A.535.010	AMD	182	409
70A.02.110	AMD	181	15	70A.535.020	REP	182	414
70A.15.1010	AMD	179	16	70A.535.030	AMD	182	410
70A.15.2200	AMD	181	9	70A.535.040	AMD	182	411
70A.15.3160	REMD	179	15	70A.535.050	AMD	182	412
70A.65	ADD	181	2	70A.535.120	AMD	182	413
70A.65	ADD	253	1	71.05.020	REMD	210	1
70A.65.010	AMD	181	10	71.05.020	REMD	210	2
70A.65.020	AMD	181	5	71.05.148	AMD	210	3
70A.65.030	AMD	181	13	71.05.150	AMD	210	5
70A.65.030	AMD	182	104	71.05.150	AMD	210	6
70A.65.040	AMD	181	14	71.05.156	AMD	210	7
70A.65.040	AMD	182	105	71.05.201	REMD	210	8
70A.65.070	AMD	181	1	71.05.212	AMD	210	9
70A.65.080	AMD	179	14	71.05.212	REMD	210	10
70A.65.100	AMD	181	3	71.05.230	AMD	210	11
70A.65.140	AMD	181	11	71.05.240	AMD	210	12
70A.65.150	AMD	181	6	71.05.240	AMD	210	13
70A.65.160	AMD	181	7	71.05.245	AMD	210	14
70A.65.170	AMD	181	12	71.05.280	AMD	210	15
70A.65.200	AMD	181	4	71.05.290	AMD	210	16
70A.65.230	AMD	181	8	71.05.320	REMD	210	17
70A.65.230	AMD	182	426	71.05.320	REMD	210	18
70A.65.240	AMD	182	101	71.05.365	AMD	210	19
70A.65.250	AMD	253	2	71.05.585	AMD	210	20
70A.65.260	AMD	179	17	71.05.590	AMD	210	23
70A.200.140	AMD	297	963	71.05.590	AMD	210	24
70A.205	ADD	180	101,102	71.05.595	AMD	210	25
			201,403	71.05.740	AMD	210	29
70A.205.015	AMD	180	105	71.12	ADD	215	4
70A.205.040	AMD	180	103	71.24	ADD	215	3
70A.205.415	AMD	186	705	71.24	ADD	232	2
70A.305.190	AMD	102	2	71.24	ADD	263	22
70A.350	ADD	264	1	71.24.045	AMD	210	26
70A.350.030	AMD	264	3	71.24.045	REMD	210	27
70A.350.050	AMD	264	2	71.24.335	REMD	213	3



**RCW SECTIONS AFFECTED BY 2022 STATUTES**

RCW		CH.	SEC.	RCW		CH.	SEC.
71.24.385	REMD	94	1	74.29.037	AMD	167	3
71.24.580	AMD	157	18	74.29.050	AMD	167	4
71.24.580	AMD	297	964	74.29.080	AMD	167	5
71.34	ADD	134	1,2	74.39.007	AMD	86	1
71.34	ADD	210	4	74.39.050	AMD	86	2
71.34.3871	AMD	134	3	74.39.060	REP	86	4
71.34.755	REMD	210	21	74.39.070	AMD	86	3
71.40.040	AMD	134	4	74.39A.009	AMD	255	5
71.40.090	AMD	134	5	74.39A.090	AMD	255	1
71A.10	ADD	247	1	74.39A.095	AMD	255	2
71A.10.020	REMD	277	2	74.39A.515	AMD	255	3
71A.12.290	AMD	142	2	74.46.561	AMD	297	966
71A.16.020	AMD	277	3	74.62.030	AMD	208	2
71A.18	ADD	219	3	76.04.516	AMD	297	967
72.02.100	AMD	29	2	77.04.150	AMD	21	1
72.04A.120	REP	29	13	77.32.090	AMD	20	1
72.09	ADD	160	3	79.13.060	AMD	194	1
72.09.015	AMD	254	2	79.105.150	REMD	157	19
72.09.050	AMD	254	3	79.135	ADD	230	2
72.09.712	AMD	82	1	79A.60.040	AMD	16	136
72.11.040	REP	29	14	79A.80.050	AMD	83	1
72.40	ADD	107	8	80.24.010	AMD	159	1
72.68.080	AMD	254	4	80.28	ADD	292	601
72.68.090	AMD	254	5	80.36	ADD	265	401
72.68.100	AMD	254	6	80.36.390	AMD	195	1
74.04	ADD	191	9	80.50	ADD	183	4,7,12
74.04.060	AMD	214	8				15,17
74.04.805	AMD	208	1	80.50.010	AMD	183	1
74.08.080	AMD	163	1	80.50.020	AMD	183	2
74.08A.010	AMD	24	1	80.50.030	REMD	183	3
74.08A.010	AMD	98	1	80.50.040	AMD	183	5
74.08A.505	AMD	176	1	80.50.060	AMD	183	6
74.08A.510	AMD	176	2	80.50.071	AMD	183	8
74.09	ADD	215	5	80.50.075	AMD	183	18
74.09	ADD	216	2-4	80.50.090	REMD	183	9
74.09	ADD	236	4	80.50.100	AMD	183	10
74.09.325	AMD	213	4	80.50.175	AMD	183	11
74.09.340	AMD	164	1	80.50.190	REP	183	25
74.09.4951	AMD	76	1	80.50.340	AMD	183	13
74.09.520	AMD	255	4	80.50.904	REP	183	25
74.09.741	AMD	163	2	81.104	ADD	285	1,3
74.12	ADD	100	2	81.104.015	AMD	285	4
74.13.062	AMD	127	4	81.104.100	AMD	285	5
74.13.550	AMD	78	8	81.104.110	AMD	285	6
74.13.560	REMD	78	9	81.104.140	AMD	285	7
74.13.631	AMD	78	10	81.104.160	AMD	182	438
74.13.802	AMD	297	965	81.104.160	AMD	285	2
74.29	ADD	167	6	81.104.180	AMD	285	8
74.29.010	REMD	167	1	81.104.190	AMD	285	9
74.29.020	AMD	167	2	82	ADD	161	1-9

