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OF THE
STATE OF WASHINGTON
AT
OLYMPIA, THE STATE CAPITOL

2022 Regular Session
Convened January 10, 2022
Adjourned Sine Die March 10, 2022

VOLUME 3



Laurie Jinkins, Speaker
Tina Orwall, Speaker Pro Tempore
Bernard Dean, Chief Clerk

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SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FIFTY FOURTH DAY

House Chamber, Olympia, Friday, March 4, 2022

The House was called to order at 10:00 a.m. by the Speaker (Representative Bronoske presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

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

MOTION

There being no objection, the Committee on Rules was relieved of the following bill and the bill was placed on the second reading calendar:

SENATE BILL NO. 5615

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

MESSAGE FROM THE SENATE

March 3, 2022

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE
BILL NO. 1241,
ENGROSSED SUBSTITUTE HOUSE BILL NO.
1497,
SUBSTITUTE HOUSE BILL NO. 1617,
HOUSE BILL NO. 1622,
HOUSE BILL NO. 1647,
HOUSE BILL NO. 1651,
SUBSTITUTE HOUSE BILL NO. 1701,
SUBSTITUTE HOUSE BILL NO. 1708,
HOUSE BILL NO. 1738,
SUBSTITUTE HOUSE BILL NO. 1768,
HOUSE BILL NO. 1907,
SUBSTITUTE HOUSE BILL NO. 1955,
SUBSTITUTE HOUSE BILL NO. 1961,
SUBSTITUTE HOUSE BILL NO. 2001,
SUBSTITUTE HOUSE BILL NO. 2050,

and the same are herewith transmitted.

Sarah Bannister, Secretary

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

INTRODUCTION & FIRST READING

HB 2136 by Representatives Shewmake and Paul

AN ACT Relating to establishing the Washington state rural commission; adding a new chapter to Title 43 RCW; and creating a new section.

Referred to Committee on State Government & Tribal Relations.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

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

SECOND READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5796, by Senate Committee on Ways & Means (originally sponsored by Saldaña, Stanford, Keiser, Lias and Wilson, C.)

Restructuring cannabis revenue appropriations.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Appropriations was not adopted. (For Committee amendment, see Journal, Day 50, February 28, 2022).

Amendment (1320) was ruled out of order.

Representative Sullivan moved the adoption of striking amendment (1333):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 69.50.530 and 2018 c 299 s 909 are each amended to read as follows:

The dedicated ((~~marijuana~~)) cannabis account is created in the state treasury. All moneys received by the ((~~state liquor~~))

~~and cannabis)) board, or any employee thereof, from marijuana-related activities must be deposited in the account. Unless otherwise provided in chapter 4, Laws of 2015 2nd sp. sess., all marijuana excise taxes collected from sales of marijuana, useable marijuana, marijuana concentrates, and marijuana-infused products under RCW 69.50.535, and the license fees, penalties, and forfeitures derived under this chapter from marijuana producer, marijuana processor, marijuana researcher, and marijuana retailer licenses, must be deposited in the account. Moneys in the account may only be spent after appropriation. ((During the 2015-2017 and 2017-2019 fiscal biennia, the legislature may transfer from the dedicated marijuana account to the basic health plan trust account such amounts as reflect the excess fund balance of the account.))~~

Sec. 2. RCW 69.50.540 and 2021 c 334 s 986 are each amended to read as follows:

~~((The legislature must annually appropriate moneys in the dedicated marijuana account created in RCW 69.50.530 as follows:))~~

~~(1) For the purposes ((listed in)) of this subsection (1), the legislature must appropriate ((to the respective agencies amounts sufficient to make the following expenditures on a quarterly basis or as)) the amounts provided in this subsection:~~

~~(a) ((One hundred twenty-five thousand dollars to the health care authority to design and administer the Washington state healthy youth survey, analyze the collected data, and produce reports, in collaboration with the office of the superintendent of public instruction, department of health, department of commerce, family policy council, and board. The survey must be conducted at least every two years and include questions regarding, but not necessarily limited to, academic achievement, age at time of substance use initiation, antisocial behavior of friends, attitudes toward antisocial behavior, attitudes toward substance use, laws and community norms regarding antisocial behavior, family conflict, family management, parental attitudes toward substance use, peer rewarding of antisocial behavior, perceived risk of substance use, and rebelliousness. Funds disbursed under this subsection may be used to expand administration of the~~

~~healthy youth survey to student populations attending institutions of higher education in Washington;~~

~~(b) Fifty thousand dollars to the health care authority for the purpose of contracting with the Washington state institute for public policy to conduct the cost benefit evaluation and produce the reports described in RCW 69.50.550. This appropriation ends after production of the final report required by RCW 69.50.550;~~

~~(c) Five thousand dollars to the University of Washington alcohol and drug abuse institute for the creation, maintenance, and timely updating of web-based public education materials providing medically and scientifically accurate information about the health and safety risks posed by marijuana use;~~

~~(d)(i) An amount not less than one million two hundred fifty thousand dollars to the board for administration of this chapter as appropriated in the omnibus appropriations act;~~

~~(ii) One million three hundred twenty-three thousand dollars for fiscal year 2020 to the health professions account established under RCW 43.70.320 for the development and administration of the marijuana authorization database by the department of health;~~

~~(iii) Two million four hundred fifty-three thousand dollars for fiscal year 2020 and two million four hundred twenty-three thousand dollars for fiscal years 2021, 2022, and 2023 to the Washington state patrol for a drug enforcement task force. It is the intent of the legislature that this policy will be continued in the 2021-2023 fiscal biennium; and~~

~~(iv) Ninety eight thousand dollars for fiscal year 2019 to the department of ecology for research on accreditation of marijuana product testing laboratories;~~

~~(e) Four hundred sixty five thousand dollars for fiscal year 2020, four hundred sixty four thousand dollars for fiscal year 2021, two hundred seventy thousand dollars in fiscal year 2022, and two hundred seventy six thousand dollars in fiscal year 2023 to the department of ecology for implementation of accreditation of marijuana product testing laboratories;~~

~~(f) One hundred eighty nine thousand dollars for fiscal year 2020 to the~~

~~department of health for rule making regarding compassionate care renewals;~~

~~(g) Eight hundred eight thousand dollars for each of fiscal years 2020 through 2023 to the department of health for the administration of the marijuana authorization database;~~

~~(h) Six hundred thirty five thousand dollars for fiscal year 2020, six hundred thirty five thousand dollars for fiscal year 2021, six hundred twenty one thousand dollars for fiscal year 2022, and six hundred twenty seven thousand dollars for fiscal year 2023 to the department of agriculture for compliance based laboratory analysis of pesticides in marijuana;~~

~~(i) One million six hundred fifty thousand dollars for fiscal year 2022 and one million six hundred fifty thousand dollars for fiscal year 2023 to the department of commerce to fund the marijuana social equity technical assistance competitive grant program under RCW 43.330.540; and~~

~~(j) One hundred sixty three thousand dollars for fiscal year 2022 and one hundred fifty nine thousand dollars for fiscal year 2023 to the department of commerce to establish a roster of mentors as part of the cannabis social equity technical assistance grant program under Engrossed Substitute House Bill No. 1443 (cannabis industry/equity) and~~

~~(2) From the amounts in the dedicated marijuana account after appropriation of the amounts identified in subsection (1) of this section, the legislature must appropriate for the purposes listed in this subsection (2) as follows:~~

~~(a) (i) Up to fifteen percent to the health care authority for the development, implementation, maintenance, and evaluation of programs and practices aimed at the prevention or reduction of maladaptive substance use, substance use disorder, substance abuse or substance dependence, as these terms are defined in the Diagnostic and Statistical Manual of Mental Disorders, among middle school and high school age students, whether as an explicit goal of a given program or practice or as a consistently corresponding effect of its implementation, mental health services for children and youth, and services for pregnant and parenting women; PROVIDED, That:~~

~~(A) Of the funds appropriated under (a) (i) of this subsection for new programs and new services, at least eighty five percent must be directed to evidence based or research based programs and practices that produce objectively measurable results and, by September 1, 2020, are cost beneficial; and~~

~~(B) Up to fifteen percent of the funds appropriated under (a) (i) of this subsection for new programs and new services may be directed to proven and tested practices, emerging best practices, or promising practices.~~

~~(ii) In deciding which programs and practices to fund, the director of the health care authority must consult, at least annually, with the University of Washington's social development research group and the University of Washington's alcohol and drug abuse institute.~~

~~(iii) For each fiscal year, the legislature must appropriate a minimum of twenty five million five hundred thirty six thousand dollars under this subsection (2) (a);~~

~~(b) (i) Up to ten percent to the department of health for the following, subject to (b) (ii) of this subsection (2):~~

~~(A) Creation, implementation, operation, and management of a marijuana education and public health program that contains the following:~~

~~(I) A marijuana use public health hotline that provides referrals to substance abuse treatment providers, utilizes evidence based or research based public health approaches to minimizing the harms associated with marijuana use, and does not solely advocate an abstinence only approach;~~

~~(II) A grants program for local health departments or other local community agencies that supports development and implementation of coordinated intervention strategies for the prevention and reduction of marijuana use by youth; and~~

~~(III) Media based education campaigns across television, internet, radio, print, and out of home advertising, separately targeting youth and adults, that provide medically and scientifically accurate information about the health and safety risks posed by marijuana use; and~~

~~(B) The Washington poison control center.~~

~~(ii) For each fiscal year, the legislature must appropriate a minimum of nine million seven hundred fifty thousand dollars under this subsection (2) (b);~~

~~(c) (i) Up to six-tenths of one percent to the University of Washington and four-tenths of one percent to Washington State University for research on the short and long term effects of marijuana use, to include but not be limited to formal and informal methods for estimating and measuring intoxication and impairment, and for the dissemination of such research.~~

~~(ii) For each fiscal year, except for the 2019-2021 and 2021-2023 fiscal biennia, the legislature must appropriate a minimum of one million twenty one thousand dollars to the University of Washington. For each fiscal year, except for the 2019-2021 and 2021-2023 fiscal biennia, the legislature must appropriate a minimum of six hundred eighty one thousand dollars to Washington State University under this subsection (2) (c). It is the intent of the legislature that this policy will be continued in the 2023-2025 fiscal biennium;~~

~~(d) Fifty percent to the state basic health plan trust account to be administered by the Washington basic health plan administrator and used as provided under chapter 70.47 RCW;~~

~~(e) Five percent to the Washington state health care authority to be expended exclusively through contracts with community health centers to provide primary health and dental care services, migrant health services, and maternity health care services as provided under RCW 41.05.220;~~

~~(f) (i) Up to three-tenths of one percent to the office of the superintendent of public instruction to fund grants to building bridges programs under chapter 28A.175 RCW.~~

~~(ii) For each fiscal year, the legislature must appropriate a minimum of five hundred eleven thousand dollars to the office of the superintendent of public instruction under this subsection (2) (f); and~~

~~(g) At the end of each fiscal year, the treasurer must transfer any amounts in the dedicated marijuana account that~~

~~are not appropriated pursuant to subsection (1) of this section and this subsection (2) into the general fund, except as provided in (g) (i) of this subsection (2).~~

~~(i) Beginning in fiscal year 2018, if marijuana excise tax collections deposited into the general fund in the prior fiscal year exceed twenty-five million dollars, then each fiscal year the legislature must appropriate an amount equal to thirty percent of all marijuana excise taxes deposited into the general fund the prior fiscal year to the treasurer for distribution to counties, cities, and towns as follows:~~

~~(A) Thirty percent must be distributed to counties, cities, and towns where licensed marijuana retailers are physically located. Each jurisdiction must receive a share of the revenue distribution under this subsection (2) (g) (i) (A) based on the proportional share of the total revenues generated in the individual jurisdiction from the taxes collected under RCW 69.50.535, from licensed marijuana retailers physically located in each jurisdiction. For purposes of this subsection (2) (g) (i) (A), one hundred percent of the proportional amount attributed to a retailer physically located in a city or town must be distributed to the city or town.~~

~~(B) Seventy percent must be distributed to counties, cities, and towns ratably on a per capita basis. Counties must receive sixty percent of the distribution, which must be disbursed based on each county's total proportional population. Funds may only be distributed to jurisdictions that do not prohibit the siting of any state licensed marijuana producer, processor, or retailer.~~

~~(ii) Distribution amounts allocated to each county, city, and town must be distributed in four installments by the last day of each fiscal quarter.~~

~~(iii) By September 15th of each year, the board must provide the state treasurer the annual distribution amount, if any, for each county and city as determined in (g) (i) of this subsection (2).~~

~~(iv) The total share of marijuana excise tax revenues distributed to counties and cities in (g) (i) of this subsection (2) may not exceed fifteen million dollars in fiscal years 2018, 2019, 2020, and 2021, and twenty million~~

~~dollars per fiscal year thereafter))~~
\$12,500,000 annually to the board for administration of this chapter as appropriated in the omnibus appropriations act;

(b) \$11,000,000 annually to the department of health for the following:

(i) Creation, implementation, operation, and management of a marijuana, vapor product, and commercial tobacco education and public health program that contains the following:

(A) A marijuana use public health hotline that provides referrals to substance abuse treatment providers, uses evidence-based or research-based public health approaches to minimizing the harms associated with marijuana use, and does not solely advocate an abstinence-only approach;

(B) Programs that support development and implementation of coordinated intervention strategies for the prevention and reduction of commercial tobacco, vapor product, and marijuana use by youth and marijuana cessation treatment services, including grant programs to local health departments or other local community agencies;

(C) Media-based education campaigns across television, internet, radio, print, and out-of-home advertising, separately targeting youth and adults, that provide medically and scientifically accurate information about the health and safety risks posed by marijuana use; and

(D) Outreach to priority populations regarding commercial tobacco, vapor product, and marijuana use, prevention, and cessation; and

(ii) The Washington poison control center;

(c)(i) \$3,000,000 annually to the department of commerce to fund cannabis social equity grants under RCW 43.330.540; and

(ii) \$200,000 annually to the department of commerce to fund technical assistance through a roster of mentors under RCW 43.330.540;

(d) \$200,000 annually, until June 30, 2032, to the health care authority to contract with the Washington state institute for public policy to conduct the cost-benefit evaluations and produce the reports described in RCW 69.50.550;

(e) \$25,000 annually to the University of Washington alcohol and drug abuse institute for the creation, maintenance, and timely updating of web-based public education materials providing medically and scientifically accurate information about the health and safety risks posed by marijuana use;

(f) \$300,000 annually to the University of Washington and \$175,000 annually to the Washington State University for research on the short-term and long-term effects of marijuana use to include, but not be limited to, formal and informal methods for estimating and measuring intoxication and impairments, and for the dissemination of such research;

(g) \$550,000 annually to the office of the superintendent of public instruction to fund grants to building bridges programs under chapter 28A.175 RCW;

(h) \$2,423,000 for fiscal year 2022 and \$2,423,000 for fiscal year 2023 to the Washington state patrol for a drug enforcement task force;

(i) \$270,000 for fiscal year 2022 and \$290,000 for fiscal year 2023 to the department of ecology for implementation of accreditation of marijuana product testing laboratories;

(j) \$800,000 for each of fiscal years 2020 through 2023 to the department of health for the administration of the marijuana authorization database; and

(k) \$621,000 for fiscal year 2022 and \$635,000 for fiscal year 2023 to the department of agriculture for compliance-based laboratory analysis of pesticides in marijuana.

(2) Subsections (1)(a) through (g) of this section must be adjusted annually based on the United States bureau of labor statistics' consumer price index for the Seattle area.

(3) After appropriation of the amounts identified in subsection (1) of this section, the legislature must annually appropriate such remaining amounts for the purposes listed in this subsection (3) as follows:

(a) Fifty-two percent to the state basic health plan trust account to be administered by the Washington basic health plan administrator and used as provided under chapter 70.47 RCW;

(b) Eleven percent to the health care authority to:

(i) Design and administer the Washington state healthy youth survey, analyze the collected data, and produce reports, in collaboration with the office of the superintendent of public instruction, department of health, department of commerce, family policy council, and board. The survey must be conducted at least every two years and include questions regarding, but not necessarily limited to, academic achievement, age at time of substance use initiation, antisocial behavior of friends, attitudes toward antisocial behavior, attitudes toward substance use, laws and community norms regarding antisocial behavior, family conflict, family management, parental attitudes toward substance use, peer rewarding of antisocial behavior, perceived risk of substance use, and rebelliousness. Funds disbursed under this subsection may be used to expand administration of the healthy youth survey to student populations attending institutions of higher education in Washington;

(ii) Develop, implement, maintain, and evaluate programs and practices aimed at the prevention or reduction of maladaptive substance use, substance use disorder, substance abuse or substance dependence, as these terms are defined in the diagnostic and statistical manual of mental disorders, among middle school and high school-age students, whether as an explicit goal of a given program or practice or as a consistently corresponding effect of its implementation, mental health services for children and youth, and services for pregnant and parenting women. In deciding which programs and practices to fund under this subsection (3)(b)(ii), the director of the health care authority must consult, at least annually, with the University of Washington's social development research group and the University of Washington's alcohol and drug abuse institute; and

(iii) Contract with community health centers to provide primary health and dental care services, migrant health services, and maternity health care services as provided under RCW 41.05.220;

(c)(i) One and one-half percent to counties, cities, and towns where licensed marijuana retailers are physically located. Each jurisdiction must receive a share of the revenue

distribution under this subsection (3)(c)(i) based on the proportional share of the total revenues generated in the individual jurisdiction from the taxes collected under RCW 69.50.535, from licensed marijuana retailers physically located in each jurisdiction. For purposes of this subsection (3)(c), 100 percent of the proportional amount attributed to a retailer physically located in a city or town must be distributed to the city or town;

(ii) Three and one-half percent to counties, cities, and towns ratably on a per capita basis. Counties must receive 60 percent of the distribution based on each county's total proportional population. Funds may only be distributed to jurisdictions that do not prohibit the siting of any state licensed marijuana producer, processor, or retailer;

(iii) By September 15th of each year, the board must provide the state treasurer the annual distribution amount made under this subsection (3)(c), if any, for each county and city as determined in (c)(i) and (ii) of this subsection; and

(iv) Distribution amounts allocated to each county, city, and town in (c)(i) and (ii) of this subsection must be distributed in four installments by the last day of each fiscal quarter; and

(d) Thirty-two percent must be deposited in the state general fund.

NEW SECTION. Sec. 3. The joint legislative audit and review committee shall conduct a review of the appropriation and expenditure of cannabis revenues pursuant to RCW 69.50.540 and report to the appropriate legislative committees by December 1, 2023. The report shall include an examination on the appropriation and expenditure of these funds to evaluate: How these funds have been appropriated and expended; whether the appropriations and expenditures are consistent with the provisions of RCW 69.50.540; and whether information related to the appropriations and expenditures is readily available to the general public. The report shall include options for increasing the transparency and accountability related to the appropriation and expenditure of cannabis-related revenues."

Correct the title.

Representative MacEwen moved the adoption of amendment (1357) to striking amendment (1333):

On page 6, at the beginning of line 36, strike "marijuana" and insert "cannabis"

On page 6, line 38, after "A" strike "marijuana" and insert "cannabis"

On page 7, line 1, after "with" strike "marijuana" and insert "cannabis"

On page 7, line 5, after "product, and" strike "marijuana" and insert "cannabis"

On page 7, at the beginning of line 6, strike "marijuana" and insert "cannabis"

On page 7, line 11, after "by" strike "marijuana" and insert "cannabis"

On page 7, line 14, after "product, and" strike "marijuana" and insert "cannabis"

On page 7, line 30, after "by" strike "marijuana" and insert "cannabis"

On page 7, line 33, after "of" strike "marijuana" and insert "cannabis"

On page 8, line 6, after "of" strike "marijuana" and insert "cannabis"

On page 8, line 8, after "of the" strike "marijuana" and insert "cannabis"

On page 8, line 12, after "in" strike "marijuana" and insert "cannabis"

On page 9, line 16, after "licensed" strike "marijuana" and insert "cannabis"

On page 9, line 20, after "licensed" strike "marijuana" and insert "cannabis"

On page 9, line 29, after "licensed" strike "marijuana" and insert "cannabis"

Representative MacEwen spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1357) to striking amendment (1333) was adopted.

Representative Schmick moved the adoption of amendment (1345) to striking amendment (1333):

On page 9, line 15 of the striking amendment, after "(c) (i)" strike "One and one-half" and insert "Three"

On page 9, line 24 of the striking amendment, after "city or town" insert ". Half the amounts provided under this subsection (3) (c) (i) must be used to

increase local law enforcement resources"

On page 9, line 25 of the striking amendment, after "(ii)" strike "Three and one-half" and insert "Seven"

On page 9, line 30 of the striking amendment, after "or retailer" insert ". Half the amounts provided under this subsection (3) (c) (ii) must be used to increase local law enforcement resources"

On page 9, line 38 of the striking amendment, after "(d)" strike "Thirty-two" and insert "Twenty-seven"

Representatives Schmick, Chambers, Schmick (again), Walsh, Jacobsen, Eslick, Harris, Goehner, Hoff, Dye, Volz, Chambers (again), Orcutt, Dufault, Dent, Klippert and MacEwen spoke in favor of the adoption of the amendment to the striking amendment.

Representative Sullivan spoke against the adoption of the amendment to the striking amendment.

Amendment (1345) to striking amendment (1333) was not adopted.

Representative Sullivan spoke in favor of the adoption of the striking amendment, as amended.

Representative MacEwen spoke against the adoption of the striking amendment, as amended.

Striking amendment (1333), as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Sullivan and MacEwen spoke in favor of the passage of the bill.

MOTIONS

On motion of Representative Riccelli, Representative Chopp was excused.

On motion of Representative MacEwen, Representative Sutherland was excused.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5796, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5796, as

amended by the House, and the bill passed the House by the following vote: Yeas, 78; Nays, 18; Absent, 0; Excused, 2.

Voting yea: Representatives Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chambers, Chandler, Chapman, Cody, Corry, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Abbarno, Boehnke, Caldier, Chase, Dent, Dufault, Dye, Eslick, Klicker, Klippert, Kraft, Kretz, Maycumber, McCaslin, McEntire, Schmick, Walsh and Ybarra.

Excused: Representatives Chopp and Sutherland.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5796, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5745, by Senate Committee on Ways & Means (originally sponsored by Liias, Keiser, Conway, Nobles and Wilson, C.)

Increasing the personal needs allowance for persons receiving state financed care.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Gregerson, Corry and Chambers spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5745.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5745, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude,

Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Chopp and Sutherland.

SUBSTITUTE SENATE BILL NO. 5745, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5555, by Senate Committee on State Government & Elections (originally sponsored by Van De Wege, Hunt, Mullet and Randall)

Concerning public safety telecommunicators.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Community & Economic Development was adopted. (For Committee amendment, see Journal, Day 44, February 22, 2022).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Paul, Boehnke and Goodman spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5555, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5555, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Chopp and Sutherland.

SUBSTITUTE SENATE BILL NO. 5555, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5196, by Senators Billig, Braun, Fortunato, Holy, Hunt, Van De Wege, Wagoner and Wilson, C.

Describing how the legislature may convene a special session.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Valdez and Volz spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5196.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5196, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representative Young.

Excused: Representatives Chopp and Sutherland.

SENATE BILL NO. 5196, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5749, by Senate Committee on Housing & Local Government (originally sponsored by Trudeau, Salomon, Hasegawa, Nobles and Wilson, C.)

Concerning rent payments made by residential tenants. Revised for 1st Substitute: Concerning rent payments made by residential and manufactured housing community tenants.

The bill was read the second time.

With the consent of the House, amendments (1306), (1307), (1308), (1309), (1310), (1311) and (1312) were withdrawn.

Representative Gilday moved the adoption of amendment (1358):

On page 1, line 8, after "tenant" insert ", except that a landlord is not required to accept a personal check from any tenant that has had a personal check written to the landlord or the landlord's agent that has been returned for nonsufficient funds or account closure within the previous nine months"

On page 1, line 9, after "mail" strike "or at" and insert "unless the landlord provides"

On page 3, line 27, after "tenant" insert ", except that a landlord is not required to accept a personal check from any tenant that has had a personal check written to the landlord or the landlord's agent that has been returned for nonsufficient funds or account closure within the previous nine months"

On page 3, line 28, after "mail" strike "or at" and insert "unless the landlord provides"

Representatives Gilday and Peterson spoke in favor of the adoption of the amendment.

Amendment (1358) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Peterson and Gilday spoke in favor of the passage of the bill.

Representative Dufault spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5749, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5749, as amended by the House, and the bill passed the House by the following vote: Yeas, 91; Nays, 5; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham,

Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Dufault, Kraft, McCaslin, Walsh and Young.

Excused: Representatives Chopp and Sutherland.

SUBSTITUTE SENATE BILL NO. 5749, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5505, by Senators Rolfes, Warnick, Hasegawa, Lovelett, Lovick, Mullet, Pedersen, Van De Wege, Wagoner and Wilson, C.

Reinstating a property tax exemption for property owned by certain nonprofit organizations where a portion of the property is used for the purpose of a farmers market.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Berg and Steele spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5505.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5505, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Chopp and Sutherland.

SENATE BILL NO. 5505, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5728, by Senate Committee on Ways & Means (originally sponsored by Holy, Dhingra and Nobles)

Concerning the state's portion of civil asset forfeiture collections.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, Day 50, February 28, 2022).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Bergquist and Graham spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5728, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5728, as amended by the House, and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Kraft and Young.

Excused: Representatives Chopp and Sutherland.

SUBSTITUTE SENATE BILL NO. 5728, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5644, by Senate Committee on Behavioral Health Subcommittee on Health & Long Term Care (originally sponsored by Wagoner and Frockt)

Concerning providing quality behavioral health co-response services

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on College & Workforce Development was adopted. (For Committee amendment, see Journal, Day 46, February 24, 2022).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Chambers, Orwall, Eslick, Rule and Kraft spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5644, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5644, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Chopp and Sutherland.

SUBSTITUTE SENATE BILL NO. 5644, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5268, by Senate Committee on Health & Long Term Care (originally sponsored by Keiser, Braun and Nguyen)

Transforming services for individuals with intellectual and developmental disabilities by increasing the capabilities of community residential settings and redesigning the long-term nature of intermediate care facilities.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Housing, Human Services & Veterans was not adopted. (For Committee amendment, see Journal, Day 46, February 24, 2022).

There being no objection, the committee striking amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, Day 50, February 28, 2022).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Peterson, Gilday and Orwall spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5268, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5268, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Chopp and Sutherland.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5268, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5756, by Senate Committee on State Government & Elections (originally sponsored by Hunt, Muzzall and Conway)

Establishing the semiquincentennial committee.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lekanoff and Volz spoke in favor of the passage of the bill.

Representative Dufault spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5756.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5756, and the bill passed the House by the following vote: Yeas, 70; Nays, 26; Absent, 0; Excused, 2.

Voting yea: Representatives Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chandler, Chapman, Cody, Corry, Davis, Dolan, Donaghy, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jacobsen, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Macri, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Abbarno, Boehnke, Caldier, Chambers, Chase, Dent, Dufault, Dye, Goehner, Graham, Griffey, Harris, Hoff, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Orcutt, Schmick, Vick, Walsh and Young.

Excused: Representatives Chopp and Sutherland.

SUBSTITUTE SENATE BILL NO. 5756, having received the necessary constitutional majority, was declared passed.

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

MESSAGES FROM THE SENATE

March 4, 2022

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO.
1753,
SECOND SUBSTITUTE HOUSE BILL NO. 1905,

and the same are herewith transmitted.

Sarah Bannister, Secretary

March 4, 2022

Mme. SPEAKER:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1717,
SUBSTITUTE HOUSE BILL NO. 1747,
ENGROSSED HOUSE BILL NO. 1752,
ENGROSSED HOUSE BILL NO. 1784,
HOUSE BILL NO. 1888,
SUBSTITUTE HOUSE BILL NO. 1980,
SUBSTITUTE HOUSE BILL NO. 1984,
HOUSE BILL NO. 2074,

and the same are herewith transmitted.

Sarah Bannister, Secretary

The Speaker (Representative Bronoske presiding) called upon Representative Leavitt to preside.

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

MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

ENGROSSED SENATE BILL NO. 5017
ENGROSSED SENATE BILL NO. 5919
SENATE BILL NO. 5519

The Speaker (Representative Leavitt presiding) called upon Representative Bronoske to preside.

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

SECOND READING

SUBSTITUTE SENATE BILL NO. 5818, by Senate Committee on Housing & Local Government (originally sponsored by Salomon, Liias, Kuderer, Saldaña and Short)

Promoting housing construction in cities through amendments to and limiting appeals under the state environmental policy act and growth management act.

The bill was read the second time.

Representative Fitzgibbon moved the adoption of striking amendment (1284):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.70A.600 and 2020 c 173 s 1 are each amended to read as follows:

(1) A city planning pursuant to RCW 36.70A.040 is encouraged to take the

following actions in order to increase its residential building capacity:

- (a) Authorize development in one or more areas of not fewer than five hundred acres that include at least one train station served by commuter rail or light rail with an average of at least fifty residential units per acre that require no more than an average of one on-site parking space per two bedrooms in the portions of multifamily zones that are located within the areas;
- (b) Authorize development in one or more areas of not fewer than two hundred acres in cities with a population greater than forty thousand or not fewer than one hundred acres in cities with a population less than forty thousand that include at least one bus stop served by scheduled bus service of at least four times per hour for twelve or more hours per day with an average of at least twenty-five residential units per acre that require no more than an average of one on-site parking space per two bedrooms in portions of the multifamily zones that are located within the areas;
- (c) Authorize at least one duplex, triplex, quadplex, sixplex, stacked flat, townhouse, or courtyard apartment on each parcel in one or more zoning districts that permit single-family residences unless a city documents a specific infrastructure of physical constraint that would make this requirement unfeasible for a particular parcel;
- (d) Authorize a duplex, triplex, quadplex, sixplex, stacked flat, townhouse, or courtyard apartment on one or more parcels for which they are not currently authorized;
- (e) Authorize cluster zoning or lot size averaging in all zoning districts that permit single-family residences;
- (f) Adopt a subarea plan pursuant to RCW 43.21C.420;
- (g) Adopt a planned action pursuant to RCW 43.21C.440(1)(b)(ii), except that an environmental impact statement pursuant to RCW 43.21C.030 is not required for such an action;
- (h) Adopt increases in categorical exemptions pursuant to RCW 43.21C.229 for residential or mixed-use development;
- (i) Adopt a form-based code in one or more zoning districts that permit residential uses. "Form-based code" means a land development regulation that uses physical form, rather than separation of use, as the organizing principle for the code;
- (j) Authorize a duplex on each corner lot within all zoning districts that permit single-family residences;
- (k) Allow for the division or redivision of land into the maximum number of lots through the short subdivision process provided in chapter 58.17 RCW;
- (l) Authorize a minimum net density of six dwelling units per acre in all residential zones, where the residential development capacity will increase within the city. For purposes of this subsection, the calculation of net density does not include the square footage of areas that are otherwise prohibited from development, such as critical areas, the area of buffers around critical areas, and the area of roads and similar features;
- (m) Create one or more zoning districts of medium density in which individual lots may be no larger than three thousand five hundred square feet and single-family residences may be no larger than one thousand two hundred square feet;
- (n) Authorize accessory dwelling units in one or more zoning districts in which they are currently prohibited;
- (o) Remove minimum residential parking requirements related to accessory dwelling units;
- (p) Remove owner occupancy requirements related to accessory dwelling units;
- (q) Adopt new square footage requirements related to accessory dwelling units that are less restrictive than existing square footage requirements related to accessory dwelling units;
- (r) Adopt maximum allowable exemption levels in WAC 197-11-800(1) as it existed on June 11, 2020, or such subsequent date as may be provided by the department of ecology by rule, consistent with the purposes of this section;
- (s) Adopt standards for administrative approval of final plats pursuant to RCW 58.17.100;

(t) Adopt ordinances authorizing administrative review of preliminary plats pursuant to RCW 58.17.095;

(u) Adopt other permit process improvements where it is demonstrated that the code, development regulation, or ordinance changes will result in a more efficient permit process for customers;

(v) Update use matrices and allowable use tables that eliminate conditional use permits and administrative conditional use permits for all housing types, including single-family homes, townhomes, multifamily housing, low-income housing, and senior housing, but excluding essential public facilities;

(w) Allow off-street parking to compensate for lack of on-street parking when private roads are utilized or a parking demand study shows that less parking is required for the project;

(x) Develop a local program that offers homeowners a combination of financing, design, permitting, or construction support to build accessory dwelling units. A city may condition this program on a requirement to provide the unit for affordable home ownership or rent the accessory dwelling unit for a defined period of time to either tenants in a housing subsidy program as defined in RCW 43.31.605(14) or to tenants whose income is less than eighty percent of the city or county median family income. If the city includes an affordability requirement under the program, it must provide additional incentives, such as:

- (i) Density bonuses;
- (ii) Height and bulk bonuses;
- (iii) Fee waivers or exemptions;
- (iv) Parking reductions; or
- (v) Expedited permitting; and

(y) Develop a local program that offers homeowners a combination of financing, design, permitting, or construction support to convert a single-family home into a duplex, triplex, or quadplex where those housing types are authorized. A local government may condition this program on a requirement to provide a certain number of units for affordable home ownership or to rent a certain number of the newly created units for a defined period of time to either tenants in a housing subsidy program as defined in RCW 43.31.605(14) or to tenants whose income is less than eighty

percent of the city or county median family income. If the city includes an affordability requirement, it must provide additional incentives, such as:

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

(2) A city planning pursuant to RCW 36.70A.040 may adopt a housing action plan as described in this subsection. The goal of any such housing plan must be to encourage construction of additional affordable and market rate housing in a greater variety of housing types and at prices that are accessible to a greater variety of incomes, including strategies aimed at the for-profit single-family home market. A housing action plan may utilize data compiled pursuant to RCW 36.70A.610. The housing action plan should:

(a) Quantify existing and projected housing needs for all income levels, including extremely low-income households, with documentation of housing and household characteristics, and cost-burdened households;

(b) Develop strategies to increase the supply of housing, and variety of housing types, needed to serve the housing needs identified in (a) of this subsection;

(c) Analyze population and employment trends, with documentation of projections;

(d) Consider strategies to minimize displacement of low-income residents resulting from redevelopment;

(e) Review and evaluate the current housing element adopted pursuant to RCW 36.70A.070, including an evaluation of success in attaining planned housing types and units, achievement of goals and policies, and implementation of the schedule of programs and actions;

(f) Provide for participation and input from community members, community groups, local builders, local realtors, nonprofit housing advocates, and local religious groups; and

(g) Include a schedule of programs and actions to implement the recommendations of the housing action plan.

(3) ~~((If adopted by April 1, 2023,))~~
The adoption of ordinances, development regulations and amendments to ((development)) such regulations, and other nonproject actions taken by a city to implement the actions specified in subsection (1) of this section, with the exception of the action specified in subsection (1)(f) of this section, are not subject to administrative or judicial appeal under chapter 43.21C RCW.

(4) Any action taken by a city prior to April 1, 2023, to amend ~~((their))~~ its comprehensive plan~~((r))~~ or adopt or amend ordinances or development regulations, solely to enact provisions under subsection (1) of this section is not subject to legal challenge under this chapter.

(5) In taking action under subsection (1) of this section, cities are encouraged to utilize strategies that increase residential building capacity in areas with frequent transit service and with the transportation and utility infrastructure that supports the additional residential building capacity.

(6) A city that is planning to take at least two actions under subsection (1) of this section, and that action will occur between July 28, 2019, and April 1, 2021, is eligible to apply to the department for planning grant assistance of up to one hundred thousand dollars, subject to the availability of funds appropriated for that purpose. The department shall develop grant criteria to ensure that grant funds awarded are proportionate to the level of effort proposed by a city, and the potential increase in housing supply or regulatory streamlining that could be achieved. Funding may be provided in advance of, and to support, adoption of policies or ordinances consistent with this section. A city can request, and the department may award, more than one hundred thousand dollars for applications that demonstrate extraordinary potential to increase housing supply or regulatory streamlining.

(7) A city seeking to develop a housing action plan under subsection (2) of this section is eligible to apply to the department for up to one hundred thousand dollars.

(8) The department shall establish grant award amounts under subsections (6) and (7) of this section based on the

expected number of cities that will seek grant assistance, to ensure that all cities can receive some level of grant support. If funding capacity allows, the department may consider accepting and funding applications from cities with a population of less than twenty thousand if the actions proposed in the application will create a significant amount of housing capacity or regulatory streamlining and are consistent with the actions in this section.

(9) In implementing chapter 348, Laws of 2019, cities are encouraged to prioritize the creation of affordable, inclusive neighborhoods and to consider the risk of residential displacement, particularly in neighborhoods with communities at high risk of displacement.

Sec. 2. RCW 36.70A.070 and 2021 c 254 s 2 are each amended to read as follows:

The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in RCW 36.70A.140. Each comprehensive plan shall include a plan, scheme, or design for each of the following:

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, general aviation airports, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of groundwater used for public water supplies. Wherever possible, the land use element should consider utilizing urban planning approaches that promote physical activity. Where applicable, the land use element shall review drainage, flooding, and stormwater runoff in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including

Puget Sound or waters entering Puget Sound.

(2) A housing element ensuring the vitality and character of established residential neighborhoods that:

(a) Includes an inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth, as provided by the department of commerce, including:

(i) Units for moderate, low, very low, and extremely low-income households; and

(ii) Emergency housing, emergency shelters, and permanent supportive housing;

(b) Includes a statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing, including single-family residences, and within an urban growth area boundary, moderate density housing options including, but not limited to, duplexes, triplexes, and townhomes;

(c) Identifies sufficient capacity of land for housing including, but not limited to, government-assisted housing, housing for moderate, low, very low, and extremely low-income households, manufactured housing, multifamily housing, group homes, foster care facilities, emergency housing, emergency shelters, permanent supportive housing, and within an urban growth area boundary, consideration of duplexes, triplexes, and townhomes;

(d) Makes adequate provisions for existing and projected needs of all economic segments of the community, including:

(i) Incorporating consideration for low, very low, extremely low, and moderate-income households;

(ii) Documenting programs and actions needed to achieve housing availability including gaps in local funding, barriers such as development regulations, and other limitations;

(iii) Consideration of housing locations in relation to employment location; and

(iv) Consideration of the role of accessory dwelling units in meeting housing needs;

(e) Identifies local policies and regulations that result in racially disparate impacts, displacement, and exclusion in housing, including:

(i) Zoning that may have a discriminatory effect;

(ii) Disinvestment; and

(iii) Infrastructure availability;

(f) Identifies and implements policies and regulations to address and begin to undo racially disparate impacts, displacement, and exclusion in housing caused by local policies, plans, and actions;

(g) Identifies areas that may be at higher risk of displacement from market forces that occur with changes to zoning development regulations and capital investments; and

(h) Establishes antidisplacement policies, with consideration given to the preservation of historical and cultural communities as well as investments in low, very low, extremely low, and moderate-income housing; equitable development initiatives; inclusionary zoning; community planning requirements; tenant protections; land disposition policies; and consideration of land that may be used for affordable housing.

In counties and cities subject to the review and evaluation requirements of RCW 36.70A.215, any revision to the housing element shall include consideration of prior review and evaluation reports and any reasonable measures identified. The housing element should link jurisdictional goals with overall county goals to ensure that the housing element goals are met.

The adoption of ordinances, development regulations and amendments to such regulations, and other nonproject actions taken by a city that is required or chooses to plan under RCW 36.70A.040 that increase housing capacity, increase housing affordability, and mitigate displacement as required under this subsection (2) and that apply outside of critical areas are not subject to administrative or judicial appeal under chapter 43.21C RCW unless the adoption of such ordinances, development regulations and amendments to such regulations, or other nonproject actions has a probable significant adverse impact on fish habitat.

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent. Park and recreation facilities shall be included in the capital facilities plan element.

(4) A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines.

(5) Rural element. Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The following provisions shall apply to the rural element:

(a) Growth management act goals and local circumstances. Because circumstances vary from county to county, in establishing patterns of rural densities and uses, a county may consider local circumstances, but shall develop a written record explaining how the rural element harmonizes the planning goals in RCW 36.70A.020 and meets the requirements of this chapter.

(b) Rural development. The rural element shall permit rural development, forestry, and agriculture in rural areas. The rural element shall provide for a variety of rural densities, uses, essential public facilities, and rural governmental services needed to serve the permitted densities and uses. To achieve a variety of rural densities and uses, counties may provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural economic advancement, densities, and uses that are

not characterized by urban growth and that are consistent with rural character.

(c) Measures governing rural development. The rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by:

(i) Containing or otherwise controlling rural development;

(ii) Assuring visual compatibility of rural development with the surrounding rural area;

(iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;

(iv) Protecting critical areas, as provided in RCW 36.70A.060, and surface water and groundwater resources; and

(v) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.

(d) Limited areas of more intensive rural development. Subject to the requirements of this subsection and except as otherwise specifically provided in this subsection (5)(d), the rural element may allow for limited areas of more intensive rural development, including necessary public facilities and public services to serve the limited area as follows:

(i) Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments.

(A) A commercial, industrial, residential, shoreline, or mixed-use area are subject to the requirements of (d)(iv) of this subsection, but are not subject to the requirements of (c)(ii) and (iii) of this subsection.

(B) Any development or redevelopment other than an industrial area or an industrial use within a mixed-use area or an industrial area under this subsection (5)(d)(i) must be principally designed to serve the existing and projected rural population.

(C) Any development or redevelopment in terms of building size, scale, use, or

intensity shall be consistent with the character of the existing areas. Development and redevelopment may include changes in use from vacant land or a previously existing use so long as the new use conforms to the requirements of this subsection (5);

(ii) The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting, but that do not include new residential development. A small-scale recreation or tourist use is not required to be principally designed to serve the existing and projected rural population. Public services and public facilities shall be limited to those necessary to serve the recreation or tourist use and shall be provided in a manner that does not permit low-density sprawl;

(iii) The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents. Rural counties may allow the expansion of small-scale businesses as long as those small-scale businesses conform with the rural character of the area as defined by the local government according to RCW 36.70A.030(23). Rural counties may also allow new small-scale businesses to utilize a site previously occupied by an existing business as long as the new small-scale business conforms to the rural character of the area as defined by the local government according to RCW 36.70A.030(23). Public services and public facilities shall be limited to those necessary to serve the isolated nonresidential use and shall be provided in a manner that does not permit low-density sprawl;

(iv) A county shall adopt measures to minimize and contain the existing areas or uses of more intensive rural development, as appropriate, authorized under this subsection. Lands included in such existing areas or uses shall not extend beyond the logical outer boundary of the existing area or use, thereby allowing a new pattern of low-density sprawl. Existing areas are those that are

clearly identifiable and contained and where there is a logical boundary delineated predominately by the built environment, but that may also include undeveloped lands if limited as provided in this subsection. The county shall establish the logical outer boundary of an area of more intensive rural development. In establishing the logical outer boundary, the county shall address (A) the need to preserve the character of existing natural neighborhoods and communities, (B) physical boundaries, such as bodies of water, streets and highways, and land forms and contours, (C) the prevention of abnormally irregular boundaries, and (D) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl;

(v) For purposes of (d) of this subsection, an existing area or existing use is one that was in existence:

(A) On July 1, 1990, in a county that was initially required to plan under all of the provisions of this chapter;

(B) On the date the county adopted a resolution under RCW 36.70A.040(2), in a county that is planning under all of the provisions of this chapter under RCW 36.70A.040(2); or

(C) On the date the office of financial management certifies the county's population as provided in RCW 36.70A.040(5), in a county that is planning under all of the provisions of this chapter pursuant to RCW 36.70A.040(5).

(e) Exception. This subsection shall not be interpreted to permit in the rural area a major industrial development or a master planned resort unless otherwise specifically permitted under RCW 36.70A.360 and 36.70A.365.

(6) A transportation element that implements, and is consistent with, the land use element.