**RCW SECTIONS AFFECTED BY 2022 STATUTES**

RCW			RCW			
RCW	CH.	SEC.	RCW	CH.	SEC.	
		11,12	82.12.816	AMD	182	310
82	ADD	185	82.12.816	AMD	292	402
		1-11	82.12.817	AMD	182	304
		13	82.12.986	AMD	267	4
82	ADD	241	82.12.9997	AMD	16	159
82	ADD	257	82.12.9997	AMD	56	8
82.02.010	AMD	16	82.12.9998	AMD	16	160
82.02.210	AMD	56	82.12.9999	AMD	182	306
82.04	ADD	119	82.14.0455	AMD	182	407
82.04	ADD	189	82.14.310	REMD	157	21
82.04.100	AMD	16	82.14.370	AMD	175	1
82.04.213	AMD	16	82.14.430	AMD	16	161
82.04.260	AMD	16	82.14B.010	AMD	203	19
82.04.294	AMD	172	82.14B.020	AMD	203	20
82.04.299	AMD	56	82.14B.030	AMD	203	21
82.04.299	AMD	170	82.14B.040	AMD	203	22
82.04.323	AMD	73	82.14B.042	AMD	203	23
82.04.331	AMD	16	82.14B.050	AMD	203	24
82.04.4266	AMD	16	82.14B.060	AMD	203	25
82.04.4451	AMD	295	82.14B.061	AMD	203	26
82.04.4489	AMD	270	82.14B.063	AMD	203	27
82.04.4496	AMD	182	82.14B.065	AMD	203	28
82.04.756	AMD	16	82.14B.150	AMD	203	29
82.08	ADD	267	82.14B.200	AMD	203	30
82.08.010	AMD	16	82.14B.210	AMD	203	31
82.08.020	AMD	16	82.16	ADD	119	2
82.08.0206	AMD	33	82.16	ADD	212	3-5
82.08.0206	AMD	41	82.16.0496	AMD	182	308
82.08.02565	AMD	16	82.16.050	AMD	16	162
82.08.025661	AMD	56	82.16.130	AMD	212	2
82.08.0257	AMD	16	82.16.170	AMD	212	6
82.08.0273	AMD	16	82.21.030	AMD	182	313
82.08.02745	AMD	16	82.25.005	AMD	16	163
82.08.0281	AMD	16	82.29A.020	AMD	16	164
82.08.0288	AMD	16	82.29A.125	AMD	292	403
82.08.0293	AMD	16	82.29A.130	AMD	147	1
82.08.170	AMD	157	82.32	ADD	282	1
82.08.816	AMD	182	82.32.045	REMD	295	2
82.08.816	AMD	292	82.32.050	AMD	41	2
82.08.820	AMD	16	82.32.050	AMD	282	2
82.08.986	AMD	267	82.32.290	AMD	41	3
82.08.993	AMD	182	82.32.330	AMD	56	9
82.08.9997	AMD	16	82.32.385	AMD	182	301
82.08.9997	AMD	56	82.32.534	AMD	56	10
82.08.9998	AMD	16	82.32.790	AMD	56	11
82.08.9999	AMD	182	82.42.020	AMD	182	201
82.12	ADD	267	82.44.200	AMD	187	501
82.12.02565	AMD	16	82.45.010	REMD	199	3
82.12.0258	AMD	16	82.45.010	AMD	199	4
82.12.02685	AMD	56	82.47.020	AMD	182	405
82.12.0283	AMD	16				

**RCW SECTIONS AFFECTED BY 2022 STATUTES**

RCW		CH.	SEC.	RCW	CH.	SEC.
82.49.030	AMD	124	2			
82.62.030	AMD	56	12			
82.70.040	AMD	182	311			
82.70.050	AMD	182	312			
82.84.030	AMD	16	165			
84.25.030	AMD	172	1			
84.34.410	AMD	16	166			
84.36	ADD	93	2			
84.36.020	AMD	84	1			
84.36.800	AMD	93	3			
84.36.805	AMD	84	2			
84.36.805	AMD	93	4			
84.36.810	AMD	93	5			
84.36.815	AMD	93	6			
84.40	ADD	292	301			
84.40.030	AMD	16	167			
84.52.0531	REMD	108	3			
84.52.065	AMD	56	13			
84.56.020	REMD	143	1			
88.02	ADD	36	3			
88.40	ADD	202	6			
88.40.011	AMD	202	1			
88.40.020	REMD	202	2			
88.40.025	AMD	202	3			
88.40.030	AMD	202	4			
88.40.040	AMD	202	5			
89.08	ADD	280	2			
89.08.615	AMD	180	501			
90.16.050	AMD	139	1			
90.44	ADD	60	2			
90.48.465	REMD	227	1			
90.50A.090	AMD	157	22			
90.56.060	AMD	54	1			



**UNCODIFIED SESSION LAW SECTIONS AFFECTED BY 2022 STATUTES**

LAWS 2005			LAWS 2022					
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>				
385	1	REP	148	8	332	ADD	296	2012
					332	ADD	296	2025
					332	ADD	296	2026
					332	ADD	296	2027
					332	ADD	296	2029
					332	ADD	296	2034
					332	ADD	296	2035
					332	ADD	296	2037
					332	ADD	296	2041
					332	ADD	296	2042
					332	ADD	296	2043
					332	ADD	296	2044
					332	ADD	296	2045
					332	ADD	296	3005
					332	ADD	296	3006
					332	ADD	296	3007
					332	ADD	296	3008
					332	ADD	296	3009
					332	ADD	296	3011
					332	ADD	296	3023
					332	ADD	296	3046
					332	ADD	296	3049
					332	ADD	296	3050
					332	ADD	296	3052
					332	ADD	296	3055
					332	ADD	296	3059
					332	ADD	296	3060
					332	ADD	296	3061
					332	ADD	296	3062
					332	ADD	296	3064
					332	ADD	296	3065
					332	ADD	296	3075
					332	ADD	296	4001
					332	ADD	296	5008
					332	ADD	296	5009
					332	ADD	296	5011
					332	ADD	296	5012
					332	ADD	296	5015
					332	ADD	296	5018
					332	ADD	296	5021
					332	ADD	296	5022
					332	ADD	296	5025
					332	ADD	296	5026
					332	ADD	296	5034
					332	ADD	296	5035
					332	ADD	296	5037
					332	ADD	296	5038
					332	ADD	296	7004
					332	1008	AMD	296 1001
					332	1009	AMD	296 1002
					332	1014	AMD	296 1003
					332	1015	AMD	296 1004

## UNCODIFIED SESSION LAW SECTIONS AFFECTED BY 2022 STATUTES

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332	1018	AMD	296	1005	332	2048	AMD	296	2009
332	1020	AMD	296	1006	332	2050	AMD	296	2010
332	1021	AMD	296	1007	332	2054	REP	296	2048
332	1023	AMD	296	1008	332	2056	AMD	296	2013
332	1024	AMD	296	1052	332	2062	AMD	296	2014
332	1025	AMD	296	1009	332	2063	AMD	296	2015
332	1036	AMD	296	1010	332	2065	AMD	296	2016
332	1045	AMD	296	1028	332	2066	AMD	296	2017
332	1046	AMD	296	1011	332	2068	AMD	296	2018
332	1048	AMD	296	1029	332	2069	AMD	296	2019
332	1052	AMD	296	1038	332	2070	AMD	296	2020
332	1053	AMD	296	1030	332	2071	AMD	296	2021
332	1055	AMD	296	1014	332	2072	AMD	296	2022
332	1058	AMD	296	1015	332	2075	AMD	296	2023
332	1061	AMD	296	1016	332	2076	AMD	296	2024
332	1063	AMD	296	1017	332	2080	AMD	296	2028
332	1064	AMD	296	1018	332	2082	AMD	296	2030
332	1066	AMD	296	1019	332	2084	AMD	296	2031
332	1068	AMD	296	1020	332	2085	AMD	296	2032
332	1069	AMD	296	1039	332	2086	AMD	296	2033
332	1071	AMD	296	1021	332	2093	REP	296	2048
332	1074	AMD	296	1032	332	2095	AMD	296	2038
332	1075	AMD	296	1022	332	2102	AMD	296	2040
332	1078	AMD	296	1040	332	2104	AMD	296	2039
332	1081	AMD	296	1043	332	2105	AMD	296	2036
332	1082	AMD	296	1031	332	2106	AMD	296	2046
332	1083	AMD	296	1037	332	2107	AMD	296	2047
332	1084	AMD	296	1034	332	3016	AMD	296	3001
332	1085	AMD	296	1033	332	3071	AMD	296	3002
332	1086	AMD	296	1041	332	3084	AMD	296	3003
332	1087	AMD	296	1044	332	3086	AMD	296	3004
332	1089	AMD	296	1045	332	3112	AMD	296	3010
332	1091	AMD	296	1036	332	3129	AMD	296	3012
332	1092	AMD	296	1046	332	3130	AMD	296	3013
332	1094	AMD	296	1047	332	3133	AMD	296	3014
332	1095	AMD	296	1053	332	3134	AMD	296	3015
332	1096	AMD	296	1054	332	3136	AMD	296	3016
332	1097	AMD	296	1055	332	3138	AMD	296	3017
332	1101	AMD	296	1057	332	3143	AMD	296	3018
332	1104	AMD	296	1058	332	3147	AMD	296	3019
332	1111	AMD	296	1059	332	3149	AMD	296	3020
332	1114	AMD	296	1060	332	3151	AMD	296	3021
332	1120	AMD	296	1062	332	3154	AMD	296	3022
332	1121	AMD	296	1063	332	3161	AMD	296	3024
332	1123	AMD	296	1064	332	3163	AMD	296	3025
332	2002	AMD	296	2002	332	3164	AMD	296	3026
332	2006	AMD	296	2003	332	3165	AMD	296	3027
332	2012	AMD	296	2004	332	3168	AMD	296	3028
332	2014	AMD	296	2005	332	3171	AMD	296	3029
332	2016	AMD	296	2006	332	3173	AMD	296	3030
332	2028	AMD	296	2007	332	3178	AMD	296	3031
332	2047	AMD	296	2008	332	3183	AMD	296	3032