(a) The transportation element shall include the following subelements:

(i) Land use assumptions used in estimating travel;

(ii) Estimated traffic impacts to state-owned transportation facilities resulting from land use assumptions to assist the department of transportation in monitoring the performance of state facilities, to plan improvements for the facilities, and to assess the impact of

land-use decisions on state-owned transportation facilities;

(iii) Facilities and services needs, including:

(A) An inventory of air, water, and ground transportation facilities and services, including transit alignments and general aviation airport facilities, to define existing capital facilities and travel levels as a basis for future planning. This inventory must include state-owned transportation facilities within the city or county's jurisdictional boundaries;

(B) Level of service standards for all locally owned arterials and transit routes to serve as a gauge to judge performance of the system. These standards should be regionally coordinated;

(C) For state-owned transportation facilities, level of service standards for highways, as prescribed in chapters 47.06 and 47.80 RCW, to gauge the performance of the system. The purposes of reflecting level of service standards for state highways in the local comprehensive plan are to monitor the performance of the system, to evaluate improvement strategies, and to facilitate coordination between the county's or city's six-year street, road, or transit program and the office of financial management's ten-year investment program. The concurrency requirements of (b) of this subsection do not apply to transportation facilities and services of statewide significance except for counties consisting of islands whose only connection to the mainland are state highways or ferry routes. In these island counties, state highways and ferry route capacity must be a factor in meeting the concurrency requirements in (b) of this subsection;

(D) Specific actions and requirements for bringing into compliance locally owned transportation facilities or services that are below an established level of service standard;

(E) Forecasts of traffic for at least ten years based on the adopted land use plan to provide information on the location, timing, and capacity needs of future growth;

(F) Identification of state and local system needs to meet current and future demands. Identified needs on state-owned transportation facilities must be

consistent with the statewide multimodal transportation plan required under chapter 47.06 RCW;

(iv) Finance, including:

(A) An analysis of funding capability to judge needs against probable funding resources;

(B) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve as the basis for the six-year street, road, or transit program required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems. The multiyear financing plan should be coordinated with the ten-year investment program developed by the office of financial management as required by RCW 47.05.030;

(C) If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;

(v) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;

(vi) Demand-management strategies;

(vii) Pedestrian and bicycle component to include collaborative efforts to identify and designate planned improvements for pedestrian and bicycle facilities and corridors that address and encourage enhanced community access and promote healthy lifestyles.

(b) After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a locally owned transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include increased public transportation service, ride-sharing programs, demand

management, and other transportation systems management strategies. For the purposes of this subsection (6), "concurrent with the development" means that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years. If the collection of impact fees is delayed under RCW 82.02.050(3), the six-year period required by this subsection (6)(b) must begin after full payment of all impact fees is due to the county or city.

(c) The transportation element described in this subsection (6), the six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems, and the ten-year investment program required by RCW 47.05.030 for the state, must be consistent.

(7) An economic development element establishing local goals, policies, objectives, and provisions for economic growth and vitality and a high quality of life. A city that has chosen to be a residential community is exempt from the economic development element requirement of this subsection.

(8) A park and recreation element that implements, and is consistent with, the capital facilities plan element as it relates to park and recreation facilities. The element shall include: (a) Estimates of park and recreation demand for at least a ten-year period; (b) an evaluation of facilities and service needs; and (c) an evaluation of intergovernmental coordination opportunities to provide regional approaches for meeting park and recreational demand.

(9) It is the intent that new or amended elements required after January 1, 2002, be adopted concurrent with the scheduled update provided in RCW 36.70A.130. Requirements to incorporate any such new or amended elements shall be null and void until funds sufficient to cover applicable local government costs are appropriated and distributed by the state at least two years before local government must update comprehensive plans as required in RCW 36.70A.130.

Sec. 3. RCW 43.21C.495 and 2020 c 173 s 2 are each amended to read as follows:

~~((If adopted by April 1, 2023, amendments to development regulations))~~

Adoption of ordinances, development regulations and amendments to such regulations, and other nonproject actions taken by a city to implement: The actions specified in section 2, chapter . . . , Laws of 2022 (this act) unless the adoption of such ordinances, development regulations and amendments to such regulations, or other nonproject actions has a probable significant adverse impact on fish habitat; and the increased residential building capacity actions identified in RCW 36.70A.600(1) (~~(4)~~), with the exception of the action specified in RCW 36.70A.600(1)(f), are not subject to administrative or judicial appeals under this chapter.

Sec. 4. RCW 43.21C.501 and 2019 c 348 s 6 are each amended to read as follows:

(1) Project actions described in this section that pertain to residential, multifamily, or mixed-use development evaluated under this chapter by a city or town planning under RCW 36.70A.040 are exempt from appeals under this chapter on the basis of the evaluation of or impacts to the following elements of the environment, provided that the appropriate requirements for a particular element of the environment, as set forth in subsections (2) and (3) of this section, are met.

(2)(a) Transportation. A project action pertaining to residential, multifamily, or mixed-use development evaluated under this chapter by a city or town planning under RCW 36.70A.040 is exempt from appeals under this chapter on the basis of the evaluation of or impacts to transportation elements of the environment, so long as ((the project does not present significant adverse impacts to the state-owned transportation system as determined by the department of transportation and)) the project is:

((~~(a)(i)~~)) (i) (A) Consistent with a locally adopted transportation plan; or

((~~(i)~~)) (B) Consistent with the transportation element of a comprehensive plan; and

((~~(b)(i)~~)) (ii) (A) A project for which traffic or parking impact fees are imposed pursuant to RCW 82.02.050 through 82.02.090; or

((~~(i)~~)) (B) A project for which traffic or parking impacts are (~~expressly~~) mitigated by an ordinance,

or ordinances, of general application adopted by the city or town.

~~((2))~~ (b) The exemption under this subsection (2) does not apply if the department of transportation has found that the project will present significant adverse impacts to the state-owned transportation system.

(3)(a) Aesthetics. A project action pertaining to residential, multifamily, or mixed-use development evaluated under this chapter by a city or town planning under RCW 36.70A.040 is exempt from appeals under this chapter on the basis of the evaluation of or impacts to the aesthetics element of the environment, so long as the project is subject to design review pursuant to adopted design review requirements at the local government level.

(b) Light and glare. A project action pertaining to residential, multifamily, or mixed-use development evaluated under this chapter by a city or town planning under RCW 36.70A.040 is exempt from appeals under this chapter on the basis of the evaluation of or impacts to the light and glare element of the environment, so long as the project is subject to design review pursuant to adopted design review requirements at the local government level.

(4) For purposes of this section(~~7~~ "impacts")):

(a) "Design review" means a formally adopted local government process by which projects are reviewed for compliance with design standards for the type of use adopted through local ordinance.

(b) "Impacts to transportation elements of the environment" include impacts to transportation systems; vehicular traffic; waterborne, rail, and air traffic; parking; movement or circulation of people or goods; and traffic hazards.

NEW SECTION. Sec. 5. (1) The legislature recognizes that certain rule-based categorical exemption thresholds to chapter 43.21C RCW, found in WAC 197-11-800, have not been updated in recent years, and should be modified in light of the increased environmental protections in place under chapters 36.70A and 90.58 RCW, the current affordable housing crisis, and other laws. It is the intent of the legislature to direct the department of ecology to conduct expedited rule making to modify

the thresholds for the categorical exemptions described under subsection (2) of this section.

(2) By December 31, 2022, the department of ecology shall modify the rule-based categorical exemptions to chapter 43.21C RCW found in WAC 197-11-800 as follows:

(a) Include four attached single-family residential units to the current exemption under WAC 197-11-800(1)(b)(i);

(b) Create a new exemption level under WAC 197-11-800(1)(d) for single-family residential project types with a total square footage of fewer than 1,500 square feet in incorporated urban growth areas of at least 100 units;

(c) Increase the exemption level under WAC 197-11-800(1)(d) for multifamily residential project types in incorporated urban growth areas from 60 units to 200 units; and

(d) Add the following sentence to WAC 197-11-800(1)(c)(i): "The city, town, or county must document the result of its outreach with the department of transportation on impacts to state-owned transportation facilities, including consideration of whether mitigation is necessary for impacts to state-owned transportation facilities."

(3) This section expires January 1, 2024.

NEW SECTION. Sec. 6. A new section is added to chapter 43.21C RCW to read as follows:

Any applicant whose project qualifies as exempt or categorically exempt under either this chapter or under rules adopted pursuant to this chapter is not required to file an environmental checklist if other information is available to establish that a project qualifies for an exemption."

Correct the title.

Representatives Fitzgibbon and Dye spoke in favor of the adoption of the striking amendment.

Striking amendment (1284) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Fitzgibbon and Dye spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5818, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5818, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

SUBSTITUTE SENATE BILL NO. 5818, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5498, by Senators Wilson, C., Billig, Das, Lovelett, Lovick, Nobles, Wagoner and Wellman

Awarding diplomas posthumously.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Education was adopted. (For Committee amendment, see Journal, Day 46, February 24, 2022).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Santos and Ybarra spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5498, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5498, as amended by the House, and the bill passed

the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

SENATE BILL NO. 5498, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5678, by Senate Committee on Environment, Energy & Technology (originally sponsored by Short, Carlyle, Frockt and Mullet)

Concerning energy transformation, nonemitting electric generation, and renewable resource project analysis and declaratory orders.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fitzgibbon and Dye spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5678.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5678, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall,

Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

SUBSTITUTE SENATE BILL NO. 5678, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5758, by Senate Committee on Housing & Local Government (originally sponsored by Gildon and Rivers)

Concerning condominium conversions.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Gilday and Peterson spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5758.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5758, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5758, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5017, by Senators Wellman, Honeyford, Mullet and Wilson, C.

Clarifying school district procurement requirements for personal service contracts for construction management, value engineering, constructibility review, and building commissioning. (REVISED FOR ENGROSSED: Clarifying school district procurement requirements for service contracts for construction management, value engineering, constructibility review, and building commissioning.)

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Tharinger and Steele spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5017.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5017, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives McCaslin and Young.

ENGROSSED SENATE BILL NO. 5017, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1990, by Representatives Duerr, Slatter, Kloba, Walen and Fey

Concerning a sales and use tax deferral for projects to improve the state route number 167 and Interstate 405 corridor.

The bill was read the second time.

Representative Duerr moved the adoption of amendment (1206):

On page 2, line 8, after "in the" strike "fifth" and insert "tenth"

On page 2, line 12, after "the" strike "fifth" and insert "tenth"

Representatives Duerr and Barkis spoke in favor of the adoption of the amendment.

Amendment (1206) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Duerr and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1990.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1990, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault and Kraft.

ENGROSSED HOUSE BILL NO. 1990, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5919, by Senators Van De Wege, Mullet, Conway, Gildon, Honeyford, Lovick, Randall, Salomon and Wagoner

Concerning the standard for law enforcement authority to detain or pursue persons. (REVISED FOR ENGROSSED: Concerning the definition of "physical force," "necessary," and "totality of the circumstances," and the standard for law enforcement authority to use physical force and providing the authority for a peace

officer to engage in a vehicular pursuit when there is reasonable suspicion a person has violated the law and the officer follows appropriate safety standards.)

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Public Safety was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 46, February 24, 2022).

Representative Graham moved the adoption of amendment (1368) to the committee striking amendment:

On page 1, line 9 of the striking amendment, after "violent offense" strike "~~((or sex offense))~~" and insert "or sex offense"

Representatives Graham and Goodman spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (1368) to the committee striking amendment was adopted.

Representative Goodman moved the adoption of amendment (1366) to the committee striking amendment:

On page 1, beginning on line 14 of the striking amendment, after "(b)" strike all material through "person" on line 17 and insert "The pursuit is necessary for the purpose of identifying or apprehending the person;

(c) The person poses ~~((an imminent threat to the safety of))~~ a serious risk of harm to others"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Goodman and Mosbrucker spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (1366) to the committee striking amendment was adopted.

Representative Rule moved the adoption of amendment (1369) to the committee striking amendment:

On page 1, beginning on line 20, after "circumstances;" strike all material through "pursuit" on line 29 and insert "and

~~((d))~~ (c)(i) Except as provided in ~~((d))~~(c)(ii) of this subsection, the ~~((officer has received authorization to~~

~~engage in the pursuit from~~) pursuing officer notifies a supervising officer ~~((and))~~ immediately upon initiating the vehicular pursuit; there is supervisory ~~((control))~~ oversight of the pursuit ~~((The))~~; and the pursuing officer, in consultation with the supervising officer ~~((must consider))~~, considers alternatives to the vehicular pursuit ~~((The supervisor must consider))~~, the justification for the vehicular pursuit."

On page 2, beginning on line 2, after "~~not~~" strike all material through "~~The~~" on line 10 and insert "~~met~~";

(ii) For those jurisdictions with fewer than 10 commissioned officers, if a supervisor is not on duty at the time, the pursuing officer ~~((will request))~~ requests the on-call supervisor be notified of the pursuit according to the agency's procedures ~~((The))~~, and the pursuing officer ~~((must consider))~~ considers alternatives to the vehicular pursuit, the justification for the vehicular pursuit, and other safety considerations, including but not limited to speed, weather, traffic, road conditions, and the known presence of minors in the vehicle. ~~((The~~

On page 2, beginning on line 12, after "~~not~~" strike all material through "~~comply~~" on line 14 and insert "~~met~~."

(2) ~~((A))~~ In any vehicular pursuit under this section:

(a) The pursuing officer and supervising officer, if applicable, shall comply"

On page 2, at the beginning of line 18, strike "~~(f)~~" insert "~~(b)~~"

On page 2, at the beginning of line 19, strike "~~notifies~~" and insert "~~shall notify~~"

On page 2, line 22, after "~~officer~~" insert ", if applicable, shall"

On page 2, at the beginning of line 25, strike "~~(g) The pursuing officer is~~" and insert "~~(c) The pursuing officer must be~~"

On page 2, line 26, after "~~officer,~~" insert "if applicable,"

On page 2, at the beginning of line 29, strike "~~(h)~~" and insert "~~(d)~~"

On page 2, line 30, after "~~supervising officer,~~" insert "if applicable,"

On page 2, at the beginning of line 31, strike "~~develops~~" and insert "~~shall develop~~"

On page 2, at the beginning of line 36, strike all of subsection (1)(i) and insert the following:

"(e) The pursuing officer must have completed an emergency vehicle operator's course, must have completed updated emergency vehicle operator training in the previous two years, where applicable, and must be certified in at least one pursuit intervention option."

On page 3, at the beginning of line 1, strike "~~(2)~~" and insert "~~(3)~~"

Re-number the remaining subsections consecutively and correct any internal references accordingly.

On page 3, at the beginning of line 2, strike "~~subsection (1) of~~"

Representatives Rule and Mosbrucker spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (1369) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Goodman and Mosbrucker spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5919, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5919, as amended by the House, and the bill passed the House by the following vote: Yeas, 86; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Eslick, Fey, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hoff, Jacobsen, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele,

Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Tharinger, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Berry, Chopp, Entenman, Fitzgibbon, Frame, Harris-Talley, J. Johnson, Macri, Pollet, Santos, Thai and Valdez.

ENGROSSED SENATE BILL NO. 5919, as amended by the House, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1846, by Representatives Berg and Ramel

Providing a tax preference for rural and nonrural data centers.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1846 was substituted for House Bill No. 1846 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1846 was read the second time.

Representative Berg moved the adoption of striking amendment (1340):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that data centers are a cornerstone for strong internet infrastructure that is critical to the continuing prosperity of Washington's vibrant digital economy.

(2) The legislature further finds that the data center industry is experiencing explosive growth across the nation and the competition among states for data center investments has increased dramatically. A department of commerce study, *2018 State of the Data Center Industry, An Analysis of Washington's Competitiveness*, found that data center growth in rural Washington is at the lower end of the growth rate experienced by other major competitive markets.

(3) The legislature recognizes that rural county data center investments are necessary but insufficient for the state's total economy and competitiveness. Washington is the only state that restricts incentives geographically. As a result, data centers serving urban counties requiring higher performance and that offer colocation services for multiple tenants that foster technology ecosystems are lost to other states, particularly neighboring Oregon.

(4) The legislature further finds that data centers are one of the most energy-intensive building types, consuming 10 to 50 times the energy per floor space of a typical commercial office building. In addition, the legislature finds that it is imperative that the economic expansion of data centers not result in negative environmental impacts to the communities in which the data centers are located. To this end, the legislature encourages data centers to be good environmental stewards for their community through adopting practices to mitigate negative environmental impacts of data centers, such as the use of energy derived from renewable resources, redirecting waste heat for alternative uses, or other industrial symbiosis practices.

(5) The legislature therefore intends to encourage additional investments in data technology facilities through expanding and extending the current sales and use tax exemption for rural county data centers and establishing a sales and use tax exemption pilot program for data centers in counties with populations over 800,000, which will in turn incentivize local economic development, increased local tax revenues, and construction and trade jobs across Washington through the development of additional data center facilities.

NEW SECTION. **Sec. 2.** (1) This section is the tax preference performance statement for the tax preferences contained in sections 3, 4, 5, and 6, chapter . . . , Laws of 2022 (sections 3, 4, 5, and 6 of this act). This performance statement is only intended to be used for subsequent evaluation of the tax preferences. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes these sales and use tax exemptions on eligible server equipment and eligible power infrastructure equipment at eligible computer data centers as ones intended to: Induce certain designated behavior by taxpayers as indicated in RCW 82.32.808(2)(a); improve industry competitiveness as indicated in RCW 82.32.808(2)(b); create or retain jobs as indicated in RCW 82.32.808(2)(c); and reduce structural inefficiencies in the tax structure as indicated in RCW 82.32.808(2)(d).

(3) It is the legislature's specific public policy objective to:

(a) Maintain and grow the existing data center sector in Washington state, and encourage development of new data center facilities and refurbishment of existing data centers, thereby increasing the competitiveness of Washington's tax structure, which will increase or maintain construction and trade job growth in rural areas, and increase local tax revenue streams.

(b) Improve industry competitiveness and to increase, create, or retain jobs in computer data centers in counties with a population over 800,000, as determined by the April 1, 2021, office of financial management population estimates, thereby increasing family wage jobs. It is the legislature's intent to establish a pilot program that would provide a sales and use tax exemption on eligible server equipment and power infrastructure installed in eligible computer data centers, charges made for labor and services rendered in respect to installing eligible server equipment, and for construction, installation, repair, alteration, or improvement of eligible power infrastructures in order to increase investment in data center construction, leasing, and other investment throughout rural counties and counties with a population over 800,000, as determined by the April 1, 2021, office of financial management population estimates, thereby growing employment in the technology industry while adding real and personal property to state and local property tax rolls, thereby increasing the county tax base.

(4) The legislature intends to extend the expiration date of the tax preference. The joint legislative audit and review committee shall conduct a review and determine if the tax preference is (a) generating capital investment in new computer data centers, refurbished data centers, or existing data centers (e.g., replacement server equipment), (b) generating state and local tax collections from data center investment and operations, and (c) generating or maintaining construction and trade jobs in the state. The review must factor in changing economic conditions.

(5) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative audit and review committee may refer to any available data source, including data available from the

department of revenue regarding rural county property tax assessments and employment data from the employment security department.

Sec. 3. RCW 82.08.986 and 2017 c 135 s 26 are each amended to read as follows:

(1)(a) An exemption from the tax imposed by RCW 82.08.020 is provided for sales to qualifying businesses and to qualifying tenants of eligible server equipment to be installed, without intervening use, in an eligible computer data center to which a valid exemption certificate applies, and to charges made for labor and services rendered in respect to installing eligible server equipment. ~~((Until January 1, 2026, the))~~

(b) This exemption also applies to sales to qualifying businesses and to qualifying tenants of eligible power infrastructure, including labor and services rendered in respect to constructing, installing, repairing, altering, or improving eligible power infrastructure at an eligible computer data center for which an exemption certificate has been issued.

(c) No new exemption certificates may be issued on or after July 1, 2036.

(d) The exemptions provided in this section expire July 1, 2048.

(e) Each calendar year, the department may issue no more than six certificates for data centers which qualify through refurbishment. Certificates are available for refurbished data centers on a first-in-time basis based on the date the application required under this section is received by the department. Each qualifying business may apply for only one certificate for a refurbished data center each calendar year.

(2)(a) In order to ~~((claim the exemption))~~ obtain an exemption certificate under this section, a qualifying business or a qualifying tenant must submit an application to the department for an exemption certificate. The application must include the information necessary, as required by the department, to determine that a business or tenant qualifies for the exemption under this section. The department must issue exemption certificates to qualifying businesses and qualifying tenants. The department may assign a unique identification number to each exemption certificate issued under this section.

(b) A qualifying business or a qualifying tenant claiming the exemption under this section must present 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.

(c) With respect to computer data centers for which the commencement of construction occurs after July 1, 2015, but before July 1, 2019, the exemption provided in this section is limited to no more than eight computer data centers, with total eligible data centers provided under this section limited to twelve from July 1, 2015, through ~~((July 1, 2025))~~ the effective date of this section. Tenants of qualified data centers do not constitute additional data centers under the limit. The exemption is available on a first-in-time basis based on the date the application required under this section is received by the department.

(d) The exemption certificate is effective on the date the application is received by the department, which is deemed to be the date of issuance. Only purchases on or after the date of issuance qualify for the exemption under this section. No tax refunds are authorized for purchases made before the effective date of the exemption certificate.

(e) Exemption certificates expire two years after the date of issuance, unless construction has been commenced.

(3) (a) (i) Within six years of the date that the department issued an exemption certificate under this section to a qualifying business or a qualifying tenant with respect to an eligible computer data center, the qualifying business or qualifying tenant must establish that net employment ~~((at the))~~ assigned to an eligible computer data center has increased by a minimum of:

~~((+i))~~ (A) Thirty-five family wage employment positions; or, if lower

~~((+ii))~~ (B) Three family wage employment positions for each twenty thousand square feet of space or less that is newly dedicated to housing working servers at the eligible computer data center. For qualifying tenants, the number of family wage employment positions that must be increased under this subsection (3) (a) ~~((+i))~~ (i) (B) is based only on the space occupied by the

qualifying tenant in the eligible computer data center.

(ii) After the minimum number of family wage employment positions as required under (a) (i) of this subsection (3) is established, a qualifying business or a qualifying tenant must maintain the minimum family wage employment positions required under (a) (i) of this subsection (3) while the exemption certificate is valid.

(b) In calculating the net increase in family wage employment positions:

(i) The owner of an eligible computer data center, in addition to its own net increase in family wage employment positions, may include:

(A) The net increase, since the date of issuance of the qualifying business's exemption certificate, in family wage employment positions employed by qualifying tenants; and

(B) The net increase in family wage employment positions described in (c) (ii) (B) of this subsection (3).

(ii) (A) Qualifying tenants, in addition to their own net increase in family wage employment positions, may include:

(I) A portion of the net increase in family wage employment positions employed by the owner; and

(II) A portion of the net increase in family wage employment positions described in (c) (ii) (B) of this subsection (3).

(B) The portion of the net increase in family wage employment positions to be counted under this subsection (3) (b) (ii) by each qualifying tenant ~~((must be in proportion to the amount of space in the eligible computer data center occupied by the qualifying tenant compared to the total amount of space in the eligible computer data center occupied by all qualifying tenants))~~ is equal to the net increase in family wage employment positions assigned to an eligible computer data center as described in (b) (ii) (A) (I) and (II) of this subsection (3), multiplied by the percentage of total space within the eligible computer data center occupied by the qualifying tenant. Any combination of qualifying business and qualifying tenant family wage employment positions may meet this requirement.

(C) (I) In the instance of an existing data center facility that was ineligible, regardless of the date of commencement of construction, that later obtains an exemption certificate under this section, the data center may count the existing employment positions that are dedicated to the data center toward the family wage employment position requirements if the employment positions meet the requirements of a family wage employment position as described in (c) (i) (B) and (C) of this subsection (3).

(II) In the instance of the refurbishment of an existing data center that previously qualified under the data center program, the data center may count the existing employment positions dedicated to the data center toward the family wage employment position requirements if the employment positions meet the requirements of a family wage employment position as described in (c) (i) (B) and (C) of this subsection (3).

(c) (i) For purposes of this subsection ~~((7))~~:

(A) For exemption certificates issued before the effective date of this section, family wage employment positions are new permanent employment positions requiring forty hours of weekly work, or their equivalent, on a full-time basis ~~((at the))~~ assigned to an eligible computer data center and receiving a wage equivalent to or greater than one hundred fifty percent of the per capita personal income of the county in which the qualified project is located as published by the employment security department. The per capita personal income to be used to determine qualification for any year is the amount that was established for the immediate prior year.

(B) For exemption certificates issued on or after the effective date of this section, family wage employment positions are new permanent employment positions requiring 40 hours of weekly work, or their equivalent, on a full-time basis assigned to an eligible computer data center and receiving a wage equivalent to or greater than 125 percent of the per capita personal income of the county in which the qualified project is located as published by the employment security department. The per capita personal income to be used to determine qualification for any year is the amount that was established for the immediate prior year.

(C) An employment position may not be counted as a family wage employment position unless the employment position is entitled to health insurance coverage provided by the employer of the employment position. ~~((For purposes of this subsection (3) (c), "new"))~~

(D) "New permanent employment position" means an employment position that did not exist or that had not previously been filled as of the date that the department issued an exemption certificate to the ~~((owner))~~ qualifying business or qualifying tenant of an eligible computer data center, as the case may be.

(ii) (A) Family wage employment positions include positions filled by employees of the ~~((owner of the eligible computer data center))~~ qualifying business and by employees of qualifying tenants.

(B) Family wage employment positions also include individuals performing work at an eligible computer data center as an independent contractor hired by the owner of the eligible computer data center or as an employee of an independent contractor hired by the owner of the eligible computer data center, if the work is necessary for the operation of the computer data center, such as security and building maintenance, and provided that all of the applicable requirements in (c) (i) of this subsection (3) are met.

(d) ~~((All))~~ (i) For a qualifying business or qualifying tenant that does not meet the requirements of this subsection (3), previously exempted sales and use taxes are immediately due and payable ~~((for a qualifying business or qualifying tenant that does not meet the requirements of this subsection))~~ and any exemption certificate issued to that qualifying business or qualifying tenant under this section is canceled, except as described in (d) (iii) of this subsection (3).

(ii) The department of labor and industries must, at the request of the department, assist in determining whether the requirements of this subsection (3) have been met.

(iii) If the department, with the assistance of the department of labor and industries, finds that a failure to meet the requirements of this subsection (3) is due to circumstances beyond the control of the qualifying business or

qualifying tenant including, but not limited to, a declaration of an economic recession, pandemic, or natural disaster affecting data center operations, the department may provide exceptions or extensions to the requirements of this subsection (3).

(iv) Any repayment of taxes triggered by the failure of a qualifying business or qualifying tenant to meet the requirements of this subsection (3) must be calculated in proportion to the duration of time for which any applicable requirement was not met.

(v) If the department is notified that a qualifying business or qualifying tenant fails to meet the requirements of this subsection (3), the department may require a qualifying business or qualifying tenant to submit records necessary to determine whether the requirements have been met.

(4) For exemption certificates issued on or after the effective date of this section:

(a) Within three years after being placed in service, the qualifying business operating a newly constructed data center must certify to the department that it has attained certification under one or more of the following sustainable design or green building standards:

(i) BREEAM for new construction or BREEAM in-use;

(ii) Energy star;

(iii) Envision;

(iv) ISO 50001-energy management;

(v) LEED for building design and construction or LEED for operations and maintenance;

(vi) Green globes for new construction or green globes for existing buildings;

(vii) UL 3223; or

(viii) Other reasonable standards approved by the department.

(b) The department may require qualifying businesses and qualifying tenants to submit records necessary to verify the requirements under (a) of this subsection have been met.

(c) (i) For a qualifying business or qualifying tenant that does not meet the requirements of (a) of this subsection (4), all previously exempted sales and

use taxes may be immediately due and payable, any exemption certificate issued to that qualifying business or qualifying tenant under this section is canceled, and an additional 10 percent penalty is assessed, except as described in (c) (ii) of this subsection (4).

(ii) If the department finds that a failure to meet the requirements of this subsection (4) is due to circumstances beyond the control of the qualifying business or qualifying tenant including, but not limited to, a declaration of an economic recession, pandemic, or natural disaster affecting data center operations, the department may, at its discretion, provide exceptions or extensions to the requirements of this subsection (4). The department may, at its discretion, coordinate with agencies with relevant expertise to assist in determining whether the requirements have been met.

(5) A qualifying business or a qualifying tenant claiming the exemption under this section is encouraged to take direct steps to adopt practices to mitigate negative environmental impacts resulting from expanded use of data centers, including through:

(a) Coordinating with the industrial waste coordination program established under RCW 43.31.625 to identify and provide technical assistance in implementing industrial symbiosis projects;

(b) To the extent possible, procuring or contracting for power from renewable sources;

(c) Adopting practices to improve the energy efficiency of existing data centers, including through upgrading and consolidating technology, managing data center airflow, and adjusting and improving heating, ventilation, and air conditioning systems; and

(d) Taking actions to conserve, reuse, and replace water. This includes using water efficient fixtures and practices; treating, infiltrating, and harvesting rainwater; recycling water before discharging; partnering with local water utilities to use discharged water for irrigation and other water conservation purposes; using reclaimed water where possible for data center operations; and supporting water restoration in local watersheds.

(6) A qualifying business or a qualifying tenant claiming an exemption under this section or RCW 82.12.986 must complete an annual tax performance report with the department as required under RCW 82.32.534. The report must identify construction firm names and employment levels used for constructing, renovating, refurbishing, or remodeling the data centers.

~~((5)) (7) (a) ((The exemption provided in this section does not apply to:~~

~~(i) Any person who has received the benefit of the deferral program under chapter 82.60 RCW on: (A) The construction, renovation, or expansion of a structure or structures used as a computer data center; or (B) machinery or equipment used in a computer data center; and~~

~~(ii) Any person affiliated with a person within the scope of (a) (i) of this subsection (5).~~

~~(b) If a person claims an exemption under this section and subsequently receives the benefit of the deferral program under chapter 82.60 RCW on either the construction, renovation, or expansion of a structure or structures used as a computer data center or machinery or equipment used in a computer data center, the person must repay the amount of taxes exempted under this section. Interest as provided in chapter 82.32 RCW applies to amounts due under this section until paid in full.~~

(6)) The certificate holder may not at any time assign or transfer a certificate without the prior written consent of the department. The department must allow certificate transfers if the certificate holder meets the following requirements:

(i) The certificate assignee or transferee is qualified to do business in the state;

(ii) The assignee or transferee acknowledges the transfer of the certificate in writing;

(iii) The assignee or transferee agrees to keep and perform all the terms of the certificates; and

(iv) An assignment or transfer of the certificate is to an entity that:

(A) Controls, is controlled by, or under common control with, the certificate holder;

(B) Acquires all or substantially all of the stock or assets of the certificate holder; or

(C) Is the resulting entity of a merger or consolidation with the certificate holder.

(b) In the event the assignee or transferee acquires eligible server equipment in a qualifying asset sale under (a) (iv) (B) of this subsection, the purchaser shall be deemed to purchase the eligible server equipment pursuant to the transferred certificate.

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

(a) "Affiliated" means that one person has a direct or indirect ownership interest of at least twenty percent in another person.

(b) "Building" means a fully enclosed structure with a weather resistant exterior wall envelope or concrete or masonry walls designed in accordance with the requirements for structures under chapter 19.27 RCW. This definition of "building" only applies to computer data centers for which commencement of construction occurs on or after July 1, 2015.

(c) "Certificate of occupancy" means:

(i) For a newly constructed eligible computer data center, the certificate of occupancy issued by a local governing authority for the structure or structures which comprise the eligible computer data center; or

(ii) For renovations of an eligible computer data center, the certificate of occupancy issued by a local governing authority for the renovated structure or structures that comprise the eligible computer data center.

(d) (i) "Computer data center" means a facility comprised of one or more buildings, which may be comprised of multiple businesses, constructed or refurbished specifically, and used primarily, to house working servers, where the facility has the following characteristics: (A) Uninterruptible power supplies, generator backup power, or both; (B) sophisticated fire suppression and prevention systems; and

(C) enhanced physical security, such as: Restricted access to the facility to selected personnel; permanent security guards; video camera surveillance; an electronic system requiring passcodes, keycards, or biometric scans, such as hand scans and retinal or fingerprint recognition; or similar security features.

(ii) For a computer data center comprised of multiple buildings, each separate building constructed or refurbished specifically, and used primarily, to house working servers is considered a computer data center if it has all of the characteristics listed in ~~((e))~~ (d)(i)(A) through (C) of this subsection ~~((6))~~ (8).

(iii) A facility comprised of one building or more than one building must have a combined square footage of at least one hundred thousand square feet.

~~((d))~~ (e) "Electronic data storage and data management services" include, but are not limited to: Providing data storage and backup services, providing computer processing power, hosting enterprise software applications, and hosting websites. The term also includes providing services such as email, web browsing and searching, media applications, and other online services, regardless of whether a charge is made for such services.

~~((e))~~ (f)(i) "Eligible computer data center" means a computer data center:

(A) Located in a rural county as defined in RCW 82.14.370 at the time an application for an exemption under this section is received;

(B) Having at least twenty thousand square feet dedicated to housing working servers ~~(, where the server space has not previously been dedicated to housing working servers);~~ and

(C) For which the commencement of construction occurs:

(I) After March 31, 2010, and before July 1, 2011;

(II) After March 31, 2012, and before July 1, 2015; or

(III) After June 30, 2015, and before July 1, ~~((2025))~~ 2035.

(ii) For purposes of this section, "commencement of construction" means the date that a building permit is issued under the building code adopted under RCW

19.27.031 for construction of the computer data center. The construction of a computer data center includes the expansion, renovation, or ~~((other improvements made to))~~ refurbishment of existing facilities regardless of whether the existing facility was previously ineligible and regardless of whether commencement of construction of the existing facility occurred outside of the dates listed in (f)(i)(C)(I) through (III) of this subsection, including leased or rented space. "Commencement of construction" does not include soil testing, site clearing and grading, site preparation, or any other related activities that are initiated before the issuance of a building permit for the construction of the foundation of a computer data center. If no building permit is required for renovation or refurbishment, then the date that renovation or refurbishment begins is the "commencement of construction."

~~((iii))~~ With respect to facilities in existence on April 1, 2010, that are expanded, renovated, or otherwise improved after March 31, 2010, or facilities in existence on April 1, 2012, that are expanded, renovated, or otherwise improved after March 31, 2012, or facilities in existence on July 1, 2015, that are expanded, renovated, or otherwise improved after June 30, 2015, an eligible computer data center includes only the portion of the computer data center meeting the requirements in (e)(i)(B) of this subsection (6).

~~((f))~~ (g) "Eligible power infrastructure" means all fixtures and equipment owned by a qualifying business or qualifying tenant and necessary for the transformation, distribution, or management of electricity that is required to operate eligible server equipment within an eligible computer data center. The term includes generators; wiring; cogeneration equipment; and associated fixtures and equipment, such as electrical switches, batteries, and distribution, testing, and monitoring equipment. The term does not include substations.

~~((g))~~ (h) "Eligible server equipment" means:

(i) For a qualifying business whose computer data center qualifies as an eligible computer data center under ~~((e))~~ (f)(i)(C)(I) of this subsection ~~((6))~~ (8), the original server equipment installed in an eligible

computer data center on or after April 1, 2010, and before January 1, 2026, and replacement server equipment. For purposes of this subsection ~~((+6)(g))~~ (8)(h)(i), "replacement server equipment" means server equipment that:

(A) Replaces existing server equipment, if the sale or use of the server equipment to be replaced qualified for an exemption under this section or RCW 82.12.986; and

(B) Is installed and put into regular use before April 1, 2018.

(ii) For a qualifying business whose computer data center qualifies as an eligible computer data center under ~~((+e))~~ (f)(i)(C)(II) of this subsection ~~((+6))~~ (8), "eligible server equipment" means the original server equipment installed in an eligible computer data center on or after April 1, 2012, and before January 1, 2026, and replacement server equipment. For purposes of this subsection ~~((+6)(g))~~ (8)(h)(ii), "replacement server equipment" means server equipment that:

(A) Replaces existing server equipment, if the sale or use of the server equipment to be replaced qualified for an exemption under this section or RCW 82.12.986; and

(B) Is installed and put into regular use before April 1, 2024.

(iii) ~~((+A))~~ For a qualifying business whose computer data center qualifies as an eligible computer data center under ~~((+e))~~ (f)(i)(C)(III) of this subsection ~~((+6))~~ (8), "eligible server equipment" means the original server equipment installed in a building within an eligible computer data center on or after July 1, 2015, and replacement server equipment. Server equipment installed in movable or fixed stand-alone, prefabricated, or modular units, including intermodal shipping containers, is not "directly installed in a building." For purposes of this subsection ~~((+6)(g))~~ (8)(h)(iii) ~~((+A))~~, "replacement server equipment" means server equipment that ~~((replaces))~~:

(A) (I) Replaces existing server equipment, if the sale or use of the server equipment to be replaced qualified for an exemption under this section or RCW 82.12.986; or

(II) Replaces existing server equipment in a computer data center that meets the following requirements: Was ineligible before the effective date of this section for the exemptions provided under this section and RCW 82.12.986; has been refurbished; and to which a valid exemption certificate applies; and

(B) Is installed and put into regular use no later than twelve years after the date of the certificate of occupancy or completion of refurbishment of the computer data center.

(iv) For a qualifying tenant who leases space within an eligible computer data center, "eligible server equipment" means the original server equipment installed within the space it leases from an eligible computer data center with an exemption certificate on or after April 1, 2010, ~~((and before January 1, 2026))~~ and replacement server equipment. For purposes of this subsection ~~((+6)(g))~~ (8)(h)(iv), "replacement server equipment" means server equipment that:

(A) (I) Replaces existing server equipment, if the sale or use of the server equipment to be replaced qualified for an exemption under this section or RCW 82.12.986; or

(II) Replaces existing server equipment in a computer data center that meets the following requirements: Was ineligible before the effective date of this section for the exemptions provided under this section and RCW 82.12.986; has been refurbished; and to which a valid exemption certificate applies; and

(B) Is installed and put into regular use ~~((before April 1, 2024; and~~

~~((C) For tenants leasing space in an eligible computer data center built after July 1, 2015, is installed and put into regular use no later than twelve years after the date of the certificate of occupancy)) no later than 12 years after the date of the certificate of occupancy or completion of refurbishment of the computer data center.~~

~~((+h))~~ (i) "Qualifying business" means a business entity that exists for the primary purpose of engaging in commercial activity for profit and that is the owner of an eligible computer data center. The term does not include the state or federal government or any of their departments, agencies, and institutions; tribal governments; political subdivisions of this state; or

any municipal, quasi-municipal, public, or other corporation created by the state or federal government, tribal government, municipality, or political subdivision of the state.

~~((i))~~ (j) "Qualifying tenant" means a business entity that exists for the primary purpose of engaging in commercial activity for profit and that leases space from a qualifying business within an eligible computer data center. The term does not include the state or federal government or any of their departments, agencies, and institutions; tribal governments; political subdivisions of this state; or any municipal, quasi-municipal, public, or other corporation created by the state or federal government, tribal government, municipality, or political subdivision of the state. The term also does not include a lessee of space in an eligible computer data center under ~~((e))~~ ~~(f)~~(i)(C)(I) of this subsection ~~((f))~~ (8), if the lessee and lessor are affiliated and:

(i) That space will be used by the lessee to house server equipment that replaces server equipment previously installed and operated in that eligible computer data center by the lessor or another person affiliated with the lessee; or

(ii) Prior to May 2, 2012, the primary use of the server equipment installed in that eligible computer data center was to provide electronic data storage and data management services for the business purposes of either the lessor, persons affiliated with the lessor, or both.

~~((j))~~ (k) (i) "Refurbished" or "refurbishment" means a substantial improvement to an eligible computer data center to update or modernize servers, server space, ventilation, or power infrastructure in an eligible computer data center.

(ii) For a qualifying computer data center to be considered refurbished, the qualifying business must certify, in a form and manner prescribed by the department, that the refurbishment of an eligible computer data center is complete. The refurbishment is considered complete on the date that the improved portion of the computer data center is operationally complete and able to be used for its intended purpose.

(1) "Server equipment" means the computer hardware located in an eligible

computer data center and used exclusively to provide electronic data storage and data management services, including cloud services, for internal use by the owner or lessee of the computer data center, for clients of the owner or lessee of the computer data center, or both. "Server equipment" also includes computer software necessary to operate the computer hardware. "Server equipment" does not include personal computers, the racks upon which the server equipment is installed, and computer peripherals such as keyboards, monitors, printers, and mice.

(9) This section expires July 1, 2048.

Sec. 4. RCW 82.12.986 and 2015 3rd sp.s. c 6 s 303 are each amended to read as follows:

(1)(a) An exemption from the tax imposed by RCW 82.12.020 is provided for the use by qualifying businesses or qualifying tenants of eligible server equipment to be installed, without intervening use, in an eligible computer data center for which an exemption certificate under RCW 82.08.986 has been issued, and to the use of labor and services rendered in respect to installing such server equipment.

~~(The)~~ (b) Until July 1, 2048, this exemption also applies to the use by a qualifying business or qualifying tenant of eligible power infrastructure, including labor and services rendered in respect to installing, repairing, altering, or improving such infrastructure at an eligible computer data center for which an exemption certificate under RCW 82.08.986 has been issued.

(c) The exemptions provided in this section expire July 1, 2048.

(2) A qualifying business or a qualifying tenant is not eligible for the exemption under this section unless the department issued an exemption certificate to the qualifying business or a qualifying tenant for the exemption provided in RCW 82.08.986.

~~(3) ((a) The exemption provided in this section does not apply to:~~

~~(i) Any person who has received the benefit of the deferral program under chapter 82.60 RCW on: (A) The construction, renovation, or expansion of a structure or structures used as a computer data center; or (B) machinery or~~

~~equipment used in a computer data center, and~~

~~(ii) Any person affiliated with a person within the scope of (a) (i) of this subsection (3).~~

~~(b) If a person has received the benefit of the exemption under this section and subsequently receives the benefit of the deferral program under chapter 82.60 RCW on either the construction, renovation, or expansion of a structure or structures used as a computer data center or machinery or equipment used in a computer data center, the person must repay the amount of taxes exempted under this section. Interest as provided in chapter 82.32 RCW applies to amounts due under this subsection (3) (b) until paid in full. A person is not required to repay taxes under this subsection with respect to property and services for which the person is required to repay taxes under RCW 82.08.986(5).~~

~~(4))~~ The definitions and requirements in RCW 82.08.986 apply to this section.

(4) The exemption provided in subsection (1) of this section does not apply to the use of eligible server equipment and eligible power infrastructure, and the labor and services provided in subsection (1) of this section, if first used by qualifying businesses or qualifying tenants on or after July 1, 2048.

(5) This section expires July 1, 2053.

NEW SECTION. Sec. 5. A new section is added to chapter 82.08 RCW to read as follows:

(1)(a) An exemption from the tax imposed by RCW 82.08.020 is provided for sales to qualifying businesses and to qualifying tenants of eligible server equipment to be installed, without intervening use, in an eligible computer data center to which a valid exemption certificate applies, and to charges made for labor and services rendered in respect to installing eligible server equipment.

(b) The exemption also applies to sales to qualifying businesses and to qualifying tenants of eligible power infrastructure, including labor, material, equipment, and services rendered in respect to constructing, installing, repairing, altering, or improving eligible power infrastructure at an eligible computer data center for

which an exemption certificate has been issued.

(c) No new exemption certificates may be issued on or after July 1, 2028.

(d) The exemptions provided in this section expire July 1, 2038.

(2)(a)(i) In order to obtain an exemption, a qualifying business must be located in a county with a population over 800,000, as determined by the April 1, 2021, office of financial management population estimates and must submit an application to the department for an exemption certificate. The application must include the information necessary, as required by the department, to determine that a business or tenant qualifies for the exemption under this section. The department must issue exemption certificates to qualifying businesses and qualifying tenants. The department may assign a unique identification number to each exemption certificate issued under this section.

(ii) For the purposes of demonstrating that the requirements of this subsection (2)(a) are met, a qualifying business must submit records of available power for customers at the time of the application for the exemption under this section. The qualifying business must demonstrate that it has a minimum of 1.5 megawatts of available power. The qualifying business must provide requests for proposals, pricing offered, and marketing materials associated with the requirements of this subsection, as required by the department, as supporting documentation that the requirements of this subsection (2)(a) have been met.

(b) A qualifying business or a qualifying tenant claiming the exemption under this section must present 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.

(c)(i) The exemptions provided in this section are limited to qualifying businesses or tenants, and the department is authorized to approve:

(A) Six applications to obtain the exemptions for qualifying businesses in the first calendar year of the exemption; and

(B) Six applications to obtain the exemptions for qualifying businesses in

each year, calendar year three through calendar year six, of the exemption.