**UNCODIFIED SESSION LAW SECTIONS AFFECTED BY 2022 STATUTES**

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332	3184	AMD	296	3033	332	5111	AMD	296	5031
332	3185	AMD	296	3034	332	5112	AMD	296	5032
332	3187	AMD	296	3035	332	5115	AMD	296	5033
332	3188	AMD	296	3036	332	5153	AMD	296	5036
332	3189	AMD	296	3037	332	5170	AMD	296	5039
332	3190	AMD	296	3038	332	7001	AMD	296	7001
332	3195	AMD	296	3039	332	7002	AMD	296	7002
332	3197	AMD	296	3040	332	7012	AMD	296	7003
332	3201	AMD	296	3041	332	7020	AMD	296	7006
332	3214	AMD	296	3042	332	7041	AMD	296	7007
332	3218	AMD	296	3048	333		ADD	186	107
332	3221	AMD	296	3043	333		ADD	186	108
332	3229	AMD	296	3044	333		ADD	186	109
332	3230	AMD	296	3045	333		ADD	186	212
332	3232	AMD	296	3047	333		ADD	186	312
332	3253	AMD	296	3051	333		ADD	186	501
332	3254	AMD	296	3053	333		ADD	186	523
332	3255	AMD	296	3054	333		ADD	186	524
332	3273	AMD	296	3056	333	101	AMD	186	101
332	3274	AMD	296	3057	333	103	AMD	187	103
332	3281	AMD	296	3058	333	105	AMD	186	102
332	3292	AMD	296	3063	333	106	AMD	186	103
332	3298	AMD	296	3066	333	107	AMD	186	104
332	3305	AMD	296	3067	333	109	AMD	186	105
332	3306	AMD	296	3068	333	110	AMD	187	101
332	3308	AMD	296	3069	333	111	AMD	187	102
332	3313	AMD	296	3070	333	113	AMD	186	106
332	3317	AMD	296	3071	333	201	AMD	186	201
332	3319	AMD	296	3072	333	202	AMD	186	202
332	3328	AMD	296	3073	333	203	AMD	186	203
332	3332	AMD	296	3074	333	204	AMD	186	204
332	5002	AMD	296	5001	333	205	AMD	186	205
332	5005	AMD	296	5002	333	206	AMD	186	206
332	5010	AMD	296	5003	333	207	AMD	186	207
332	5015	AMD	296	5004	333	208	AMD	186	208
332	5018	AMD	296	5005	333	209	AMD	186	209
332	5019	AMD	296	5006	333	210	AMD	186	210
332	5023	AMD	296	5007	333	211	AMD	186	211
332	5024	REP	296	5040	333	212	AMD	186	213
332	5038	AMD	296	5010	333	213	AMD	186	214
332	5044	AMD	296	5013	333	214	AMD	186	215
332	5046	AMD	296	5014	333	215	AMD	186	216
332	5051	AMD	296	5016	333	216	AMD	186	217
332	5054	AMD	296	5017	333	217	AMD	186	218
332	5070	AMD	296	5019	333	218	AMD	186	219
332	5083	AMD	296	5020	333	219	AMD	186	220
332	5093	AMD	296	5023	333	220	AMD	186	221
332	5094	AMD	296	5024	333	221	AMD	186	222
332	5096	AMD	296	5027	333	222	AMD	186	223
332	5101	AMD	296	5028	333	223	AMD	186	224
332	5104	AMD	296	5030	333	301	AMD	186	301
332	5107	AMD	296	5029	333	302	AMD	186	302

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333	303	AMD	186	303	333	719	AMD	186	707
333	305	AMD	186	304	334		ADD	297	106
333	306	AMD	186	305	334		ADD	297	152
333	307	AMD	186	306	334		ADD	297	153
333	308	AMD	186	307	334		ADD	297	312
333	309	AMD	186	308	334		ADD	297	714
333	310	AMD	186	309	334		ADD	297	715
333	311	AMD	186	310	334		ADD	297	716
333	313	AMD	186	311	334		ADD	297	717
333	401	AMD	186	401	334		ADD	297	718
333	402	AMD	186	402	334		ADD	297	719
333	403	AMD	186	403	334		ADD	297	720
333	404	AMD	186	404	334		ADD	297	721
333	405	AMD	186	405	334		ADD	297	722
333	406	AMD	186	406	334		ADD	297	723
333	407	AMD	186	407	334		ADD	297	724
333	503	AMD	186	502	334		ADD	297	725
333	504	AMD	186	503	334		ADD	297	726
333	505	AMD	186	504	334		ADD	297	727
333	506	AMD	186	505	334		ADD	297	728
333	507	AMD	186	506	334		ADD	297	729
333	508	AMD	186	507	334		ADD	297	730
333	509	AMD	186	508	334		ADD	297	731
333	510	AMD	186	509	334		ADD	297	732
333	511	AMD	186	510	334		ADD	297	733
333	512	AMD	186	511	334		ADD	297	734
333	513	AMD	186	512	334		ADD	297	735
333	514	AMD	186	513	334		ADD	297	736
333	515	AMD	186	514	334		ADD	297	737
333	516	AMD	186	515	334		ADD	297	901
333	517	AMD	186	516	334		ADD	297	917
333	518	AMD	186	517	334		ADD	297	929
333	519	AMD	186	518	334		ADD	297	931
333	520	AMD	186	519	334		ADD	297	936
333	521	AMD	186	520	334		ADD	297	937
333	522	AMD	186	521	334		ADD	297	942
333	523	AMD	186	522	334		ADD	297	943
333	526	REP	186	525	334	1	AMD	297	1
333	527	REP	186	525	334	101	AMD	297	101
333	528	REP	186	525	334	102	AMD	297	102
333	529	REP	186	525	334	103	AMD	297	103
333	530	REP	186	525	334	104	AMD	297	104
333	531	REP	186	525	334	105	AMD	297	105
333	532	REP	186	525	334	106	AMD	297	107
333	533	REP	186	525	334	107	AMD	297	108
333	534	REP	186	525	334	108	AMD	297	109
333	535	REP	186	525	334	111	AMD	297	110
333	536	REP	186	525	334	112	AMD	297	111
333	537	REP	186	525	334	113	AMD	297	112
333	601	AMD	186	601	334	114	AMD	297	113
333	606	AMD	186	602	334	115	AMD	297	114
333	701	AMD	186	701	334	116	AMD	297	115