(ii) The exemption is available on a first-in-time basis based on the date the application required under this section is received by the department.

(d) The exemption certificate is effective on the date the application is received by the department, which is deemed to be the date of issuance. Only purchases on or after the date of issuance qualify for the exemption under this section. No tax refunds are authorized for purchases made before the effective date of the exemption certificate.

(e) Exemption certificates expire two years after the date of issuance, unless construction has been commenced.

(f) A qualifying tenant must contract for a minimum electrical capacity of 150 kilowatts for server and computer equipment in a qualifying business. Tenants that previously qualified under RCW 82.08.986 or 82.12.986 must reapply if they intend to expand into a qualifying business.

(3) (a) (i) Within six years of the date that the department issued an exemption certificate under this section to a qualifying business or a qualifying tenant with respect to an eligible computer data center, the qualifying business or qualifying tenant must establish that net employment assigned to an eligible computer data center has increased by a minimum of three family wage employment positions for each incremental increase of 20,000 square feet of space that is newly dedicated to housing working servers at the eligible computer data center. For qualifying tenants, the number of family wage employment positions that must be increased under this subsection (3) (a) (i) is based only on the space occupied by the qualifying tenant in the eligible computer data center.

(ii) After the minimum number of family wage employment positions as required under (a) (i) of this subsection (3) is established, a qualifying business or a qualifying tenant must maintain the minimum family wage employment positions required under (a) (i) of this subsection (3) while the exemption certificate is valid.

(b) In calculating the number of family wage employment positions:

(i) The owner of an eligible computer data center, in addition to its own net increase in family wage employment positions, may include:

(A) The net increase, since the date of issuance of the qualifying business's exemption certificate, in family wage employment positions employed by qualifying tenants; and

(B) The net increase in family wage employment positions described in (c) (ii) (B) of this subsection (3).

(ii) (A) Qualifying tenants, in addition to their own net increase in family wage employment positions, may include:

(I) A portion of the net increase in family wage employment positions employed by the owner; and

(II) A portion of the net increase in family wage employment positions described in (c) (ii) (B) of this subsection (3).

(B) The portion of the net increase in family wage employment positions to be counted under this subsection (3) (b) (ii) by each qualifying tenant is equal to the net increase in family wage employment positions assigned to an eligible computer data center as described in (b) (ii) (A) (I) and (II) of this subsection (3), multiplied by the percentage of total space within the eligible computer data center occupied by the qualifying tenant. Any combination of qualifying business and qualifying tenant family wage employment positions may meet this requirement.

(c) (i) For purposes of this subsection:

(A) For exemption certificates issued on or after the effective date of this section, family wage employment positions are new permanent employment positions requiring 40 hours of weekly work, or their equivalent, on a full-time basis assigned to an eligible computer data center and receiving a wage equivalent to or greater than 125 percent of the per capita personal income of the county in which the qualified project is located as published by the employment security department. The per capita personal income to be used to determine qualification for any year is the amount that was established for the immediate prior year.

(B) An employment position may not be counted as a family wage employment position unless the employment position is entitled to health insurance coverage provided by the employer of the employment position.

(C) "New permanent employment position" means an employment position that did not exist or that had not previously been filled as of the date that the department issued an exemption certificate to the qualifying business or qualifying tenant of an eligible computer data center, as the case may be.

(ii) (A) Family wage employment positions include positions filled by employees of the qualifying business and by employees of qualifying tenants.

(B) Family wage employment positions also include individuals performing work at an eligible computer data center as an independent contractor hired by the owner of the eligible computer data center or as an employee of an independent contractor hired by the owner of the eligible computer data center, if the work is necessary for the operation of the computer data center, such as security and building maintenance, and provided that all of the requirements in (c) (i) of this subsection (3) are met.

(d) (i) For a qualifying business or qualifying tenant that does not meet the requirements of this subsection (3), all previously exempted sales and use taxes immediately due and payable, and any exemption certificate issued to that qualifying business or qualifying tenant under this section is canceled, except as described in (d) (iii) of this subsection (3).

(ii) The department of labor and industries must, at the request of the department, assist in determining whether the requirements of this subsection (3) have been met.

(iii) If the department, with the assistance of the department of labor and industries, finds that a failure to meet the requirements of this subsection (3) is due to circumstances beyond the control of the qualifying business or qualifying tenant including, but not limited to, a declaration of an economic recession, pandemic, or natural disaster affecting data center operations, the department may provide exceptions or extensions to the requirements of this subsection (3).

(iv) Any repayment of taxes triggered by the failure of a qualifying business or qualifying tenant to meet the requirements of this subsection (3) must be calculated in proportion to the duration of time for which any applicable requirement was not met.

(v) If the department is notified that a qualifying business or qualifying tenant fails to meet the requirements of this subsection (3), the department may require a qualifying business or qualifying tenant to submit records necessary to determine whether the requirements have been met.

(4) For exemption certificates issued on or after the effective date of this section:

(a) Within three years after being placed in service, the qualifying business operating a newly constructed data center must certify to the department that it has attained certification under one or more of the following sustainable design or green building standards:

(i) BREEAM for new construction or BREEAM in-use;

(ii) Energy star;

(iii) Envision;

(iv) ISO 50001-energy management;

(v) LEED for building design and construction or LEED for operations and maintenance;

(vi) Green globes for new construction or green globes for existing buildings;

(vii) UL 3223; or

(viii) Other reasonable standards approved by the department.

(b) The department may require qualifying businesses and qualifying tenants to submit records necessary to verify the requirements under this subsection (4) have been met.

(c) (i) For a qualifying business or qualifying tenant that does not meet the requirements of this subsection (4), all previously exempted sales and use taxes are immediately due and payable, any exemption certificate issued to that qualifying business or qualifying tenant under this section is canceled, and an additional 10 percent penalty is assessed, except as described in (c) (ii) of this subsection (4).

(ii) If the department finds that a failure to meet the requirements of this subsection (4) is due to circumstances beyond the control of the qualifying business or qualifying tenant including, but not limited to, a declaration of an economic recession, pandemic, or natural disaster affecting data center operations, the department may, at its discretion, provide exceptions or extensions to the requirements of this subsection (4). The department may, at its discretion, coordinate with agencies with relevant expertise to assist in determining whether the requirements of this subsection (4) have been met.

(5) A qualifying business or a qualifying tenant claiming the exemption under this section is encouraged to take direct steps to adopt practices to mitigate negative environmental impacts resulting from expanded use of data centers, including through:

(a) Coordinating with the industrial waste coordination program established under RCW 43.31.625 to identify and provide technical assistance in implementing industrial symbiosis projects;

(b) To the extent possible, procuring or contracting for power from renewable sources;

(c) Adopting practices to improve the energy efficiency of existing data centers, including through upgrading and consolidating technology, managing data center airflow, and adjusting and improving heating, ventilation, and air conditioning systems; and

(d) Taking actions to conserve, reuse, and replace water. This includes using water efficient fixtures and practices; treating, infiltrating, and harvesting rainwater; recycling water before discharging; partnering with local water utilities to use discharged water for irrigation and other water conservation purposes; using reclaimed water where possible for data center operations; and supporting water restoration in local watersheds.

(6) Qualifying businesses and tenants must claim an exemption under this section in the current tax year when the taxes would have been due unless an extension is filed with the department.

(7) A qualifying business or a qualifying tenant claiming an exemption under this section must complete an

annual tax performance report as required in RCW 82.32.534. The report must identify construction firm names and employment levels used for constructing, renovating, refurbishing, or remodeling the data centers.

(8) (a) The certificate holder may not at any time assign or transfer a certificate without the prior written consent of the department. The department must allow certificate transfers if the certificate holder meets the following requirements:

(i) The certificate assignee or transferee is qualified to do business in the state;

(ii) The assignee or transferee acknowledges the transfer of the certificate in writing;

(iii) The assignee or transferee agrees to keep and perform all the terms of the certificates; and

(iv) An assignment or transfer of the certificate is to an entity that:

(A) Controls, is controlled by, or under common control with, the certificate holder;

(B) Acquires all or substantially all of the stock or assets of the certificate holder; or

(C) Is the resulting entity of a merger or consolidation with the certificate holder.

(b) Information submitted on the tax performance report is not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request, except as provided otherwise in RCW 82.32.330.

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

(a) "Affiliated" means that one person has a direct or indirect ownership interest of at least 20 percent in another person.

(b) "Building" means a fully enclosed structure with a weather resistant exterior wall envelope or concrete or masonry walls designed in accordance with the requirements for structures under chapter 19.27 RCW.

(c) "Certificate of occupancy" means:

(i) For a newly constructed eligible computer data center, the certificate of

occupancy issued by a local governing authority for the structure or structures which comprise the eligible computer data center; or

(ii) For renovations of an eligible computer data center, the certificate of occupancy issued by a local governing authority for the renovated structure or structures that comprise the eligible computer data center.

(d) (i) "Computer data center" means a facility comprised of one or more buildings, which may be comprised of multiple businesses, constructed or refurbished specifically, and used primarily, to house working servers, where the facility has the following characteristics: (A) Uninterruptible power supplies, generator backup power, or both; (B) sophisticated fire suppression and prevention systems; and (C) enhanced physical security, such as: Restricted access to the facility to selected personnel; continuous on-site security guards; video camera surveillance; an electronic system requiring passcodes, keycards, or biometric scans, such as hand scans and retinal or fingerprint recognition; or similar security features.

(ii) For a computer data center comprised of multiple buildings, each separate building constructed or refurbished specifically, and used primarily, to house working servers is considered a computer data center if it has all of the characteristics listed in (d) (i) (A) through (C) of this subsection (9).

(iii) A facility comprised of one building or more than one building must have a combined square footage of at least 100,000 square feet.

(e) "Electronic data storage and data management services" includes, but is not limited to: Providing data storage and backup services, providing computer processing power, hosting enterprise software applications, and hosting websites. The term also includes providing services such as email, web browsing and searching, media applications, and other online services, regardless of whether a charge is made for such services.

(f) "Eligible computer data center" means a computer data center having at least 20,000 square feet dedicated for housing working servers. Movable or fixed stand-alone, prefabricated, or modular

units, including intermodal shipping containers, do not qualify as "eligible computer data centers."

(g) "Eligible power infrastructure" means all fixtures and equipment owned by a qualifying business or qualifying tenant and necessary for the transformation, distribution, or management of electricity that is required to operate eligible server equipment within an eligible computer data center. The term includes generators; wiring; cogeneration equipment; and associated fixtures and equipment, such as electrical switches, batteries, and distribution, testing, and monitoring equipment. The term does not include substations.

(h) (i) "Eligible server equipment" means for a qualifying business whose computer data center qualifies as an eligible computer data center, the original server equipment installed in an eligible computer data center on or after the effective date of this section, and replacement server equipment.

(ii) For purposes of this subsection (9) (h), "replacement server equipment" means server equipment that:

(A) Replaces existing server equipment, if the sale or use of the server equipment to be replaced qualified for an exemption under this section or section 6 of this act; and

(B) Is installed and put into regular use within 10 years of the effective date of this section.

(iii) For a qualifying tenant who leases space within an eligible computer data center, "eligible server equipment" means the original server equipment installed within the space it leases from an eligible computer data center with an exemption certificate on or within 10 years of the effective date of this section, and replacement server equipment. For purposes of this subsection (9) (h) (iii), "replacement server equipment" means server equipment that:

(A) (I) Replaces existing server equipment, if the sale or use of the server equipment to be replaced qualified for an exemption under this section or section 6 of this act and is installed and put into regular use before July 1, 2027; or

(II) Replaces existing server equipment in a computer data center that meets the following requirements: Was ineligible before the effective date of this section for the exemptions provided under this section and section 6 of this act; has been refurbished; and to which a valid exemption certificate applies; and

(B) Is installed and put into regular use no later than 12 years after the date of the certificate of occupancy or completion of refurbishment of the computer data center.

(i) "Qualifying business" means a business entity that exists for the primary purpose of engaging in commercial activity for profit and that is the owner of an eligible computer data center. The term does not include the state or federal government or any of their departments, agencies, and institutions; tribal governments; political subdivisions of this state; or any municipal, quasi-municipal, public, or other corporation created by the state or federal government, tribal government, municipality, or political subdivision of the state.

(j) "Qualifying tenant" means a business entity that exists for the primary purpose of engaging in commercial activity for profit and that leases space from a qualifying business within an eligible computer data center. The term does not include the state or federal government or any of their departments, agencies, and institutions; tribal governments; political subdivisions of this state; or any municipal, quasi-municipal, public, or other corporation created by the state or federal government, tribal government, municipality, or political subdivision of the state.

(k) (i) "Refurbished" or "refurbishment" means a substantial improvement to an eligible computer data center for which a certificate of occupancy is not issued. Such an improvement must update or modernize servers, server space, ventilation, or power infrastructure in an eligible computer data center.

(ii) For a qualifying computer data center to be considered refurbished, the qualifying business must certify, in a form and manner prescribed by the department, that the refurbishment of an eligible computer data center is

complete. The refurbishment is considered complete on the date that the improved portion of the computer data center is operationally complete and able to be used for its intended purpose.

(1) "Server equipment" means the computer hardware located in an eligible computer data center and used exclusively to provide electronic data storage and data management services for internal use by the owner or lessee of the computer data center, for clients of the owner. For the purposes of this subsection, "electronic data storage and data management services" include, but are not limited to: Providing data storage and backup services, providing computer processing power, hosting enterprise software applications, and hosting websites. The term also includes providing services such as email, web browsing and searching, media applications, and other online services, regardless of whether a charge is made for such services. "Server equipment" also includes computer software necessary to operate the computer hardware. "Server equipment" does not include personal computers, the racks upon which the server equipment is installed, and computer peripherals such as keyboards, monitors, printers, and mice, unless used within the eligible computer data center.

(10) This section expires July 1, 2038.

NEW SECTION. **Sec. 6.** A new section is added to chapter 82.12 RCW to read as follows:

(1) An exemption from the tax imposed by RCW 82.12.020 is provided for the use by qualifying businesses or qualifying tenants of eligible server equipment to be installed, without intervening use, in an eligible computer data center, and to the use of labor and services rendered in respect to installing such server equipment. The exemption also applies to the use by a qualifying business or qualifying tenant of eligible power infrastructure, including labor and services rendered in respect to installing, repairing, altering, or improving such infrastructure.

(2) The exemption provided in this section does not apply to any person for whom the exemption under section 5 of this act does not apply.

(3) A qualifying business or a qualifying tenant claiming an exemption

under this section must complete an annual tax performance report as required in RCW 82.32.534. The report must identify construction firm names and employment levels used for constructing, renovating, refurbishing, or remodeling the data centers.

(4) The definitions and requirements in section 5 of this act apply to this section.

(5) The exemption provided in subsection (1) of this section does not apply to the use of eligible server equipment and eligible power infrastructure, and the labor and services provided in subsection (1) of this section, if first used by qualifying businesses or qualifying tenants on or after July 1, 2038.

(6) This section expires July 1, 2043.

NEW SECTION. **Sec. 7.** A new section is added to chapter 82.08 RCW to read as follows:

From the effective date of this section, in order to obtain the exemption provided in RCW 82.08.986 or section 5 of this act, a qualifying business or qualifying tenant must certify to the department that, for new construction work to be performed on the site of the computer data center, the computer data center receiving an exemption under RCW 82.08.986 or section 5 of this act will be constructed by the prime contractor and its subcontractors in a way that includes community workforce agreements or project labor agreements and the payment of area standard prevailing wages and apprenticeship utilization requirements, provided the following apply:

(1) The owner and the prime contractor and all of its subcontractors regardless of tier have the absolute right to select any qualified and responsible bidder for the award of contracts on a specified project without reference to the existence or nonexistence of any agreements between such bidder and any party to such project labor agreement, and only when such bidder is willing, ready, and able to become a party to, signs a letter of assent, and complies with such agreement or agreements, should it be designated the successful bidder; and

(2) It is understood that this is a self-contained, stand-alone agreement, and that by virtue of having become bound

to such agreement or agreements, neither the project contractor nor the subcontractors are obligated to sign any other local, area, or national agreement.

NEW SECTION. **Sec. 8.** (1) The department of commerce shall contract with the Pacific Northwest national laboratory to:

(a) Evaluate Washington's current and future electric grid resilience and reliability based on current and projected electric energy production, the state's ability to produce energy in state, Washington's reliance on energy production outside of the state, and its energy grid interdependence with other western states;

(b) 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;

(c) 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 or section 5 of this act;

(d) Review and incorporate existing models, data, and study findings including, but not limited to, the "Washington 2021 state energy strategy and the 2021 northwest power plan," to ensure a duplication of efforts does not occur and to highlight modeling gaps related to regional grid resilience planning;

(e) 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, 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

(f) Develop recommendations for enhancing electric grid reliability and resiliency for Washington that includes considerations of affordability, equity, and federal funding opportunities.

(2) The department of commerce shall report by December 1, 2022, in compliance with RCW 43.01.036, the Pacific Northwest national laboratory's findings and recommendations to the appropriate committees of the legislature concerning electric grid resilience and reliability evaluated in subsection (1) of this section.

(3) This section expires December 1, 2023.

NEW SECTION. **Sec. 9.** If specific funding for the purposes of section 8 of this act, referencing section 8 of this act by bill or chapter number and section number, is not provided by June 30, 2022, in the omnibus appropriations act, section 8 of this act is null and void."

Correct the title.

Representative Orcutt moved the adoption of amendment (1352) to striking amendment (1340):

On page 28, beginning on line 5, strike all of section 7

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representative Orcutt spoke in favor of the adoption of the amendment to the striking amendment.

Representative Springer spoke against the adoption of the amendment to the striking amendment.

Amendment (1352) to striking amendment (1340) was not adopted.

Representative Berg spoke in favor of the adoption of the striking amendment.

Representative Orcutt spoke against the adoption of the striking amendment.

Striking amendment (1340) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Berg spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1846.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1846, and the bill passed the House by the following vote: Yeas, 68; Nays, 30; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dent, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goehner, Goodman, Gregerson, Griffey, Hackney, Harris-Talley, J. Johnson, Kirby, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Walsh, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dufault, Dye, Eslick, Gilday, Graham, Hansen, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, McCaslin, Orcutt, Robertson, Schmick, Stokesbary, Sutherland, Vick, Volz, Wilcox, Ybarra and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1846, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5624, by Senators Warnick, Van De Wege and Nobles

Extending the expiration date of certain sections of chapter 92, Laws of 2019, regarding livestock identification.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dent and Chapman spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5624.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5624, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner,

Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SENATE BILL NO. 5624, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5612, by Senators Wilson, L., Warnick, Braun, Brown, Dhingra, Keiser, Lovick, Mullet, Rolfes, Short, Wagoner and Wilson, J.

Ensuring domestic violence victims and survivors of victims have the opportunity to make a statement during sentencing for all domestic violence convictions.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Public Safety was adopted. (For Committee amendment, see Journal, Day 45, February 23, 2022).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Mosbrucker and Goodman spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5612, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5612, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick,

Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SENATE BILL NO. 5612, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5787, by Senators Nguyen, Dhingra, Frockt, Keiser, Kuderer, Liias, Lovick, Nobles and Pedersen

Concerning the linked deposit program.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kirby and Vick spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5787.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5787, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Dent and Young.

SENATE BILL NO. 5787, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Senate Bill No. 5787.

Representative Dent, 13th District

SECOND READING

HOUSE BILL NO. 1641, by Representatives Hoff, Springer, Corry, Dufault, Graham, Sutherland, Rule, Griffey and Young

Restoring the business and occupation and public utility tax exemption for custom farming and hauling farm products.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hoff and Springer spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1641.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1641, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

HOUSE BILL NO. 1641, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5585, by Senators Rolfes and Das

Setting domestic wastewater discharge fees.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Environment & Energy was adopted. (For Committee amendment, see Journal, Day 46, February 24, 2022).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Fitzgibbon spoke in favor of the passage of the bill.

Representative Dye spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5585, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5585, as amended by the House, and the bill passed the House by the following vote: Yeas, 57; Nays, 41; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

SENATE BILL NO. 5585, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5862, by Senate Committee on Housing & Local Government (originally sponsored by Lovelett, Rivers, Fortunato, Gildon, Kuderer, Lovick, Nguyen, Nobles, Stanford, Wilson, C. and Wilson, J.)

Concerning technical changes to the commercial property assessed clean energy and resiliency program.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Duerr and Goehner spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5862.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5862, and the bill passed the House by the following vote: Yeas, 95; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault, Kraft and Walsh.

SUBSTITUTE SENATE BILL NO. 5862, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2018, by Representatives Paul, Rule, Bergquist, Bronoske, Chapman, Leavitt, Ramel, Ryu, Sutherland, Berg, Callan, Frame, Riccelli and Lekanoff

Creating a three-day shop local and save sales and use tax holiday to benefit all Washington families for certain items \$1,000 or less during the month of September.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2018 was substituted for House Bill No. 2018 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2018 was read the second time.

Representative Orcutt moved the adoption of amendment (1285):

On page 2, line 15, after "12:00 a.m." strike all material through "2022" on line 16 and insert "on the Saturday immediately preceding the first Monday in September through 11:59 p.m. on the first Monday in September"

On page 2, line 25, after "12:00 a.m." strike all material through "2022" on line 26 and insert "on the Saturday immediately preceding the first Monday in September through 11:59 p.m. on the first Monday in September"

On page 3, beginning on line 8, after "1" strike ", 2022" and insert "each year"

On page 3, line 15, after "18" strike ", 2022," and insert "each year"

On page 3, line 23, strike section 7

Correct the title.

Representative Orcutt spoke in favor of the adoption of the amendment.

Representative Springer spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1285) and the amendment was not adopted by the following vote: Yeas, 46; Nays, 52; Absent, 0; Excused, 0

Voting yea: Representatives Abbarno, Barkis, Boehnke, Bronoske, Caldier, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, Leavitt, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Schmick, Shewmake, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

Voting nay: Representatives Bateman, Berg, Bergquist, Berry, Callan, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Lekanoff, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

Representative Caldier moved the adoption of amendment (1271):

On page 2, line 14, after "items" strike "with a purchase price of \$1,000, or less,"

On page 2, line 24, after "items" strike "with a purchase price of \$1,000, or less,"

Representative Caldier spoke in favor of the adoption of the amendment.

Representative Frame spoke against the adoption of the amendment.

Amendment (1271) was not adopted.

Representative Frame moved the adoption of amendment (1295):

On page 2, beginning on line 10, strike sections 2 and 3 and insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 82.08 RCW to read as follows:

(1) Subject to the limitations and conditions provided in this section, the provisions of this chapter do not apply to sales of qualified items with a purchase price of \$1,000, or less, purchased by an individual between 12:00 a.m. on September 3, 2022, and 11:59 p.m. on September 5, 2022.

(2) The department may adopt rules for the administration of this section, including emergency rules. These rules must be consistent with the streamlined sales and use tax agreement, to the extent the department considers advisable, so long as the rules are consistent with this section.

(3) The following definitions apply to this section:

(a) "Individual" means a natural person purchasing the qualified item for personal use or consumption. An "individual" does not include a natural person purchasing the qualified item for use or consumption by a business or in a business capacity.

(b) "Non-qualified items" means: motor vehicles; watercraft; alcoholic beverages; soft drinks; prepared food; tobacco; marijuana products, or its successor term, as defined in RCW 69.50.101; vapor products as defined in RCW 70.345.010; and any product, the retail sale of which is unlawful. For purposes of this subsection (3)(b), the definitions in RCW 82.08.0293 apply.

(c) "Qualified items" means any article of tangible personal property, digital good, or digital code used solely to obtain one or more digital goods, excluding non-qualified items.

NEW SECTION. Sec. 3. A new section is added to chapter 82.12 RCW to read as follows:

(1) Subject to the limitations and conditions provided in this section, the provisions of this chapter do not apply to sales of qualified items with a purchase price of \$1,000, or less, purchased by an individual between 12:00 a.m. on September 3, 2022, and 11:59 p.m. on September 5, 2022.

(2) The department may adopt rules for the administration of this section, including emergency rules. These rules must be consistent with the streamlined

sales and use tax agreement, to the extent the department considers advisable, so long as the rules are consistent with this section.

(3) The definitions in section 2 of this act apply to this section."

Representatives Frame and Orcutt spoke in favor of the adoption of the amendment.

Amendment (1295) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Paul and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2018.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2018, and the bill passed the House by the following vote: Yeas, 91; Nays, 7; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Springer, Steele, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Fitzgibbon, Hansen, Harris-Talley, Pollet, Simmons, Stokesbary and Walen.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2018, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5590, by Senate Committee on Environment, Energy & Technology (originally sponsored by Wagoner, Das, Lovelett, Mullet and Rolfes)

Eliminating the 2022 expiration date of the marine resources advisory council.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dye and Fitzgibbon spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5590.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5590, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE SENATE BILL NO. 5590, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5544, by Senate Committee on Environment, Energy & Technology (originally sponsored by Brown, Dozier, Frockt, Hasegawa, Mullet, Rolfes, Short, Wagoner, Wellman and Wilson, L.)

Establishing the Washington blockchain work group.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Community & Economic Development was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 46, February 24, 2022).

Representative Ryu moved the adoption of amendment (1221) to the committee striking amendment:

On page 1, line 20 of the striking amendment, after "(d)" insert "A privacy

expert with experience in blockchain technology or its applications;

(e) "

Reletter the remaining subsections consecutively and correct any internal references accordingly.

On page 2, line 18 of the striking amendment, after "systems" insert "including, but not limited to, African American, Latino American, Native American, Pacific Islander American, and Asian American communities, religious minorities, protest and activist groups, and other vulnerable communities"

On page 3, line 5 of the striking amendment, after "designee;" insert "the director of the department of licensing, or the director's designee; the director of the office of equity, or the director's designee;"

Representatives Ryu and Boehnke spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (1221) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Boehnke and Senn spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5544, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5544, and the bill passed the House by the following vote: Yeas, 94; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel,

Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chase, Klippert, Kraft and McCaslin.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5544, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5519, by Senators Dozier, Mullet, Brown, Gildon, Rivers, Wilson, J. and Wilson, L.

Replacing an inactive certificate status with an inactive license designation.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Vick and Kirby spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5519.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5519, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SENATE BILL NO. 5519, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5548, by Senate Committee on Law & Justice (originally sponsored by Pedersen, Wagoner, Dhingra and Mullet)

Concerning the uniform unregulated child custody transfer act.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hansen and Walsh spoke in favor of the passage of the bill.

MOTION

On motion of Representative Griffey, Representatives Robertson and Chase were excused.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5548.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5548, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

Excused: Representatives Chase and Robertson.

SUBSTITUTE SENATE BILL NO. 5548, having received the necessary constitutional majority, was declared passed.

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5275, by Senate Committee on Housing & Local Government (originally sponsored by Short, Lovelett, Das, Wellman and Wilson, C.)

Enhancing opportunity in limited areas of more intense rural development.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goehner and Pollet spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Engrossed Substitute Senate Bill No. 5275.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5275, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

Excused: Representative Robertson.

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5275, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5615, by Senators Lovick, Hunt, Hasegawa, Honeyford, Lovelett, Nobles, Pedersen, Randall, Rolfes and Wellman

Designating pickleball as the official state sport.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Berg and Volz spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5615.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5615, and the bill passed the House by the following vote: Yeas, 83; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan,

Chandler, Chase, Chopp, Cody, Corry, Davis, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Jacobsen, J. Johnson, Kirby, Klicker, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wilcox, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Chambers, Chapman, Dent, Hoff, Klippert, Kloba, Kretz, McCaslin, McEntire, Orcutt, Stokesbary, Sutherland, Vick, Walsh and Ybarra.

SENATE BILL NO. 5615, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5078, by Senate Committee on Law & Justice (originally sponsored by Liias, Kuderer, Darneille, Hunt, Nguyen, Pedersen, Wilson, C. and Lovelett)

Addressing firearm safety measures to increase public safety. Revised for 1st Substitute: Addressing firearm safety measures to increase public safety. (REVISED FOR ENGROSSED: Establishing firearms-related safety measures to increase public safety by prohibiting the manufacture, importation, distribution, selling, and offering for sale of large capacity magazines, and by providing limited exemptions applicable to licensed firearms manufacturers and dealers for purposes of sale to armed forces branches and law enforcement agencies for purposes of sale or transfer outside the state.)

The bill was read the second time.

The Speaker assumed the chair.

With the consent of the House, amendments (1202), (1216), (1187), (1196), (1198), (1318) and (1356) were withdrawn.

Representative Graham moved the adoption of amendment (1200):

On page 7, line 33, after "than" strike "10" and insert "30"

On page 7, line 39, after "than" strike "10" and insert "30"

Representatives Graham, Walsh and Young spoke in favor of the adoption of the amendment.

Representative Peterson spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1200) and the amendment was not adopted by the following vote: Yeas, 41; Nays, 57; Absent, 0; Excused: 0

Voting yea: Representatives Abbarno, Barkis, Boehnke, Calder, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

Voting nay: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Leavitt, Lekanoff, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

Representative Klippert moved the adoption of amendment (1220):

On page 7, line 33, after "than" strike "10" and insert "15"

On page 7, line 39, after "than" strike "10" and insert "15"

With the consent of the House, Representative Klippert withdrew amendment (1220).

Representative Harris-Talley moved the adoption of amendment (1353):

On page 7, line 33, after "ammunition" insert "for a rifle or shotgun, or more than 15 rounds of ammunition for a pistol"

Representatives Harris-Talley, Walsh, Graham and Young spoke in favor of the adoption of the amendment.

Representative Hackney spoke against the adoption of the amendment.

Amendment (1353) was not adopted.

Representative Walsh moved the adoption of amendment (1173):

On page 8, line 1, after "device;" strike "or"

On page 8, line 3, after "firearm" insert "; or"

(d) Parts necessary to repair a large capacity magazine, when: (i) the large capacity magazine to be repaired was

present in the state of Washington as of July 1, 2022, (ii) repair does not increase the capacity of the large capacity magazine, and (iii) any and all leftover parts following completion of the repair are disposed of in a manner which prevents the creation of additional large capacity magazines from such parts"

Representative Walsh spoke in favor of the adoption of the amendment.

Representative Hansen spoke against the adoption of the amendment.

Amendment (1173) was not adopted.

Representative Young moved the adoption of amendment (1217):

On page 8, line 1, after "device;" strike "or"

On page 8, line 3, after "firearm" insert "; or"

(d) A magazine of the same capacity as a magazine ordinarily packaged with a firearm when used with that firearm"

Representatives Young, Walsh and Hoff spoke in favor of the adoption of the amendment.

Representative Valdez spoke against the adoption of the amendment.

Amendment (1217) was not adopted.

Representative Abbarno moved the adoption of amendment (1170):

On page 8, line 10, after "state." insert ""Distribute" does not include giving out, providing, making available, or delivering a large capacity magazine to an immediate family or household member, so long as the large capacity magazine was present in the state of Washington prior to July 1, 2022. For purposes of this subsection, "an immediate family or household member" means (a) persons related by blood or marriage; (b) adult persons who are presently residing together; or (c) persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren."

Representatives Abbarno, Sutherland, Hoff and Walsh spoke in favor of the adoption of the amendment.

Representative Berry spoke against the adoption of the amendment.

Amendment (1170) was not adopted.

Representative Gilday moved the adoption of amendment (1197):

On page 8, line 10, after "state." insert ""Distribute" does not include transfers of large capacity magazines between family members."

Representative Gilday spoke in favor of the adoption of the amendment.

Representative Berry spoke against the adoption of the amendment.

Amendment (1197) was not adopted.

Representative Graham moved the adoption of amendment (1201):

On page 8, line 10, after "state." insert """Distribute" does not

include transfers of large capacity magazines between individuals when

one of the individuals transferring the large capacity magazine holds

a valid concealed pistol license under chapter 9.41 RCW."

Representatives Graham, Kraft, Sutherland, Gilday, Walsh and Dent spoke in favor of the adoption of the amendment.

Representative Senn spoke against the adoption of the amendment.

Amendment (1201) was not adopted.

Representative Ybarra moved the adoption of amendment (1218):

On page 8, line 21, after "may" insert "intentionally"

On page 9, line 6, after "section" insert "with criminal intent"

On page 9, line 11, after "online" insert "with criminal intent"

Representatives Ybarra, Rude, Abbarno, Walsh and Young spoke in favor of the adoption of the amendment.

Representatives Hackney and Goodman spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1218) and the amendment was not adopted by the following vote: Yeas, 42; Nays, 56; Absent, 0; Excused: 0

Voting yea: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

Voting nay: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Leavitt, Lekanoff, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

Representative Klippert moved the adoption of amendment (1219):

On page 9, line 5, after "state" insert ";

(d) The importation or distribution of a large capacity magazine by or to a dealer that is properly licensed under federal and state law, as part of receipt of a firearm packaged with a large capacity magazine, provided that the large capacity magazine is (i) destroyed by the dealer, (ii) retained by the dealer for purposes of sale to any branch of the armed forces of the United States or the state of Washington or to a law enforcement agency in this state for use by that agency or its employees for law enforcement purposes, or (iii) retained by the dealer for the purpose of selling or transferring the large capacity magazine to a person who does not reside in this state"

Representatives Klippert and Walsh spoke in favor of the adoption of the amendment.

Representative Hansen spoke against the adoption of the amendment.

Amendment (1219) was not adopted.

Representative Young moved the adoption of amendment (1225):

On page 9, after line 7, insert "(4) (a) A person who is charged with a violation of this section may petition the court for a deferred prosecution, provided the defendant: (i) has no prior convictions for the same offense, and (ii) stipulates that he or she will not again violate the terms of RCW 9A.41 pertaining to large capacity magazines for a minimum of two years.

(b) A person who is granted a deferred prosecution under this section and does not violate the terms of the deferred prosecution shall not be guilty of a gross misdemeanor punishable under chapter 9A.20 RCW."

Representatives Young, Walsh and Wilcox spoke in favor of the adoption of the amendment.

Representative Goodman spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1225) and the amendment was not adopted by the following vote: Yeas, 43; Nays, 55; Absent, 0; Excused: 0

Voting yea: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

Voting nay: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Leavitt, Lekanoff, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

Representative Young moved the adoption of amendment (1226):

On page 9, after line 7, insert "(4) In any prosecution for a violation of this section, it is an affirmative defense, if established by the defendant by a preponderance of the evidence, that the large capacity magazine, conversion kit, part, or combination of parts, was legally obtained in the state of Washington prior to the effective date of this act or outside the state of

Washington. The defendant may establish he or she obtained the large capacity magazine, conversion kit, part, or combination of parts at issue prior to the effective date of this Act with an authentic photographic image of the large capacity magazine, conversion kit, part, or combination of parts that is digitally marked or electronically associated with a date and time stamp prior to the effective date of this act, or through other admissible evidence."

Representatives Young and Walsh spoke in favor of the adoption of the amendment.

Representative Valdez spoke against the adoption of the amendment.

Amendment (1226) was not adopted.

Representative Walsh moved the adoption of amendment (1185):

On page 7, beginning on line 33, after "ammunition," strike all

material through "person," on line 36

Representatives Walsh and Dent spoke in favor of the adoption of the amendment.

Representative Berry spoke against the adoption of the amendment.

Amendment (1185) was not adopted.

Representative Kraft moved the adoption of amendment (1359):

On page 8, beginning on line 24, beginning with "(2)" strike all material through "following:" on line 25

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representative Kraft and Kraft (again) spoke in favor of the adoption of the amendment.

Representative Goodman spoke against the adoption of the amendment.

Amendment (1359) was not adopted.

Representative Walsh moved the adoption of amendment (1172):

On page 1, beginning on line 11, strike all of section 1

Renumber the remaining sections consecutively and correct any internal references accordingly. Correct the title.

Representatives Walsh and Kraft spoke in favor of the adoption of the amendment.

Representative Berry spoke against the adoption of the amendment.

Amendment (1172) was not adopted.

Representative Walsh moved the adoption of amendment (1188):

On page 9, beginning on line 8, strike all of section 4

Renumber the remaining sections consecutively and correct any internal references accordingly. Correct the title.

Representatives Walsh, Kraft and Walsh (again) spoke in favor of the adoption of the amendment.

Representative Hackney spoke against the adoption of the amendment.

Amendment (1188) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Valdez, Berry, Senn, Ortiz-Self, Peterson, Hackney and Stonier spoke in favor of the passage of the bill.

Representatives Young, McEntire, Griffey, Gilday, Jacobsen, Orcutt, Schmick, Hoff, Chambers, Sutherland, Graham, Chase, McCaslin, Dye, Kraft, Klicker, Kretz, Klippert, MacEwen, Dent, Rude, Eslick, Barkis, Mosbrucker, Vick, Wilcox and Walsh spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5078.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5078, and the bill passed the House by the following vote: Yeas, 55; Nays, 42; Absent, 1; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, J. Johnson, Kloba,

Leavitt, Lekanoff, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Harris-Talley, Hoff, Jacobsen, Kirby, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Absent: Representative Chandler.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5078, having received the necessary constitutional majority, was declared passed.

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

MESSAGES FROM THE SENATE

March 4, 2022

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5459,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5714,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5755,
SUBSTITUTE SENATE BILL NO. 5799,
ENGROSSED SENATE BILL NO. 5849,

and the same are herewith transmitted.

Sarah Bannister, Secretary

March 4, 2022

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5309,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5980,

and the same are herewith transmitted.

Sarah Bannister, Secretary

March 4, 2022

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5901,

and the same is herewith transmitted.

Sarah Bannister, Secretary

March 4, 2022

Mme. SPEAKER:

The President has signed:

HOUSE BILL NO. 1051,
HOUSE BILL NO. 1613,
ENGROSSED SUBSTITUTE HOUSE BILL NO.
1795,
SECOND SUBSTITUTE HOUSE BILL NO. 1818,
HOUSE BILL NO. 1832,
ENGROSSED SUBSTITUTE HOUSE BILL NO.
1930,
SUBSTITUTE HOUSE BILL NO. 2019,
ENGROSSED HOUSE BILL NO. 2096,

and the same are herewith transmitted.

Sarah Bannister, Secretary

March 4, 2022

Mme. SPEAKER:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1593,
ENGROSSED SUBSTITUTE HOUSE BILL NO.
1629,
HOUSE BILL NO. 1648,
HOUSE BILL NO. 1700,
HOUSE BILL NO. 1704,
HOUSE BILL NO. 1739,
HOUSE BILL NO. 1765,
SUBSTITUTE HOUSE BILL NO. 1790,
HOUSE BILL NO. 1927,
ENGROSSED HOUSE BILL NO. 1931,
ENGROSSED HOUSE BILL NO. 1982,
HOUSE BILL NO. 2007,
ENGROSSED SUBSTITUTE HOUSE BILL NO.
2037,
SUBSTITUTE HOUSE BILL NO. 2051,

and the same are herewith transmitted.

Sarah Bannister, Secretary

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

**SUPPLEMENTAL
INTRODUCTION & FIRST READING**

ESB 5309 by Senators Rivers, Brown, Das, Fortunato, Hasegawa, Keiser, Lovelett, Mullet, Robinson, Wilson, C. and Wilson, L.

AN ACT Relating to providing a sales and use tax exemption for adult and baby diapers; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating new sections; and providing an effective date.

Referred to Committee on Finance.

ESSB 5459 by Senate Committee on Ways & Means (originally sponsored by Mullet and Wilson, L.)

AN ACT Relating to creating a business and occupation tax deduction for persons conducting payment card processing activity; adding a new section to chapter 82.04 RCW; creating new sections; and providing an effective date.

Referred to Committee on Finance.

ESSB 5714 by Senate Committee on Environment, Energy & Technology (originally sponsored by Carlyle, Liias, Gildon, Lovelett, Mullet, Nguyen and Rolfes)

AN ACT Relating to creating a sales and use tax deferral program for solar canopies placed on large-scale commercial parking lots and other similar areas; adding a new chapter to Title 82 RCW; and providing an effective date.

Referred to Committee on Finance.

E2SSB 5755 by Senate Committee on Ways & Means (originally sponsored by Trudeau, Billig, Nobles, Saldaña and Wellman)

AN ACT Relating to authorizing certain cities to establish a limited sales and use tax incentive program to encourage redevelopment of underdeveloped lands in urban areas; adding a new chapter to Title 82 RCW; and providing expiration dates.

Referred to Committee on Finance.

SSB 5799 by Senate Committee on Business, Financial Services & Trade (originally sponsored by Robinson and Lovick)

AN ACT Relating to modifying the application of the workforce education investment advanced computing surcharge to provider clinics and affiliated organizations; amending RCW 82.04.299; creating a new section; and providing an effective date.

Referred to Committee on Finance.

ESB 5849 by Senator Warnick

AN ACT Relating to tax incentives; amending RCW 84.25.030, 82.60.049, 82.04.294, 82.60.020, and 82.60.120; adding a new section to chapter 82.60 RCW; creating a new section; providing an effective date; and providing expiration dates.

Referred to Committee on Finance.

ESB 5901 by Senators Randall, Billig, Holy, Mullet, Nguyen and Saldaña

AN ACT Relating to economic development tax incentives for targeted counties; amending RCW 82.08.820 and 82.12.820; adding a new chapter to Title 82 RCW; creating a new section; providing an effective date; and providing expiration dates.

Referred to Committee on Finance.

ESSB 5980 by Senate Committee on Ways & Means (originally sponsored by Carlyle, Randall, Hunt, Kuderer and Mullet)

AN ACT Relating to providing substantial and permanent 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.

Referred to Committee on Finance.

There being no objection, the bills listed on the day's supplemental introduction sheet under the fourth order of business were referred to the committees so designated.

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

MOTION

There being no objection, the Committee on Rules was relieved of the following bill and the bill was placed on the second reading calendar:

HOUSE BILL NO. 1918

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

SECOND READING

HOUSE BILL NO. 1988, by Representatives Shewmake, Berry and Paul

Concerning tax deferrals for investment projects in clean technology manufacturing, clean alternative fuels production, and renewable energy storage.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1988 was substituted for House Bill No. 1988 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1988 was read the second time.

Representative Orcutt moved the adoption of amendment (1341):

On page 6, line 22, after "receive a" insert "one hundred percent"

Beginning on page 6, line 23, after "this act" strike all material through "faith efforts" on page 8, line 8

Re-number the remaining subsections consecutively and correct any internal references accordingly.

Representative Orcutt spoke in favor of the adoption of the amendment.

Representative Springer spoke against the adoption of the amendment.

Amendment (1341) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Shewmake spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

MOTIONS

On motion of Representative Riccelli, Representative J. Johnson was excused.

On motion of Representative Griffey, Representative Chandler was excused.

The Speaker stated the question before the House to be the final passage of Second Substitute House Bill No. 1988.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1988, and the bill passed the House by the following vote: Yeas, 56; Nays, 40; Absent, 0; Excused, 2.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley,

Kirby, Kloba, Leavitt, Lekanoff, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Chandler and J. Johnson.

SECOND SUBSTITUTE HOUSE BILL NO. 1988, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1914, by Representatives Riccelli, Orcutt, Berry, Leavitt, McEntire, Ryu, Santos, Walen, Wicks, Ortiz-Self, Stonier, Robertson, Peterson, Rule, Vick, Goodman, Dolan, Orwall, Eslick, Barkis, Graham, Berg, Dent, Bateman and Macri

Updating and expanding the motion picture competitiveness program.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1914 was substituted for House Bill No. 1914 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1914 was read the second time.

Representative Riccelli moved the adoption of striking amendment (1365):

Strike everything after the enacting clause and insert the following:

"**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) "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 cochair's of the board's equity committee, not already serving on the board, recommended by the board to the governor;

(f) Two cochair's 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 ~~((4))~~ (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))~~ \$20,000,000. 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 ((will)) 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."

Correct the title.

Representatives Riccelli and Boehnke spoke in favor of the adoption of the striking amendment.

Striking amendment (1365) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Boehnke, Riccelli and Orcutt spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1914.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1914, and the bill passed the House by the following vote: Yeas, 93; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Kraft, Paul and Young.

Excused: Representatives Chandler and J. Johnson.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1914, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Engrossed Substitute House Bill No. 1914.

Representative Paul, 10th District

SECOND READING

HOUSE BILL NO. 1918, by Representatives Macri, Valdez, Berry, Ryu, Simmons, Peterson, Goodman, Ramel, Kloba, Bateman, Harris-Talley and Pollet

Reducing emissions from outdoor power equipment.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1918 was substituted for House Bill No. 1918 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1918 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Macri and Orcutt spoke in favor of the passage of the bill.