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334	117	AMD	297	116	334	217	AMD	297	217
334	118	AMD	297	117	334	218	AMD	297	218
334	119	AMD	297	118	334	219	AMD	297	219
334	120	AMD	297	119	334	220	AMD	297	220
334	121	AMD	297	120	334	221	AMD	297	221
334	122	AMD	297	121	334	222	AMD	297	222
334	123	AMD	297	122	334	223	AMD	297	223
334	124	AMD	297	123	334	224	AMD	297	224
334	125	AMD	297	124	334	225	AMD	297	225
334	126	AMD	297	125	334	226	AMD	297	226
334	127	AMD	297	126	334	227	AMD	297	227
334	128	AMD	297	127	334	228	AMD	297	228
334	129	AMD	297	128	334	229	AMD	297	229
334	130	AMD	297	129	334	230	AMD	297	230
334	131	AMD	297	130	334	301	AMD	297	301
334	132	AMD	297	131	334	302	AMD	297	302
334	133	AMD	297	132	334	303	AMD	297	303
334	134	AMD	297	133	334	304	AMD	297	304
334	135	AMD	297	134	334	305	AMD	297	305
334	136	AMD	297	135	334	306	AMD	297	306
334	137	AMD	297	136	334	307	AMD	297	307
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334	139	AMD	297	138	334	309	AMD	297	309
334	140	AMD	297	139	334	310	AMD	297	310
334	141	AMD	297	140	334	311	AMD	297	311
334	142	AMD	297	141	334	401	AMD	297	401
334	143	AMD	297	142	334	402	AMD	297	402
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334	147	AMD	297	146	334	504	AMD	297	504
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334	149	AMD	297	148	334	506	AMD	297	506
334	150	AMD	297	149	334	507	AMD	297	507
334	151	AMD	297	150	334	508	AMD	297	508
334	152	AMD	297	151	334	509	AMD	297	509
334	201	AMD	297	201	334	510	AMD	297	510
334	202	AMD	297	202	334	511	AMD	297	511
334	203	AMD	297	203	334	512	AMD	297	512
334	204	AMD	297	204	334	513	AMD	297	513
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334	207	AMD	297	207	334	516	AMD	297	516
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334	210	AMD	297	210	334	519	AMD	297	519
334	211	AMD	297	211	334	520	AMD	297	520
334	212	AMD	297	212	334	521	AMD	297	521
334	213	AMD	297	213	334	522	AMD	297	522
334	214	AMD	297	214	334	603	AMD	297	601
334	215	AMD	297	215	334	605	AMD	297	602
334	216	AMD	297	216	334	606	AMD	297	603

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334	607	AMD	297	604	334	921	AMD	297	914
334	608	AMD	297	605	334	922	AMD	297	915
334	609	AMD	297	606	334	923	AMD	297	916
334	610	AMD	297	607	334	924	AMD	297	918
334	611	AMD	297	608	334	925	AMD	297	919
334	612	AMD	297	609	334	928	AMD	297	920
334	613	AMD	297	610	334	929	AMD	297	921
334	614	AMD	297	611	334	930	AMD	297	922
334	615	AMD	297	612	334	932	AMD	297	923
334	616	AMD	297	613	334	933	AMD	297	924
334	617	AMD	297	614	334	934	AMD	297	925
334	618	AMD	297	615	334	935	AMD	297	926
334	619	AMD	297	616	334	936	AMD	297	927
334	701	AMD	297	701	334	937	AMD	297	928
334	702	AMD	297	702	334	939	AMD	297	930
334	704	AMD	297	703	334	940	AMD	297	932
334	705	AMD	297	704	334	941	AMD	297	933
334	706	AMD	297	705	334	942	AMD	297	934
334	718	AMD	297	706	334	943	AMD	297	935
334	723	AMD	297	707	334	945	AMD	297	938
334	724	AMD	297	708	334	946	AMD	297	939
334	730	REP	297	738	334	947	AMD	297	940
334	731	REP	297	738	334	948	AMD	297	941
334	732	REP	297	738	334	1002	AMD	297	944
334	733	REP	297	738					
334	734	REP	297	738					
334	735	REP	297	738					
334	736	REP	297	738					
334	737	REP	297	738					
334	744	AMD	297	709					
334	745	AMD	297	710					
334	746	AMD	297	711					
334	748	AMD	297	712					
334	749	REP	297	738					
334	752	REP	297	738					
334	753	AMD	297	713					
334	801	AMD	297	801					
334	802	AMD	297	802					
334	803	AMD	297	803					
334	805	AMD	297	804					
334	909	AMD	297	902					
334	910	AMD	297	903					
334	911	AMD	297	904					
334	912	AMD	297	905					
334	913	AMD	297	906					
334	914	AMD	297	907					
334	915	AMD	297	908					
334	916	AMD	297	909					
334	917	AMD	297	910					
334	918	AMD	297	911					
334	919	AMD	297	912					
334	920	AMD	297	913					