Representative Ybarra spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Substitute House Bill No. 1918.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1918, and the bill passed the House by the following vote: Yeas, 81; Nays, 15; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chambers, Chapman, Chase, Chopp, Cody, Corry, Davis, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, Kirby, Klicker, Kloba, Leavitt, Lekanoff, Macri, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Boehnke, Caldier, Dent, Dufault, Graham, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Sutherland, Walsh and Ybarra.

Excused: Representatives Chandler and J. Johnson.

SECOND SUBSTITUTE HOUSE BILL NO. 1918, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 10:00 a.m., March 7, 2022, the 57th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FIFTY SEVENTH DAY

House Chamber, Olympia, Monday, March 7, 2022

The House was called to order at 10:00 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

The Speaker (Representative Orwall presiding) called upon Representative Bronoske to preside.

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

INTRODUCTION & FIRST READING

HJM 4003 by Representatives Rude, Fitzgibbon, Stokesbary, Robertson, Bergquist, Berry, Sells, Schmick, MacEwen, Leavitt, Pollet, Chambers, Santos, Ryu, Gilday, Macri, Eslick, Taylor, Dent, Wicks, Riccelli, Harris-Talley, Dolan, Berg, Hoff, Goehner, Klicker, Dye, Bronoske, Paul, Goodman, Boehnke, Shewmake, Senn, Young and Peterson

Requesting Congress support the immediate restriction of all future purchases of petroleum and other hydrocarbons from Russia.

Referred to Committee on Rules.

There being no objection, the memorial listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

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

REPORTS OF STANDING COMMITTEES

March 5, 2022

SSB 5488 Prime Sponsor, Committee on Transportation: Concerning state contributions in support of the Tacoma Narrows toll bridge. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 47.56.165 and 2009 c 567 s 1 are each amended to read as follows:

A special account to be known as the Tacoma Narrows toll bridge account is created in the motor vehicle fund in the state treasury.

(1) Deposits to the account must include:

(a) All proceeds of bonds issued for construction of the Tacoma Narrows public-private initiative project, including any capitalized interest;

(b) All of the toll charges and other revenues received from the operation of the Tacoma Narrows bridge as a toll facility, to be deposited at least monthly;

(c) Any interest that may be earned from the deposit or investment of those revenues;

(d) Notwithstanding RCW 47.12.063, proceeds from the sale of any surplus real property acquired for the purpose of building the second Tacoma Narrows bridge; (~~and~~)

(e) All liquidated damages collected under any contract involving the construction of the second Tacoma Narrows bridge; and

(f) Beginning with September 2022 and ending July 1, 2032, by the last day of September, December, March, and June of each year, the state treasurer shall transfer from the general fund to the account the sum of \$3,250,000. The total amount that may be transferred pursuant to this subsection is \$130,000,000.

(2) Proceeds of bonds shall be used consistent with RCW 47.46.130, including the reimbursement of expenses and fees incurred under agreements entered into under RCW 47.46.040 as required by those agreements.

(3) Toll charges, other revenues, and interest may only be used to:

(a) Pay required costs that contribute directly to the financing, operation, maintenance, management, and necessary repairs of the tolled facility, as determined by rule by the transportation commission; and

(b) Repay amounts to the motor vehicle fund as required under RCW 47.46.140.

(4) Toll charges, other revenues, and interest may not be used to pay for costs that do not contribute directly to the financing, operation, maintenance, management, and necessary repairs of the tolled facility, as determined by rule by the transportation commission.

(5) The department shall make detailed quarterly expenditure reports available to the transportation commission and to the public on the department's website using current department resources.

(6) When repaying the motor vehicle fund under RCW 47.46.140, the state treasurer shall transfer funds from the Tacoma Narrows toll bridge account to the motor vehicle fund on or before each debt service date for bonds issued for the Tacoma Narrows public-private initiative project in an amount sufficient to repay the motor vehicle fund for amounts transferred from that fund to the highway bond retirement fund to provide for any bond principal and interest due on that date. The state treasurer may establish subaccounts for the purpose of segregating toll charges, bond sale proceeds, and other revenues.

Sec. 2. RCW 47.46.190 and 2018 c 195 s 1 are each amended to read as follows:

(1) The legislature finds funding of the Tacoma Narrows bridge facility to be distinct from other Washington state tolling facilities due to its increasing debt service costs, which is the primary driver of the facility's escalating costs. Washington state has since recommended and established financing structures with steadier levels of debt service payments for subsequent tolled transportation facilities, supporting better management of the state's debt burden and a lower financial burden for toll ratepayers.

(2) The Tacoma Narrows bridge facility debt service structure resulted, in part, from a decision by the legislature to fund construction of the bridge without drawing from state tax dollars. As a result, toll revenue was committed to fund ~~((ninety-nine))~~ 99 percent of bridge

construction costs, as well as the associated interest payments and other associated debt service costs. This is not the standard more recently utilized by the legislature, as is the case of the state route 520 bridge's construction, ~~((seventy-two))~~ 72 percent of which is to be paid for with toll revenues. In light of the maximum burden for bridge construction that was placed on Tacoma Narrows bridge toll ratepayers, there is no equitable reason that the burden of future debt service payment increases should be borne by these same toll ratepayers.

(3) The legislature established the Tacoma Narrows bridge work group in 2017 and tasked it with identifying opportunities for long-term toll payer relief from increasing toll rates on the Tacoma Narrows bridge. The work group recommended a request of up to ~~((one hundred twenty-five million dollars))~~ \$125,000,000 in state funding from the legislature to offset future debt service payment increases, allocated across the remaining years of tolling at levels that result in maintaining toll rates at fiscal year 2018 levels.

(4) Due to the findings aforementioned, an alternative is put forward by the legislature. State contribution loans for each fiscal biennium are to be made through the life of the debt service plan of up to a total of ~~((eighty-five million dollars))~~ \$85,000,000, and will be repaid in annual amounts beginning after the debt service and deferred sales tax are fully repaid. It is the intent of the legislature that the commission will ~~((+~~

~~((a) Maintain tolls at no more than toll rates effective at the fiscal year 2018 level until fiscal year 2022; and~~

~~((b) Maintain tolls at no more than twenty-five cents higher than the toll rates effective at the fiscal year 2018 level beginning in fiscal year 2022))~~ adjust tolls accordingly, in consideration of annual contributions from nontoll sources and the costs required to be covered under RCW 47.46.100, until such time as the debt service and deferred sales tax obligation is fully met according to the repayment schedule in place as of June 7, 2018, and until any state contribution loans are fully repaid.

(5) To offset part of the toll rate increases that would otherwise be

necessary to meet increases in future debt service payments, it is the intent of the legislature that the state treasurer make state contribution loan transfers to the Tacoma Narrows toll bridge account created in RCW 47.56.165 on the first day of each fiscal biennium, beginning in the 2019-2021 fiscal biennium, through the life of the debt service plan. It is the intent of the legislature that the state treasurer make state contribution loan transfers in amounts necessary to ensure debt service payments are made in full after toll revenue from the Tacoma Narrows bridge toll facility is applied to the debt payment amounts and other required costs.

(6) This section does not create a private right of action.

Sec. 3. RCW 47.46.200 and 2018 c 195 s 2 are each amended to read as follows:

(1) Through 2031, the commission shall submit to the transportation committees of the legislature on an annual basis a report that includes sufficient information to enable the legislature to determine an adequate amount of contribution from nontoll sources required for each fiscal biennium to maintain ~~((tolls at no more than twenty-five cents higher than the toll rates effective at the fiscal year 2018 level, while also maintaining))~~ the debt service plan repayment schedule in place as of June 7, 2018. The report must be submitted by January 5th of each year.

(2) Beginning in 2031, and until such time as the state contribution loans described in RCW 47.46.190(4) are repaid, the commission shall submit to the transportation committees of the legislature on an annual basis a report that includes information detailing the annual expected toll revenue to be used for repayment of the state contribution loans ~~((while maintaining tolls at no more than twenty-five cents higher than the toll rates effective at the fiscal year 2018 level))~~. The report must be submitted by January 5th of each year.

(3) This section does not create a private right of action."

Correct the title.

Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Berry; Chapman; Dent; Donaghy; Duerr; Entenman; Griffey; Hackney; Paul; Ramel; Riccelli; Slatter; Taylor; Valdez and Wicks.

MINORITY recommendation: Do not pass. Signed by Representatives Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Goehner; Klicker and McCaslin.

MINORITY recommendation: Without recommendation. Signed by Representatives Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member and Orcutt.

Referred to Committee on Rules for second reading.

There being no objection, the bill listed on the day's committee reports under the fifth order of business was referred to the committee so designated.

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

SECOND READING

SENATE BILL NO. 5634, by Senator Carlyle

Updating the utilities and transportation commission's regulatory fees.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Fitzgibbon spoke in favor of the passage of the bill.

Representative Stokesbary spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5634.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5634, and the bill passed the House by the following vote: Yeas, 53; Nays, 45; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Lekanoff, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, Leavitt, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker,

Orcutt, Paul, Robertson, Rude, Rule, Schmick, Shewmake, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

SENATE BILL NO. 5634, having received the necessary constitutional majority, was declared passed.

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

THIRD READING

MESSAGE FROM THE SENATE

March 1, 2022

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1074 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 70.05 RCW to read as follows:

(1) The legislature finds that the mortality rate in Washington state due to overdose, withdrawal related to substance abuse such as opiates, benzodiazepines, and alcohol, and suicide is unacceptably high and that such mortality may be preventable. The legislature further finds that, through the performance of overdose, withdrawal, and suicide fatality reviews, preventable causes of mortality can be identified and addressed, thereby reducing the number of overdose, withdrawal, and suicide fatalities in Washington state.

(2) (a) A local health department may establish multidisciplinary overdose, withdrawal, and suicide fatality review teams to review overdose, withdrawal, and suicide deaths and to develop strategies for the prevention of overdose, withdrawal, and suicide fatalities.

(b) The department shall assist local health departments to collect the reports of any overdose, withdrawal, and suicide fatality reviews conducted by local health departments and assist with entering the reports into a database to the extent that the data is not protected under subsection (3) of this section. Notwithstanding subsection (3) of this section, the department shall respond to any requests for data from the database to the extent permitted for health care

information under chapters 70.02 and 70.225 RCW. In addition, the department shall provide technical assistance to local health departments and overdose, withdrawal, and suicide fatality review teams conducting overdose, withdrawal, and suicide fatality reviews and encourage communication among overdose, withdrawal, and suicide fatality review teams.

(c) All overdose, withdrawal, or suicide fatality reviews undertaken under this section shall be shared with the department, subject to the same confidentiality restrictions described in this section.

(3) (a) All health care information collected as part of an overdose, withdrawal, and suicide fatality review is confidential, subject to the restrictions on disclosure provided for in chapter 70.02 RCW. When documents are collected as part of an overdose, withdrawal, and suicide fatality review, the records may be used solely by local health departments for the purposes of the review.

(b) Information, documents, proceedings, records, and opinions created, collected, or maintained by the overdose, withdrawal, and suicide fatality review team or the local health department in support of the review team are confidential and are not subject to public inspection or copying under chapter 42.56 RCW and are not subject to discovery or introduction into evidence in any civil or criminal action.

(c) Any person who was in attendance at a meeting of the review team or who participated in the creation, collection, or maintenance of the review team's information, documents, proceedings, records, or opinions may not be permitted or required to testify in any civil or criminal action as to the content of such proceedings, or the review team's information, documents, records, or opinions. This subsection does not prevent a member of the review team from testifying in a civil or criminal action concerning facts which form the basis for the overdose, withdrawal, and suicide fatality review team's proceedings of which the review team member had personal knowledge acquired independently of the overdose, withdrawal, and suicide fatality review team or which is public information.

(d) Any person who, in substantial good faith, participates as a member of the review team or provides information to further the purposes of the review team may not be subject to an action for civil damages or other relief as a result of the activity or its consequences.

(e) All meetings, proceedings, and deliberations of the overdose, withdrawal, and suicide fatality review team must be confidential and may be conducted in executive session.

(4) This section does not prevent a local health department from publishing statistical compilations and reports related to the overdose, withdrawal, and suicide fatality review. Any portions of such compilations and reports that identify individual cases and sources of information must be redacted.

(5) To aid in an overdose, withdrawal, and suicide fatality review, the local health department has the authority to:

(a) Request and receive data for specific overdose, withdrawal, and suicide fatalities including, but not limited to, all medical records related to the overdose, withdrawal, and suicide, autopsy reports, medical examiner reports, coroner reports, schools, criminal justice, law enforcement, and social services records; and

(b) Request and receive data as described in (a) of this subsection from health care providers, health care facilities, clinics, schools, criminal justice, law enforcement, laboratories, medical examiners, coroners, professions and facilities licensed by the department of health, local health jurisdictions, the health care authority and its licensees and providers, the department of health and its licensees, the department of social and health services and its licensees and providers, and the department of children, youth, and families and its licensees and providers.

(6) Upon request by the local health department, health care providers, health care facilities, clinics, schools, criminal justice, law enforcement, laboratories, medical examiners, coroners, professions and facilities licensed by the department of health, local health jurisdictions, the health care authority and its licensees and providers, the department of health and its licensees, the department of social and health services and its licensees and providers, and the

department of children, youth, and families and its licensees and providers must provide all medical records related to the overdose, withdrawal, and suicide, autopsy reports, medical examiner reports, coroner reports, social services records, and other data requested for specific overdose, withdrawal, and suicide fatalities to perform an overdose, withdrawal, and suicide fatality review to the local health department.

(7) For the purposes of this section, "overdose, withdrawal, and suicide fatality review" means a confidential process to review minor or adult overdose, withdrawal, and suicide deaths as identified through a death certificate; by a medical examiner or coroner; or by a process defined by the local department of health. The process may include a systematic review of medical, clinical, and hospital records related to the overdose, withdrawal, and suicide; confidential interviews conducted with the protections established in subsection (3) of this section; analysis of individual case information; and review of this information by a team of professionals in order to identify modifiable medical, socioeconomic, public health, behavioral, administrative, educational, and environmental factors associated with each death."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "overdose, withdrawal, and suicide fatality reviews; and adding a new section to chapter 70.05 RCW."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1074 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Peterson and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1074, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1074, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE HOUSE BILL NO. 1074, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 3, 2022

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1329 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds and declares that, due to technological advances since the 1971 adoption of the open public meetings act, elected officials no longer conduct the public's business solely at in-person meetings, but can and do utilize telephonic and other electronic methods to efficiently conduct the business of state and local government remotely. Further, limitations on public gatherings required as the result of a disaster or emergency, for example, to assist in preventing the spread of infectious diseases, may affirmatively necessitate the use of technology and the avoidance of in-person attendance at public meetings for the conduct of governmental business. It is the policy of the state that a governing body's actions, including deliberations, shall be taken and conducted in the open. When the public cannot observe and participate

in person, it may limit participation in democracy. Therefore, this act shall be construed in favor of ensuring access by the public to observe elected officials when they meet pursuant to this act. It is the intent of this act to modernize and update the open public meetings act emergency procedures to reflect technological advances, while maintaining the act's public policy that governing body's actions and deliberations be taken and conducted openly while balancing public safety in emergency conditions. Governing bodies are encouraged to adopt resolutions or ordinances establishing where and how meetings will be held in the event of an emergency, in order to allow the public to more easily learn about and observe public agency action in an emergent situation.

The legislature further finds people participating in their government, especially through public comment, is an essential part of developing public policy. The legislature finds that there are numerous developing technologies that can be used to facilitate public comment, especially for those with disabilities, underserved communities, and those who face time or distance challenges when traveling to public meetings. Therefore, the legislature intends to encourage public agencies to make use of remote access tools as fully as practicable to encourage public engagement and better serve their communities.

Sec. 2. RCW 42.30.010 and 1971 ex.s. c 250 s 1 are each amended to read as follows:

The legislature finds and declares that all public commissions, boards, councils, committees, subcommittees, departments, divisions, offices, and all other public agencies of this state and subdivisions thereof exist to aid in the conduct of the people's business. It is the intent of this chapter that their actions be taken openly and that their deliberations be conducted openly.

The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed and informing the people's public servants of their views so that they may retain control over the

instruments they have created. For these reasons, even when not required by law, public agencies are encouraged to incorporate and accept public comment during their decision-making process.

Sec. 3. RCW 42.30.030 and 1971 ex.s. c 250 s 3 are each amended to read as follows:

(1) All meetings of the governing body of a public agency shall be open and public and all persons shall be permitted to attend any meeting of the governing body of a public agency, except as otherwise provided in this chapter.

(2) Public agencies are encouraged to provide for the increased ability of the public to observe and participate in the meetings of governing bodies through real-time telephonic, electronic, internet, or other readily available means of remote access that do not require an additional cost to access the meeting.

NEW SECTION. Sec. 4. A new section is added to chapter 42.30 RCW to read as follows:

(1) Public agencies are encouraged to make an audio or video recording of, or to provide an online streaming option for, all regular meetings of its governing body, and to make recordings of these meetings available online for a minimum of six months.

(2) This section does not alter a local government's recordkeeping requirements under chapter 42.56 RCW.

NEW SECTION. Sec. 5. A new section is added to chapter 42.30 RCW to read as follows:

(1) If, after the declaration of an emergency by a local or state government or agency, or by the federal government, a public agency determines that it cannot hold a meeting of the governing body with members or public attendance in person with reasonable safety because of the emergency, the public agency may:

(a) Hold a remote meeting of the governing body without a physical location; or

(b) Hold a meeting of the governing body at which the physical attendance by some or all members of the public is limited due to a declared emergency.

(2) During a remote meeting, members of the governing body may appear or attend by phone or by other electronic

means that allows real-time verbal communication without being in the same physical location. For a remote meeting or a meeting at which the physical attendance by some or all members of the public is limited due to a declared emergency, the public agency must provide an option for the public to listen to the proceedings telephonically or by using a readily available alternative in real-time that does not require any additional cost for participation. Free readily available options include, but are not limited to, broadcast by the public agency on a locally available cable television station that is available throughout the jurisdiction or other electronic, internet, or other means of remote access that does not require any additional cost for access to the program. The public agency may also allow the other electronic means of remote access.

(3) No action may be taken at a remote meeting or a meeting at which the physical attendance by some or all members of the public is limited due to a declared emergency if the public agency has not provided an option for the public to listen to proceedings pursuant to subsection (2) of this section, except for an executive session as authorized in this chapter.

(4) Notice of a remote meeting without a physical location or a meeting at which the physical attendance by some or all members of the public is limited due to a declared emergency must be provided in accordance with this chapter and must include instructions on how the public may listen live to proceedings and on how the public may access any other electronic means of remote access offered by the public agency.

(5) A remote meeting or a meeting at which the physical attendance by some or all members of the public is limited due to a declared emergency that is held under the provisions of this section shall be considered open and public in compliance with the requirements of this chapter. Nothing in this section alters the ability of public agencies to take action in response to an emergency as provided for in RCW 42.30.070, or to have members of a governing body participate in a meeting remotely with no declared emergency.

(6) Notwithstanding any other provision in this section, any governing body of a public agency which held some

of its regular meetings remotely prior to March 1, 2020, may continue to hold some of its regular meetings remotely with no declared emergency so long as the public agency provides an option for the public to listen to the proceedings pursuant to subsection (2) of this section.

Sec. 6. RCW 42.30.040 and 2012 c 117 s 124 are each amended to read as follows:

A member of the public shall not be required, as a condition to attendance at a meeting of a governing body, to register his or her name and other information, to complete a questionnaire, or otherwise to fulfill any condition precedent to his or her attendance. This section does not prohibit any generally applicable conditions determined by the governing body to be reasonably necessary to protect the public health or safety, or to protect against interruption of the meeting, including a meeting at which the physical attendance by some or all members of the public is limited due to a declared emergency.

Sec. 7. RCW 42.30.050 and 1971 ex.s. c 250 s 5 are each amended to read as follows:

In the event that any meeting is interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are interrupting the meeting, the members of the governing body conducting the meeting may order the meeting room cleared and continue in session or may adjourn the meeting and reconvene at another location selected by majority vote of the members. In such a session, final disposition may be taken only on matters appearing on the agenda. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the governing body from establishing a procedure for readmitting an individual or individuals not responsible for disturbing the orderly conduct of the meeting. Nothing in this section prohibits the governing body from stopping people from speaking to the governing body when not recognized by the governing body to speak.

Sec. 8. RCW 42.30.070 and 1983 c 155 s 2 are each amended to read as follows:

The governing body of a public agency shall provide the time for holding regular meetings by ordinance, resolution, bylaws, or by whatever other rule is required for the conduct of business by that body. Unless otherwise provided for in the act under which the public agency was formed, meetings of the governing body need not be held within the boundaries of the territory over which the public agency exercises jurisdiction. If at any time any regular meeting falls on a holiday, such regular meeting shall be held on the next business day. If, by reason of fire, flood, earthquake, or other emergency, there is a need for expedited action by a governing body to meet the emergency, the presiding officer of the governing body may provide for a meeting site other than the regular meeting site, for a remote meeting without a physical location, or for a meeting at which the physical attendance by some or all members of the public is limited due to a declared emergency, and the notice requirements of this chapter shall be suspended during such emergency. It shall not be a violation of the requirements of this chapter for a majority of the members of a governing body to travel together or gather for purposes other than a regular meeting or a special meeting as these terms are used in this chapter: PROVIDED, That they take no action as defined in this chapter.

Sec. 9. RCW 42.30.077 and 2014 c 61 s 2 are each amended to read as follows:

(1) Public agencies with governing bodies must make the agenda of each regular meeting of the governing body available online no later than ~~((twenty-four))~~ 24 hours in advance of the published start time of the meeting. An agency subject to provisions of this section ~~((is not required to post an agenda if it does not have a website or if it employs fewer than ten full-time equivalent employees))~~ may share a website with, or have its website hosted by, another public agency to post meeting agendas, minutes, budgets, contact information, and other records, including any resolution or ordinance adopted by the agency establishing where and how the public agency will meet in the event of an emergency. Nothing in this section prohibits subsequent modifications to agendas nor invalidates any otherwise legal action taken at a meeting where the agenda was not posted in accordance with this section. Nothing

in this section modifies notice requirements or shall be construed as establishing that a public body or agency's online posting of an agenda as required by this section is sufficient notice to satisfy public notice requirements established under other laws. Failure to post an agenda in accordance with this section shall not provide a basis for awarding attorney fees under RCW 42.30.120 or commencing an action for mandamus or injunction under RCW 42.30.130.

(2) A special purpose district, city, or town subject to the provisions of this section is not required to post an agenda online if the district, city, or town:

(a) Has an aggregate valuation of the property subject to taxation by the district, city, or town of less than \$400,000,000, as placed on the last completed and balanced tax rolls of the county preceding the date of the most recent tax levy;

(b) Has a population within its jurisdiction of under 3,000 persons; and

(c) Provides confirmation to the state auditor at the time it files its annual reports under RCW 43.09.230 that the cost of posting notices on a website of its own, a shared website, or on the website of the county in which the largest portion of the district's, city's, or town's population resides, would exceed one-tenth of one percent of the district's, city's, or town's budget.

Sec. 10. RCW 42.30.080 and 2012 c 188 s 1 are each amended to read as follows:

(1) A special meeting may be called at any time by the presiding officer of the governing body of a public agency or by a majority of the members of the governing body by delivering written notice personally, by mail, by fax, or by ~~((electronic mail))~~ email to each member of the governing body. Written notice shall be deemed waived in the following circumstances:

(a) A member submits a written waiver of notice with the clerk or secretary of the governing body at or prior to the time the meeting convenes. A written waiver may be given by telegram, fax, or ~~((electronic mail))~~ email; or

(b) A member is actually present at the time the meeting convenes.

(2) Notice of a special meeting called under subsection (1) of this section shall be:

(a) Delivered to each local newspaper of general circulation and local radio or television station that has on file with the governing body a written request to be notified of such special meeting or of all special meetings;

(b) Posted on the agency's website. An agency is not required to post a special meeting notice on its website if it ~~((i))~~ does not have a website ~~((i))~~ or share a website with another agency. Except in the case of a remote meeting or a meeting at which the physical attendance by some or all members of the public is limited due to a declared emergency as provided for in this chapter, an agency is not required to post a special meeting notice on its website if it employs ~~((fewer than ten))~~ no full-time equivalent employees ~~((i))~~, or ~~((iii))~~ does not employ personnel whose duty, as defined by a job description or existing contract, is to maintain or update the website; and

(c) Prominently displayed at the main entrance of the agency's principal location and the meeting site if it is not held at the agency's principal location and is not held as a remote meeting; except that during a declared emergency which prevents a meeting from being held in-person with reasonable safety an agency that hosts a website or shares a website with another agency may instead post notice of a remote meeting without a physical location on the website hosted or shared by the agency.

Such notice must be delivered or posted, as applicable, at least ~~((twenty-four))~~ 24 hours before the time of such meeting as specified in the notice.

(3) The call and notices required under subsections (1) and (2) of this section shall specify the time and place of the special meeting and the business to be transacted. Final disposition shall not be taken on any other matter at such meetings by the governing body.

(4) The notices provided in this section may be dispensed with in the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage, or

when the required notice cannot be posted or displayed with reasonable safety, including but not limited to declared emergencies in which travel to physically post notice is barred or advised against.

Sec. 11. RCW 42.30.090 and 2012 c 117 s 125 are each amended to read as follows:

The governing body of a public agency may adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members are absent from any regular or adjourned regular meeting the clerk or secretary of the governing body may declare the meeting adjourned to a stated time and place. He or she shall cause a written notice of the adjournment to be given in the same manner as provided in RCW 42.30.080 for special meetings, unless such notice is waived as provided for special meetings. (~~Whenever~~) Except in the case of remote meetings without a physical location as provided for in this chapter, whenever any meeting is adjourned a copy of the order or notice of adjournment shall be conspicuously posted immediately after the time of the adjournment on or near the door of the place where the regular, adjourned regular, special, or adjourned special meeting was held. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings by ordinance, resolution, bylaw, or other rule.

Sec. 12. RCW 42.30.110 and 2019 c 162 s 2 are each amended to read as follows:

(1) Nothing contained in this chapter may be construed to prevent a governing body from holding an executive session during a regular or special meeting:

(a)(i) To consider matters affecting national security;

(ii) To consider, if in compliance with any required data security breach disclosure under RCW 19.255.010 and 42.56.590, and with legal counsel available, information regarding the infrastructure and security of computer and telecommunications networks, security and service recovery plans,

security risk assessments and security test results to the extent that they identify specific system vulnerabilities, and other information that if made public may increase the risk to the confidentiality, integrity, or availability of agency security or to information technology infrastructure or assets;

(b) To consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price;

(c) To consider the minimum price at which real estate will be offered for sale or lease when public knowledge regarding such consideration would cause a likelihood of decreased price. However, final action selling or leasing public property shall be taken in a meeting open to the public;

(d) To review negotiations on the performance of publicly bid contracts when public knowledge regarding such consideration would cause a likelihood of increased costs;

(e) To consider, in the case of an export trading company, financial and commercial information supplied by private persons to the export trading company;

(f) To receive and evaluate complaints or charges brought against a public officer or employee. However, upon the request of such officer or employee, a public hearing or a meeting open to the public shall be conducted upon such complaint or charge;

(g) To evaluate the qualifications of an applicant for public employment or to review the performance of a public employee. However, subject to RCW 42.30.140(4), discussion by a governing body of salaries, wages, and other conditions of employment to be generally applied within the agency shall occur in a meeting open to the public, and when a governing body elects to take final action hiring, setting the salary of an individual employee or class of employees, or discharging or disciplining an employee, that action shall be taken in a meeting open to the public;

(h) To evaluate the qualifications of a candidate for appointment to elective office. However, any interview of such candidate and final action appointing a

candidate to elective office shall be in a meeting open to the public;

(i) To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency.

This subsection (1)(i) does not permit a governing body to hold an executive session solely because an attorney representing the agency is present. For purposes of this subsection (1)(i), "potential litigation" means matters protected by RPC 1.6 or RCW 5.60.060(2)(a) concerning:

(i) Litigation that has been specifically threatened to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party;

(ii) Litigation that the agency reasonably believes may be commenced by or against the agency, the governing body, or a member acting in an official capacity; or

(iii) Litigation or legal risks of a proposed action or current practice that the agency has identified when public discussion of the litigation or legal risks is likely to result in an adverse legal or financial consequence to the agency;

(j) To consider, in the case of the state library commission or its advisory bodies, western library network prices, products, equipment, and services, when such discussion would be likely to adversely affect the network's ability to conduct business in a competitive economic climate. However, final action on these matters shall be taken in a meeting open to the public;

(k) To consider, in the case of the state investment board, financial and commercial information when the information relates to the investment of public trust or retirement funds and when public knowledge regarding the discussion would result in loss to such funds or in private loss to the providers of this information;

(l) To consider proprietary or confidential nonpublished information related to the development, acquisition, or implementation of state purchased health care services as provided in RCW 41.05.026;

(m) To consider in the case of the life sciences discovery fund authority, the substance of grant applications and grant awards when public knowledge regarding the discussion would reasonably be expected to result in private loss to the providers of this information;

(n) To consider in the case of a health sciences and services authority, the substance of grant applications and grant awards when public knowledge regarding the discussion would reasonably be expected to result in private loss to the providers of this information;

(o) To consider information regarding staff privileges or quality improvement committees under RCW 70.41.205.

(2) Before convening in executive session, the presiding officer of a governing body shall publicly announce the purpose for excluding the public from the meeting place, and the time when the executive session will be concluded. The executive session may be extended to a stated later time by announcement of the presiding officer. The announced purpose of excluding the public must be entered into the minutes of the meeting required by RCW 42.30.035.

NEW SECTION. Sec. 13. A new section is added to chapter 42.30 RCW to read as follows:

(1) Except in an emergency situation, the governing body of a public agency shall provide an opportunity at or before every regular meeting at which final action is taken for public comment. The public comment required under this section may be taken orally at a public meeting, or by providing an opportunity for written testimony to be submitted before or at the meeting. If the governing body accepts written testimony, this testimony must be distributed to the governing body. The governing body may set a reasonable deadline for the submission of written testimony before the meeting.

(2) Upon the request of any individual who will have difficulty attending a meeting of the governing body of a public agency by reason of disability, limited mobility, or for any other reason that

makes physical attendance at a meeting difficult, the governing body shall, when feasible, provide an opportunity for that individual to provide oral comment at the meeting remotely if oral comment from other members of the public will be accepted at the meeting.

(3) Nothing in this section prevents a governing body from allowing public comment on items not on the meeting agenda.

(4) Nothing in this section diminishes the authority of governing bodies to deal with interruptions under RCW 42.30.050, limits the ability of the governing body to put limitations on the time available for public comment or on how public comment is accepted, or requires a governing body to accept public comment that renders orderly conduct of the meeting unfeasible.

Sec. 14. RCW 42.30.900 and 1971 ex.s. c 250 s 16 are each amended to read as follows:

This chapter may be known and cited as the ("Open Public Meetings Act of 1971".) Washington state open public meetings act or OPMA.

NEW SECTION. **Sec. 15.** Sections 5 through 11 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."

On page 1, line 2 of the title, after "participation;" strike the remainder of the title and insert "amending RCW 42.30.010, 42.30.030, 42.30.040, 42.30.050, 42.30.070, 42.30.077, 42.30.080, 42.30.090, 42.30.110, and 42.30.900; adding new sections to chapter 42.30 RCW; creating a new section; and declaring an emergency."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1329 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Wicks and Goehner spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1329, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1329, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 87; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Boehnke, Chase, Dent, Dufault, Jacobsen, Klippert, Kraft, McCaslin, McEntire, Sutherland and Walsh.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1329, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

February 25, 2022

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1646 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that:

(1) In 2020, an estimated 120,000 Washingtonians age 65 and older were living with Alzheimer's disease or another dementia and the number is expected to rise to 140,000 by 2025;

(2) Dementia affects the whole family in many ways, including pulling family members, most often women, out of the workforce to care for their loved ones with the disease;

(3) There are an estimated 295,000 unpaid caregivers in Washington providing 426,000,000 total hours of unpaid care annually;

(4) The legislature authorized the preparation of the first Washington state plan to address Alzheimer's disease and other dementias in 2016; and

(5) There is great value in continuing to improve awareness and services for individuals living with Alzheimer's disease and other dementias, and reestablishing the formal dementia action collaborative to update the state plan and make recommendations is essential.

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.20A RCW to read as follows:

(1) The dementia action collaborative is established with members as provided in this subsection.

(a) The governor shall appoint the following members, and may appoint additional members at the governor's discretion:

(i) A representative of the governor's office;

(ii) A representative and an alternate from the department in the aging and long-term support administration;

(iii) A representative and an alternate from the department in the developmental disabilities administration;

(iv) A representative and an alternate from the department of health;

(v) A representative and an alternate from the health care authority;

(vi) A representative and an alternate from the office of the state long-term care ombuds;

(vii) At least one person with Alzheimer's disease or another dementia;

(viii) A caregiver of a person with Alzheimer's disease or another dementia;

(ix) A representative of the University of Washington's memory and brain wellness center;

(x) A representative of an organization representing area agencies on aging;

(xi) A representative of an association representing long-term care facilities in Washington;

(xii) A representative of an association representing physicians in Washington;

(xiii) A representative of a Washington-based organization of volunteers, family, and friends of those affected by Alzheimer's disease and other dementias;

(xiv) A representative of an Alzheimer's advocacy organization;

(xv) An attorney who specializes in elder law;

(xvi) An Alzheimer's disease researcher;

(xvii) A representative of an organization representing emergency medical service providers in Washington;

(xviii) An expert in workforce development;

(xix) A representative of the Washington state council on aging;

(xx) A representative of the governor's office of Indian affairs;

(xxi) A licensed behavioral health provider with clinical expertise in Alzheimer's disease or other dementias;

(xxii) A representative of a health care organization that primarily serves people of color, including seniors; and

(xxiii) A nurse with expertise in serving individuals with Alzheimer's disease or other dementias.

(b) In appointing members to the dementia action collaborative, the governor shall give priority to persons who had previously served on the Alzheimer's disease working group established pursuant to chapter 89 (Senate Bill No. 6124), Laws of 2014, and its successor work groups.

(2) (a) The secretary or the secretary's designee shall convene the dementia action collaborative and submit all required reports. The secretary or the secretary's designee shall serve as the cochair with either the member representing an Alzheimer's disease advocacy organization or the member representing the Washington-based organization of volunteers, family, and friends of those affected by Alzheimer's disease and other dementias.

(b) The department shall provide any necessary administrative support to the dementia action collaborative.

(c) Meetings of the dementia action collaborative must be open to the public. At least one meeting each year must accept comments on the dementia action collaborative's proposed recommendations from members of the public, including comments from persons and families affected by Alzheimer's disease or other dementias. The department must use technological means, such as web casts, to assure public participation.

(3) (a) The dementia action collaborative must assess the current and future impacts of Alzheimer's disease and other dementias on Washington residents, including:

(i) Examining progress in implementing the Washington state Alzheimer's plan adopted in 2016;

(ii) Assessing available services and resources for serving persons with Alzheimer's disease and other dementias, as well as their families and caregivers;

(iii) Examining and developing strategies to rectify disparate effects of Alzheimer's disease and other dementias on people of color; and

(iv) Developing a strategy to mobilize a state response to this public health crisis.

(b) In addition to the activities in (a) of this subsection, the dementia action collaborative must review and revise the Washington state Alzheimer's plan adopted in 2016, and any subsequent revisions to that plan. Revisions to the plan must evaluate and address:

(i) Population trends related to Alzheimer's disease and other dementias, including:

(A) Demographic information related to Washington residents living with Alzheimer's disease or other dementias, including average age, average age at first diagnosis, gender, race, and comorbidities; and

(B) Disparities in the prevalence of Alzheimer's disease and other dementias between different racial and ethnic populations;

(ii) Existing services, resources, and health care system capacity, including:

(A) The types, cost, and availability of dementia services, medicaid reimbursement rates for dementia services, and the effect of medicaid reimbursement rates on the availability of dementia services;

(B) Dementia-specific training requirements for long-term services and supports staff;

(C) The needs of public safety and law enforcement to respond to persons with Alzheimer's disease or other dementias;

(D) The availability of home and community-based resources, including respite care and other services to assist families, for persons with Alzheimer's disease or other dementias;

(E) Availability of long-term dementia care beds, regardless of payer;

(F) State funding and Alzheimer's disease research through Washington universities and other resources; and

(G) Advances in knowledge regarding brain health, dementia, and risk reduction related to Alzheimer's disease and other dementias since the adoption of the Washington state Alzheimer's plan established in 2016.

(4) The department must submit a report of the dementia action collaborative's findings and recommendations to the governor and the legislature in the form of an updated Washington state Alzheimer's plan no later than October 1, 2023. The department must submit annual updates and recommendations of the dementia action collaborative for legislative and executive branch agency action to the governor and the legislature each October 1st, beginning October 1, 2024.

(5) This section expires June 30, 2028."

On page 1, line 2 of the title, after "collaborative;" strike the remainder of the title and insert "adding a new section to chapter 43.20A RCW; creating a new section; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1646 and advanced the bill, as amended by the Senate, to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Bateman and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1646, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1646, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE HOUSE BILL NO. 1646, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 3, 2022

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1725 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that indigenous people experience disproportionate rates of violence in Washington state. Tribes, state leaders, and grassroots activists have done substantial work to identify factors directly affecting the rates of violence and to ensure that addressing the crisis

of missing and murdered indigenous people is a priority at every level. The legislature intends to provide law enforcement with additional tools to disseminate timely, accurate information to engage the public more effectively in assisting with locating missing indigenous people, and to compensate for the unique challenges that indigenous communities face accessing media coverage and the ability to share information.

Sec. 2. RCW 13.60.010 and 2017 3rd sp.s. c 6 s 315 are each amended to read as follows:

(1) The Washington state patrol shall establish a missing children and endangered person clearinghouse which shall include the maintenance and operation of a toll-free telephone hotline. The clearinghouse shall distribute information to local law enforcement agencies, school districts, the department of children, youth, and families, and the general public regarding missing children and endangered persons. The information shall include pictures, bulletins, training sessions, reports, and biographical materials that will assist in local law enforcement efforts to locate missing children and endangered persons. The state patrol shall also maintain a regularly updated computerized link with national and other statewide missing person systems or clearinghouses, and within existing resources, shall develop and implement a plan, commonly known as an "amber alert plan" or an "endangered missing person advisory plan" which includes ((a)) "silver alert" ((~~designation~~)) and "missing indigenous person alert" designations for voluntary cooperation between local, state, tribal, and other law enforcement agencies, state government agencies, radio and television stations, cable and satellite systems, and social media pages and sites to enhance the public's ability to assist in recovering abducted children and missing endangered persons consistent with the state endangered missing person advisory plan.

(2) For the purposes of this chapter:

(a) "Child" or "children" means an individual under ((~~eighteen~~)) 18 years of age.

(b) "Missing endangered person" means ((a)):

(i) A missing indigenous woman or indigenous person; or

(ii) A person who is believed to be in danger because of age, health, mental or physical disability, in combination with environmental or weather conditions, or is believed to be unable to return to safety without assistance and who is:

((+)) (A) A person with a developmental disability as defined in RCW 71A.10.020(5);

((+)) (B) A vulnerable adult as defined in RCW 74.34.020; or

((+++)) (C) A person who has been diagnosed as having Alzheimer's disease or other age-related dementia.

(c) "Missing indigenous person alert" means the designated title of a missing endangered person advisory that will be used on a variable message sign and text of the highway advisory radio message when used as part of an activated advisory to assist in the recovery of a missing indigenous person.

(d) "Silver alert" means the designated title of a missing endangered person advisory that will be used on a variable message sign and text of the highway advisory radio message when used as part of an activated advisory to assist in the recovery of a missing endangered person age ~~((sixty))~~ 60 or older."

On page 1, line 2 of the title, after "persons;" strike the remainder of the title and insert "amending RCW 13.60.010; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1725 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Lekanoff and Mosbrucker spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1725, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1725, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE HOUSE BILL NO. 1725, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 1, 2022

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1779 with the following amendment:

On page 2, line 20, strike "and"

On page 2, line 22, after "hospitals" insert "; and"

(4) Hospitals that qualify as a medicare dependent hospital"

On page 2, after line 22, insert the following:

"NEW SECTION. Sec. 3. (1) The surgical smoke evacuation account is created in the custody of the state treasurer. Revenues to the account consist of appropriations and transfers by the legislature and all other funding directed for deposit into the account. Only the director of the department of labor and industries or the director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. Expenditures from the account may be used only for

purposes provided in subsection (3) of this section.

(2) By July 1, 2025, the director of the department of labor and industries must certify to the state treasurer the amount of any unobligated moneys in the surgical smoke evacuation account that were appropriated by the legislature from the general fund during the 2023-2025 fiscal biennium, and the treasurer must transfer those moneys back to the general fund.

(3)(a) Subject to the funds available in the surgical smoke evacuation account and beginning January 2, 2025, a hospital described in (b) of this subsection may apply to the department of labor and industries for reimbursement for the costs incurred by the hospital on or before January 1, 2025, to purchase and install smoke evacuation systems as defined in section 1 of this act. The reimbursement may not exceed \$1,000 for each operating room in the hospital. The reimbursements under this subsection are only available until moneys contained in the account are exhausted.

(b) Only the following hospitals may apply for reimbursement:

(i) Hospitals certified as critical access hospitals under 42 U.S.C. Sec. 1395i-4;

(ii) Hospitals with fewer than 25 acute care beds in operation;

(iii) Hospitals certified by the centers for medicare and medicaid services as sole community hospitals; and

(iv) Hospitals that qualify as a medicare dependent hospital.

(c) The department of labor and industries must determine the process for making an application for reimbursement."

On page 1, line 2 of the title, after "49.17 RCW;" insert "creating a new section;"

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1779 and advanced the bill, as amended by the Senate, to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Callan and Hoff spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1779, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1779, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 81; Nays, 17; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, MacEwen, Macri, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chase, Corry, Dent, Dufault, Dye, Eslick, Klicker, Klippert, Kraft, Kretz, Maycumber, McCaslin, Schmick, Shewmake, Sutherland, Walsh and Young.

SUBSTITUTE HOUSE BILL NO. 1779, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 3, 2022

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1893 with the following amendment:

On page 4, after line 2, insert the following:

"NEW SECTION. **Sec. 2.** A new section is added to chapter 18.71 RCW to read as follows:

(1) Emergency medical services providers who are currently licensed or certified in another state or who hold a current certification from a national certifying agency approved by the department are eligible for a Washington provisional emergency services provider certification.

(2) To be eligible for a Washington provisional emergency services provider certification, the applicant shall:

(a) Be currently licensed or certified in another state and be in good standing with the emergency medical services board of that state or hold a current emergency medical services provider certification from a national certifying agency approved by the department;

(b) Be employed or have a valid employment offer from a Washington emergency medical services agency; and

(c) Be approved for a provisional status from the county medical program director in which the applicant is or will be employed.

(3) If the employer or host agency has:

(a) Fewer than 25 employees holding a current emergency medical technician or paramedic certification or license, up to 20 percent of those employees, rounded to the next whole number, may practice under a provisional certification; or

(b) Twenty-five or more employees holding a current emergency medical technician or paramedic certification or license, up to 10 percent of those employees, rounded to the next whole number, may practice under a provisional certification.

Sec. 3. RCW 18.73.081 and 1993 c 254 s 1 are each amended to read as follows:

In addition to other duties prescribed by law, the secretary shall:

(1) Prescribe minimum requirements for:

(a) Ambulance, air ambulance, and aid vehicles and equipment;

(b) Ambulance and aid services; and

(c) Minimum emergency communication equipment;

(2) Adopt procedures for services that fail to perform in accordance with minimum requirements;

(3) Prescribe minimum standards for first responder and emergency medical technician training including:

(a) Adoption of curriculum and period of certification;

(b) Procedures for provisional certification, certification, recertification, decertification, or modification of certificates;

(c) Adoption of requirements for ongoing training and evaluation, as approved by the county medical program director, to include appropriate evaluation for individual knowledge and skills. The first responder, emergency medical technician, or emergency medical services provider agency may elect a program of continuing education and a written and practical examination instead of meeting the ongoing training and evaluation requirements;

(d) Procedures for reciprocity with other states or national certifying agencies;

(e) Review and approval or disapproval of training programs; and

(f) Adoption of standards for numbers and qualifications of instructional personnel required for first responder and emergency medical technician training programs;

(4) Prescribe minimum requirements for liability insurance to be carried by licensed services except that this requirement shall not apply to public bodies; and

(5) Certify emergency medical program directors.

Sec. 4. RCW 18.71.205 and 2015 c 93 s 3 are each amended to read as follows:

(1) The secretary of the department of health shall prescribe:

(a) Practice parameters, training standards for, and levels of, physician's trained advanced emergency medical technicians and paramedics;

(b) Minimum standards and performance requirements for the certification and recertification of physician's trained advanced emergency medical technicians and paramedics; and

(c) Procedures for provisional certification, certification, recertification, and decertification of physician's trained advanced emergency medical technicians and paramedics.

(2) Initial certification shall be for a period established by the secretary pursuant to RCW 43.70.250 and 43.70.280.

(3) Recertification shall be granted upon proof of continuing satisfactory performance and education, and shall be for a period established by the secretary pursuant to RCW 43.70.250 and 43.70.280.

(4) As used in this chapter and chapter 18.73 RCW, "approved medical program director" means a person who:

(a) Is licensed to practice medicine and surgery pursuant to this chapter or osteopathic medicine and surgery pursuant to chapter 18.57 RCW; and

(b) Is qualified and knowledgeable in the administration and management of emergency care and services; and

(c) Is so certified by the department of health for a county, group of counties, or cities with populations over four hundred thousand in coordination with the recommendations of the local medical community and local emergency medical services and trauma care council.

(5) The uniform disciplinary act, chapter 18.130 RCW, governs uncertified practice, the issuance and denial of certificates, and the disciplining of certificate holders under this section. The secretary shall be the disciplining authority under this section. Disciplinary action shall be initiated against a person credentialed under this chapter in a manner consistent with the responsibilities and duties of the medical program director under whom such person is responsible.

(6) Such activities of physician's trained advanced emergency medical technicians and paramedics shall be limited to actions taken under the express written or oral order of medical program directors and shall not be construed at any time to include freestanding or nondirected actions, for actions not presenting an emergency or life-threatening condition, except nonemergency activities performed pursuant to subsection (7) of this section.

(7) Nothing in this section prohibits a physician's trained advanced emergency medical technician or paramedic, acting under the responsible supervision and direction of an approved medical program director, from participating in a community assistance referral and education services program established under RCW 35.21.930 if such participation does not exceed the participant's training and certification."

On page 1, line 3, after "request;" strike "and amending RCW 18.73.030." and insert "amending RCW 18.73.030, 18.73.081, and 18.71.205; and adding a new section to chapter 18.71 RCW."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1893 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Donaghy and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1893, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1893, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 92; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chase, Graham, Kraft, McCaslin, Sutherland and Young.

SUBSTITUTE HOUSE BILL NO. 1893, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 3, 2022

Madame Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1181 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) Suicide is a public health issue that affects many Washington families and communities daily. Over the last 10 years, Washington state has been at the forefront of suicide prevention, investing more in upstream suicide prevention strategies and supports with the goal of a noteworthy reduction in suicide by 2025.

(2) At the request of the governor, in 2020 Washington stakeholders engaged in a national and statewide initiative to end veteran and military member suicide. This initiative culminated in a new state plan to educate providers and help them address the unique needs of veterans and military members, particularly those in transition to civilian life; and to provide resources and supports including improved lethal means safety training. The purpose of this act is to support the implementation of that plan.

(3) Service members, veterans, and their families are at a higher risk of being affected by suicide as experiences prior to enlistment, during service, and transition from service can contribute to suicidal thoughts and behaviors. A report on post-9/11 era military deaths by the United States department of veterans affairs found that service members are four times more likely to die by suicide than in military operations. Over 7,000 service members died in combat during the global war on terror, while more than 30,000 active duty members and veterans died by suicide. For veterans of all United States military operations, there is an average of 22 suicide deaths per day across the country, with one occurring every 65 minutes.

(4) Washington is home to 544,290 veterans, 60,699 active duty service members, 17,941 guard and reserve service members, and 2,000,000 military and veteran family members. Although veterans themselves make up only seven percent of the Washington population, they account for 19 percent of total suicides in the state. Nearly 1,000 veterans have died by suicide in Washington state over the last five years. More than two-thirds of veterans who died by suicide in Washington used a firearm.

(5) Family members of veterans who die by suicide are at higher risk for future suicide due to the exposure of experiencing suicide loss. Research shows for every suicide that occurs, 135 people suffer from the effects either

directly or indirectly, meaning veteran suicides impact a community of 2,600,000 people.

(6) There is no one path to suicide, but life experiences, moral injury, trauma, culture, and health can play a major role in suicidal behavior. Military and veteran culture in particular includes stigma around mental wellness and help-seeking behavior, emphasizes reliability on group cohesion, and facilitates access, comfortability, and familiarity with lethal means such as firearms. Additionally, a significant number of veterans do not seek care within the veterans administration system.

(7) The legislature intends to address the tragedy of suicide amongst veterans, military members, and their families through support of professionals and community and peer organizations serving veterans, cultural changes that support help-seeking behaviors, and investments in education, training, prevention, and care.

NEW SECTION. Sec. 2. A new section is added to chapter 43.60A RCW to read as follows:

(1) There is created in the department a suicide prevention community-based services grant program. The purpose of the grant program is to provide suicide prevention, peer support, and other assistance to at-risk and transitioning veterans and military members and their families in their communities.

(2) Subject to the availability of amounts appropriated for the specific purposes provided in this section and amounts disbursed from the veterans and military members suicide prevention account created in section 3 of this act, the department, in consultation with the forefront suicide prevention center, must establish a process to receive, review, process, and award grants to organizations, including nonprofit and peer support community programs, that address veterans, military members, and their families who may be at risk of suicide and other mental health crises. Priority should be given to organizations using peer support models that use evidence-based, research-based, or promising practices.

(3) The department shall report to the legislature annually beginning July 1, 2023, on grant recipients, number of veterans and military members served, and

the types of services offered by grant recipients.

(4) The forefront suicide prevention center shall evaluate the effectiveness of each grant program recipient providing suicide prevention and peer support services to veterans, military members, and their families who may be at risk of suicide and other mental health crises.

(5) For the purposes of this section, "forefront suicide prevention center" means the University of Washington's forefront suicide prevention center of excellence.

NEW SECTION. **Sec. 3.** A new section is added to chapter 43.60A RCW to read as follows:

(1) The veterans and military members suicide prevention account is created in the custody of the state treasurer. The account shall consist of funds appropriated by the legislature, revenues received from the prevent veteran suicide emblem under section 8 of this act, and all receipts from gifts, grants, bequests, devises, or other donations from public and private sources to support veterans and military members suicide prevention measures. Expenditures from the account may be used only for the purposes provided in subsection (3) of this section. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2)(a) The department may request and accept nondedicated contributions, grants, or gifts in cash or otherwise, and voluntary donations for deposit into the account, including funds generated by voluntary donations under (b) of this subsection.

(b) The department may accept, for deposit into the account, voluntary donations from persons who are: (i) Applying for a concealed pistol license or renewal of a concealed pistol license; or (ii) undergoing a background check under chapter 9.41 RCW in connection with the purchase of a firearm from a firearms dealer. The department shall coordinate with local law enforcement agencies, the department of licensing, and firearms dealers licensed under chapter 9.41 RCW to develop a form and process for publicizing and collecting voluntary donations under this subsection. The

department and the department of licensing shall post educational information regarding the voluntary donation provisions of this section on their websites.

(3) All moneys deposited into the account must be used for activities that are dedicated to the benefit of veteran and military member suicide education and prevention including, but not limited to: (a) Expanding the department's peer corps program; and (b) providing programs, peer support, and services that assist veterans and military members in addressing mental health and wellness impacts of military service, trauma, moral injury, and transition to civilian life. Funds may also be used for the suicide prevention community-based services grant program established in section 2 of this act. Funds from the account may not be used to supplant existing funds received by the department nor shall grant recipients use the funds to supplant existing funding.

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

(a) "Veteran" has the same meaning as provided in RCW 41.04.005 and 41.04.007.

(b) "Military members" means actively serving members of the national guard or reserves, or active duty military personnel.

(c) "Account" means the veterans and military members suicide prevention account.

NEW SECTION. **Sec. 4.** A new section is added to chapter 43.60A RCW to read as follows:

Beginning December 2022, subject to the availability of amounts appropriated for this specific purpose, the governor's challenge team and service members, veterans, and their families suicide prevention advisory committee shall report to the legislature on a biannual basis regarding implementation of the plan developed by the committee.

NEW SECTION. **Sec. 5.** A new section is added to chapter 43.60A RCW to read as follows:

Subject to the availability of amounts appropriated for this specific purpose, the department shall:

(1) Create and maintain a database of information on nonprofit, for-profit, city, county, state, and federal

organizations, providers, and resources that address the mental health, well-being, and suicide prevention of veterans, military members, and their families. The department shall establish criteria for inclusion in the database by July 1, 2022. The department must make the database accessible on its website to veterans, military members, and their families by July 1, 2023;

(2) Provide suicide prevention education training and information for veterans, military members, and their families that is accessible through the internet; and

(3) By December 1, 2023, create, in consultation with the suicide-safer homes task force, a web-based application to be shared by state agencies and primary care providers with veterans, military members, and their families to provide applicable information and resources including but not limited to benefits, mental health resources, and lethal means safety information.

NEW SECTION. **Sec. 6.** A new section is added to chapter 18.130 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department shall consult with the department of veterans affairs to create educational materials informing health care providers regulated under this chapter about the availability of the nationwide 988 phone number for individuals in crisis to connect with suicide prevention and mental health crisis counselors. The educational materials must include information about the veterans crisis line for veterans and service members, and, beginning July 1, 2023, information about the resources developed under section 5 of this act.

(2) The department shall:

(a) Determine the health professions to which this section shall apply; and

(b) Collaborate with the corresponding disciplining authority under RCW 18.130.020 to ensure that the educational materials are distributed electronically to appropriate licensed health care providers when a provider renews his or her license.

(3) Beginning July 1, 2023, all health care providers are strongly encouraged to inquire with new patients entering care

whether the patient is a veteran, member of the military, or a family member of a veteran or member of the military. If the patient responds in the affirmative, the provider is encouraged to share the educational materials created under this section with the patient.

NEW SECTION. **Sec. 7.** A new section is added to chapter 43.70 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, a suicide-safer homes task force is established to raise public awareness and increase suicide prevention education among new partners who are in key positions to help reduce suicide. The task force shall be administered and staffed by the department of veterans affairs. To the extent possible, the task force membership should include representatives from geographically diverse and priority populations, including tribal populations.

(2) The suicide-safer homes task force shall be cochaired by the director, or the director's designee, of the department of veterans affairs and the director, or the director's designee, of the forefront suicide prevention center and also consist of the following members:

(a) Two representatives of suicide prevention organizations, selected by the cochaairs of the task force;

(b) Two representatives of the firearms industry, selected by the cochaairs of the task force;

(c) Two individuals who are suicide attempt survivors or who have experienced suicide loss, selected by the cochaairs of the task force;

(d) Two representatives of law enforcement agencies, selected by the cochaairs of the task force;

(e) One representative from the department of health;

(f) One representative from the department of fish and wildlife;

(g) One individual representing veterans;

(h) One member of a Washington or federally recognized Indian tribe;

(i) Two veterans;

(j) One representative of the national rifle association;

(k) One representative of the Second Amendment foundation;

(l) One representative of a nonprofit organization working on gun safety issues;

(m) One representative of a national firearms trade association;

(n) One representative of a Washington state pharmacy association; and

(o) No more than five other interested parties, selected by the cochairs of the task force.

(3) The department of veterans affairs shall convene the initial meeting of the task force.

(4) The task force shall:

(a) Develop and prepare to disseminate online trainings on suicide awareness and prevention for firearms dealers and their employees and firearm range owners and their employees;

(b) Partner with medical providers, firearms dealers, firearms ranges, and pharmacies to develop and distribute suicide awareness and prevention messages for posters and brochures;

(c) In consultation with the department of fish and wildlife, develop strategies for creating and disseminating suicide awareness and prevention information for hunting safety classes, including messages to parents that can be shared during online registration, in either follow-up email communications, or in writing, or both;

(d) Create a website that will be a clearinghouse for the newly created suicide awareness and prevention materials developed by the task force;

(e) Continue to support medical providers with suicide prevention and awareness work through the dissemination of collateral education programs;

(f) Allocate funding towards the purchase of lock boxes for dissemination via the forefront suicide prevention center's TeleSAFER program;

(g) Develop and direct advocacy efforts with firearms dealers to pair suicide awareness and prevention training with distribution of safe storage devices;

(h) Partner with a statewide pharmacy association to market and promote medication disposal kits and safe storage devices;

(i) Train health care providers on suicide awareness and prevention, paired with distribution of medication disposal kits and safe storage devices; and

(j) Train local law enforcement officers on suicide awareness and prevention, paired with distribution of medication disposal kits and safe storage devices.

(5) The forefront suicide prevention center shall provide subject matter expertise, technical and programmatic support, and consultation and evaluation to the task force.

(6) Beginning December 1, 2022, the task force shall annually report to the legislature on the status of its work.

(7) This section expires July 1, 2024.

NEW SECTION. **Sec. 8.** A new section is added to chapter 46.18 RCW to read as follows:

(1) The general public may purchase a prevent veteran suicide emblem for a prescribed fee set by the department. The emblem must be displayed on license plates in the manner described by the department, existing vehicular registration procedures, and current laws.

(2) The department, in creating the prevent veteran suicide emblem, must consult with the department of veterans affairs on the design of the emblem. The emblem must incorporate the 988 suicide prevention hotline or its successor.

(3) Revenues from the prevent veteran suicide emblem must be deposited into the veterans and military members suicide prevention account created in section 3 of this act.

NEW SECTION. **Sec. 9.** A new section is added to chapter 74.04 RCW to read as follows:

During the application process for public assistance benefits, the department shall inquire of each applicant whether he or she has ever served in the United States military services or is a family or household member of someone who has ever served in the United States military services. If the applicant answers in the affirmative, the department shall provide the

applicant with information on how to contact the Washington department of veterans affairs to inquire as to whether the applicant may be eligible for any benefits, services, or programs offered to veterans, military members, or their families.

NEW SECTION. Sec. 10. A new section is added to chapter 9.41 RCW to read as follows:

(1) In order to better prevent suicide by veterans, military members, and their families, an expansion of safe storage of firearms and reduced access to lethal means in the community is encouraged.

(2) A dealer who provides a service of allowing a person to temporarily store a firearm on the dealer's premises in a storage locker, box, or container that is locked and not accessible to the dealer does not thereby create a special relationship, for civil liability purposes, between the dealer and the person who temporarily stores the firearm on the dealer's premises.

NEW SECTION. Sec. 11. A new section is added to chapter 39.04 RCW to read as follows:

(1)(a) For any building, bridge, ferry, or park being constructed or replaced after July 1, 2024, as a public works project, there must be installed in appropriate locations signs displaying the 988 national suicide prevention and mental health crisis hotline.

(b) The public body as defined in RCW 39.10.210 in control of a public works project in this subsection must decide where signs under this section would be physically feasible and appropriate. The following facilities are recommended to have such signs:

(i) Bridges where suicides by jumping have occurred or are likely to occur; and

(ii) Locations that provide services to people that have high incidence of suicide or mental health conditions that would benefit from knowing about the hotline.

(c) The signs must be designed to communicate that dialing 988 on a telephone will connect callers to behavioral health and suicide prevention services as provided in accordance with state and federal laws governing the 988 number.

(d) If a sign is located along a state highway or the interstate system, the department of transportation must approve the location prior to erecting the sign, but no permit is necessary.

(e) Signs created under this section may not conflict with provisions of the manual of uniform traffic control devices or existing state laws related to placement and design of signs.

(2) This section does not create a private right of action by, or a legal duty to, any party, and may not be used to impose liability on the public body if a sign has or has not been erected on its property. The state of Washington, including all of its agencies, subdivisions, employees, and agents, shall not be liable in tort for any violation of this section, notwithstanding any other provision of law.

(3) The public body may accept gifts or donations to pay for the creation, installation, or maintenance of signs under this section.

NEW SECTION. Sec. 12. A new section is added to chapter 43.34 RCW to read as follows:

Any memorial established on capitol campus to commemorate the global war on terror must recognize service members who died in Operation Iraqi Freedom, Operation Enduring Freedom, and Operation New Dawn, which are classified under the umbrella term global war on terror. Any such memorial must include a component designed to reflect on the great number of active duty service members and veterans who have died by suicide after serving in these wars. The design of such a memorial must serve to honor those who are lost and provide a sacred space for healing and reflection for veterans and military families.

NEW SECTION. Sec. 13. (1) The Washington state global war on terror memorial account is created in the custody of the state treasurer. The purpose of the account is to support the establishment and maintenance of the memorial. The secretary of state may solicit and accept moneys from gifts, grants, or endowments for this purpose. All receipts from federal funds, gifts, or grants from the private sector, foundations, or other sources must be deposited into the account. Expenditures from the account may be used only for the design, siting, permitting,

construction, maintenance, dedication, or creation of educational materials related to placement of this memorial on the capital campus. Only the secretary of state, or the secretary of state's designee, may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but appropriation is not required for expenditures.

(2) The secretary of state may adopt rules governing the receipt and use of these funds.

NEW SECTION. **Sec. 14.** Section 11 of this act takes effect July 1, 2024.

NEW SECTION. **Sec. 15.** Section 8 of this act takes effect October 1, 2022.

NEW SECTION. **Sec. 16.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "members;" strike the remainder of the title and insert "adding new sections to chapter 43.60A RCW; adding a new section to chapter 18.130 RCW; adding a new section to chapter 43.70 RCW; adding a new section to chapter 46.18 RCW; adding a new section to chapter 74.04 RCW; adding a new section to chapter 9.41 RCW; adding a new section to chapter 39.04 RCW; adding a new section to chapter 43.34 RCW; creating new sections; providing effective dates; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1181 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Orwall and Dufault spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1181, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1181, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1181, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 2, 2022

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1357 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that service and overseas voters have the right to vote for their elected officials. To effectuate this right, service and overseas voters must have access to the same ballot materials as voters present in the state with sufficient time to thoughtfully consider candidates and issues before casting a ballot. Accordingly, the legislature intends to ensure that voters' pamphlets are available to service and overseas voters at the same time as the ballot.

Sec. 2. RCW 29A.32.260 and 2011 c 10 s 30 are each amended to read as follows:

As soon as practicable before the primary, special election, or general election, the county auditor, or if applicable, the city clerk of a first-class or code city, as appropriate, shall mail the local voters' pamphlet to every

residence in each jurisdiction that has included information in the pamphlet. The county auditor or city clerk, as appropriate, may choose to mail the pamphlet to each registered voter in each jurisdiction that has included information in the pamphlet, if in his or her judgment, a more economical and effective distribution of the pamphlet would result. The county auditor shall either mail or send a printable electronic version of the state and local voters' pamphlets to any service or overseas voter registered in the jurisdiction who has requested them.

NEW SECTION. **Sec. 3.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "voters;" strike the remainder of the title and insert "amending RCW 29A.32.260; and creating new sections."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1357 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Mosbrucker and Valdez spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1357, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1357, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby,

Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1357, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 2, 2022

Madame Speaker:

The Senate has passed HOUSE BILL NO. 1376 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The following acts or parts of acts are each repealed:

(1)RCW 65.12.005 (Registration authorized—Who may apply) and 2012 c 117 s 211 & 1907 c 250 s 1;

(2)RCW 65.12.010 (Land subject to a lesser estate) and 1907 c 250 s 2;

(3)RCW 65.12.015 (Tax title land—Conditions to registration) and 2012 c 117 s 212 & 1907 c 250 s 3;

(4)RCW 65.12.020 (Application) and 2012 c 117 s 213 & 1907 c 250 s 4;

(5)RCW 65.12.025 (Various lands in one application) and 1907 c 250 s 5;

(6)RCW 65.12.030 (Amendment of application) and 1907 c 250 s 6;

(7)RCW 65.12.035 (Form of application) and 2016 c 202 s 42, 2009 c 521 s 145, & 1907 c 250 s 7;

(8)RCW 65.12.040 (Venue—Power of the court) and 1907 c 250 s 8;

(9)RCW 65.12.050 (Registrars of titles) and 1907 c 250 s 9;

(10)RCW 65.12.055 (Bond of registrar) and 2012 c 117 s 214 & 1907 c 250 s 10;

(11)RCW 65.12.060 (Deputy registrar—Duties—Vacancy) and 2012 c 117 s 215 & 1907 c 250 s 11;

(12)RCW 65.12.065 (Registrar not to practice law—Liability for deputy) and 2012 c 117 s 216 & 1907 c 250 s 12;

(13)RCW 65.12.070 (Nonresident to appoint agent) and 2012 c 117 s 217 & 1907 c 250 s 14;

(14)RCW 65.12.080 (Filing application—Docket and record entries) and 1907 c 250 s 15;

(15)RCW 65.12.085 (Filing abstract of title) and 1907 c 250 s 15a;

(16)RCW 65.12.090 (Examiner of titles—Appointment—Oath—Bond) and 2012 c 117 s 218 & 1907 c 250 s 13;

(17)RCW 65.12.100 (Copy of application as lis pendens) and 1907 c 250 s 16;

(18)RCW 65.12.110 (Examination of title) and 2012 c 117 s 219 & 1907 c 250 s 17;

(19)RCW 65.12.120 (Summons to issue) and 1907 c 250 s 18;

(20)RCW 65.12.125 (Summons—Form) and 2016 c 202 s 43 & 1907 c 250 s 206;

(21)RCW 65.12.130 (Parties to action) and 1907 c 250 s 19;

(22)RCW 65.12.135 (Service of summons) and 1985 c 469 s 60 & 1907 c 250 s 20;

(23)RCW 65.12.140 (Copy mailed to nonresidents—Proof—Expense) and 2012 c 117 s 220 & 1907 c 250 s 20a;

(24)RCW 65.12.145 (Guardians ad litem) and 1907 c 250 s 21;

(25)RCW 65.12.150 (Who may appear—Answer) and 2012 c 117 s 221 & 1907 c 250 s 22;

(26)RCW 65.12.155 (Judgment by default—Proof) and 1907 c 250 s 23;

(27)RCW 65.12.160 (Cause set for trial—Default—Referral) and 2012 c 117 s 222 & 1907 c 250 s 24;

(28)RCW 65.12.165 (Court may require further proof) and 1907 c 250 s 25;

(29)RCW 65.12.170 (Application dismissed or withdrawn) and 2012 c 117 s 223 & 1907 c 250 s 26;

(30)RCW 65.12.175 (Decree of registration—Effect—Appellate review) and 2012 c 117 s 224, 1988 c 202 s 56, 1971 c 81 s 132, & 1907 c 250 s 27;

(31)RCW 65.12.180 (Rights of persons not served) and 2012 c 117 s 225 & 1907 c 250 s 28;

(32)RCW 65.12.190 (Limitation of actions) and 1907 c 250 s 29;

(33)RCW 65.12.195 (Title free from incumbrances—Exceptions) and 1907 c 250 s 30;

(34)RCW 65.12.200 (Decree—Contents—Filing) and 2012 c 117 s 226 & 1907 c 250 s 31;

(35)RCW 65.12.210 (Interest acquired after filing application) and 1907 c 250 s 32;

(36)RCW 65.12.220 (Registration—Effect) and 1917 c 62 s 1 & 1907 c 250 s 33;

(37)RCW 65.12.225 (Withdrawal authorized—Effect) and 1917 c 62 s 2;

(38)RCW 65.12.230 (Application to withdraw) and 2016 c 202 s 44 & 1917 c 62 s 3;

(39)RCW 65.12.235 (Certificate of withdrawal) and 2016 c 202 s 45, 2012 c 117 s 227, 1973 c 121 s 1, & 1917 c 62 s 4;

(40)RCW 65.12.240 (Effect of recording) and 1917 c 62 s 5;

(41)RCW 65.12.245 (Title prior to withdrawal unaffected) and 1917 c 62 s 6;

(42)RCW 65.12.250 (Entry of registration—Records) and 2012 c 117 s 228 & 1907 c 250 s 34;

(43)RCW 65.12.255 (Certificate of title) and 2016 c 202 s 46, 2012 c 117 s 229, & 1907 c 250 s 35;

(44)RCW 65.12.260 (Owner's certificate—Receipt) and 2012 c 117 s 230 & 1907 c 250 s 36;

(45)RCW 65.12.265 (Tenants in common) and 2012 c 117 s 231 & 1907 c 250 s 37;

(46)RCW 65.12.270 (Subsequent certificates) and 2016 c 202 s 47 & 1907 c 250 s 38;

(47)RCW 65.12.275 (Exchange of certificates—Platting land) and 1907 c 250 s 39;

(48)RCW 65.12.280 (Effective date of certificate) and 1907 c 250 s 40;

(49)RCW 65.12.290 (Certificate of title as evidence) and 2012 c 117 s 232 & 1907 c 250 s 41;

(50)RCW 65.12.300 (Indexes and files—Forms) and 2012 c 117 s 233 & 1907 c 250 s 42;

(51)RCW 65.12.310 (Tract and alphabetical indexes) and 2012 c 117 s 234 & 1907 c 250 s 43;

(52)RCW 65.12.320 (Dealings with registered land) and 2012 c 117 s 235 & 1907 c 250 s 44;

(53)RCW 65.12.330 (Registration has effect of recording) and 1907 c 250 s 45;

(54)RCW 65.12.340 (Filing—Numbering—Indexing—Public records) and 1907 c 250 s 46;

(55)RCW 65.12.350 (Duplicate of instruments certified—Fees) and 1907 c 250 s 47;

(56)RCW 65.12.360 (New certificate—Register of less than fee—When form of memorial in doubt) and 2012 c 117 s 236 & 1907 c 250 s 48;

(57)RCW 65.12.370 (Owner's certificate to be produced when new certificate issued) and 2012 c 117 s 237 & 1907 c 250 s 49;

(58)RCW 65.12.375 (Owner's duplicate certificate) and 1907 c 250 s 50;

(59)RCW 65.12.380 (Conveyance of registered land) and 2012 c 117 s 238 & 1907 c 250 s 51;

(60)RCW 65.12.390 (Certificate of tax payment) and 1907 c 250 s 52;

(61)RCW 65.12.400 (Registered land charged as other land) and 1907 c 250 s 53;

(62)RCW 65.12.410 (Conveyances by attorney-in-fact) and 1907 c 250 s 54;

(63)RCW 65.12.420 (Encumbrances by owner) and 1907 c 250 s 55;

(64)RCW 65.12.430 (Registration of mortgages) and 2012 c 117 s 239 & 1907 c 250 s 56;

(65)RCW 65.12.435 (Dealings with mortgages) and 1907 c 250 s 57;

(66)RCW 65.12.440 (Foreclosures on registered land) and 1907 c 250 s 58;

(67)RCW 65.12.445 (Registration of final decree—New certificate) and 2012 c 117 s 240 & 1907 c 250 s 59;

(68)RCW 65.12.450 (Title on foreclosure—Registration) and 2012 c 117 s 241 & 1907 c 250 s 60;

(69)RCW 65.12.460 (Petition for new certificate) and 1907 c 250 s 61;

(70)RCW 65.12.470 (Registration of leases) and 2012 c 117 s 242 & 1907 c 250 s 62;

(71)RCW 65.12.480 (Instruments with conditions) and 2012 c 117 s 243 & 1907 c 250 s 63;

(72)RCW 65.12.490 (Transfers between trustees) and 2012 c 117 s 244 & 1907 c 250 s 64;

(73)RCW 65.12.500 (Trustee may register land) and 2012 c 117 s 245 & 1907 c 250 s 65;

(74)RCW 65.12.510 (Creation of lien on registered land) and 1907 c 250 s 66;

(75)RCW 65.12.520 (Registration of liens) and 1907 c 250 s 67;

(76)RCW 65.12.530 (Entry as to plaintiff's attorney) and 2012 c 117 s 246 & 1907 c 250 s 68;

(77)RCW 65.12.540 (Decree) and 1907 c 250 s 69;

(78)RCW 65.12.550 (Title acquired on execution) and 2012 c 117 s 247 & 1907 c 250 s 70;

(79)RCW 65.12.560 (Termination of proceedings) and 2012 c 117 s 248 & 1907 c 250 s 71;

(80)RCW 65.12.570 (Land registered only after redemption period) and 2012 c 117 s 249 & 1907 c 250 s 72;

(81)RCW 65.12.580 (Registration on inheritance) and 1907 c 250 s 73;

(82)RCW 65.12.590 (Probate court may direct sale of registered land) and 2012 c 117 s 250 & 1907 c 250 s 74;

(83)RCW 65.12.600 (Trustees and receivers) and 2012 c 117 s 251 & 1907 c 250 s 75;

(84)RCW 65.12.610 (Eminent domain—Reversion) and 2012 c 117 s 252 & 1907 c 250 s 76;

(85)RCW 65.12.620 (Registration when owner's certificate withheld) and 2012 c 117 s 253 & 1907 c 250 s 77;

(86)RCW 65.12.630 (Reference to examiner of title) and 1907 c 250 s 78;

(87)RCW 65.12.635 (Examiner of titles) and 2012 c 117 s 254 & 1907 c 250 s 79;

(88)RCW 65.12.640 (Registered instruments to contain names and

addresses—Service of notices) and 2012 c 117 s 255 & 1907 c 250 s 80;

(89)RCW 65.12.650 (Adverse claims—Procedure) and 2012 c 117 s 256 & 1907 c 250 s 81;

(90)RCW 65.12.660 (Assurance fund) and 1973 1st ex.s. c 195 s 75 & 1907 c 250 s 82;

(91)RCW 65.12.670 (Investment of fund) and 1907 c 250 s 83;

(92)RCW 65.12.680 (Recoveries from fund) and 1907 c 250 s 84;

(93)RCW 65.12.690 (Parties defendant—Judgment—Payment—Duties of county attorney) and 2012 c 117 s 257 & 1907 c 250 s 85;

(94)RCW 65.12.700 (When fund not liable—Maximum liability) and 1907 c 250 s 86;

(95)RCW 65.12.710 (Limitation of actions) and 2012 c 117 s 258, 1971 ex.s. c 292 s 49, & 1907 c 250 s 87;

(96)RCW 65.12.720 (Proceeding to change records) and 2012 c 117 s 259 & 1907 c 250 s 88;

(97)RCW 65.12.730 (Certificate subject of theft—Penalty) and 2003 c 53 s 291 & 1907 c 250 s 89;

(98)RCW 65.12.740 (Perjury) and 2003 c 53 s 292 & 1907 c 250 s 90;

(99)RCW 65.12.750 (Fraud—False entries—Penalty) and 2003 c 53 s 293 & 1907 c 250 s 91;

(100)RCW 65.12.760 (Forgery—Penalty) and 2003 c 53 s 294 & 1907 c 250 s 92;

(101)RCW 65.12.770 (Civil actions unaffected) and 2012 c 117 s 260 & 1907 c 250 s 93;

(102)RCW 65.12.780 (Fees of clerk) and 1995 c 292 s 19 & 1907 c 250 s 94;

(103)RCW 65.12.790 (Fees of registrar) and 2012 c 117 s 261, 1973 1st ex.s. c 195 s 76, 1973 c 121 s 2, & 1907 c 250 s 95;

(104)RCW 65.12.800 (Disposition of fees) and 2012 c 117 s 262 & 1907 c 250 s 96; and

(105)RCW 65.12.900 (Construction—Chapter applicable to state registered domestic partnerships—2009 c 521) and 2009 c 521 s 144.

NEW SECTION. **Sec. 2.** The repeal of the statutes listed in section 1 of this act does not affect any right accrued or established, or any liability or penalty incurred, under those statutes before their repeal.

NEW SECTION. **Sec. 3.** Unless real property subject to the provisions of chapter 65.12 RCW on the effective date of this section is previously withdrawn from the registry system by its owner in the manner provided by section 4 of this act, the real property shall cease to be subject to the provisions of chapter 65.12 RCW upon the effective date of this section.

NEW SECTION. **Sec. 4.** (1) By July 1, 2023, the owner of real property registered under the provisions of chapter 65.12 RCW on the effective date of this section shall surrender their duplicate certificate of title for the real property or their certified copy of the original certificate of title for the real property, as the case may be, to the registrar of titles for the county in which the real property is situated. If such duplicate certificate or certified copy has been lost, mislaid, or destroyed the owner of the real property shall make affidavit before the registrar of titles or any other officer authorized to administer oaths wherein the owner shall state, to the best of his or her knowledge, the circumstances of the loss, the description of the real property, the name and address of each registered owner, and each such owner's interest in the real property.

(2) Except as otherwise provided by subsection (3) of this section, the surrender of the duplicate certificate, certified copy, or the making of an affidavit under subsection (1) of this section shall be considered as a withdrawal of the real property therein described from the registry system in accordance with chapter 65.12 RCW.

(3) The registrar of titles for the county in which the real property is situated shall:

(a) Accept, without charging therefor, the surrender of such duplicate certificate of title, certified copy of the original certificate of title, or affidavit; and

(b) Issue, without charging therefor, a certificate of withdrawal for the real property as required by chapter 65.12 RCW; and

(c) Cause to be duly recorded in the office of the county auditor for the county, without charge, the certificate of withdrawal issued under (b) of this subsection and all instruments filed in the office of the registrar of titles that relate to outstanding interests in such real property and to outstanding liens, mortgages, and other charges upon such real property, referred to in or noted upon the original certificate of title to such real property on the date of the issuance of the certificate of withdrawal for such real property pursuant to (b) of this subsection.

NEW SECTION. Sec. 5. On July 1, 2023, the registrar of titles for the county shall cause the volumes of the register of titles for the county and the accompanying alphabetical indices and tract indices and other files and records in the office of the registrar of titles to be closed and placed in the permanent deed records of the county. At this time all properties remaining in registration are automatically withdrawn according to section 4(3) (b) and (c) of this act.

NEW SECTION. Sec. 6. (1) By December 1, 2022, the registrar of titles for each county shall send to each owner of real property situated in the county that is subject to the provisions of this act a written notice containing the following:

(a) A statement that the registry system has been discontinued by this act;

(b) A statement that such owner's real property will cease to be subject to registration under this act on July 1, 2023;

(c) A statement that such owner may withdraw, without charge, his or her real property from registration and the provisions of this act in the manner provided in section 4 of this act prior to such date;

(d) A statement that the validity and priority of lien interest or ownership is not affected by this process; and

(e) A statement that the registrar of titles for the county, upon completion of the required withdrawal procedures, shall cause the instruments described in section 4(3) of this act to be properly restored to the recording system without charge.

(2) The registrar of titles shall send the notice required by subsection (1) of this section to each such owner at the

most recent address indicated on the original certificate of title for the owner's real property contained in the volumes of the register of titles for the county.

NEW SECTION. Sec. 7. Sections 3 and 5 of this act take effect July 1, 2023."

On page 1, line 1 of the title, after "titles;" strike the remainder of the title and insert "creating new sections; repealing RCW 65.12.005, 65.12.010, 65.12.015, 65.12.020, 65.12.025, 65.12.030, 65.12.035, 65.12.040, 65.12.050, 65.12.055, 65.12.060, 65.12.065, 65.12.070, 65.12.080, 65.12.085, 65.12.090, 65.12.100, 65.12.110, 65.12.120, 65.12.125, 65.12.130, 65.12.135, 65.12.140, 65.12.145, 65.12.150, 65.12.155, 65.12.160, 65.12.165, 65.12.170, 65.12.175, 65.12.180, 65.12.190, 65.12.195, 65.12.200, 65.12.210, 65.12.220, 65.12.225, 65.12.230, 65.12.235, 65.12.240, 65.12.245, 65.12.250, 65.12.255, 65.12.260, 65.12.265, 65.12.270, 65.12.275, 65.12.280, 65.12.290, 65.12.300, 65.12.310, 65.12.320, 65.12.330, 65.12.340, 65.12.350, 65.12.360, 65.12.370, 65.12.375, 65.12.380, 65.12.390, 65.12.400, 65.12.410, 65.12.420, 65.12.430, 65.12.435, 65.12.440, 65.12.445, 65.12.450, 65.12.460, 65.12.470, 65.12.480, 65.12.490, 65.12.500, 65.12.510, 65.12.520, 65.12.530, 65.12.540, 65.12.550, 65.12.560, 65.12.570, 65.12.580, 65.12.590, 65.12.600, 65.12.610, 65.12.620, 65.12.630, 65.12.635, 65.12.640, 65.12.650, 65.12.660, 65.12.670, 65.12.680, 65.12.690, 65.12.700, 65.12.710, 65.12.720, 65.12.730, 65.12.740, 65.12.750, 65.12.760, 65.12.770, 65.12.780, 65.12.790, 65.12.800, and 65.12.900; and providing an effective date."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1376 and advanced the bill, as amended by the Senate, to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representative Fey spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1376, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1376, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 85; Nays, 13; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chapman, Chopp, Cody, Corry, Davis, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chambers, Chandler, Chase, Dent, Dufault, Jacobsen, Kraft, McCaslin, McEntire, Orcutt, Sutherland, Walsh and Young.

HOUSE BILL NO. 1376, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 4, 2022

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1571 with the following amendment:

On page 3, line 16, after "agencies," insert "federally recognized tribes,"

On page 4, line 8, after "agencies," insert "federally recognized tribes,"

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO.

1571 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Mosbrucker and Lekanoff spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1571, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1571, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE HOUSE BILL NO. 1571, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 1, 2022

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1630 with the following amendments:

On page 2, line 13, after "guilty of a" strike "gross" and insert "~~(gross)~~"

On page 2, line 13, after "misdemeanor." insert "Second and subsequent violations of subsection (1) of this section are a gross misdemeanor."

On page 5, line 33, after "guilty of a" strike "gross" and insert "~~(gross)~~"

On page 5, line 34, after "misdemeanor." insert "Second and"

subsequent violations of this section are a gross misdemeanor."

On page 6, line 27, after "guilty of a" strike "gross"

On page 6, line 27, after "misdemeanor." insert "Second and subsequent violations of this section are a gross misdemeanor."

On page 8, line 31, after "guilty of a" strike "gross"

On page 8, line 31, after "misdemeanor." insert "Second and subsequent violations of subsection (1) of this section are a gross misdemeanor."

On page 3, beginning on line 39, after "while" strike all material through "student" on line 40 and insert "(picking)":

(i) Picking up or dropping off a student; or

(ii) Attending official meetings of a school district board of directors held off school district-owned or leased property"

On page 10, beginning on line 17, after "while" strike all material through "student" on line 18 and insert "":

(i) Picking up or dropping off a student; or

(ii) Attending official meetings of a school district board of directors held off school district-owned or leased property"

and the same are herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1630 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Senn spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1630, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1630, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 57; Nays, 41; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1630, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 2, 2022

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1644 with the following amendment:

On page 2, line 22, after "vehicles;" strike "and"

On page 2, line 26, after "installation" insert "; and

(f) Converting or repowering existing gas or diesel pupil transportation vehicles to electric or zero emission pupil transportation vehicles"

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1644 and advanced the bill, as amended by the Senate, to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Senn and Stokesbary spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1644, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1644, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault, Klippert, Kraft and McCaslin.

SUBSTITUTE HOUSE BILL NO. 1644, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

February 25, 2022

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1703 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The ongoing modernization of the statewide 911 emergency communications system is essential to public safety. Implementing new technologies with the modernization to next generation 911 requires clarifying changes to update requirements and definitions currently in statute.

Sec. 2. RCW 38.52.010 and 2019 c 471 s 2 and 2019 c 207 s 1 are each reenacted and amended to read as follows:

As used in this chapter:

(1) "911 emergency communications system" means a public 911 communications system consisting of a network, database, and on-premises equipment that is accessed by dialing or accessing 911 and that enables reporting police, fire, medical, or other emergency situations to a public safety answering point. The system includes the capability to selectively route incoming 911 voice and data to the appropriate public safety answering point that operates in a defined 911 service area and the capability to automatically display the name, location, and telephone number of incoming 911 voice and data at the appropriate public safety answering point.

(2) "Automatic location identification" means information about a caller's location that is part of or associated with an enhanced or next generation 911 emergency communications system as defined in this section and RCW 82.14B.020 and intended for the purpose of display at a public safety answering point with incoming 911 voice or data, or both.

(3) "Automatic number identification" means a method for uniquely associating a communication device that has accessed 911 with the incoming 911 voice or data, or both, and intended for the purpose of display at a public safety answering point.

(4) "Baseline level of 911 service" means access to 911 dialing from all communication devices with service from a telecommunications provider within a county's jurisdiction so that incoming 911 voice and data communication is answered, received, and displayed on 911 equipment at a public safety answering point designated by the county.

(5) "Broadcaster" means a person or entity that holds a license issued by the federal communications commission under 47 C.F.R. Part 73, 74, 76, or 78.

~~((2))~~ (6) (a) "Catastrophic incident" means any natural or human-caused incident, including terrorism and enemy attack, that results in extraordinary levels of mass casualties, damage, or disruption severely affecting the

population, infrastructure, environment, economy, or government functions.

(b) "Catastrophic incident" does not include an event resulting from individuals exercising their rights, under the first amendment, of freedom of speech, and of the people to peaceably assemble.

~~((3))~~ (7) "Communication plan," as used in RCW 38.52.070, means a section in a local comprehensive emergency management plan that addresses emergency notification of life safety information.

~~((4))~~ (8) "Continuity of government planning" means the internal effort of all levels and branches of government to provide that the capability exists to continue essential functions and services following a catastrophic incident. These efforts include, but are not limited to, providing for: (a) Orderly succession and appropriate changes of leadership whether appointed or elected; (b) filling vacancies; (c) interoperability communications; and (d) processes and procedures to reconvene government following periods of disruption that may be caused by a catastrophic incident. Continuity of government planning is intended to preserve the constitutional and statutory authority of elected officials at the state and local level and provide for the continued performance of essential functions and services by each level and branch of government.

~~((5))~~ (9) "Continuity of operations planning" means the internal effort of an organization to provide that the capability exists to continue essential functions and services in response to a comprehensive array of potential emergencies or disasters.

~~((6))~~ (10) "Department" means the state military department.

~~((7))~~ (11) "Director" means the adjutant general.

~~((8))~~ (12) "Emergency management" or "comprehensive emergency management" means the preparation for and the carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, to mitigate, prepare for, respond to, and recover from emergencies and disasters, and to aid victims suffering from injury or damage, resulting from disasters caused by all hazards, whether natural, technological,

or human caused, and to provide support for search and rescue operations for persons and property in distress. However, "emergency management" or "comprehensive emergency management" does not mean preparation for emergency evacuation or relocation of residents in anticipation of nuclear attack.

~~((9))~~ (13) (a) "Emergency or disaster" as used in all sections of this chapter except RCW 38.52.430 means an event or set of circumstances which: (i) Demands immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken community overtaken by such occurrences; or (ii) reaches such a dimension or degree of destructiveness as to warrant the governor proclaiming a state of emergency pursuant to RCW 43.06.010.

(b) "Emergency" as used in RCW 38.52.430 means an incident that requires a normal police, coroner, fire, rescue, emergency medical services, or utility response as a result of a violation of one of the statutes enumerated in RCW 38.52.430.

~~((10))~~ (14) "Emergency response" as used in RCW 38.52.430 means a public agency's use of emergency services during an emergency or disaster as defined in subsection ~~((9))~~ (13) (b) of this section.

~~((11))~~ (15) "Emergency services communication system" means a multicounty or countywide communications network, including an enhanced or next generation 911 emergency communications system, which provides rapid public access for coordinated dispatching of services, personnel, equipment, and facilities for police, fire, medical, or other emergency services.

(16) "Emergency services communications system data" includes voice or audio; multimedia, including pictures and video; text messages; telematics or telemetrics; or other information that is received or displayed, or both, at a public safety answering point in association with a 911 access.

(17) "Emergency worker" means any person who is registered with a local emergency management organization or the department and holds an identification card issued by the local emergency management director or the department for the purpose of engaging in authorized

emergency management activities or is an employee of the state of Washington or any political subdivision thereof who is called upon to perform emergency management activities.

~~((12))~~ (18) "Executive head" and "executive heads" means the county executive in those charter counties with an elective office of county executive, however designated, and, in the case of other counties, the county legislative authority. In the case of cities and towns, it means the mayor in those cities and towns with mayor-council or commission forms of government, where the mayor is directly elected, and it means the city manager in those cities and towns with council manager forms of government. Cities and towns may also designate an executive head for the purposes of this chapter by ordinance.