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## **STATE MEASURES FILED WITH THE SECRETARY OF STATE**

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### **INITIATIVES TO THE PEOPLE**

For information on Initiatives to the People, see <http://secstate.wa.gov/elections/initiatives/statistics.aspx>. For additional information, call the Office of the Secretary of State at (360) 902-4180.

### **INITIATIVES TO THE LEGISLATURE**

For information on Initiatives to the Legislature, see <http://secstate.wa.gov/elections/initiatives/statistics.aspx>. For additional information, call the Office of the Secretary of State at (360) 902-4180.

### **REFERENDUM MEASURES**

For information on Referendum Measures, see <http://secstate.wa.gov/elections/initiatives/statistics.aspx>. For additional information, call the Office of the Secretary of State at (360) 902-4180.

### **REFERENDUM BILLS**

For information on Referendum Bills, see <http://secstate.wa.gov/elections/initiatives/statistics.aspx>. For additional information, call the Office of the Secretary of State at (360) 902-4180.



## HISTORY OF CONSTITUTIONAL AMENDMENTS ADOPTED SINCE STATEHOOD

- No. 1. Section 5, Article XVI. Re: **Permanent School Fund.** Adopted November, 1894.
- No. 2. Section 1, Article VI. Re: **Qualification of Electors.** Adopted November, 1896.
- No. 3. Section 2, Article VII. Re: **Uniform Rates of Taxation.** Adopted November, 1900.
- No. 4. Section 11, Article I. Re: **Religious Freedom.** Adopted November, 1904.
- No. 5. Section 1, Article VI. Re: **Equal Suffrage.** Adopted November, 1910.
- No. 6. Section 10, Article III. Re: **Succession in Office of Governor.** Adopted November, 1910.
- No. 7. Section 1, Article II. Re: **Initiative and Referendum.** Adopted November, 1912.
- No. 8. Adding Sections 33 and 34, Article I. Re: **Recall.** Adopted November, 1912.
- No. 9. Section 16, Article I. Re: **Taking of Private Property.** Adopted November, 1922.
- No. 10. Section 22, Article I. Re: **Right of Appeal.** Adopted November, 1922.
- No. 11. Section 4, Article VIII. Re: **Appropriation.** Adopted November, 1922.
- No. 12. Section 5, Article XI. Re: **Consolidation of County Offices.** Adopted November, 1924.
- No. 13. Section 15, Article II. Re: **Vacancies in the Legislature.** Adopted November, 1930.
- No. 14. Article VII. Re: **Revenue and Taxation.** Adopted November, 1930.
- No. 15. Section 1, Article XV. Re: **Harbors and Harbor Areas.** Adopted November, 1932.
- No. 16. Section 11, Article XII. Re: **Double Liability of Stockholders.** Adopted November, 1940.
- No. 17. Section 2, Article VII. Re: **40-Mill Tax Limit.** Adopted November, 1944.
- No. 18. Adding Section 40, Article II. Re: **Restriction of motor vehicle license fees and excise taxes on motor fuels to highway purposes only.** Adopted November, 1944.
- No. 19. Adding Section 3, Article VII. Re: **State to tax the United States and its instrumentalities to the extent that the laws of the United States will allow.** Adopted November, 1946.
- No. 20. Adding Section 1, Article XXVIII. Re: **Legislature to fix the salaries of state elective officials.** Adopted November, 1948.
- No. 21. Section 4, Article XI. Re: **Permit counties to adopt "Home Rule" charters.** Adopted November, 1948.
- No. 22. Repealing Section 7 of Article XI. Re: **County elective officials.** (These officials can now hold same office more than two terms in succession.) Adopted November, 1948.
- No. 23. Adding Section 16, Article XI. Re: **Permitting the formation, under a charter, of combined city and county municipal corporations having a population of 300,000 or more.** Adopted November, 1948.
- No. 24. Article II, Section 33. Re: **Permitting ownership of land by Canadians who are citizens of provinces wherein citizens of the State of Washington may own land.** (All provinces of Canada authorize such ownership.) Adopted November, 1950.

## HISTORY OF ADOPTED CONSTITUTIONAL AMDTS.

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- No. 25. Adding Section 3(a), Article IV. Re: **Establishing Retirement Age for Judges of Supreme and Superior Courts.** Adopted November, 1952.
- No. 26. Adding Section 41, Article II. Re: **Permitting the Legislature to Amend Initiative Measures.** Adopted November, 1952.
- No. 27. Section 6, Article VIII. Re: **Extending Bonding Powers of School Districts.** Adopted November, 1952.
- No. 28. Sections 6 and 10, Article IV. Re: **Increasing Monetary Jurisdiction of Justice Courts.** Adopted November, 1952.
- No. 29. Article II, Section 33. Re: **Redefining "Alien," thereby permitting the Legislature to determine the policy of the state respecting the ownership of land by corporations having alien shareholders.** Adopted November, 1954.
- No. 30. Adding Section 1A, Article II. Re: **Increasing the number of signatures necessary to certify a state initiative or referendum measure.** Adopted November, 1956.
- No. 31. Section 25, Article III. Re: **Removing the restriction prohibiting the state treasurer from being elected for more than one successive term.** Adopted November, 1956.
- No. 32. Section 2, Article XV. Re: **Filling vacancies in the state legislature.** Adopted November, 1956.
- No. 33. Section 1, Article XXIV. Re: **Modification of state boundaries by compact.** Adopted November, 1958.
- No. 34. Section 11, Article I. Re: **Employment of chaplains at state institutions.** Adopted November, 1958.
- No. 35. Section 25, Article II. Re: **Pensions and Employees' Extra Compensation.** Adopted November, 1958.
- No. 36. Section 1, Article II by adding a new subsection (e). Re: **Publication and Distribution of Voters' Pamphlet.** Adopted November, 1962.
- No. 37. Section 1, Article XXIII. Re: **Publication of Proposed Constitutional Amendments.** Adopted November, 1962.
- No. 38. Adding Section 2(c), Article IV. Re: **Temporary Performance of Judicial Duties.** Adopted November, 1962.
- No. 39. Adding Section 42, Article II. Re: **Governmental Continuity During Emergency Periods.** Adopted November, 1962.
- No. 40. Section 10, Article XI. Re: **Lowering minimum population for first class cities from 20,000 to 10,000. Also changing newspaper publication requirements for proposed charters.** Adopted November, 1964.
- No. 41. Section 29, Article IV. Re: **Election of Superior Court Judges.** Adopted November, 1966.
- No. 42. Repealing Section 33, Article II and Amendments 24 and 29. Re: **Alien Ownership of Lands.** Adopted November, 1966.
- No. 43. Section 3, Article IX. Re: **Funds for Support of the Common Schools.** Adopted November, 1966.



## HISTORY OF ADOPTED CONSTITUTIONAL AMDTS.

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- No. 44. Section 5, Article XVI. Re: **Investment of Permanent Common School Fund.** Adopted November, 1966.
- No. 45. Adding Section 8, Article VIII. Re: **Port Expenditures—Industrial Development—Promotion.** Adopted November, 1966.
- No. 46. Adding Section 1A, Article VI. Re: **Voter Qualifications for Presidential Elections.** Adopted November, 1966.
- No. 47. Adding Section 10, Article VII. Re: **Retired Persons Property Tax Exemption.** Adopted November, 1966.
- No. 48. Section 3, Article VIII. Re: **Public Special Indebtedness, How Authorized.** Adopted November, 1966.
- No. 49. Adding Section 1, Article XXIX. Re: **Investments of Public Pension and Retirement Funds.** Adopted November, 1968.
- No. 50. Adding Section 30, Article IV. Re: **Court of Appeals.** Adopted November, 1968.
- No. 51. Adding Section 9, Article VIII. Re: **State Building Authority.** Adopted November, 1968.
- No. 52. Section 15, Article II. Re: **Vacancies in Legislature and in Partisan County Elective Office.** Also amending Section 6, Article XI. Re: **Vacancies in Township, Precinct or Road District Office.** Adopted November, 1968.
- No. 53. Adding Section 11, Article VII. Re: **Taxation Based on Actual Use.** Adopted November, 1968.
- No. 54. Adding Section 1, Article XXX. Re: **Authorizing Compensation Increase During Term.** Adopted November, 1968.
- No. 55. Section 2, Article VII. Re: **Limitation on Levies.** Adopted November, 1972.
- No. 56. Section 24, Article II. Re: **Lotteries and Divorce.** Adopted November, 1972.
- No. 57. Section 5, Article XI. Re: **County Government.** Adopted November, 1972.
- No. 58. Section 16, Article XI. Re: **Combined City-County.** Adopted November, 1972.
- No. 59. Section 2, Article VII. Re: **Limitation on Levies.** Adopted November, 1972.
- No. 60. Section 1, Article VIII. Re: **State Debt.** Also amending Section 3, Article VIII. Re: **Special Indebtedness, How Authorized.** Approved November, 1972.
- No. 61. Adding new Article XXXI. Re: **Sex Equality, Rights and Responsibilities.** Adopted November, 1972.
- No. 62. Section 12, Article III. Re: **Veto Power.** Adopted November, 1974.
- No. 63. Section 1, Article VI. Re: **Qualifications of Electors.** Adopted November, 1974.
- No. 64. Section 2, Article VII. Re: **Limitation on Levies.** Adopted November, 1976.
- No. 65. Section 6, Article IV. Re: **Jurisdiction of Superior Courts.** Also amending Section 10, Article IV. Re: **Justices of the Peace.** Adopted November, 1976.
- No. 66. Section 18, Article XII. Re: **Rates for Transportation.** Adopted November, 1977.
- No. 67. Repealing Section 14, Article XII. Re: **Prohibition Against Combinations by Carriers.** Adopted November, 1977.