~~((13))~~ (19) "Expense of an emergency response" as used in RCW 38.52.430 means reasonable costs incurred by a public agency in reasonably making an appropriate emergency response to the incident, but shall only include those costs directly arising from the response to the particular incident. Reasonable costs shall include the costs of providing police, coroner, firefighting, rescue, emergency medical services, or utility response at the scene of the incident, as well as the salaries of the personnel responding to the incident.

~~((14))~~ (20) "First informer broadcaster" means an individual who:

(a) Is employed by, or acting pursuant to a contract under the direction of, a broadcaster; and

(b) (i) Maintains, including repairing or resupplying, transmitters, generators, or other essential equipment at a broadcast station or facility; or (ii) provides technical support services to broadcasters needed during a period of proclaimed emergency.

~~((15))~~ (21) "Incident command system" means: (a) An all-hazards, on-scene functional management system that establishes common standards in organization, terminology, and procedures; provides a means (unified command) for the establishment of a common set of incident objectives and strategies during multiagency/multijurisdiction operations while maintaining individual agency/jurisdiction authority, responsibility, and accountability; and

is a component of the national interagency incident management system; or (b) an equivalent and compatible all-hazards, on-scene functional management system.

~~((16))~~ (22) "Injury" as used in this chapter shall mean and include accidental injuries and/or occupational diseases arising out of emergency management activities.

~~((17))~~ (23) "Interconnected voice over internet protocol service provider" means a provider of interconnected voice over internet protocol service as defined by the federal communications commission in 47 C.F.R. Sec. 9.3 on January 1, 2009, or a subsequent date determined by the department.

(24) "Life safety information" means information provided to people during a response to a life-threatening emergency or disaster informing them of actions they can take to preserve their safety. Such information may include, but is not limited to, information regarding evacuation, sheltering, sheltering-in-place, facility lockdown, and where to obtain food and water.

~~((18))~~ (25) "Local director" means the director of a local organization of emergency management or emergency services.

~~((19))~~ (26) "Local organization for emergency services or management" means an organization created in accordance with the provisions of this chapter by state or local authority to perform local emergency management functions.

~~((20))~~ (27) "Next generation 911" means an internet protocol-based system comprised of managed emergency services internet protocol networks, functional elements (applications), and databases that replicate enhanced 911 features and functions as defined in RCW 82.14B.020(4) that provide additional capabilities designed to provide access to emergency services from all connected communications sources and provide multimedia data capabilities for public safety answering points.

(28) "Next generation 911 demarcation point" means the location and equipment that separates the next generation 911 network from:

(a) A telecommunications provider's network, known as the ingress next generation 911 demarcation point; and

(b) A public safety answering point, known as the egress next generation 911 demarcation point.

(29) "Next generation 911 emergency communications system" means a public communications system consisting of networks, databases, and public safety answering point 911 hardware, software, and technology that is accessed by the public in the state through 911. The system includes the capability to: Route incoming 911 voice and data to the appropriate public safety answering point that operates in a defined 911 service area; answer incoming 911 voice and data; and receive and display incoming 911 voice and data, including automatic location identification and automatic number identification, at a public safety answering point. "Next generation 911 emergency communications system" includes future modernizations to the 911 system.

(30) "Next generation 911 emergency services internet protocol network" means a managed internet protocol network used for 911 emergency services communications that is managed and maintained, including security and credentialing functions, by the state 911 coordination office to provide next generation 911 emergency communications from the ingress next generation 911 demarcation point to the egress next generation 911 demarcation point. It provides the internet protocol transport infrastructure upon which application platforms and core services are necessary for providing next generation 911 services. Next generation 911 emergency services internet protocol networks may be constructed from a mix of dedicated and shared facilities and may be interconnected at local, regional, state, federal, national, and international levels to form an internet protocol-based inter-network (network of networks).

(31) "Next generation 911 service" means public access to the next generation 911 emergency communications system and its capabilities by accessing 911 from communication devices to report police, fire, medical, or other emergency situations to a public safety answering point.

(32) "Political subdivision" means any county, city or town.

((21)) (33) "Public agency" means the state, and a city, county, municipal

corporation, district, town, or public authority located, in whole or in part, within this state which provides or may provide firefighting, police, ambulance, medical, or other emergency services.

((22)) (34) "Public safety answering point" means the public safety location that receives and answers 911 voice and data originating in a given area as designated by the county. Public safety answering points must be equipped with 911 hardware, software, and technology that is accessed through 911 and is capable of answering incoming 911 calls and receiving and displaying incoming 911 data.

(a) "Primary public safety answering point" means a public safety answering point, as designated by the county, to which 911 calls and data originating in a given area and entering the next generation 911 network are initially routed for answering.

(b) "Secondary public safety answering point" means a public safety answering point, as designated by the county, that only receives 911 voice and data that has been transferred by other public safety answering points.

(35) "Radio communications service company" ((has the meaning ascribed to it in RCW 82.14B.020)) means every corporation, company, association, joint stock, partnership, and person, their lessees, trustees, or receivers appointed by any court, and every city or town making available facilities to provide commercial mobile radio services, as defined by 47 U.S.C. Sec. 332(d)(1), or cellular communications services for hire, sale, and both facilities-based and nonfacilities-based resellers, and does not include radio paging providers.

((23)) (36) "Search and rescue" means the acts of searching for, rescuing, or recovering by means of ground, marine, or air activity any person who becomes lost, injured, or is killed while outdoors or as a result of a natural, technological, or human caused disaster, including instances involving searches for downed aircraft when ground personnel are used. Nothing in this section shall affect appropriate activity by the department of transportation under chapter 47.68 RCW.

(37) "Telecommunications provider" means a telecommunications company as defined in RCW 80.04.010, a radio

communications service company as defined in RCW 38.52.010, a commercial mobile radio service provider as defined in 47 C.F.R. Sec. 20.3, providers of interconnected voice over internet protocol service as defined in RCW 38.52.010, and providers of data services.

(38) "Washington state patrol public safety answering points" means those designated as primary or secondary public safety answering points by the counties in which they provide service.

Sec. 3. RCW 38.52.030 and 2019 c 471 s 3 are each amended to read as follows:

(1) The director may employ such personnel and may make such expenditures within the appropriation therefor, or from other funds made available for purposes of emergency management, as may be necessary to carry out the purposes of this chapter.

(2) The director, subject to the direction and control of the governor, shall be responsible to the governor for carrying out the program for emergency management of this state. The director shall coordinate the activities of all organizations for emergency management within the state, and shall maintain liaison with and cooperate with emergency management agencies and organizations of other states and of the federal government, and shall have such additional authority, duties, and responsibilities authorized by this chapter, as may be prescribed by the governor.

(3) The director shall develop and maintain a comprehensive, all-hazard emergency plan for the state which shall include an analysis of the natural, technological, or human caused hazards which could affect the state of Washington, and shall include the procedures to be used during emergencies for coordinating local resources, as necessary, and the resources of all state agencies, departments, commissions, and boards. The comprehensive emergency management plan shall direct the department in times of state emergency to administer and manage the state's emergency operations center. This will include representation from all appropriate state agencies and be available as a single point of contact for the authorizing of state resources or actions, including emergency permits. The comprehensive emergency management

plan must specify the use of the incident command system for multiagency/multijurisdiction operations. The comprehensive, all-hazard emergency plan authorized under this subsection may not include preparation for emergency evacuation or relocation of residents in anticipation of nuclear attack. This plan shall be known as the comprehensive emergency management plan.

(4) In accordance with the comprehensive emergency management plans and the programs for the emergency management of this state, the director shall procure supplies and equipment, institute training programs and public information programs, and shall take all other preparatory steps, including the partial or full mobilization of emergency management organizations in advance of actual disaster, to insure the furnishing of adequately trained and equipped forces of emergency management personnel in time of need.

(5) The director shall make such studies and surveys of the industries, resources, and facilities in this state as may be necessary to ascertain the capabilities of the state for emergency management, and shall plan for the most efficient emergency use thereof.

(6) The emergency management council shall advise the director on all aspects of the communications and warning systems and facilities operated or controlled under the provisions of this chapter.

(7) The director, through the state (~~enhanced~~) 911 coordinator, shall coordinate and facilitate implementation and operation of a statewide (~~enhanced~~) 911 emergency communications network.

(8) The director shall appoint a state coordinator of search and rescue operations to coordinate those state resources, services and facilities (other than those for which the state director of aeronautics is directly responsible) requested by political subdivisions in support of search and rescue operations, and on request to maintain liaison with and coordinate the resources, services, and facilities of political subdivisions when more than one political subdivision is engaged in joint search and rescue operations.

(9) The director, subject to the direction and control of the governor, shall prepare and administer a state program for emergency assistance to

individuals within the state who are victims of a natural, technological, or human caused disaster, as defined by RCW 38.52.010(~~(+6)~~) (13). Such program may be integrated into and coordinated with disaster assistance plans and programs of the federal government which provide to the state, or through the state to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant, or loan for purposes of assistance to individuals affected by a disaster. Further, such program may include, but shall not be limited to, grants, loans, or gifts of services, equipment, supplies, materials, or funds of the state, or any political subdivision thereof, to individuals who, as a result of a disaster, are in need of assistance and who meet standards of eligibility for disaster assistance established by the department of social and health services: PROVIDED, HOWEVER, That nothing herein shall be construed in any manner inconsistent with the provisions of Article VIII, section 5 or section 7 of the Washington state Constitution.

(10) The director shall appoint a state coordinator for radioactive and hazardous waste emergency response programs. The coordinator shall consult with the state radiation control officer in matters relating to radioactive materials. The duties of the state coordinator for radioactive and hazardous waste emergency response programs shall include:

(a) Assessing the current needs and capabilities of state and local radioactive and hazardous waste emergency response teams on an ongoing basis;

(b) Coordinating training programs for state and local officials for the purpose of updating skills relating to emergency mitigation, preparedness, response, and recovery;

(c) Utilizing appropriate training programs such as those offered by the federal emergency management agency, the department of transportation and the environmental protection agency; and

(d) Undertaking other duties in this area that are deemed appropriate by the director.

(11) The director is responsible to the governor to lead the development and management of a program for interagency coordination and prioritization of

continuity of operations planning by state agencies. Each state agency is responsible for developing an organizational continuity of operations plan that is updated and exercised annually in compliance with the program for interagency coordination of continuity of operations planning.

(12) The director shall maintain a copy of the continuity of operations plan for election operations for each county that has a plan available.

(13) Subject to the availability of amounts appropriated for this specific purpose, the director is responsible to the governor to lead the development and management of a program to provide information and education to state and local government officials regarding catastrophic incidents and continuity of government planning to assist with statewide development of continuity of government plans by all levels and branches of state and local government that address how essential government functions and services will continue to be provided following a catastrophic incident.

Sec. 4. RCW 38.52.440 and 2017 c 295 s 3 are each amended to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the director, through the state (~~enhanced~~) 911 coordinator, and in collaboration with the department of health, the department of social and health services, the Washington state patrol, the Washington association of sheriffs and police chiefs, the Washington council of police and sheriffs, the state fire marshal's office, a representative of a first responder organization with experience in addressing the needs of a person with a disability, and other individuals and entities at the discretion of the director, must assess, and report back to the appropriate committees of the legislature by December 1, 2018, regarding:

(a) The resources, capabilities, techniques, protocols, and procedures available or required in order to include as part of the enhanced 911 emergency service the ability to allow an immediate display on the screen indicating that a person with a disability may be present at the scene of an emergency, the caller's identification, location, phone number, address, and if made available,

additional information on the person with a disability that would assist the first responder in the emergency response;

(b) How best to acquire, implement, and safeguard a secure website and the information in the system provided by a person with a disability, or a parent, guardian, or caretaker of a person with a disability in order to make such information directly available to first responders at the scene of an emergency or on the way to the scene of an emergency;

(c) What information provided by a person must remain confidential under state or federal law, or otherwise should remain confidential without written permission to release it for purposes of chapter 295, Laws of 2017 or the information is otherwise releasable or available under other provisions of law; and

(d) The need to provide various agencies and employees that are first responders and emergency personnel immunity from civil liability for acts or omissions in the performance of their duties, and what standard should apply, such as if the act or omission is the result of simple negligence, gross negligence, or willful misconduct.

(2) For purposes of this section:

(a) Both "accident" and "emergency" mean an unforeseen combination of circumstances or a resulting situation that results in a need for assistance or relief and calls for immediate action; and

(b) "Person with a disability" means an individual who has been diagnosed medically to have a physical, mental, emotional, intellectual, behavioral, developmental, or sensory disability.

Sec. 5. RCW 38.52.500 and 1991 c 54 s 1 are each amended to read as follows:

The legislature finds that a statewide emergency communications network of ((enhanced)) 911 telephone service, which allows an immediate display of a caller's identification and location, would serve to further the safety, health, and welfare of the state's citizens, and would save lives. The legislature, after reviewing the study outlined in section 1, chapter 260, Laws of 1990, further finds that statewide implementation of ((enhanced)) 911

telephone service is feasible and should be accomplished as soon as practicable.

Sec. 6. RCW 38.52.501 and 2002 c 341 s 1 are each amended to read as follows:

The legislature finds that statewide ((enhanced)) 911 emergency communications service has proven to be a lifesaving service and that routing a 911 call to the appropriate public safety answering point with a display of the caller's identification and location should be available for all users of telecommunications services, regardless of the technology used to make and transmit the 911 call. The legislature also finds that it is in the best public interest to ensure that there is adequate ongoing funding to support ((enhanced 911 service)) necessary 911 system upgrades as technology evolves to next generation 911 technology and beyond for 911 emergency communications baseline service statewide that supports emerging communications devices.

Sec. 7. RCW 38.52.505 and 1999 c 24 s 2 are each amended to read as follows:

The adjutant general shall establish rules on minimum information requirements of automatic location identification for the purposes of ((enhanced)) 911 emergency service. Such rules shall permit the chief of a local fire department or a chief fire protection officer or such other person as may be designated by the governing body of a city or county to take into consideration local circumstances when approving the accuracy of location information generated when calls are made to 911 from facilities within his or her service area.

Sec. 8. RCW 38.52.510 and 2010 1st sp.s. c 19 s 14 are each amended to read as follows:

(1) Each county, singly or in combination with one or more ((adjacent)) counties, must ((implement)) provide or participate in countywide or multicounty-wide ((enhanced)) 911 emergency communications systems so that ((enhanced)) 911 is available throughout the state. The county must provide funding for the ((enhanced)) 911 communications system in the county in an amount equal to the amount the maximum tax under RCW 82.14B.030(1) would generate in the county less any applicable administrative fee charged by the department of revenue or the amount necessary to provide full funding of the

system in the county. The state ~~((enhanced))~~ 911 coordination office established by RCW 38.52.520 must assist and facilitate ~~((enhanced))~~ 911 implementation throughout the state.

(2) A county may request a Washington state patrol public safety answering point to become a primary public safety answering point and receive 911 calls from a specific geographical area and may cancel that designation at any time.

Sec. 9. 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))~~ Administering the 911 account established in RCW 38.52.540;

(2) Seeking advice and assistance from, and providing staff support for~~((r))~~ the enhanced 911 advisory committee;

(3) Providing and supporting 911 emergency communications systems, which may include procurement, funding, ownership, and management;

(4) Assisting the counties and Washington state patrol public safety answering points by distributing state 911 emergency communications system funding within the priorities identified in RCW 38.52.545. When designated as a primary public safety answering point by the county, the state 911 coordination office may provide funding for Washington state patrol public safety answering point 911 emergency communications systems;

(5) Develop forms, submission dates, and methods as necessary for all public safety answering points to submit reports;

(6) Recommending to the utilities and transportation commission by August 31st of each year the level of the state ~~((enhanced))~~ 911 emergency communications system excise tax established in RCW 82.14B.030(5) for the following year;

~~((4) 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) Providing an annual update to the enhanced))~~ (7) Establishing rules that:

(a) Determine eligible components of the 911 emergency communications system, its administration, and operation that the state and county 911 excise taxes, under RCW 82.14B.030, may be used to fund;

(b) Determine how appropriated funds from the state 911 account shall be distributed, considering the baseline level of 911 emergency communications system service needs of individual counties and county-designated Washington state patrol primary public safety answering points for specific assistance; and

(c) Specify statewide 911 emergency communications system and service standards, consistent with applicable state and federal law. The authority given to the state 911 coordinator in this section is limited to setting standards as set forth in this section and does not constitute authority to regulate radio communications service companies or interconnected voice over internet protocol service companies; and

(8) Annually providing a complete report to the 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))~~
(b) All public safety answering points expenditures for administrative and operational costs and expenses of the 911 emergency communications system; and

(c) Any additional data that may be identified by the 911 advisory committee.

Sec. 10. RCW 38.52.525 and 1995 c 243 s 9 are each amended to read as follows:

The state ~~((enhanced))~~ 911 coordination office may develop and ~~((implement))~~ provide public education materials ~~((regarding the capability of specific equipment used as part of a private telecommunications system or in~~

~~the provision of private shared telecommunications services to forward automatic location identification and automatic number identification) relating to the 911 emergency communications system.~~

NEW SECTION. Sec. 11. A new section is added to chapter 38.52 RCW to read as follows:

The 911 advisory committee is created to advise and assist the state 911 coordinator in coordinating and facilitating the implementation and operation of 911 throughout the state. The director shall appoint:

(1) County 911 representatives from diverse urban and rural geographical counties;

(2) The statewide 988 coordinator or designee identified by the office of the governor;

(3) Those who represent diverse geographical areas of the state and include state residents who are members of the national emergency number association, the association of public communications officials Washington chapter, the Washington state fire chiefs association, the Washington association of sheriffs and police chiefs, the Washington state council of firefighters, the Washington state council of police officers, the Washington ambulance association, the Washington state firefighters association, the Washington state association of fire marshals, the Washington fire commissioners association, the Washington state patrol, the association of Washington cities, and the Washington state association of counties;

(4) The utilities and transportation commission or commission staff;

(5) A representative of a voice over internet protocol company;

(6) An equal number of representatives of large and small local exchange telephone companies and large and small radio communications service companies offering commercial mobile radio service in the state;

(7) A representative of the Washington state department of health; and

(8) Other members identified and appointed by the director.

Sec. 12. RCW 38.52.532 and 2010 1st sp.s. c 19 s 17 are each amended to read as follows:

~~((On an annual basis))~~ (1) Annually, the ((enhanced)) 911 advisory committee must provide an update on the status of ((enhanced)) 911 service in the state to the appropriate committees in the legislature. The update must include progress by the state 911 coordination office and the counties towards ((creating greater efficiencies in enhanced)) continual growth and maintenance of a 911 emergency communications system with greater efficiencies in 911 operations including, but not limited to, regionalization of facilities, centralization of equipment, ((and)) statewide purchasing, strategic plan performance, and fiscal health of the 911 emergency communications system.

(2) To assist with modernization of the 911 emergency communications system, all counties operating public safety answering points in Washington state, with the exception of tribal nations, must assist the 911 advisory committee to update the legislature annually within the requirements of RCW 38.52.520(8) by providing annual public safety answering point expenditure reports and additional information as necessary requested by the state 911 coordinator's office.

(3) To assist with modernization of the 911 emergency communications system, public safety answering points providing service in multiple counties shall report to the county where they are physically located. Public safety answering points providing services outside of Washington state borders shall limit reporting to those areas within the boundaries of Washington state. Counties receiving services from a public safety answering point outside of Washington state must report the cost of services into their county.

Sec. 13. RCW 38.52.535 and 1998 c 245 s 32 are each amended to read as follows:

The state ~~((enhanced))~~ 911 coordination office and the ~~((enhanced))~~ 911 advisory committee may participate in efforts to set uniform national standards for ~~((automatic number identification and automatic location identification data transmission for private telecommunications systems and private shared telecommunications services))~~ the 911 emergency communications system.

Sec. 14. RCW 38.52.540 and 2015 3rd sp.s. c 4 s 949 are each amended to read as follows:

(1) The ~~((enhanced))~~ 911 account is created in the state treasury. All receipts from the state ~~((enhanced))~~ 911 excise taxes imposed by RCW 82.14B.030 must be deposited into the account. Moneys in the account must be used ~~((only))~~ to support the priorities established in RCW 38.52.545, procure, fund, and manage the statewide 911 emergency communications system network, purchase goods and services that support the counties and Washington state patrol public safety answering points in providing 911 baseline level of service statewide, assist the counties and Washington state patrol public safety answering points to provide 911 emergency communications systems and associated administrative and operational costs, acquire 911 hardware, software, and technology appropriate to support a 911 emergency communications system, 911 emergency communications training and public education, support the statewide coordination and management of the ((enhanced)) 911 emergency communications system, ((for the implementation of wireless enhanced 911 statewide,)) and for ((the)) modernization needs as technology evolves of ((enhanced)) the 911 emergency communications systems statewide((, and to help supplement, within available funds, the operational costs of the system, including adequate funding of counties to enable implementation of wireless enhanced 911 service and reimbursement of radio communications service companies for costs incurred in providing wireless enhanced 911 service pursuant to negotiated contracts between the counties or their agents and the radio communications service companies. For the 2013-2015 and the 2015-2017 fiscal biennia, the account may be used for a criminal history system upgrade in the Washington state patrol and for activities and programs in the military department. A county must show just cause, including but not limited to a true and accurate accounting of the funds expended, for any inability to provide reimbursement to radio communications service companies of costs incurred in providing enhanced 911 service)).

(2) Funds generated by the ~~((enhanced))~~ 911 excise tax imposed by RCW 82.14B.030(5), (6), and (8) may not be distributed to any county that has not

imposed the maximum county ~~((enhanced))~~ 911 excise tax allowed under RCW 82.14B.030(1) through (3). ~~((Funds generated by the enhanced 911 excise tax imposed by RCW 82.14B.030(6) may not be distributed to any county that has not imposed the maximum county enhanced 911 excise tax allowed under RCW 82.14B.030(2).))~~

(3) The state ~~((enhanced))~~ 911 coordinator, with the advice and assistance of the ~~((enhanced))~~ 911 advisory committee, is authorized to enter into statewide agreements to improve the efficiency of ~~((enhanced))~~ the 911 ~~((services for all counties))~~ emergency communications system and shall specify by rule the additional purposes for which moneys, if available, may be expended from this account.

Sec. 15. RCW 38.52.545 and 2010 1st sp.s. c 19 s 19 are each amended to read as follows:

In specifying rules defining the purposes for which available state ~~((enhanced))~~ 911 moneys may be expended, the state ~~((enhanced))~~ 911 coordinator, with the advice and assistance of the ~~((enhanced))~~ 911 advisory committee, must consider ~~((base))~~ needs ~~((of individual counties for specific assistance))~~ necessary to provide a baseline level of 911 service by individual counties and their designated Washington state patrol public safety answering points. Priorities for available ((enhanced)) 911 emergency communications system funding are as follows:

(1) To procure, fund, and manage the statewide 911 network and supporting services, and assure that 911 dialing is operational statewide;

(2) To assist counties and Washington state patrol public safety answering points to provide 911 emergency communications systems and associated administrative and operational costs as necessary to assure that they can achieve a ((basic service)) baseline level of service for 911 operations; and

(3) To assist counties ((as practicable to acquire items of a capital nature appropriate to modernize 911 systems and increase 911 effectiveness)) and their designated Washington state patrol public safety answering points to acquire 911 hardware, software, and technology to support a 911 emergency

communications system baseline level of service.

Sec. 16. RCW 38.52.550 and 2010 1st sp.s. c 19 s 20 are each amended to read as follows:

A telecommunications company, radio communications service company, or interconnected voice over internet protocol service company, providing emergency communications systems or services or a business or individual providing database information to ~~((enhanced))~~ 911 emergency communications personnel is not liable for civil damages caused by an act or omission of the company, business, or individual, the state, political subdivisions and any 911 public corporations in the:

(1) Good faith release of information not in the public record, including unpublished or unlisted subscriber information to emergency service providers responding to calls placed to an ~~((enhanced))~~ 911 emergency communications service; or

(2) Design, development, installation, maintenance, or provision of consolidated ~~((enhanced))~~ 911 emergency communications systems or services other than an act or omission constituting gross negligence or wanton or willful misconduct.

Sec. 17. RCW 38.52.561 and 2010 1st sp.s. c 19 s 21 are each amended to read as follows:

The state ~~((enhanced))~~ 911 coordinator, with the advice and assistance of the ~~((enhanced))~~ 911 advisory committee, must set nondiscriminatory, uniform technical and operational standards consistent with the rules of the federal communications commission for the transmission of 911 calls from radio communications service companies and interconnected voice over internet protocol service companies to ~~((enhanced))~~ 911 emergency communications systems. These standards must be modernized to align with national standards adopted by the state of Washington in rule making and not exceed the requirements set by the federal communications commission. The authority given to the state ~~((enhanced))~~ 911 coordinator in this section is limited to setting standards as set forth in this section and does not constitute authority to regulate radio communications service

companies or interconnected voice over internet protocol service companies.

Sec. 18. RCW 38.52.575 and 2015 c 224 s 6 are each amended to read as follows:

(1) Information contained in an automatic number identification or automatic location identification database that is part of a county ~~((enhanced))~~ 911 emergency communications system as defined in RCW 82.14B.020 and intended for display at a public safety answering point with incoming 911 voice or data is exempt from public inspection and copying under chapter 42.56 RCW.

(2) Information voluntarily submitted to be contained in a database that is part of or associated with a county ~~((enhanced))~~ 911 emergency communications system as defined in RCW 82.14B.020 and intended for the purpose of display at a public safety answering point with incoming 911 voice or data is exempt from public inspection and copying under chapter 42.56 RCW.

(3) This section shall not be interpreted to prohibit:

(a) Display of information at a public safety answering point;

(b) Dissemination of information by the public safety answering point to police, fire, or emergency medical responders for display on a device used by police, fire, or emergency medical responders for the purpose of handling or responding to emergency calls or for training;

(c) Maintenance of the database by a county;

(d) Dissemination of information by a county to local agency personnel for inclusion in an emergency notification system that makes outgoing calls to telephone numbers to provide notification of a community emergency event;

(e) Inspection or copying by the subject of the information or an authorized representative; or

(f) The public disclosure of information prepared, retained, disseminated, transmitted, or recorded, for the purpose of handling or responding to emergency calls, unless disclosure of any such information is otherwise exempted under chapter 42.56 RCW or other law.

Sec. 19. RCW 82.14B.010 and 2010 1st sp.s. c 19 s 1 are each amended to read as follows:

The legislature finds that the state and counties should be provided with an additional revenue source to fund ~~((enhanced))~~ 911 emergency communications systems throughout the state on a multicounty or countywide basis. The legislature further finds that the most efficient and appropriate method of deriving additional revenue for this purpose is to impose an excise tax on the use of switched access lines, radio access lines, and interconnected voice over internet protocol service lines.

Sec. 20. RCW 82.14B.020 and 2013 2nd sp.s. c 8 s 102 are each amended to read as follows:

As used in this chapter:

(1) "911 emergency communications system" means a public 911 communications system consisting of a network, database, and on-premises equipment that is accessed by dialing or accessing 911 and that enables reporting police, fire, medical, or other emergency situations to a public safety answering point. The system includes the capability to selectively route incoming 911 voice and data to the appropriate public safety answering point that operates in a defined 911 service area and the capability to automatically display the name, address, and telephone number of incoming 911 voice and data at the appropriate public safety answering point.

(2) "Consumer" means a person who purchases a prepaid wireless telecommunications service in a retail transaction.

~~((2))~~ (3) "Emergency services communication system" means a multicounty or countywide communications network, including an enhanced or next generation 911 emergency communications system, which provides rapid public access for coordinated dispatching of services, personnel, equipment, and facilities for police, fire, medical, or other emergency services.

~~((3))~~ (4) "Enhanced 911 emergency communications system" means a public communications system consisting of a network, database, and on-premises equipment that is accessed by dialing or accessing 911 and that enables reporting police, fire, medical, or other emergency

situations to a public safety answering point. The system includes the capability to selectively route incoming 911 voice or data to the appropriate public safety answering point that operates in a defined 911 service area and the capability to automatically display the name, address, and telephone number of incoming 911 voice or data at the appropriate public safety answering point. "Enhanced 911 emergency communications system" includes the modernization to next generation 911 systems.

~~((4))~~ (5) "Interconnected voice over internet protocol service" has the same meaning as provided by the federal communications commission in 47 C.F.R. Sec. 9.3 on January 1, 2009, or a subsequent date determined by the department.

~~((5))~~ (6) "Interconnected voice over internet protocol service line" means an interconnected voice over internet protocol service that offers an active telephone number or successor dialing protocol assigned by a voice over internet protocol provider to a voice over internet protocol service customer that has inbound and outbound calling capability, which can directly access a public safety answering point when such a voice over internet protocol service customer has a place of primary use in the state.

~~((6))~~ (7) "Local exchange company" has the meaning ascribed to it in RCW 80.04.010.

~~((7))~~ (8) "Next generation 911 emergency communications system" means a public communications system consisting of networks, databases, and public safety answering point 911 hardware, software, and technology that is accessed by the public in the state through 911. The system includes the capability to: Route incoming 911 voice and data to the appropriate public safety answering point that operates in a defined 911 service area; answer incoming 911 voice and data; and receive and display incoming 911 voice and data, including automatic location identification and automatic number identification, at a public safety answering point. "Next Generation 911 emergency communications system" includes future modernizations to the 911 system.

(9) "Place of primary use" means the street address representative of where

the subscriber's use of the radio access line or interconnected voice over internet protocol service line occurs, which must be:

(a) The residential street address or primary business street address of the subscriber; and

(b) In the case of radio access lines, within the licensed service area of the home service provider.

~~((8))~~ (10) "Prepaid wireless telecommunications service" means a telecommunications service that provides the right to use mobile wireless service as well as other nontelecommunications services including the download of digital products delivered electronically, content, and ancillary services, which must be paid for in full in advance and sold in predetermined units or dollars of which the number declines with use in a known amount.

~~((9))~~ (11) "Private telecommunications system" has the meaning ascribed to it in RCW 80.04.010.

~~((10))~~ (12) "Radio access line" means the telephone number assigned to or used by a subscriber for two-way local wireless voice service available to the public for hire from a radio communications service company. Radio access lines include, but are not limited to, radio-telephone communications lines used in cellular telephone service, personal communications services, and network radio access lines, or their functional and competitive equivalent. Radio access lines do not include lines that provide access to one-way signaling service, such as paging service, or to communications channels suitable only for data transmission, or to nonlocal radio access line service, such as wireless roaming service, or to a private telecommunications system.

~~((11))~~ (13) "Radio communications service company" ~~((has the meaning ascribed to it in RCW 80.04.010, except that it does not include radio paging providers. It does include those persons or entities that provide commercial mobile radio services, as defined by 47 U.S.C. Sec. 332(d)(1), and both facilities-based and nonfacilities-based resellers))~~ means every corporation, company, association, joint stock, partnership, and person, their lessees, trustees, or receivers appointed by any court, and every city or town making available facilities to provide

commercial mobile radio services, as defined by 47 U.S.C. Sec. 332(d)(1), or cellular communications services for hire, sale, and both facilities-based and nonfacilities-based resellers, and does not include radio paging providers.

~~((12))~~ (14) "Retail transaction" means the purchase of prepaid wireless telecommunications service from a seller for any purpose other than resale.

~~((13))~~ (15) "Seller" means a person who sells prepaid wireless telecommunications service to another person.

~~((14))~~ (16) "Subscriber" means the retail purchaser of telecommunications service, a competitive telephone service, or interconnected voice over internet protocol service. "Subscriber" does not include a consumer, as defined in this section.

~~((15))~~ (17) "Switched access line" means the telephone service line which connects a subscriber's main telephone(s) or equivalent main telephone(s) to the local exchange company's switching office.

Sec. 21. RCW 82.14B.030 and 2013 2nd sp.s. c 8 s 105 are each amended to read as follows:

Subject to the enactment into law of the 2013 amendments to RCW 82.08.0289 in section 107, chapter 8, Laws of 2013 2nd sp. sess., the 2013 amendments to RCW 80.36.430 in section 108, chapter 8, Laws of 2013 2nd sp. sess., and the 2013 amendments to RCW 43.20A.725 in section 109, chapter 8, Laws of 2013 2nd sp. sess.:

(1) The legislative authority of a county may impose a county ~~((enhanced))~~ 911 excise tax on the use of switched access lines in an amount not exceeding seventy cents per month for each switched access line. The amount of tax must be uniform for each switched access line. Each county must provide notice of the tax to all local exchange companies serving in the county at least sixty days in advance of the date on which the first payment is due. The tax imposed under this subsection must be remitted to the department by local exchange companies on a tax return provided by the department. The tax must be deposited in the county ~~((enhanced))~~ 911 excise tax account as provided in RCW 82.14B.063.

(2) (a) The legislative authority of a county may also impose a county ((enhanced)) 911 excise tax on the use of radio access lines:

(i) By subscribers whose place of primary use is located within the county in an amount not exceeding seventy cents per month for each radio access line. The amount of tax must be uniform for each radio access line under this subsection (2) (a) (i); and

(ii) By consumers whose retail transaction occurs within the county in an amount not exceeding seventy cents per retail transaction. The amount of tax must be uniform for each retail transaction under this subsection (2) (a) (ii).

(b) The county must provide notice of the tax to all radio communications service companies serving in the county at least sixty days in advance of the date on which the first payment is due. The tax imposed under this section must be remitted to the department by radio communications service companies, including those companies that resell radio access lines, and sellers of prepaid wireless telecommunications services, on a tax return provided by the department. The tax must be deposited in the county ((enhanced)) 911 excise tax account as provided in RCW 82.14B.063.

(3) (a) The legislative authority of a county may impose a county ((enhanced)) 911 excise tax on the use of interconnected voice over internet protocol service lines in an amount not exceeding seventy cents per month for each interconnected voice over internet protocol service line. The amount of tax must be uniform for each line and must be levied on no more than the number of voice over internet protocol service lines on an account that are capable of simultaneous unrestricted outward calling to the public switched telephone network.

(b) The interconnected voice over internet protocol service company must use the place of primary use of the subscriber to determine which county's ((enhanced)) 911 excise tax applies to the service provided to the subscriber.

(c) The tax imposed under this section must be remitted to the department by interconnected voice over internet protocol service companies on a tax return provided by the department.

(d) The tax must be deposited in the county ((enhanced)) 911 excise tax account as provided in RCW 82.14B.063.

(e) To the extent that a local exchange carrier and an interconnected voice over internet protocol service company contractually jointly provide a single service line, only one service company is responsible for remitting the ((enhanced)) 911 excise taxes, and nothing in this section precludes service companies who jointly provide service from agreeing by contract which of them must remit the taxes collected.

(4) Counties imposing a county ((enhanced)) 911 excise tax must provide an annual update to the ((enhanced)) 911 coordinator detailing the proportion of their county ((enhanced)) 911 excise tax that is being spent on:

(a) Efforts to modernize their existing ((enhanced)) 911 communications system; and

(b) ((Enhanced)) 911 operational costs.

(5) A state ((enhanced)) 911 excise tax is imposed on all switched access lines in the state. The amount of tax may not exceed twenty-five cents per month for each switched access line. The tax must be uniform for each switched access line. The tax imposed under this subsection must be remitted to the department by local exchange companies on a tax return provided by the department. Tax proceeds must be deposited by the treasurer in the ((enhanced)) 911 account created in RCW 38.52.540.

(6) (a) A state ((enhanced)) 911 excise tax is imposed on the use of all radio access lines:

(i) By subscribers whose place of primary use is located within the state in an amount of twenty-five cents per month for each radio access line. The tax must be uniform for each radio access line under this subsection (6) (a) (i); and

(ii) By consumers whose retail transaction occurs within the state in an amount of twenty-five cents per retail transaction. The tax must be uniform for each retail transaction under this subsection (6) (a) (ii). Until July 1, 2018, a seller of prepaid wireless telecommunications service may charge an additional five cents per retail transaction as compensation for the cost of collecting and remitting the tax.

(b) The tax imposed under this section must be remitted to the department by radio communications service companies, including those companies that resell radio access lines, and sellers of prepaid wireless telecommunications service, on a tax return provided by the department. Tax proceeds must be deposited by the treasurer in the ((enhanced)) 911 account created in RCW 38.52.540. The tax imposed under this section is not subject to the state sales and use tax or any local tax.

(7) For purposes of the state and county ((enhanced)) 911 excise taxes imposed by subsections (2) and (6) of this section, the retail transaction is deemed to occur at the location where the transaction is sourced to under RCW 82.32.520(3)(c).

(8) A state ((enhanced)) 911 excise tax is imposed on all interconnected voice over internet protocol service lines in the state. The amount of tax may not exceed twenty-five cents per month for each interconnected voice over internet protocol service line whose place of primary use is located in the state. The amount of tax must be uniform for each line and must be levied on no more than the number of voice over internet protocol service lines on an account that are capable of simultaneous unrestricted outward calling to the public switched telephone network. The tax imposed under this subsection must be remitted to the department by interconnected voice over internet protocol service companies on a tax return provided by the department. Tax proceeds must be deposited by the treasurer in the ((enhanced)) 911 account created in RCW 38.52.540.

(9) For calendar year 2011, the taxes imposed by subsections (5) and (8) of this section must be set at their maximum rate. By August 31, 2011, and by August 31st of each year thereafter, the state ((enhanced)) 911 coordinator must recommend the level for the next year of the state ((enhanced)) 911 excise tax imposed by subsections (5) and (8) of this section, based on a systematic cost and revenue analysis, to the utilities and transportation commission. The commission must by the following October 31st determine the level of the state ((enhanced)) 911 excise taxes imposed by subsections (5) and (8) of this section for the following year.

Sec. 22. RCW 82.14B.040 and 2013 2nd sp.s. c 8 s 103 are each amended to read as follows:

Subject to the enactment into law of the 2013 amendments to RCW 82.08.0289 in section 107, chapter 8, Laws of 2013 2nd sp. sess., the 2013 amendments to RCW 80.36.430 in section 108, chapter 8, Laws of 2013 2nd sp. sess., and the 2013 amendments to RCW 43.20A.725 in section 109, chapter 8, Laws of 2013 2nd sp. sess.:

(1) Except as provided otherwise in subsection (2) of this section:

(a) The state ((enhanced)) 911 excise tax and the county ((enhanced)) 911 excise tax on switched access lines must be collected from the subscriber by the local exchange company providing the switched access line.

(b) The state ((enhanced)) 911 excise tax and the county ((enhanced)) 911 excise tax on radio access lines must be collected from the subscriber by the radio communications service company, including those companies that resell radio access lines, providing the radio access line to the subscriber, and the seller of prepaid wireless telecommunications service.

(c) The state and county ((enhanced)) 911 excise taxes on interconnected voice over internet protocol service lines must be collected from the subscriber by the interconnected voice over internet protocol service company providing the interconnected voice over internet protocol service line to the subscriber.

(d) The amount of the tax must be stated separately on the billing statement which is sent to the subscriber.

(2)(a) The state and county ((enhanced)) 911 excise taxes imposed by this chapter must be collected from the consumer by the seller of a prepaid wireless telecommunications service for each retail transaction occurring in this state.

(b) The department must transfer all tax proceeds remitted by a seller under this subsection (2) as provided in RCW 82.14B.030 (2) and (6).

(c) The taxes required by this subsection to be collected by the seller must be separately stated in any sales invoice or instrument of sale provided to the consumer.

Sec. 23. RCW 82.14B.042 and 2013 2nd sp.s. c 8 s 104 are each amended to read as follows:

Subject to the enactment into law of the 2013 amendments to RCW 82.08.0289 in section 107, chapter 8, Laws of 2013 2nd sp. sess., the 2013 amendments to RCW 80.36.430 in section 108, chapter 8, Laws of 2013 2nd sp. sess., and the 2013 amendments to RCW 43.20A.725 in section 109, chapter 8, Laws of 2013 2nd sp. sess.:

(1) (a) The state and county ((enhanced)) 911 excise taxes imposed by this chapter must be paid by:

(i) The subscriber to the local exchange company providing the switched access line, the radio communications service company providing the radio access line, or the interconnected voice over internet protocol service company providing the interconnected voice over internet protocol service line; or

(ii) The consumer to the seller of prepaid wireless telecommunications service.

(b) Each local exchange company, each radio communications service company, and each interconnected voice over internet protocol service company must collect from the subscriber, and each seller of prepaid wireless telecommunications service must collect from the consumer, the full amount of the taxes payable. The state and county ((enhanced)) 911 excise taxes required by this chapter to be collected by a company or seller, are deemed to be held in trust by the company or seller until paid to the department. Any local exchange company, radio communications service company, seller of prepaid wireless telecommunications service, or interconnected voice over internet protocol service company that appropriates or converts the tax collected to its own use or to any use other than the payment of the tax to the extent that the money collected is not available for payment on the due date as prescribed in this chapter is guilty of a gross misdemeanor.

(2) If any local exchange company, radio communications service company, seller of prepaid wireless telecommunications service, or interconnected voice over internet protocol service company fails to collect the state or county ((enhanced)) 911 excise tax or, after collecting the tax,

fails to pay it to the department in the manner prescribed by this chapter, whether such failure is the result of its own act or the result of acts or conditions beyond its control, the company or seller is personally liable to the state for the amount of the tax, unless the company or seller has taken from the buyer in good faith documentation, in a form and manner prescribed by the department, stating that the buyer is not a subscriber or consumer or is otherwise not liable for the state or county ((enhanced)) 911 excise tax.

(3) The amount of tax, until paid by the subscriber to the local exchange company, the radio communications service company, the interconnected voice over internet protocol service company, or to the department, or until paid by the consumer to the seller of prepaid wireless telecommunications service, or to the department, constitutes a debt from the subscriber to the company, or from the consumer to the seller. Any company or seller that fails or refuses to collect the tax as required with intent to violate the provisions of this chapter or to gain some advantage or benefit, either direct or indirect, and any subscriber or consumer who refuses to pay any tax due under this chapter is guilty of a misdemeanor. The state and county ((enhanced)) 911 excise taxes required by this chapter to be collected by the local exchange company, radio communications service company, or interconnected voice over internet protocol service company must be stated separately on the billing statement that is sent to the subscriber.

(4) If a subscriber has failed to pay to the local exchange company, radio communications service company, or interconnected voice over internet protocol service company, or a consumer has failed to pay to the seller of prepaid wireless telecommunications service, the state or county ((enhanced)) 911 excise taxes imposed by this chapter and the company or seller has not paid the amount of the tax to the department, the department may, in its discretion, proceed directly against the subscriber or consumer for collection of the tax, in which case a penalty of ten percent may be added to the amount of the tax for failure of the subscriber or consumer to pay the tax to the company or seller, regardless of when the tax is collected

by the department. Tax under this chapter is due as provided under RCW 82.14B.061.

Sec. 24. RCW 82.14B.050 and 1981 c 160 s 5 are each amended to read as follows:

The proceeds of any tax collected under this chapter shall be used by the state or county only for the ((~~emergency services communication system~~) 911 emergency communications system and its administrative and operational costs.

Sec. 25. RCW 82.14B.060 and 2010 1st sp.s. c 19 s 8 are each amended to read as follows:

A county legislative authority imposing a tax under this chapter must establish by ordinance all necessary and appropriate procedures for the administration of the county ((~~enhanced~~) 911 excise taxes by the department. A county legislative authority imposing a tax under this chapter must provide the department notification of the imposition of the tax or a change in the tax no less than seventy-five days before the effective date of the imposition of the tax or the change in the tax.

Sec. 26. RCW 82.14B.061 and 2010 1st sp.s. c 19 s 9 are each amended to read as follows:

(1) The department must administer and adopt rules as may be necessary to enforce and administer the state and county ((~~enhanced~~) 911 excise taxes imposed or authorized by this chapter. Chapter 82.32 RCW, with the exception of RCW 82.32.045, 82.32.145, and 82.32.380, applies to the administration, collection, and enforcement of the state and county ((~~enhanced~~) 911 excise taxes.

(2) The state and county ((~~enhanced~~) 911 excise taxes imposed or authorized by this chapter, along with reports and returns on forms prescribed by the department, are due at the same time the taxpayer reports other taxes under RCW 82.32.045. If no other taxes are reported under RCW 82.32.045, the taxpayer must remit tax on an annual basis in accordance with RCW 82.32.045.

(3) The department 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.

(4) The state and county ((~~enhanced~~) 911 excise taxes imposed or authorized by this chapter are in addition to any taxes imposed upon the same persons under chapters 82.08, 82.12, and 82.14 RCW.

(5) Returns must be filed electronically using the department's online tax filing service or other method of electronic reporting as the department may authorize as provided in RCW 82.32.080.

Sec. 27. RCW 82.14B.063 and 2010 1st sp.s. c 19 s 4 are each amended to read as follows:

(1) Counties imposing the ((~~enhanced~~) 911 excise tax under RCW 82.14B.030 must contract with the department for the administration and collection of the tax. The department may deduct a percentage amount, as provided by contract, of no more than two percent of the ((~~enhanced~~) 911 excise taxes collected to cover administration and collection expenses incurred by the department. If a county imposes ((~~an enhanced~~) a 911 excise tax with an effective date of January 1, 2011, the county must contract with the department for the administration and collection of the tax by October 15, 2010.

(2) The remainder of any portion of the county ((~~enhanced~~) 911 excise tax under RCW 82.14B.030 that is collected by the department must be deposited in the county ((~~enhanced~~) 911 excise tax account hereby created in the custody of the state treasurer. Expenditures from the account may be used only for distribution to counties imposing the ((~~enhanced~~) 911 excise tax. Only the director of the department or his or her designee may authorize expenditures from the account. The account is not subject to allotment procedures under chapter 43.88 RCW, and an appropriation is not required for expenditures.

Sec. 28. RCW 82.14B.065 and 2010 1st sp.s. c 19 s 5 are each amended to read as follows:

(1) All moneys that accrue in the county ((~~enhanced~~) 911 excise tax account created in RCW 82.14B.063 must be distributed monthly to the counties in the amount of the taxes collected on behalf of each county, minus the administration and collection fee retained by the department as provided in RCW 82.14B.063.

(2) If a county imposes by resolution or ordinance (~~(an enhanced)~~) a 911 excise tax that is in excess of the maximum allowable county (~~(enhanced)~~) 911 excise tax provided in RCW 82.14B.030, the ordinance or resolution may not be considered void in its entirety, but only with respect to that portion of the (~~(enhanced)~~) 911 excise tax that is in excess of the maximum allowable tax.

Sec. 29. RCW 82.14B.150 and 2010 1st sp.s. c 19 s 10 are each amended to read as follows:

(1) A local exchange company, radio communications service company, or interconnected voice over internet protocol service company must file tax returns on a cash receipts or accrual basis according to which method of accounting is regularly employed in keeping the books of the company. A company filing returns on a cash receipts basis is not required to pay tax on debt subject to credit or refund under subsection (2) of this section.

(2) A local exchange company, radio communications service company, or interconnected voice over internet protocol service company is entitled to a credit or refund for state and county (~~(enhanced)~~) 911 excise taxes previously paid on bad debts, as that term is used in 26 U.S.C. Sec. 166, as amended or renumbered as of January 1, 2003.

Sec. 30. RCW 82.14B.200 and 2013 2nd sp.s. c 8 s 106 are each amended to read as follows:

Subject to the enactment into law of the 2013 amendments to RCW 82.08.0289 in section 107, chapter 8, Laws of 2013 2nd sp. sess., the 2013 amendments to RCW 80.36.430 in section 108, chapter 8, Laws of 2013 2nd sp. sess., and the 2013 amendments to RCW 43.20A.725 in section 109, chapter 8, Laws of 2013 2nd sp. sess.:

(1) Unless a seller, local exchange company, radio communications service company, or interconnected voice over internet protocol service company has taken from the buyer documentation, in a form and manner prescribed by the department, stating that the buyer is not a subscriber, consumer, or is otherwise not liable for the tax, the burden of proving that a sale of the use of a switched access line, radio access line, or interconnected voice over internet protocol service line was not a sale to a subscriber, consumer, or was not

otherwise subject to the tax is upon the person who made the sale.

(2) If a seller, local exchange company, radio communications service company, or interconnected voice over internet protocol service company does not receive documentation, in a form and manner prescribed by the department, stating that the buyer is not a subscriber, consumer, or is otherwise not liable for the tax at the time of the sale, have such documentation on file at the time of the sale, or obtain such documentation from the buyer within a reasonable time after the sale, the seller, local exchange company, radio communications service company, or interconnected voice over internet protocol service company remains liable for the tax as provided in RCW 82.14B.042, unless the seller, local exchange company, radio communications service company, or interconnected voice over internet protocol service company can demonstrate facts and circumstances according to rules adopted by the department that show the sale was properly made without payment of the state or county (~~(enhanced)~~) 911 excise tax.

(3) The penalty imposed by RCW 82.32.291 may not be assessed on state or county (~~(enhanced)~~) 911 excise taxes due but not paid as a result of the improper use of documentation stating that the buyer is not a subscriber or consumer or is otherwise not liable for the state or county (~~(enhanced)~~) 911 excise tax. This subsection does not prohibit or restrict the application of other penalties authorized by law.

Sec. 31. RCW 82.14B.210 and 1998 c 304 s 11 are each amended to read as follows:

(1) Upon termination, dissolution, or abandonment of a corporate or limited liability company business, any officer, member, manager, or other person having control or supervision of state (~~(enhanced)~~) 911 excise tax funds collected and held in trust under RCW 82.14B.042, or who is charged with the responsibility for the filing of returns or the payment of state (~~(enhanced)~~) 911 excise tax funds collected and held in trust under RCW 82.14B.042, is personally liable for any unpaid taxes and interest and penalties on those taxes, if such officer or other person willfully fails to pay or to cause to be paid any state (~~(enhanced)~~) 911 excise taxes due from

the corporation under this chapter. For the purposes of this section, any state ((enhanced)) 911 excise taxes that have been paid but not collected are deductible from the state ((enhanced)) 911 excise taxes collected but not paid. For purposes of this subsection "willfully fails to pay or to cause to be paid" means that the failure was the result of an intentional, conscious, and voluntary course of action.

(2) The officer, member, manager, or other person is liable only for taxes collected that became due during the period he or she had the control, supervision, responsibility, or duty to act for the corporation described in subsection (1) of this section, plus interest and penalties on those taxes.

(3) Persons liable under subsection (1) of this section are exempt from liability if nonpayment of the state ((enhanced)) 911 excise tax funds held in trust is due to reasons beyond their control as determined by the department by rule.

(4) Any person having been issued a notice of assessment under this section is entitled to the appeal procedures under RCW 82.32.160 through 82.32.200.

(5) This section applies only if the department has determined that there is no reasonable means of collecting the state ((enhanced)) 911 excise tax funds held in trust directly from the corporation.

(6) This section does not relieve the corporation or limited liability company of other tax liabilities or otherwise impair other tax collection remedies afforded by law.

(7) Collection authority and procedures prescribed in chapter 82.32 RCW apply to collections under this section.

NEW SECTION. Sec. 32. RCW 38.52.530 (Enhanced 911 advisory committee) and 2010 1st sp.s. c 19 § 16, 2010 1st sp.s. c 7 s 51, 2006 c 210 s 1, 2002 c 341 s 3, 2000 c 34 s 1, 1997 c 49 s 7, & 1991 c 54 s 5 are each repealed."

On page 1, line 2 of the title, after "system;" strike the remainder of the title and insert "amending RCW 38.52.030, 38.52.440, 38.52.500, 38.52.501, 38.52.505, 38.52.510, 38.52.520, 38.52.525, 38.52.532, 38.52.535, 38.52.540, 38.52.545, 38.52.550,

38.52.561, 38.52.575, 82.14B.010, 82.14B.020, 82.14B.030, 82.14B.040, 82.14B.042, 82.14B.050, 82.14B.060, 82.14B.061, 82.14B.063, 82.14B.065, 82.14B.150, 82.14B.200, and 82.14B.210; reenacting and amending RCW 38.52.010; adding a new section to chapter 38.52 RCW; creating a new section; and repealing RCW 38.52.530."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1703 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Orwall and Boehnke spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1703, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1703, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

SUBSTITUTE HOUSE BILL NO. 1703, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1728 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.14.160 and 2020 c 346 s 2 are each amended to read as follows:

(1) The total cost of insulin work group is established. The work group membership must consist of the insurance commissioner or designee and the following members appointed by the governor:

(a) A representative from the prescription drug purchasing consortium described in RCW 70.14.060;

(b) A representative from the pharmacy quality assurance commission;

(c) A representative from an association representing independent pharmacies;

~~(d) ((A representative from an association representing chain pharmacies;~~

~~(e) A representative from each health carrier offering at least one health plan in a commercial market in the state;~~

~~(f) A representative from each health carrier offering at least one health plan to state or public school employees in the state;~~

~~(g))~~ A representative from an association representing health carriers;

~~((h))~~ (e) A representative from the public employees' benefits board or the school employees' benefits board;

~~((i))~~ (f) A representative from the health care authority;

~~((j))~~ (g) A representative from ~~((a))~~ an association representing pharmacy benefit ~~((manager that contracts with state purchasers))~~ managers;

~~((k))~~ (h) A representative from a drug distributor or wholesaler that distributes or sells insulin in the state;

~~((l))~~ (i) A representative from a state agency that purchases health care

services and drugs for a selected population;

~~((m))~~ (j) A representative from the attorney general's office with expertise in prescription drug purchasing; ~~((and))~~

~~((n))~~ (k) A representative from an organization representing diabetes patients who is living with diabetes; and

(1) Four members of the public living with diabetes.

(2) The work group must review and design strategies to ~~((reduce))~~:

(a) Reduce the cost of and total expenditures on insulin in this state. Strategies the work group must consider include, but are not limited to, a state agency becoming a licensed drug wholesaler, a state agency becoming a registered pharmacy benefit manager, and a state agency purchasing prescription drugs on behalf of the state directly from other states or in coordination with other states; and

(b) Provide a once yearly 30-day supply of insulin to individuals on an emergency basis. The strategies identified by the work group shall include recommendations on eligibility criteria, patient access, program monitoring, and pharmacy reimbursement, if applicable.

(3) Staff support for the work group shall be provided by the health care authority.

(4) By December 1, ~~((2020))~~ 2022, the work group must submit a preliminary report detailing strategies to reduce the cost of and total expenditures on insulin for patients, health carriers, payers, and the state. The work group must submit a final report by July 1, ~~((2021))~~ 2023, to the governor and the legislature. The final report must include any statutory changes necessary to implement the strategies.

(5) This section expires December 1, ~~((2022))~~ 2024.

NEW SECTION. Sec. 2. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "group;" strike the remainder of the title and insert "amending RCW 70.14.160;

creating a new section; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1728 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Maycumber and Cody spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1728, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1728, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

SUBSTITUTE HOUSE BILL NO. 1728, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

January 10, 2022

Madame Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1851 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature affirms that:

(1) It is the longstanding public policy of this state to promote access to affordable, high quality sexual and reproductive health care, including abortion care, without unnecessary burdens or restrictions on patients or providers. In 1970 Washington was one of the first states to decriminalize abortion before Roe v. Wade; and in 1991 the people of Washington passed Initiative Measure 120, the reproductive privacy act, further protecting access to abortion services;

(2) It has been 30 years since the passage of the reproductive privacy act. It is time that we modernize and update the language to reflect current medical practice;

(3) In 2004 and 2019, respectively, Washington attorneys general Christine Gregoire and Robert W. Ferguson issued opinions clarifying that Washington state law allows certain qualified advanced practice clinicians to provide early in-clinic and medication abortion care and recommended that Washington statutes be updated to provide further clarity;

(4) Although the abortion rights movement has historically centered on women in our advocacy, that must no longer be the case and it is critical that we recognize that transgender, nonbinary, and gender expansive people also get pregnant and require abortion care. Washington's law should reflect the most inclusive understanding of who needs abortions and be updated with gender neutral language. All people deserve access to qualified providers in their community who can provide whatever method of abortion care works for them and no individual who chooses to manage their own abortion should fear arrest or prosecution because of their pregnancy decision or outcome; and

(5) All people deserve to make their own decisions about their pregnancies, including deciding to end a pregnancy. It is the public policy of the state of Washington to continue to protect and advance equal rights to access abortion care that meets each individual's needs, regardless of gender or gender identity, race, ethnicity, income level, or place of residence.

Sec. 2. RCW 9.02.100 and 1992 c 1 s 1 are each amended to read as follows:

The sovereign people hereby declare that every individual possesses a fundamental right of privacy with respect to personal reproductive decisions.

Accordingly, it is the public policy of the state of Washington that:

(1) Every individual has the fundamental right to choose or refuse birth control;

(2) Every ~~((woman))~~ pregnant individual has the fundamental right to choose or refuse to have an abortion, except as specifically limited by RCW 9.02.100 through 9.02.170 and 9.02.900 through 9.02.902;

(3) Except as specifically permitted by RCW 9.02.100 through 9.02.170 and 9.02.900 through 9.02.902, the state shall not deny or interfere with a ~~((woman's))~~ pregnant individual's fundamental right to choose or refuse to have an abortion; and

(4) The state shall not discriminate against the exercise of these rights in the regulation or provision of benefits, facilities, services, or information.

Sec. 3. RCW 9.02.110 and 1992 c 1 s 2 are each amended to read as follows:

The state may not deny or interfere with a ~~((woman's))~~ pregnant individual's right to choose to have an abortion prior to viability of the fetus, or to protect ~~((her))~~ the pregnant individual's life or health.

A physician, physician assistant, advanced registered nurse practitioner, or other health care provider acting within the provider's scope of practice may terminate and a health care provider may assist a physician, physician assistant, advanced registered nurse practitioner, or other health care provider acting within the provider's scope of practice in terminating a pregnancy as permitted by this section.

Sec. 4. RCW 9.02.130 and 1992 c 1 s 4 are each amended to read as follows:

The good faith judgment of a physician, physician assistant, advanced registered nurse practitioner, or other health care provider acting within the provider's scope of practice as to viability of the fetus or as to the risk to life or health of a ~~((woman))~~ pregnant individual and the good faith judgment of

a health care provider as to the duration of pregnancy shall be a defense in any proceeding in which a violation of this chapter is an issue.

Sec. 5. RCW 9.02.140 and 1992 c 1 s 5 are each amended to read as follows:

Any regulation promulgated by the state relating to abortion shall be valid only if:

(1) The regulation is medically necessary to protect the life or health of the ~~((woman))~~ pregnant individual who is terminating ~~((her))~~ the pregnancy,

(2) The regulation is consistent with established medical practice, and

(3) Of the available alternatives, the regulation imposes the least restrictions on the ~~((woman's))~~ pregnant individual's right to have an abortion as defined by RCW 9.02.100 through 9.02.170 and 9.02.900 through 9.02.902.

Sec. 6. RCW 9.02.160 and 1992 c 1 s 7 are each amended to read as follows:

If the state provides, directly or by contract, maternity care benefits, services, or information ~~((to women))~~ through any program administered or funded in whole or in part by the state, the state shall also provide ~~((women))~~ pregnant individuals otherwise eligible for any such program with substantially equivalent benefits, services, or information to permit them to voluntarily terminate their pregnancies.

Sec. 7. RCW 9.02.170 and 1992 c 1 s 8 are each amended to read as follows:

For purposes of this chapter:

(1) "Viability" means the point in the pregnancy when, in the judgment of the physician, physician assistant, advanced registered nurse practitioner, or other health care provider acting within the provider's scope of practice on the particular facts of the case before such physician, physician assistant, advanced registered nurse practitioner, or other health care provider acting within the provider's scope of practice, there is a reasonable likelihood of the fetus's sustained survival outside the uterus without the application of extraordinary medical measures.

(2) "Abortion" means any medical treatment intended to induce the termination of a pregnancy except for the purpose of producing a live birth.

(3) "Pregnancy" means the reproductive process beginning with the implantation of an embryo.

(4) "Physician" means a physician licensed to practice under chapter 18.57 or 18.71 RCW in the state of Washington.

(5) "Physician assistant" means a physician assistant licensed to practice under chapter 18.71A RCW in the state of Washington.

(6) "Advanced registered nurse practitioner" means an advanced registered nurse practitioner licensed under chapter 18.79 RCW.

(7) "Health care provider" means a ((physician or a)) person ((acting under the general direction of a physician)) regulated under Title 18 RCW to practice health or health-related services or otherwise practicing health care services in this state consistent with state law.

((+6)) (8) "State" means the state of Washington and counties, cities, towns, municipal corporations, and quasi-municipal corporations in the state of Washington.

((+7)) (9) "Private medical facility" means any medical facility that is not owned or operated by the state.

Sec. 8. RCW 9.02.120 and 1992 c 1 s 3 are each amended to read as follows:

Unless authorized by RCW 9.02.110, any person who performs an abortion on another person shall be guilty of a class C felony punishable under chapter 9A.20 RCW. The state shall not penalize, prosecute, or otherwise take adverse action against an individual based on their actual, potential, perceived, or alleged pregnancy outcomes. Nor shall the state penalize, prosecute, or otherwise take adverse action against someone for aiding or assisting a pregnant individual in exercising their right to reproductive freedom with their voluntary consent.

On page 1, line 2 of the title, after "care;" strike the remainder of the title and insert "amending RCW 9.02.100, 9.02.110, 9.02.130, 9.02.140, 9.02.160, 9.02.170, and 9.02.120; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1851 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Thai spoke in favor of the passage of the bill.

Representatives Caldier, Kraft and Klippert spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1851, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1851, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 57; Nays, 41; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehne, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

ENGROSSED HOUSE BILL NO. 1851, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 1, 2022

Mme. SPEAKER:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1821, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 41.05.700 and 2021 c 157 s 1 are each amended to read as follows:

(1)(a) A health plan offered to employees, school employees, and their covered dependents under this chapter issued or renewed on or after January 1, 2017, shall reimburse a provider for a health care service provided to a covered person through telemedicine or store and forward technology if:

(i) The plan provides coverage of the health care service when provided in person by the provider;

(ii) The health care service is medically necessary;

(iii) The health care service is a service recognized as an essential health benefit under section 1302(b) of the federal patient protection and affordable care act in effect on January 1, 2015;

(iv) The health care service is determined to be safely and effectively provided through telemedicine or store and forward technology according to generally accepted health care practices and standards, and the technology used to provide the health care service meets the standards required by state and federal laws governing the privacy and security of protected health information; and

(v) Beginning January 1, 2023, for audio-only telemedicine, the covered person has an established relationship with the provider.

(b)(i) Except as provided in (b)(ii) of this subsection, a health plan offered to employees, school employees, and their covered dependents under this chapter issued or renewed on or after January 1, 2021, shall reimburse a provider for a health care service provided to a covered person through telemedicine the same amount of compensation the carrier would pay the provider if the health care service was provided in person by the provider.

(ii) Hospitals, hospital systems, telemedicine companies, and provider groups consisting of eleven or more providers may elect to negotiate an amount of compensation for telemedicine services that differs from the amount of compensation for in-person services.

(iii) For purposes of this subsection (1)(b), the number of providers in a provider group refers to all providers within the group, regardless of a provider's location.

(2) For purposes of this section, reimbursement of store and forward technology is available only for those covered services specified in the negotiated agreement between the health plan and health care provider.

(3) An originating site for a telemedicine health care service subject to subsection (1) of this section includes a:

(a) Hospital;

(b) Rural health clinic;

(c) Federally qualified health center;

(d) Physician's or other health care provider's office;

(e) Licensed or certified behavioral health agency;

(f) Skilled nursing facility;

(g) Home or any location determined by the individual receiving the service; or

(h) Renal dialysis center, except an independent renal dialysis center.

(4) Except for subsection (3)(g) of this section, any originating site under subsection (3) of this section may charge a facility fee for infrastructure and preparation of the patient. Reimbursement for a facility fee must be subject to a negotiated agreement between the originating site and the health plan. A distant site, a hospital that is an originating site for audio-only telemedicine, or any other site not identified in subsection (3) of this section may not charge a facility fee.

(5) The plan may not distinguish between originating sites that are rural and urban in providing the coverage required in subsection (1) of this section.

(6) The plan may subject coverage of a telemedicine or store and forward technology health service under subsection (1) of this section to all terms and conditions of the plan including, but not limited to, utilization review, prior authorization, deductible, copayment, or coinsurance requirements that are applicable to coverage of a comparable health care service provided in person.

(7) This section does not require the plan to reimburse:

(a) An originating site for professional fees;

(b) A provider for a health care service that is not a covered benefit under the plan; or

(c) An originating site or health care provider when the site or provider is not a contracted provider under the plan.

(8) (a) If a provider intends to bill a patient or the patient's health plan for an audio-only telemedicine service, the provider must obtain patient consent for the billing in advance of the service being delivered.

(b) If the health care authority has cause to believe that a provider has engaged in a pattern of unresolved violations of this subsection (8), the health care authority may submit information to the appropriate disciplining authority, as defined in RCW 18.130.020, for action. Prior to submitting information to the appropriate disciplining authority, the health care authority may provide the provider with an opportunity to cure the alleged violations or explain why the actions in question did not violate this subsection (8).

(c) If the provider has engaged in a pattern of unresolved violations of this subsection (8), the appropriate disciplining authority may levy a fine or cost recovery upon the provider in an amount not to exceed the applicable statutory amount per violation and take other action as permitted under the authority of the disciplining authority. Upon completion of its review of any potential violation submitted by the health care authority or initiated directly by an enrollee, the disciplining authority shall notify the health care authority of the results of the review, including whether the violation was substantiated and any enforcement action taken as a result of a finding of a substantiated violation.

(9) For purposes of this section:

(a) (i) "Audio-only telemedicine" means the delivery of health care services through the use of audio-only technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment.

(ii) For purposes of this section only, "audio-only telemedicine" does not include:

(A) The use of facsimile or email; or

(B) The delivery of health care services that are customarily delivered by audio-only technology and customarily not billed as separate services by the provider, such as the sharing of laboratory results;

(b) "Disciplining authority" has the same meaning as in RCW 18.130.020;

(c) "Distant site" means the site at which a physician or other licensed provider, delivering a professional service, is physically located at the time the service is provided through telemedicine;

(d) "Established relationship" means the provider providing audio-only telemedicine has access to sufficient health records to ensure safe, effective, and appropriate care services and:

(i) For health care services included in the essential health benefits category of mental health and substance use disorder services, including behavioral health treatment:

(A) The covered person has had, within the past three years, at least one in-person appointment (~~within the past year~~), or at least one real-time interactive appointment using both audio and video technology, with the provider providing audio-only telemedicine or with a provider employed at the same medical group, at the same clinic, or by the same integrated delivery system operated by a carrier licensed under chapter 48.44 or 48.46 RCW as the provider providing audio-only telemedicine; or ((the))

(B) The covered person was referred to the provider providing audio-only telemedicine by another provider who has had, within the past three years, at least one in-person appointment, or at least one real-time interactive appointment using both audio and video technology, with the covered person (~~within the past year~~) and has provided relevant medical information to the provider providing audio-only telemedicine;

(ii) For any other health care service:

(A) The covered person has had, within the past two years, at least one in-person appointment, or at least one real-time interactive appointment using both audio and video technology, with the provider providing audio-only

telemedicine or with a provider employed at the same medical group, at the same clinic, or by the same integrated delivery system operated by a carrier licensed under chapter 48.44 or 48.46 RCW as the provider providing audio-only telemedicine; or

(B) The covered person was referred to the provider providing audio-only telemedicine by another provider who has had, within the past two years, at least one in-person appointment, or at least one real-time interactive appointment using both audio and video technology, with the covered person and has provided relevant medical information to the provider providing audio-only telemedicine;

(e) "Health care service" has the same meaning as in RCW 48.43.005;

(f) "Hospital" means a facility licensed under chapter 70.41, 71.12, or 72.23 RCW;

(g) "Originating site" means the physical location of a patient receiving health care services through telemedicine;

(h) "Provider" has the same meaning as in RCW 48.43.005;

(i) "Store and forward technology" means use of an asynchronous transmission of a covered person's medical information from an originating site to the health care provider at a distant site which results in medical diagnosis and management of the covered person, and does not include the use of audio-only telephone, facsimile, or email; and

(j) "Telemedicine" means the delivery of health care services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. For purposes of this section only, "telemedicine" includes audio-only telemedicine, but does not include facsimile or email.

Sec. 2. RCW 48.43.735 and 2021 c 157 s 2 are each amended to read as follows:

(1)(a) For health plans issued or renewed on or after January 1, 2017, a health carrier shall reimburse a provider for a health care service provided to a covered person through telemedicine or store and forward technology if:

(i) The plan provides coverage of the health care service when provided in person by the provider;

(ii) The health care service is medically necessary;

(iii) The health care service is a service recognized as an essential health benefit under section 1302(b) of the federal patient protection and affordable care act in effect on January 1, 2015;

(iv) The health care service is determined to be safely and effectively provided through telemedicine or store and forward technology according to generally accepted health care practices and standards, and the technology used to provide the health care service meets the standards required by state and federal laws governing the privacy and security of protected health information; and

(v) Beginning January 1, 2023, for audio-only telemedicine, the covered person has an established relationship with the provider.

(b)(i) Except as provided in (b)(ii) of this subsection, for health plans issued or renewed on or after January 1, 2021, a health carrier shall reimburse a provider for a health care service provided to a covered person through telemedicine the same amount of compensation the carrier would pay the provider if the health care service was provided in person by the provider.

(ii) Hospitals, hospital systems, telemedicine companies, and provider groups consisting of eleven or more providers may elect to negotiate an amount of compensation for telemedicine services that differs from the amount of compensation for in-person services.

(iii) For purposes of this subsection (1)(b), the number of providers in a provider group refers to all providers within the group, regardless of a provider's location.

(2) For purposes of this section, reimbursement of store and forward technology is available only for those covered services specified in the negotiated agreement between the health carrier and the health care provider.

(3) An originating site for a telemedicine health care service subject to subsection (1) of this section includes a:

- (a) Hospital;
- (b) Rural health clinic;
- (c) Federally qualified health center;
- (d) Physician's or other health care provider's office;
- (e) Licensed or certified behavioral health agency;
- (f) Skilled nursing facility;
- (g) Home or any location determined by the individual receiving the service; or
- (h) Renal dialysis center, except an independent renal dialysis center.

(4) Except for subsection (3)(g) of this section, any originating site under subsection (3) of this section may charge a facility fee for infrastructure and preparation of the patient. Reimbursement for a facility fee must be subject to a negotiated agreement between the originating site and the health carrier. A distant site, a hospital that is an originating site for audio-only telemedicine, or any other site not identified in subsection (3) of this section may not charge a facility fee.

(5) A health carrier may not distinguish between originating sites that are rural and urban in providing the coverage required in subsection (1) of this section.

(6) A health carrier may subject coverage of a telemedicine or store and forward technology health service under subsection (1) of this section to all terms and conditions of the plan in which the covered person is enrolled including, but not limited to, utilization review, prior authorization, deductible, copayment, or coinsurance requirements that are applicable to coverage of a comparable health care service provided in person.

(7) This section does not require a health carrier to reimburse:

- (a) An originating site for professional fees;
- (b) A provider for a health care service that is not a covered benefit under the plan; or
- (c) An originating site or health care provider when the site or provider is not a contracted provider under the plan.

(8)(a) If a provider intends to bill a patient or the patient's health plan for

an audio-only telemedicine service, the provider must obtain patient consent for the billing in advance of the service being delivered.

(b) If the commissioner has cause to believe that a provider has engaged in a pattern of unresolved violations of this subsection (8), the commissioner may submit information to the appropriate disciplining authority, as defined in RCW 18.130.020, for action. Prior to submitting information to the appropriate disciplining authority, the commissioner may provide the provider with an opportunity to cure the alleged violations or explain why the actions in question did not violate this subsection (8).

(c) If the provider has engaged in a pattern of unresolved violations of this subsection (8), the appropriate disciplining authority may levy a fine or cost recovery upon the provider in an amount not to exceed the applicable statutory amount per violation and take other action as permitted under the authority of the disciplining authority. Upon completion of its review of any potential violation submitted by the commissioner or initiated directly by an enrollee, the disciplining authority shall notify the commissioner of the results of the review, including whether the violation was substantiated and any enforcement action taken as a result of a finding of a substantiated violation.

(9) For purposes of this section:

(a)(i) "Audio-only telemedicine" means the delivery of health care services through the use of audio-only technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment.

(ii) For purposes of this section only, "audio-only telemedicine" does not include:

- (A) The use of facsimile or email; or
- (B) The delivery of health care services that are customarily delivered by audio-only technology and customarily not billed as separate services by the provider, such as the sharing of laboratory results;

(b) "Disciplining authority" has the same meaning as in RCW 18.130.020;

(c) "Distant site" means the site at which a physician or other licensed

provider, delivering a professional service, is physically located at the time the service is provided through telemedicine;

(d) "Established relationship" means the provider providing audio-only telemedicine has access to sufficient health records to ensure safe, effective, and appropriate care services and:

(i) For health care services included in the essential health benefits category of mental health and substance use disorder services, including behavioral health treatment:

(A) The covered person has had, within the past three years, at least one in-person appointment ((within the past year)), or at least one real-time interactive appointment using both audio and video technology, with the provider providing audio-only telemedicine or with a provider employed at the same medical group, at the same clinic, or by the same integrated delivery system operated by a carrier licensed under chapter 48.44 or 48.46 RCW as the provider providing audio-only telemedicine; or ((the))

(B) The covered person was referred to the provider providing audio-only telemedicine by another provider who has had, within the past three years, at least one in-person appointment, or at least one real-time interactive appointment using both audio and video technology, with the covered person ((within the past year)) and has provided relevant medical information to the provider providing audio-only telemedicine;

(ii) For any other health care service:

(A) The covered person has had, within the past two years, at least one in-person appointment, or at least one real-time interactive appointment using both audio and video technology, with the provider providing audio-only telemedicine or with a provider employed at the same medical group, at the same clinic, or by the same integrated delivery system operated by a carrier licensed under chapter 48.44 or 48.46 RCW as the provider providing audio-only telemedicine; or

(B) The covered person was referred to the provider providing audio-only telemedicine by another provider who has had, within the past two years, at least

one in-person appointment, or at least one real-time interactive appointment using both audio and video technology, with the covered person and has provided relevant medical information to the provider providing audio-only telemedicine;

(e) "Health care service" has the same meaning as in RCW 48.43.005;

(f) "Hospital" means a facility licensed under chapter 70.41, 71.12, or 72.23 RCW;

(g) "Originating site" means the physical location of a patient receiving health care services through telemedicine;

(h) "Provider" has the same meaning as in RCW 48.43.005;

(i) "Store and forward technology" means use of an asynchronous transmission of a covered person's medical information from an originating site to the health care provider at a distant site which results in medical diagnosis and management of the covered person, and does not include the use of audio-only telephone, facsimile, or email; and

(j) "Telemedicine" means the delivery of health care services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. For purposes of this section only, "telemedicine" includes audio-only telemedicine, but does not include facsimile or email.

~~((9) [(10)])~~ (10) The commissioner may adopt any rules necessary to implement this section.

Sec. 3. RCW 71.24.335 and 2021 c 157 s 4 and 2021 c 100 s 1 are each reenacted and amended to read as follows:

(1) Upon initiation or renewal of a contract with the authority, behavioral health administrative services organizations and managed care organizations shall reimburse a provider for a behavioral health service provided to a covered person through telemedicine or store and forward technology if:

(a) The behavioral health administrative services organization or managed care organization in which the covered person is enrolled provides

coverage of the behavioral health service when provided in person by the provider;

(b) The behavioral health service is medically necessary; and

(c) Beginning January 1, 2023, for audio-only telemedicine, the covered person has an established relationship with the provider.

(2)(a) If the service is provided through store and forward technology there must be an associated visit between the covered person and the referring provider. Nothing in this section prohibits the use of telemedicine for the associated office visit.

(b) For purposes of this section, reimbursement of store and forward technology is available only for those services specified in the negotiated agreement between the behavioral health administrative services organization, or managed care organization, and the provider.

(3) An originating site for a telemedicine behavioral health service subject to subsection (1) of this section means an originating site as defined in rule by the department or the health care authority.

(4) Any originating site, other than a home, under subsection (3) of this section may charge a facility fee for infrastructure and preparation of the patient. Reimbursement must be subject to a negotiated agreement between the originating site and the behavioral health administrative services organization, or managed care organization, as applicable. A distant site, a hospital that is an originating site for audio-only telemedicine, or any other site not identified in subsection (3) of this section may not charge a facility fee.

(5) Behavioral health administrative services organizations and managed care organizations may not distinguish between originating sites that are rural and urban in providing the coverage required in subsection (1) of this section.

(6) Behavioral health administrative services organizations and managed care organizations may subject coverage of a telemedicine or store and forward technology behavioral health service under subsection (1) of this section to all terms and conditions of the

behavioral health administrative services organization or managed care organization in which the covered person is enrolled, including, but not limited to, utilization review, prior authorization, deductible, copayment, or coinsurance requirements that are applicable to coverage of a comparable behavioral health care service provided in person.

(7) This section does not require a behavioral health administrative services organization or a managed care organization to reimburse:

(a) An originating site for professional fees;

(b) A provider for a behavioral health service that is not a covered benefit; or

(c) An originating site or provider when the site or provider is not a contracted provider.

(8)(a) If a provider intends to bill a patient, a behavioral health administrative services organization, or a managed care organization for an audio-only telemedicine service, the provider must obtain patient consent for the billing in advance of the service being delivered.

(b) If the health care authority has cause to believe that a provider has engaged in a pattern of unresolved violations of this subsection (8), the health care authority may submit information to the appropriate disciplining authority, as defined in RCW 18.130.020, for action. Prior to submitting information to the appropriate disciplining authority, the health care authority may provide the provider with an opportunity to cure the alleged violations or explain why the actions in question did not violate this subsection (8).

(c) If the provider has engaged in a pattern of unresolved violations of this subsection (8), the appropriate disciplining authority may levy a fine or cost recovery upon the provider in an amount not to exceed the applicable statutory amount per violation and take other action as permitted under the authority of the disciplining authority. Upon completion of its review of any potential violation submitted by the health care authority or initiated directly by an enrollee, the disciplining authority shall notify the health care authority of the results of the review,

including whether the violation was substantiated and any enforcement action taken as a result of a finding of a substantiated violation.

(9) For purposes of this section:

(a) (i) "Audio-only telemedicine" means the delivery of health care services through the use of audio-only technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment.

(ii) For purposes of this section only, "audio-only telemedicine" does not include:

(A) The use of facsimile or email; or

(B) The delivery of health care services that are customarily delivered by audio-only technology and customarily not billed as separate services by the provider, such as the sharing of laboratory results;

(b) "Disciplining authority" has the same meaning as in RCW 18.130.020;

(c) "Distant site" means the site at which a physician or other licensed provider, delivering a professional service, is physically located at the time the service is provided through telemedicine;

(d) "Established relationship" means the provider providing audio-only telemedicine has access to sufficient health records to ensure safe, effective, and appropriate care services and:

(i) The covered person has had, within the past three years, at least one in-person appointment ((within the past year)), or at least one real-time interactive appointment using both audio and video technology, with the provider providing audio-only telemedicine or with a provider employed at the same medical group, at the same clinic, or by the same integrated delivery system operated by a carrier licensed under chapter 48.44 or 48.46 RCW as the provider providing audio-only telemedicine; or ((the))

(ii) The covered person was referred to the provider providing audio-only telemedicine by another provider who has had, within the past three years, at least one in-person appointment, or at least one real-time interactive appointment using both audio and video technology, with the covered person

~~((within the past year))~~ and has provided relevant medical information to the provider providing audio-only telemedicine;

(e) "Hospital" means a facility licensed under chapter 70.41, 71.12, or 72.23 RCW;

(f) "Originating site" means the physical location of a patient receiving behavioral health services through telemedicine;

(g) "Provider" has the same meaning as in RCW 48.43.005;

(h) "Store and forward technology" means use of an asynchronous transmission of a covered person's medical or behavioral health information from an originating site to the provider at a distant site which results in medical or behavioral health diagnosis and management of the covered person, and does not include the use of audio-only telephone, facsimile, or email; and

(i) "Telemedicine" means the delivery of health care or behavioral health services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. For purposes of this section only, "telemedicine" includes audio-only telemedicine, but does not include facsimile or email.

~~((9) [(10)])~~ (10) The authority must adopt rules as necessary to implement the provisions of this section.

Sec. 4. RCW 74.09.325 and 2021 c 157 s 5 are each amended to read as follows:

(1) (a) Upon initiation or renewal of a contract with the Washington state health care authority to administer a medicaid managed care plan, a managed health care system shall reimburse a provider for a health care service provided to a covered person through telemedicine or store and forward technology if:

(i) The medicaid managed care plan in which the covered person is enrolled provides coverage of the health care service when provided in person by the provider;

(ii) The health care service is medically necessary;

(iii) The health care service is a service recognized as an essential health benefit under section 1302(b) of the

federal patient protection and affordable care act in effect on January 1, 2015;

(iv) The health care service is determined to be safely and effectively provided through telemedicine or store and forward technology according to generally accepted health care practices and standards, and the technology used to provide the health care service meets the standards required by state and federal laws governing the privacy and security of protected health information; and

(v) Beginning January 1, 2023, for audio-only telemedicine, the covered person has an established relationship with the provider.

(b)(i) Except as provided in (b)(ii) of this subsection, upon initiation or renewal of a contract with the Washington state health care authority to administer a medicaid managed care plan, a managed health care system shall reimburse a provider for a health care service provided to a covered person through telemedicine the same amount of compensation the managed health care system would pay the provider if the health care service was provided in person by the provider.

(ii) Hospitals, hospital systems, telemedicine companies, and provider groups consisting of eleven or more providers may elect to negotiate an amount of compensation for telemedicine services that differs from the amount of compensation for in-person services.

(iii) For purposes of this subsection (1)(b), the number of providers in a provider group refers to all providers within the group, regardless of a provider's location.

(iv) A rural health clinic shall be reimbursed for audio-only telemedicine at the rural health clinic encounter rate.

(2) For purposes of this section, reimbursement of store and forward technology is available only for those services specified in the negotiated agreement between the managed health care system and health care provider.

(3) An originating site for a telemedicine health care service subject to subsection (1) of this section includes a:

(a) Hospital;

(b) Rural health clinic;

(c) Federally qualified health center;

(d) Physician's or other health care provider's office;

(e) Licensed or certified behavioral health agency;

(f) Skilled nursing facility;

(g) Home or any location determined by the individual receiving the service; or

(h) Renal dialysis center, except an independent renal dialysis center.

(4) Except for subsection (3)(g) of this section, any originating site under subsection (3) of this section may charge a facility fee for infrastructure and preparation of the patient. Reimbursement for a facility fee must be subject to a negotiated agreement between the originating site and the managed health care system. A distant site, a hospital that is an originating site for audio-only telemedicine, or any other site not identified in subsection (3) of this section may not charge a facility fee.

(5) A managed health care system may not distinguish between originating sites that are rural and urban in providing the coverage required in subsection (1) of this section.

(6) A managed health care system may subject coverage of a telemedicine or store and forward technology health service under subsection (1) of this section to all terms and conditions of the plan in which the covered person is enrolled including, but not limited to, utilization review, prior authorization, deductible, copayment, or coinsurance requirements that are applicable to coverage of a comparable health care service provided in person.

(7) This section does not require a managed health care system to reimburse:

(a) An originating site for professional fees;

(b) A provider for a health care service that is not a covered benefit under the plan; or

(c) An originating site or health care provider when the site or provider is not a contracted provider under the plan.

(8)(a) If a provider intends to bill a patient or a managed health care system for an audio-only telemedicine service,

the provider must obtain patient consent for the billing in advance of the service being delivered and comply with all rules created by the authority related to restrictions on billing medicaid recipients. The authority may submit information on any potential violations of this subsection to the appropriate disciplining authority, as defined in RCW 18.130.020(~~(+)~~), or take contractual actions against the provider's agreement for participation in the medicaid program, or both.

(b) If the health care authority has cause to believe that a provider has engaged in a pattern of unresolved violations of this subsection (8), the health care authority may submit information to the appropriate disciplining authority for action. Prior to submitting information to the appropriate disciplining authority, the health care authority may provide the provider with an opportunity to cure the alleged violations or explain why the actions in question did not violate this subsection (8).

(c) If the provider has engaged in a pattern of unresolved violations of this subsection (8), the appropriate disciplining authority may levy a fine or cost recovery upon the provider in an amount not to exceed the applicable statutory amount per violation and take other action as permitted under the authority of the disciplining authority. Upon completion of its review of any potential violation submitted by the health care authority or initiated directly by an enrollee, the disciplining authority shall notify the health care authority of the results of the review, including whether the violation was substantiated and any enforcement action taken as a result of a finding of a substantiated violation.

(9) For purposes of this section:

(a) (i) "Audio-only telemedicine" means the delivery of health care services through the use of audio-only technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment.

(ii) For purposes of this section only, "audio-only telemedicine" does not include:

(A) The use of facsimile or email; or

(B) The delivery of health care services that are customarily delivered by audio-only technology and customarily not billed as separate services by the provider, such as the sharing of laboratory results;

(b) "Disciplining authority" has the same meaning as in RCW 18.130.020;

(c) "Distant site" means the site at which a physician or other licensed provider, delivering a professional service, is physically located at the time the service is provided through telemedicine;

(d) "Established relationship" means the provider providing audio-only telemedicine has access to sufficient health records to ensure safe, effective, and appropriate care services and:

(i) For health care services included in the essential health benefits category of mental health and substance use disorder services, including behavioral health treatment:

(A) The covered person has had, within the past three years, at least one in-person appointment (~~(within the past year)~~), or at least one real-time interactive appointment using both audio and video technology, with the provider providing audio-only telemedicine or with a provider employed at the same medical group, at the same clinic, or by the same integrated delivery system operated by a carrier licensed under chapter 48.44 or 48.46 RCW as the provider providing audio-only telemedicine; or (~~the~~)

(B) The covered person was referred to the provider providing audio-only telemedicine by another provider who has had, within the past three years, at least one in-person appointment, or at least one real-time interactive appointment using both audio and video technology, with the covered person (~~(within the past year)~~) and has provided relevant medical information to the provider providing audio-only telemedicine;

(ii) For any other health care service:

(A) The covered person has had, within the past two years, at least one in-person appointment, or at least one real-time interactive appointment using both audio and video technology, with the provider providing audio-only

telemedicine or with a provider employed at the same medical group, at the same clinic, or by the same integrated delivery system operated by a carrier licensed under chapter 48.44 or 48.46 RCW as the provider providing audio-only telemedicine; or

(B) The covered person was referred to the provider providing audio-only telemedicine by another provider who has had, within the past two years, at least one in-person appointment, or at least one real-time interactive appointment using both audio and video technology, with the covered person and has provided relevant medical information to the provider providing audio-only telemedicine;

(e) "Health care service" has the same meaning as in RCW 48.43.005;

(f) "Hospital" means a facility licensed under chapter 70.41, 71.12, or 72.23 RCW;

(g) "Managed health care system" means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, health insuring organizations, or any combination thereof, that provides directly or by contract health care services covered under this chapter and rendered by licensed providers, on a prepaid capitated basis and that meets the requirements of section 1903(m)(1)(A) of Title XIX of the federal social security act or federal demonstration waivers granted under section 1115(a) of Title XI of the federal social security act;

(h) "Originating site" means the physical location of a patient receiving health care services through telemedicine;

(i) "Provider" has the same meaning as in RCW 48.43.005;

(j) "Store and forward technology" means use of an asynchronous transmission of a covered person's medical information from an originating site to the health care provider at a distant site which results in medical diagnosis and management of the covered person, and does not include the use of audio-only telephone, facsimile, or email; and

(k) "Telemedicine" means the delivery of health care services through the use of interactive audio and video

technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. For purposes of this section only, "telemedicine" includes audio-only telemedicine, but does not include facsimile or email.

NEW SECTION. Sec. 5. 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. 6. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state."

On page 1, line 2 of the title, after "telemedicine;" strike the remainder of the title and insert "amending RCW 41.05.700, 48.43.735, and 74.09.325; reenacting and amending RCW 71.24.335; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1821 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

March 2, 2022

Madame Speaker:

The Senate refuses to concur in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 5689 and asks the House for a Conference thereon. The President has appointed the following members as Conferees: Senators Liias, King and Saldana,

and the same is herewith transmitted,

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House granted the Senate's request for a Conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 5689. The Speaker appointed the following members as Conferees: Representatives Fey, Wylie and Barkis.

MESSAGE FROM THE SENATE

March 3, 2022

Madame Speaker:

The Senate refuses to concur in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 5974 and asks the House for a Conference thereon. The President has appointed the following members as Conferees: Senators King, Lias and Saldana,

and the same is herewith transmitted,

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House granted the Senate's request for a Conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 5974. The Speaker appointed the following members as Conferees: Representatives Fey, Wylie and Barkis.