## HISTORY OF ADOPTED CONSTITUTIONAL AMDTS.

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- No. 68. Section 12, Article II. Re: **Legislative Sessions, When—Duration.** Adopted November, 1979.
- No. 69. Section 13, Article II. Re: **Limitation on Members Holding Office in the State.** Adopted November, 1979.
- No. 70. Adding Section 10, Article VIII. Re: **Residential Energy Conservation.** Adopted November, 1979.
- No. 71. Adding Section 31, Article IV. Re: **Judicial Qualifications Commission—Removal, Censure, Suspension, or Retirement of Judges or Justices.** Adopted November, 1980.
- No. 72. Sections 1 and 1(a), Article II. Re: **Legislative Powers, Where Vested and Initiative and Referendum, Signatures Required.** Adopted November, 1981.
- No. 73. Adding Section 1, Article XXXII. Re: **Special Revenue Financing.** Adopted November, 1981.
- No. 74. Adding Section 43, Article II. Re: **Redistricting.** Adopted November, 1983.
- No. 75. Section 1, Article XXIX. Re: **May be Invested as Authorized by Law.** Adopted November, 1985.
- No. 76. Adding Section 11, Article VIII. Re: **Agricultural Commodity Assessments—Development, Promotion, and Hosting.** Adopted November, 1985.
- No. 77. Section 31, Article IV. Re: **Commission on Judicial Conduct—Removal, Censure, Suspension, or Retirement of Judges or Justices—Proceedings.** Adopted November, 1986.
- No. 78. Section 1, Article XXVIII. Re: **Salaries for Legislators, Elected State Officials, and Judges—Independent Commission—Referendum.** Adopted November, 1986.
- No. 79. Section 2, Article VII. Re: **Limitation on Levies.** Adopted November, 1986.
- No. 80. Section 7, Article IV. Re: **Exchange of judges—Judge Pro Tempore.** Adopted November, 1987.
- No. 81. Section 1, Article VII. Re: **Taxation.** Adopted November, 1988.
- No. 82. Section 10, Article VIII. Re: **Residential Energy Conservation.** Adopted November, 1988.
- No. 83. Section 3, Article VI. Re: **Who disqualified.** Also amending Section 1, Article XIII. Re: **Educational, reformatory and penal institutions.** Adopted November, 1988.
- No. 84. Adding Section 35, Article I. Re: **Victims of Crimes—Rights.** Adopted November, 1989.
- No. 85. Section 31, Article IV. Re: **Commission on Judicial Conduct.** Adopted November, 1989.
- No. 86. Section 10, Article VIII. Re: **Energy and Water Conservation Assistance.** Adopted November, 1989.
- No. 87. Section 6, Article IV. Re: **Jurisdiction of Superior Courts.** Adopted November, 1993.
- No. 88. Section 11, Article I. Re: **Religious Freedom.** Adopted November, 1993.
- No. 89. Section 3, Article 4. Re: **Election and Terms of Supreme Court Judges.** Adopted November, 1995.
- No. 90. Section 2, Article VII. Re: **Limitation on levies.** Adopted November, 1997.

## HISTORY OF ADOPTED CONSTITUTIONAL AMDTS.

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- No. 91. Section 10, Article VIII. Re: **Energy, water, or stormwater or sewer services conservation assistance.** Adopted November, 1997.
- No. 92. Section 1, Article VIII. Re: **State debt.** Adopted November, 1999.
- No. 93. Section 1, Article XXIX. Re: **May be invested as authorized by law.** Adopted November, 2000.
- No. 94. Section 7, Article IV. Re: **Exchange of judges - Judge pro tempore.** Adopted November, 2001.
- No. 95. Section 2, Article VII. Re: **Limitation on levies.** Adopted November, 2002.
- No. 96. Section 15, Article II. Re: **Vacancies in legislative and in partisan county elective office.** Adopted November 2003.
- No. 97. Section 31, Article IV. Re: **Commission on judicial conduct.** Adopted November, 2005.
- No. 98. Section 1, Article VII. Re: **Taxation.** Adopted November 2006.
- No. 99. Section 12, Article VII. Re: **Budget stabilization account.** Adopted November 2007.
- No. 100. Section 29, Article II. Re: **Convict labor.** Adopted November 2007.
- No. 101. Section 2, Article VII. Re: **Limitation of levies.** Adopted November 2007.
- No. 102. Section 6, Article XVI. Re: **Investment of higher education permanent funds.** Adopted November 2007.
- No. 103. Section 1, Article VIII. Re: **State debt.** Adopted November 2010.
- No. 104. Section 20, Article I. Re: **Bail, when authorized.** Adopted November 2010.
- No. 105. Section 1A, Article VI. Re: **Voter qualifications for presidential elections.** Adopted November 2011.
- No. 106. Section 12, Article VII. Re: **Budget stabilization account.** Adopted November 2011.
- No. 107. Section 1, Article VIII. Re: **State debt.** Adopted November 2012.
- No. 108. Section 43, Article II. Re: **Redistricting.** Adopted November 2016.
- No. 109. Section 42, Article II. Re: **Governmental continuity during emergency periods.** Adopted November 2019.