MESSAGE FROM THE SENATE

March 3, 2022

Madame Speaker:

The Senate refuses to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 5975 and asks the House for a Conference thereon. The President has appointed the following members as Conferees: Senators Lias, King and Saldana,

and the same is herewith transmitted,

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House granted the Senate's request for a Conference on SUBSTITUTE SENATE BILL NO. 5975. The Speaker appointed the following members as Conferees: Representatives Fey, Wylie and Barkis.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

ENGROSSED SECOND SUBSTITUTE HOUSE
BILL NO. 1241
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1497
SUBSTITUTE HOUSE BILL NO. 1593
SUBSTITUTE HOUSE BILL NO. 1617
HOUSE BILL NO. 1622
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1629
HOUSE BILL NO. 1647
HOUSE BILL NO. 1648
HOUSE BILL NO. 1651
HOUSE BILL NO. 1700
SUBSTITUTE HOUSE BILL NO. 1701
HOUSE BILL NO. 1704
SUBSTITUTE HOUSE BILL NO. 1708
HOUSE BILL NO. 1738
HOUSE BILL NO. 1739
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1753
HOUSE BILL NO. 1765
SUBSTITUTE HOUSE BILL NO. 1768
SUBSTITUTE HOUSE BILL NO. 1790
SECOND SUBSTITUTE HOUSE BILL NO. 1905
HOUSE BILL NO. 1907
HOUSE BILL NO. 1927
ENGROSSED HOUSE BILL NO. 1931
SUBSTITUTE HOUSE BILL NO. 1955
SUBSTITUTE HOUSE BILL NO. 1961
ENGROSSED HOUSE BILL NO. 1982
SUBSTITUTE HOUSE BILL NO. 2001
HOUSE BILL NO. 2007
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2037
SUBSTITUTE HOUSE BILL NO. 2050
SUBSTITUTE HOUSE BILL NO. 2051

The Speaker called upon Representative Orwall to preside.

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

SECOND READING

SUBSTITUTE SENATE BILL NO. 5910, by Senate Committee on Environment, Energy & Technology (originally sponsored by Carlyle, Billig, Conway, Hawkins, Hunt, Mullet, Saldaña and Stanford)

Accelerating the availability and use of renewable hydrogen in Washington state.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Environment & Energy was not adopted. (For Committee amendment, see Journal, Day 46, February 24, 2022).

There being no objection, the committee striking amendment by the Committee on Appropriations was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 50, February 28, 2022).

Representative Abbarno moved the adoption of amendment (1371) to the committee striking amendment:

On page 16, after line 16 of the striking amendment, insert the following:

"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."

Representatives Abbarno and Ramel spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (1371) to the committee striking amendment was adopted.

With the consent of the House, amendment (1370) was withdrawn.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Ramel, Dye and Abbarno spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5910, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5910, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Kraft and McCaslin.

SUBSTITUTE SENATE BILL NO. 5910, as amended by the House, having received the necessary constitutional majority, was declared passed.

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

THIRD READING

MESSAGE FROM THE SENATE

March 4, 2022

Madame Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1173 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) State lands development authorities are hereby

authorized to oversee and manage the development or redevelopment of state-owned property that is within or adjacent to manufacturing industrial centers. Any property owned or managed by the department of natural resources is exempt from the provisions of this chapter.

(2) The legislative delegation from a district containing state-owned land that is included within, or is adjacent to, a manufacturing industrial center may propose the formation of a state lands development authority. The proposal must be presented in writing to the relevant legislative committees in both the house of representatives and the senate. The proposal must contain:

(a) The proposed general geographic boundaries of the state lands development authority; and

(b) Legislative findings relating to formation of the state lands development authority which find that:

(i) The state owns property within the boundaries of the proposed state lands development authority;

(ii) The state-owned land is located within or adjacent to a manufacturing industrial center;

(iii) The state agency with custodial responsibility for the property has completed an assessment regarding the current use, future use, and a projected date or conditions when the land is vacant, excess, or surplus to the mission of the state agency;

(iv) The legislature intends that the state lands development authority be appropriately funded and staffed; and

(v) The formation of a state lands development authority to oversee and manage the development or redevelopment of the state-owned land will be useful and beneficial to the community within and adjacent to the boundaries of the state lands development authority.

(3) Formation of a state lands development authority is subject to legislative authorization by statute.

(4) A state lands development authority may only be formed in a county with a population of 2,000,000 or greater.

(5) For the purposes of this chapter, all state lands development authorities are a public body corporate and politic

and instrumentality of the state of Washington.

NEW SECTION. **Sec. 2.** (1) The affairs of a state lands development authority shall be managed by a board of directors.

(2) The initial board of directors of a state lands development authority must be appointed by the governor upon recommendation from the state legislative delegation from the district in which the boundaries of the state lands development authority are contained.

(3) The number of persons on the board of directors must be included in the proposal to establish a state lands development authority under section 1 of this act.

(4) Members of the board of directors must include:

(a) At least one member representing each of the following:

(i) The governing body of each city included in the boundaries of the state lands development authority;

(ii) The mayor's office of each city included in the boundaries of the state lands development authority;

(iii) The governing body of each county included in the boundaries of the state lands development authority; and

(iv) The governing body of each port district included in the boundaries of the state lands development authority;

(b) Additional members if required by the proposal to establish a state lands development authority under section 1 of this act; and

(c) Ex officio, nonvoting members if required by the proposal to establish a state lands development authority under section 1 of this act.

(5) In addition to other applicable provisions of law pertaining to conflicts of interest of public officials, no state lands development authority board member, appointed or otherwise, may participate in any decision on any board contract in which the board member has any interests, direct or indirect, with any firm, partnership, corporation, or association that would be the recipient of any gain or benefit resulting from transactions with the state lands development authority. In any instance where the participation occurs, the board

shall void the transaction, and the involved member shall be subject to whatever sanctions may be provided by law. The board shall frame and adopt a code of ethics for its members, which must be designed to protect the state and its citizens from any unethical conduct by the board.

NEW SECTION. Sec. 3. (1) State lands development authorities have the power to:

(a) Accept gifts, grants, loans, or other aid from public and private entities;

(b) Employ and appoint such agents, attorneys, officers, and employees as may be necessary to implement its purposes and duties;

(c) Contract and enter into partnerships with individuals, associations, corporations, and local, state, and federal governments;

(d) Buy, own, and lease real and personal property;

(e) Sell real and personal property, subject to any rules and restrictions contained in the proposal to establish a state lands development authority under section 1 of this act;

(f) Hold in trust, improve, and develop land;

(g) Invest, deposit, and reinvest its funds;

(h) Incur debt in furtherance of its mission: Provided, however, that state lands development authorities are expressly prohibited from incurring debt on behalf of the state of Washington as defined in Article VIII, section 1 of the state Constitution. A state lands development authority obligation to repay borrowed money does not constitute an obligation, either general, special, or moral, of the state of Washington. State lands development authorities are expressly prohibited from using, either directly or indirectly, "general state revenues" as defined in Article VIII, section 1 of the state Constitution to satisfy any state lands development authority obligation to repay borrowed money;

(i) Lend or grant its funds for any lawful purposes. For purposes of this section, "lawful purposes" includes without limitation, any use of funds, including loans thereof to public or

private parties, authorized by agreements with the United States or any department or agency thereof under which federal or private funds are obtained, or authorized under federal laws and regulations pertinent to such agreements; and

(j) Exercise such additional powers as may be authorized by law.

(2) A state lands development authority that accepts public funds under subsection (1)(a) of this section:

(a) Is subject in all respects to Article VIII, section 5 or 7, as appropriate, of the state Constitution, and RCW 42.17A.550; and

(b) May not use such funds to support or oppose a candidate, ballot proposition, political party, or political committee.

(3) State lands development authorities do not have any authority to levy taxes or assessments.

NEW SECTION. Sec. 4. A state lands development authority has the duty to:

(1) Adopt bylaws for the authority that will govern how the authority will generally conduct its affairs;

(2) Establish specific geographic boundaries for the authority with its bylaws based on the general geographic boundaries established in the proposal approved by the legislature;

(3) Assume responsibility for the development or redevelopment of the state-owned property within the boundaries of the authority;

(4) Create a strategic plan for the development or redevelopment of the state-owned property that includes, but is not limited to, the following elements:

(a) An examination of the existing uses of the property and an assessment of whether such should change in the future in order for the use of the property to achieve maximum public benefit;

(b) An examination of options for development or redevelopment that include industrial uses only, mixed-use commercial and residential development, and mixed-use light industrial and residential development, as well as the incorporation of community-oriented facilities, and an evaluation of which

options would achieve maximum public benefit;

(c) A plan for extensive public engagement throughout the development or redevelopment process, which must include a regular schedule of public meetings and opportunities for public comment; and

(d) A financial plan for the authority that identifies funding sources necessary to carry out the authority's strategic plan;

(5) Use gifts, grants, loans, and other aid from public or private entities to further the development and redevelopment projects identified in the authority's strategic plan; and

(6) Submit a written report to the relevant committees of the legislature by December 1st of each even-numbered year that summarizes the authority's strategic plan and details the progress of the authority in meeting its strategic goals related to development and redevelopment, public engagement, and financial planning.

NEW SECTION. **Sec. 5.** The state lands development authority operating account is hereby created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for operating expenses under this chapter.

NEW SECTION. **Sec. 6.** The state lands development authority capital account is hereby created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for capital projects under this chapter.

NEW SECTION. **Sec. 7.** (1) The legislature finds:

(a) The state of Washington owns a property of approximately 25 acres in size located at 1601 West Armory Way within Seattle's Ballard-Interbay northend manufacturing industrial center and Interbay neighborhood, known as the Interbay property. The Interbay property was transferred to the state of Washington in 1971 with deed limitations which limit use of the property for national guard purposes only. The national guard currently uses the Interbay property for the Seattle readiness center, built in 1974. The national guard has determined that it must relocate from the Interbay property

to another site, and an assessment has been completed pursuant to section 1(2)(b) of this act. Once the national guard facilities are funded and constructed and the national guard is relocated in a new, fully operational readiness center, and the department of defense has released its use restrictions on the property, the Interbay property will be available for redevelopment.

(b) The formation of a state lands development authority to oversee and manage the redevelopment of the Interbay property will be useful and beneficial to the community within and adjacent to the Interbay neighborhood in the city of Seattle. The legislature intends that the authority be appropriately funded and staffed.

(2) (a) The legislature authorizes the establishment of the Ballard-Interbay state lands development authority, which boundaries are coextensive with the boundaries of the Interbay property.

(b) The Ballard-Interbay state lands development authority is a public body corporate and politic and instrumentality of the state of Washington.

(3) The Ballard-Interbay state lands development authority may exercise its authority in furtherance of projects that are located only within the boundaries of the Interbay property.

(4) The Ballard-Interbay state lands development authority does not have site control or access until after the national guard relocation and may not sell the Interbay property or portions of the Interbay property to another entity.

(5) The affairs of the Ballard-Interbay state lands development authority shall be managed by a board of directors, consisting of the following members:

(a) One member with experience developing workforce or affordable housing;

(b) One member with knowledge of project financing options for public-private partnerships related to housing;

(c) Two members with architectural design and development experience related to industrial and mixed-use zoning;

(d) One member representing the port of Seattle;

(e) One member representing the governor's office;

(f) One member representing the King county council;

(g) One member representing the city of Seattle mayor's office;

(h) One member representing the Seattle city council; and

(i) The director of the department of commerce or the director's designee as an ex officio, nonvoting member.

(6) No member of the board of directors may hold office for more than four years. Board positions must be numbered one through 11 and the terms staggered as follows:

(a) Board members appointed to positions one through five shall serve two-year terms, and if reappointed, may serve no more than one additional two-year term.

(b) Board members initially appointed to positions six through 11 shall serve a three-year term only.

(c) Board members appointed to positions six through 11 after the initial three-year term shall serve two-year terms, and if reappointed, may serve no more than one additional two-year term.

(7) The initial board of directors of the Ballard-Interbay state lands development authority must be appointed by the governor upon recommendation from the legislative delegation from the district in which the boundaries of the authority are contained, as required by section 2(2) of this act. With respect to the appointment of subsequent boards of directors, the existing board members must develop a list of candidates for each position and deliver the recommendations to the members of the legislative delegation for the district in which the authority is located. The legislative delegation must present the list of candidates for recommendation to the governor for appointment to the board of directors. In developing the list of candidates, the board of directors must consider racial, gender, and geographic diversity so that the board may reflect the diversity of the community.

(8) In addition to other applicable provisions of law pertaining to conflicts of interest of public officials, no Ballard-Interbay state lands development

authority board member, appointive or otherwise, may participate in any decision on any board contract in which the board member has any interests, direct or indirect, with any firm, partnership, corporation, or association that would be the recipient of any gain or benefit resulting from transactions with the state lands development authority. In any instance where the participation occurs, the board shall void the transaction, and the involved member must be subject to whatever sanctions may be provided by law. The board shall frame and adopt a code of ethics for its members, which must be designed to protect the state and its citizens from any unethical conduct by the board.

(9) For purposes of this section, "Interbay property" means a state-owned property with deed limitations indicating it may be used for national guard purposes only located at 1601 West Armory Way, consisting of approximately 25 acres of land within Seattle's Ballard-Interbay northend manufacturing industrial center and Interbay neighborhood.

NEW SECTION. **Sec. 8.** Sections 1 through 7 of this act constitute a new chapter in Title 43 RCW."

On page 1, line 1 of the title, after "authorities;" strike the remainder of the title and insert "and adding a new chapter to Title 43 RCW."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1173 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Berry and Boehnke spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1173, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1173, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 85; Nays, 13; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Dent, Dufault, Graham, Klippert, Kraft, McCaslin, McEntire, Orcutt, Sutherland, Vick, Volz, Walsh and Young.

SECOND SUBSTITUTE HOUSE BILL NO. 1173, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 4, 2022

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1616 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.170.020 and 2018 c 263 s 1 are each amended to read as follows:

As used in this chapter:

(1) "Department" means department of health.

(2) "Hospital" means any health care institution which is required to qualify for a license under RCW 70.41.020(~~(7)~~) (8); or as a psychiatric hospital under chapter 71.12 RCW.

(3) "Secretary" means secretary of health.

(4) "Charity care" means medically necessary hospital health care rendered to indigent persons when third-party coverage, if any, has been exhausted, to the extent that the persons are unable to pay for the care or to pay deductibles or coinsurance amounts required by a third-

party payer, as determined by the department.

(5) "Indigent persons" are those patients or their guarantors who qualify for charity care pursuant to section 2(5) of this act based on the federal poverty level, adjusted for family size, and who have exhausted any third-party coverage.

(6) "Third-party coverage" means an obligation on the part of an insurance company, health care service contractor, health maintenance organization, group health plan, government program, tribal health benefits, or health care sharing ministry as defined in 26 U.S.C. Sec. 5000A to pay for the care of covered patients and services, and may include settlements, judgments, or awards actually received related to the negligent acts of others which have resulted in the medical condition for which the patient has received hospital health care service. The pendency of such settlements, judgments, or awards must not stay hospital obligations to consider an eligible patient for charity care.

~~((6) "Sliding fee schedule" means a hospital-determined, publicly available schedule of discounts to charges for persons deemed eligible for charity care; such schedules shall be established after consideration of guidelines developed by the department.))~~

(7) "Special studies" means studies which have not been funded through the department's biennial or other legislative appropriations.

Sec. 2. RCW 70.170.060 and 2018 c 263 s 2 are each amended to read as follows:

(1) No hospital or its medical staff shall adopt or maintain admission practices or policies which result in:

(a) A significant reduction in the proportion of patients who have no third-party coverage and who are unable to pay for hospital services;

(b) A significant reduction in the proportion of individuals admitted for inpatient hospital services for which payment is, or is likely to be, less than the anticipated charges for or costs of such services; or

(c) The refusal to admit patients who would be expected to require unusually costly or prolonged treatment for reasons other than those related to the appropriateness of the care available at the hospital.

(2) No hospital shall adopt or maintain practices or policies which would deny access to emergency care based on ability to pay. No hospital which maintains an emergency department shall transfer a patient with an emergency medical condition or who is in active labor unless the transfer is performed at the request of the patient or is due to the limited medical resources of the transferring hospital. Hospitals must follow reasonable procedures in making transfers to other hospitals including confirmation of acceptance of the transfer by the receiving hospital.

(3) The department shall develop definitions by rule, as appropriate, for subsection (1) of this section and, with reference to federal requirements, subsection (2) of this section. The department shall monitor hospital compliance with subsections (1) and (2) of this section. The department shall report individual instances of possible noncompliance to the state attorney general or the appropriate federal agency.

(4) The department shall establish and maintain by rule, consistent with the definition of charity care in RCW 70.170.020, the following:

(a) Uniform procedures, data requirements, and criteria for identifying patients receiving charity care; and

(b) A definition of residual bad debt including reasonable and uniform standards for collection procedures to be used in efforts to collect the unpaid portions of hospital charges that are the patient's responsibility.

(5) For the purpose of providing charity care, each hospital shall develop, implement, and maintain a (~~charity care~~) policy which (~~is consistent with subsection (1) of this section,~~) shall enable (~~people below the federal poverty level~~) indigent persons access to (~~appropriate hospital-based medical services, and a sliding fee schedule for determination of discounts from charges for persons who qualify for such discounts by January 1, 1990. The department shall develop specific guidelines to assist hospitals in setting sliding fee schedules required by this section. All persons with family income below one hundred percent of the federal poverty standard shall be deemed charity care patients for the full amount~~

~~of hospital charges, except to the extent the patient has third party coverage for those charges.~~) charity care. The policy shall include procedures for identifying patients who may be eligible for health care coverage through medical assistance programs under chapter 74.09 RCW or the Washington health benefit exchange and actively assisting patients to apply for any available coverage. If a hospital determines that a patient or their guarantor is qualified for retroactive health care coverage through the medical assistance programs under chapter 74.09 RCW, a hospital shall assist the patient or guarantor with applying for such coverage. If a hospital determines that a patient or their guarantor qualifies for retroactive health care coverage through the medical assistance programs under chapter 74.09 RCW, a hospital is not obligated to provide charity care under this section to any patient or their guarantor if the patient or their guarantor fails to make reasonable efforts to cooperate with the hospital's efforts to assist them in applying for such coverage. Hospitals may not impose application procedures for charity care or for assistance with retroactive coverage applications which place an unreasonable burden upon the patient or guarantor, taking into account any physical, mental, intellectual, or sensory deficiencies, or language barriers which may hinder the responsible party's capability of complying with application procedures. It is an unreasonable burden to require a patient to apply for any state or federal program where the patient is obviously or categorically ineligible or has been deemed ineligible in the prior 12 months.

(a) At a minimum, a hospital owned or operated by a health system that owns or operates three or more acute hospitals licensed under chapter 70.41 RCW, an acute care hospital with over 300 licensed beds located in the most populous county in Washington, or an acute care hospital with over 200 licensed beds located in a county with at least 450,000 residents and located on Washington's southern border shall grant charity care per the following guidelines:

(i) All patients and their guarantors whose income is not more than 300 percent of the federal poverty level, adjusted for family size, shall be deemed charity care patients for the full amount of the

patient responsibility portion of their hospital charges;

(ii) All patients and their guarantors whose income is between 301 and 350 percent of the federal poverty level, adjusted for family size, shall be entitled to a 75 percent discount for the full amount of the patient responsibility portion of their hospital charges, which may be reduced by amounts reasonably related to assets considered pursuant to (c) of this subsection;

(iii) All patients and their guarantors whose income is between 351 and 400 percent of the federal poverty level, adjusted for family size, shall be entitled to a 50 percent discount for the full amount of the patient responsibility portion of their hospital charges, which may be reduced by amounts reasonably related to assets considered pursuant to (c) of this subsection.

(b) At a minimum, a hospital not subject to (a) of this subsection shall grant charity care per the following guidelines:

(i) All patients and their guarantors whose income is not more than 200 percent of the federal poverty level, adjusted for family size, shall be deemed charity care patients for the full amount of the patient responsibility portion of their hospital charges;

(ii) All patients and their guarantors whose income is between 201 and 250 percent of the federal poverty level, adjusted for family size, shall be entitled to a 75 percent discount for the full amount of the patient responsibility portion of their hospital charges, which may be reduced by amounts reasonably related to assets considered pursuant to (c) of this subsection; and

(iii) All patients and their guarantors whose income is between 251 and 300 percent of the federal poverty level, adjusted for family size, shall be entitled to a 50 percent discount for the full amount of the patient responsibility portion of their hospital charges, which may be reduced by amounts reasonably related to assets considered pursuant to (c) of this subsection.

(c)(i) If a hospital considers the existence, availability, and value of assets in order to reduce the discount extended, it must establish and make publicly available a policy on asset

considerations and corresponding discount reductions.

(ii) If a hospital considers assets, the following types of assets shall be excluded from consideration:

(A) The first \$5,000 of monetary assets for an individual or \$8,000 of monetary assets for a family of two, and \$1,500 of monetary assets for each additional family member. The value of any asset that has a penalty for early withdrawal shall be the value of the asset after the penalty has been paid;

(B) Any equity in a primary residence;

(C) Retirement plans other than 401(k) plans;

(D) One motor vehicle and a second motor vehicle if it is necessary for employment or medical purposes;

(E) Any prepaid burial contract or burial plot; and

(F) Any life insurance policy with a face value of \$10,000 or less.

(iii) In considering assets, a hospital may not impose procedures which place an unreasonable burden on the responsible party. Information requests from the hospital to the responsible party for the verification of assets shall be limited to that which is reasonably necessary and readily available to substantiate the responsible party's qualification for charity sponsorship and may not be used to discourage application for such sponsorship. Only those facts relevant to eligibility may be verified and duplicate forms of verification may not be demanded.

(A) In considering monetary assets, one current account statement shall be considered sufficient for a hospital to verify a patient's assets.

(B) In the event that no documentation for an asset is available, a hospital shall rely upon a written and signed statement from the responsible party.

(iv) Asset information obtained by the hospital in evaluating a patient for charity care eligibility shall not be used for collection activities.

(v) Nothing in this section prevents a hospital from considering assets as required by the centers for medicare and medicaid services related to medicare cost reporting.

(6) Each hospital shall post and prominently display notice of charity care availability. Notice must be posted in all languages spoken by more than ten percent of the population of the hospital service area. Notice must be displayed in at least the following locations:

(a) Areas where patients are admitted or registered;

(b) Emergency departments, if any; and

(c) Financial service or billing areas where accessible to patients.

(7) Current versions of the hospital's charity care policy, a plain language summary of the hospital's charity care policy, and the hospital's charity care application form must be available on the hospital's website. The summary and application form must be available in all languages spoken by more than ten percent of the population of the hospital service area.

(8) (a) All hospital billing statements and other written communications concerning billing or collection of a hospital bill by a hospital must include the following or a substantially similar statement prominently displayed on the first page of the statement in both English and the second most spoken language in the hospital's service area:

You may qualify for free care or a discount on your hospital bill, whether or not you have insurance. Please contact our financial assistance office at [website] and [phone number].

(b) Nothing in (a) of this subsection requires any hospital to alter any preprinted hospital billing statements existing as of October 1, 2018.

(9) Hospital obligations under federal and state laws to provide meaningful access for limited English proficiency and non-English-speaking patients apply to information regarding billing and charity care. Hospitals shall develop standardized training programs on the hospital's charity care policy and use of interpreter services, and provide regular training for appropriate staff, including the relevant and appropriate staff who perform functions relating to registration, admissions, or billing.

(10) Each hospital shall make every reasonable effort to determine:

(a) The existence or nonexistence of private or public sponsorship which might

cover in full or part the charges for care rendered by the hospital to a patient;

(b) The annual family income of the patient as classified under federal poverty income guidelines as of the time the health care services were provided, or at the time of application for charity care if the application is made within two years of the time of service, the patient has been making good faith efforts towards payment of health care services rendered, and the patient demonstrates eligibility for charity care; and

(c) The eligibility of the patient for charity care as defined in this chapter and in accordance with hospital policy. An initial determination of sponsorship status shall precede collection efforts directed at the patient.

(11) At the hospital's discretion, a hospital may consider applications for charity care at any time, including any time there is a change in a patient's financial circumstances.

(12) The department shall monitor the distribution of charity care among hospitals, with reference to factors such as relative need for charity care in hospital service areas and trends in private and public health coverage. The department shall prepare reports that identify any problems in distribution which are in contradiction of the intent of this chapter. The report shall include an assessment of the effects of the provisions of this chapter on access to hospital and health care services, as well as an evaluation of the contribution of all purchasers of care to hospital charity care.

(13) The department shall issue a report on the subjects addressed in this section at least annually, with the first report due on July 1, 1990.

NEW SECTION. **Sec. 3.** (1) The office of the insurance commissioner, in consultation with the Washington health benefit exchange, shall study and analyze how increasing eligibility for charity care impacts enrollment in health plans with high deductibles over a four-year time period.

(2) By November 1, 2026, the office of the insurance commissioner shall report to the health care committees of the legislature enrollment trends in health plans with high deductibles from January

1, 2023, through June 30, 2026. The one-time report shall include the number of individuals enrolled in high deductible plans for each year and by each county.

(3) This section expires January 1, 2027.

NEW SECTION. Sec. 4. This act applies prospectively only to care provided on or after July 1, 2022. This act does not affect the ability of a patient who received care prior to July 1, 2022, to receive charity care under RCW 70.170.020 and 70.170.060 as the sections existed before that date."

On page 1, line 1 of the title, after "act;" strike the remainder of the title and insert "amending RCW 70.170.020 and 70.170.060; creating new sections; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1616 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Simmons and Caldier spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1616, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1616, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 65; Nays, 33; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris-Talley, Jacobsen, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner,

Harris, Hoff, Klicker, Klippert, Kraft, Kretz, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox and Young.

SUBSTITUTE HOUSE BILL NO. 1616, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 3, 2022

Madame Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1688 with the following amendment:

On page 14, line 30, after "stabilization," insert "or by the end of the business day following the day the stabilization occurs, whichever is later,"

On page 30, beginning on line 4, after "(13)" strike all material through "act)" on line 5 and insert "For dispute resolution proceedings initiated under RCW 48.49.150(2)(b) (as recodified by this act), the arbitration provisions of this section apply except that:

(a) The issue before the arbitrator will be the commercially reasonable payment for applicable services addressed in the alternate access delivery request rather than the commercially reasonable payment for single or multiple claims under subsection (4) of this section. The arbitrator shall issue a decision related to whether payment for the applicable services should be made at the final offer amount of the carrier or the final offer amount of the provider or facility. The arbitrator's decision is final and binding on the parties for services rendered to enrollees from the effective date of the amended alternate access delivery request approved under RCW 48.49.150(2)(b) (as recodified by this act) to either the expiration date of the amended alternate access delivery request, or at the time that a provider contract and provider compensation agreement are executed between the parties, whichever occurs first;

(b) During the period from the effective date of the amended alternate access delivery request to issuance of the arbitrator's decision, the allowed amount paid to providers or facilities

for the applicable services addressed in the amended alternate access delivery request shall be a commercially reasonable amount, based on payments for the same or similar services provided in a similar geographic area; and

(c) The proceedings"

On page 35, line 20, after "facilities" strike "; and" and insert ". If a carrier is submitting an alternate access delivery request for the same service and geographic area as a previously approved request, the carrier shall provide new or additional evidence of good faith efforts to contract associated with the current request;"

On page 35, line 23, after "standards" insert "; and

(iv) For services for which balance billing is prohibited under RCW 48.49.020, notify out-of-network providers or facilities that deliver the services referenced in the alternate access delivery request within five days of submitting the request to the commissioner. Any notification provided under this subsection shall include contact information for carrier staff who can provide detailed information to the affected provider or facility regarding the submitted alternate access delivery request"

On page 35, beginning on line 28, after "unless" strike all material through "services." on line 37 and insert "all requirements of this subsection are met.

(i) If a carrier is unable to obtain a contract with a provider or facility delivering services addressed in an alternate access delivery request to meet network access requirements, the carrier may ask the commissioner to amend the alternate access delivery request if the carrier's communication to the commissioner occurs at least three months after the effective date of the alternate access delivery request and demonstrates substantial evidence of good faith efforts on its part to contract for delivery of services during that three-month time period. If the carrier has demonstrated substantial evidence of good faith efforts on its part to contract, the commissioner shall allow a carrier to use the dispute resolution process provided in RCW 48.49.040 to determine the amount that will be paid to providers or facilities for services referenced in the alternate access delivery request. The commissioner may

determine by rule the associated processes for use of the dispute resolution process under this subsection.

(ii) Once notification is provided by the carrier to a provider or facility under (a) of this subsection, a carrier is not responsible for reimbursing a provider's or facility's charges in excess of the amount charged by the provider or facility for the same or similar service at the time the notification was provided. The provider or facility shall accept this reimbursement as payment in full."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1688 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Cody and Schmick spoke in favor of the passage of the bill.

Representative Caldier spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1688, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1688, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 88; Nays, 10; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Boehnke, Caldier, Chase, Goechner, Kraft, McCaslin, McEntire, Steele, Walsh and Ybarra.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1688, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 2, 2022

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1706 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 70.54 RCW to read as follows:

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

(a) "Drayage truck operator" means the driver of any in-use on-road vehicle with a gross vehicle weight rating greater than 33,000 pounds operating on or transgressing through port or intermodal rail yard property for the purpose of loading, unloading, or transporting cargo, including containerized, bulk, or break-bulk goods.

(b) (i) "Terminal operator" means the business entity operating a marine terminal for loading and unloading cargo to and from marine vessels.

(ii) "Terminal operator" includes the port if the port is directly operating the marine terminal in loading and unloading cargo to and from marine vessels.

(2) A terminal operator must provide a sufficient number of restrooms for use by drayage truck operators in areas of the terminal that drayage truck operators typically have access to, such as inside the gate and truck queuing lots. Restrooms may include fixed bathrooms with flush toilets or portable chemical toilets. At least one restroom provided by the terminal operator must be a private space suitable for and dedicated to expressing breast milk.

(3) A terminal operator is deemed in compliance with this section if the terminal operator:

(a) Allows drayage truck operators access to existing restrooms while the drayage truck operators are on port property in areas of the terminal that drayage truck operators typically have access to and when access does not pose an obvious safety risk to the drayage truck operators and other workers in the area and does not violate federal terminal security requirements;

(b) When necessary, provides additional restrooms at locations where there is the most need. To determine need, the terminal operator must assess the use and accessibility of existing restrooms and conduct a survey of drayage truck operators; and

(c) Has a policy that allows drayage truck operators to leave their vehicles at reasonable times and locations for purposes of accessing restrooms.

(4) Restrooms for drayage truck operators must be located in areas where access would not pose an obvious health or safety risk to the drayage truck operators or other workers in the area.

(5) (a) The departments of health and labor and industries have jurisdiction to enforce this section.

(b) The department of health may issue a warning letter to the port terminal operator for a first violation of this section, informing the port terminal operator of the requirements of this section. A port terminal operator that violates this section after receiving a warning letter is guilty of a class 2 civil infraction under chapter 7.80 RCW.

(c) Failure of a terminal operator to comply with this section is a violation of chapter 49.17 RCW.

(d) The departments may not take duplicate enforcement actions against an individual or business for violations arising from the same conduct."

On page 1, line 2 of the title, after "facilities;" strike the remainder of the title and insert "adding a new section to chapter 70.54 RCW; and prescribing penalties."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1706 and advanced the bill, as amended by the Senate, to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Sells and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1706, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1706, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative McCaslin.

SUBSTITUTE HOUSE BILL NO. 1706, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 4, 2022

Madame Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1723 with the following amendment:

Strike everything after the enacting clause and insert the following:

"PART 1

INTRODUCTION

NEW SECTION. **Sec. 101.** This act may be known and cited as the digital equity act.

NEW SECTION. **Sec. 102.** (1) The legislature finds that:

(a) Access to the internet is essential to participating in modern day society including, but not limited to, attending school and work, accessing health care, paying for basic services, connecting with family and friends, civic participation, and economic survival.

(b) For too many people in both rural and urban areas, the cost of being online is unaffordable. The legislature recognizes that building the last mile of broadband to the home is prohibitively expensive and that urban areas that are home to people earning low incomes continue to face digital redlining. Across the state there is a lack of affordable plans, barriers to enrolling in appropriate broadband plans, and barriers to fully utilize the opportunities that broadband offers.

(c) The COVID-19 pandemic has further highlighted the need for affordable access, devices, and skills to use the internet.

(d) The need for more accessible and affordable internet is felt more acutely among specific sectors of the population, especially Washington residents in rural areas, people who are currently earning low incomes, seniors and others who lack the skills necessary to get online, people with first languages other than English, immigrant communities, and people with disabilities.

(e) The federal government is allocating considerable sums for investment in digital equity that the state broadband office will help to leverage for residents across Washington. Continued comprehensive efforts, including coordination with tribal partners, are needed to ensure truly equitable access. The legislature recognizes that there will be a need for ongoing development and maintenance of broadband infrastructure. The legislature also recognizes that there is a need for ongoing outreach by community-based partnerships to provide enrollment assistance to lower the cost of internet subscriptions and devices.

(2) Therefore, the legislature intends to broaden access to the internet, the appropriate devices, and the skills to operate online safely and effectively so that all people in Washington can fully participate in our society, democracy, and economy by expanding assistance and

support programs offered in the state and establishing the governor's statewide broadband office as a central access point to such programs.

PART 2

STATE DIGITAL EQUITY PLAN

NEW SECTION. Sec. 201. A new section is added to chapter 43.330 RCW to read as follows:

(1) The office, in consultation with the digital equity forum, the utilities and transportation commission, and the department of social and health services, must develop a state digital equity plan.

(a) The office must seek any available federal funding for purposes of developing and implementing the state digital equity plan.

(b) The state digital equity plan must include such elements as the office determines are necessary to leverage federal funding.

(2) In developing the plan, the office must identify measurable objectives for documenting and promoting digital equity among underserved communities located in the state.

(3) By December 1, 2023, the office must submit a report to the governor and the appropriate committees of the legislature, including the following:

(a) The digital equity plan described in subsection (1) of this section and measurable objectives described in subsection (2) of this section;

(b) A description of how the office collaborated with the membership of the digital equity forum, state agencies, and key stakeholders to develop the plan including, but not limited to, the following:

- (i) Community anchor institutions;
- (ii) Local governments;
- (iii) Local educational agencies;
- (iv) Entities that carry out workforce development programs; and
- (v) Broadband service providers;

(c) A description of federal funding available to advance digital equity in the state, including any available information on the extent to which state residents have enrolled in the affordable connectivity program through an approved provider; and

(d) Recommendations of additional state law or policy that can be targeted to help improve broadband adoption and affordability for state residents. This may include recommendations of ongoing subsidies that the state can provide to low-income individuals and anchor institutions, as well as identification of revenue sources that other states or jurisdictions have developed to fund such subsidies or discounted rates.

(4) For the purpose of this section, "office" means the statewide broadband office established in RCW 43.330.532.

PART 3

DIGITAL EQUITY OPPORTUNITY PROGRAM

Sec. 301. RCW 43.330.530 and 2019 c 365 s 2 are each amended to read as follows:

The definitions in this section apply throughout this section and RCW 43.330.532 through 43.330.538, 43.330.412, and sections 305 and 306 of this act unless the context clearly requires otherwise.

(1) "Board" means the public works board established in RCW 43.155.030.

(2) "Broadband" or "broadband service" means any service providing advanced telecommunications capability and internet access with transmission speeds that, at a minimum, provide twenty-five megabits per second download and three megabits per second upload.

(3) "Broadband infrastructure" means networks of deployed telecommunications equipment and technologies necessary to provide high-speed internet access and other advanced telecommunications services to end users.

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

(5) "Last mile infrastructure" means broadband infrastructure that serves as the final connection from a broadband service provider's network to the end-use customer's on-premises telecommunications equipment.

(6) "Local government" includes cities, towns, counties, municipal corporations, public port districts, public utility districts, quasi-municipal corporations, special purpose districts, and multiparty entities comprised of public entity members.

(7) "Middle mile infrastructure" means broadband infrastructure that links a broadband service provider's core network infrastructure to last mile infrastructure.

(8) "Office" means the governor's statewide broadband office established in RCW 43.330.532.

(9) "Tribe" means any federally recognized Indian tribe whose traditional lands and territories included parts of Washington.

(10) "Unserved areas" means areas of Washington in which households and businesses lack access to broadband service, as defined by the office, except that the state's definition for broadband service may not be actual speeds less than twenty-five megabits per second download and three megabits per second upload.

(11)(a) "Advanced telecommunications capability" means, without regard to any transmission media or technology, high-speed, switched, broadband telecommunications capability that enables users to originate and receive high quality voice, data, graphics, and video telecommunications using any technology.

(b) "Advanced telecommunications capability" does not include access to a technology that delivers transmission speeds below the minimum download and upload speeds provided in the definition of broadband in this section.

(12) "Aging individual" means an individual 55 years of age or older.

(13) "Broadband adoption" means the process by which an individual obtains daily access to the internet:

(a) At a speed, quality, price, and capacity necessary for the individual to accomplish common tasks, such that the access qualifies as an advanced telecommunications capability;

(b) Providing individuals with the digital skills necessary to participate online;

(c) On a device connected to the internet and other advanced telecommunications services via a secure and convenient network, with associated end-user broadband infrastructure equipment such as wifi mesh router or repeaters to enable the device to adequately use the internet network; and

(d) With technical support and digital navigation assistance to enable continuity of service and equipment use and utilization.

(14) "Digital equity" means the condition in which individuals and communities in Washington have the information technology capacity that is needed for full participation in society and the economy.

(15)(a) "Digital inclusion" means the activities that are necessary to ensure that all individuals in Washington have access to, and the use of, affordable information and communication technologies including, but not limited to:

(i) Reliable broadband internet service;

(ii) Internet-enabled devices that meet the needs of the user; and

(iii) Applications and online content designed to enable and encourage self-sufficiency, participation, and collaboration.

(b) "Digital inclusion" also includes obtaining access to digital literacy training, the provision of quality technical support, and obtaining basic awareness of measures to ensure online privacy and cybersecurity.

(16) "Digital literacy" means the skills associated with using technology to enable users to use information and communications technologies to find, evaluate, organize, create, and communicate information.

(17) "Low-income" means households as defined by the department of social and health services, provided that the definition may not exceed the higher of 80 percent of area median household income or the self-sufficiency standard as determined by the University of Washington's self-sufficiency calculator.

(18) "Underserved population" means any of the following:

(a) Individuals who live in low-income households;

(b) Aging individuals;

(c) Incarcerated individuals;

(d) Veterans;

(e) Individuals with disabilities;

(f) Individuals with a language barrier, including individuals who are English learners or who have low levels of literacy;

(g) Individuals who are members of a racial or ethnic minority group;

(h) Individuals who primarily reside in a rural area;

(i) Children and youth in foster care;
or

(j) Individuals experiencing housing instability.

Sec. 302. RCW 43.330.532 and 2021 c 258 s 2 are each amended to read as follows:

(1) The governor's statewide broadband office is established. The director of the office must be appointed by the governor. The office may employ staff necessary to carry out the office's duties as prescribed by chapter 365, Laws of 2019, subject to the availability of amounts appropriated for this specific purpose.

(2) The purpose of the office is to encourage, foster, develop, and improve affordable, quality broadband within the state in order to:

(a) Drive job creation, promote innovation, improve economic vitality, and expand markets for Washington businesses;

(b) Serve the ongoing and growing needs of Washington's education systems, health care systems, public safety systems, transportation systems, industries and business, governmental operations, and citizens; and

(c) Improve broadband accessibility and adoption for unserved and underserved communities and populations.

Sec. 303. RCW 43.330.534 and 2021 c 258 s 3 are each amended to read as follows:

(1) The office has the power and duty to:

(a) Serve as the central broadband planning body for the state of Washington;

(b) Coordinate with local governments, tribes, public and private entities, public housing agencies, nonprofit organizations, and consumer-owned and investor-owned utilities to develop strategies and plans promoting

deployment of broadband infrastructure and greater broadband access, while protecting proprietary information;

(c) Review existing broadband initiatives, policies, and public and private investments;

(d) Develop, recommend, and implement a statewide plan to encourage cost-effective broadband access and to make recommendations for increased usage, particularly in rural and other unserved areas;

(e) Update the state's broadband goals and definitions for broadband service in unserved areas as technology advances, except that the state's definition for broadband service may not be actual speeds less than twenty-five megabits per second download and three megabits per second upload; and

(f) Encourage public-private partnerships to increase deployment and adoption of broadband services and applications.

(2) When developing plans or strategies for broadband deployment, the office must consider:

(a) Partnerships between communities, tribes, nonprofit organizations, local governments, consumer-owned and investor-owned utilities, and public and private entities;

(b) Funding opportunities that provide for the coordination of public, private, state, and federal funds for the purposes of making broadband infrastructure or broadband services available to rural and unserved areas of the state;

(c) Barriers to the deployment, adoption, and utilization of broadband service, including affordability of service and project coordination logistics; and

(d) Requiring minimum broadband service of twenty-five megabits per second download and three megabits per second upload speed, that is scalable to faster service.

(3) The office may assist applicants for the grant and loan program created in RCW 43.155.160, the digital equity opportunity program created in RCW 43.330.412, and the digital equity planning grant program created in section 305 of this act with seeking federal funding or matching grants and other grant opportunities for deploying or

increasing adoption of broadband services.

(4) 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 statewide broadband account created in RCW 43.155.165.

(5) The office shall coordinate an outreach effort to hard-to-reach communities and low-income communities across the state to provide information about broadband programs available to consumers of these communities. The outreach effort must include, but is not limited to, providing information to applicable communities about the federal lifeline program and other low-income broadband benefit programs. The outreach effort must be reviewed by the office of equity annually. The office may contract with other public or private entities to conduct outreach to communities as provided under this subsection.

(6) In carrying out its purpose, the office may collaborate with the utilities and transportation commission, the office of the chief information officer, the department of commerce, the community economic revitalization board, the department of transportation, the public works board, the state librarian, and all other relevant state agencies.

Sec. 304. RCW 43.330.412 and 2011 1st sp.s. c 43 s 607 are each amended to read as follows:

The ~~((community technology opportunity program is created to support the efforts of community technology programs throughout the state. The community technology))~~ digital equity opportunity program is created to advance broadband adoption and digital equity and inclusion throughout the state. The digital equity opportunity program must be administered by the department. The department may contract for services in order to carry out the department's obligations under this section.

(1) In implementing the ~~((community technology))~~ digital equity opportunity program the director must, to the extent funds are appropriated for this purpose:

(a) Provide organizational and capacity building support to ~~((community technology))~~ digital equity programs throughout the state ~~(, and identify and facilitate the availability of other~~

~~public and private sources of funds to enhance the purposes of the program and the work of community technology programs. No more than fifteen)) and additional support for the purpose of:~~

(i) Evaluating the impact and efficacy of activities supported by grants awarded under the covered programs; and

(ii) Developing, cataloging, disseminating, and promoting the exchange of best practices, with respect to and independent of the covered programs, in order to achieve digital equity. After July 1, 2024, no more than 15 percent of funds received by the director for the program may be expended on these functions;

(b) Establish a competitive grant program and provide grants to community technology programs to ~~((provide training and skill building opportunities; access to hardware and software; internet connectivity; digital media literacy; assistance in the adoption of information and communication technologies in low-income and underserved areas of the state; and development of locally relevant content and delivery of vital services through))~~ advance digital equity and digital inclusion by providing:

(i) Training and skill-building opportunities;

(ii) Access to hardware and software, including online service costs such as application and software;

(iii) Internet connectivity;

(iv) Digital media literacy and cybersecurity training;

(v) Assistance in the adoption of information and communication technologies for low-income and underserved populations of the state;

(vi) Development of locally relevant content and delivery of vital services through technology; and

(vii) Technical support;

(c) Collaborate with broadband stakeholders, including broadband action teams across the state, in implementing the program as provided under this subsection; and

(d) For the purposes of this section, include wireless meshed network technology.

(2) Grant applicants must:

(a) Provide evidence that the applicant is a nonprofit entity or a public entity that is working in partnership with a nonprofit entity;

(b) Define the geographic area or population to be served;

(c) Include in the application the results of a needs assessment addressing, in the geographic area or among the population to be served: The impact of inadequacies in technology access or knowledge, barriers faced, and services needed;

(d) Explain in detail the strategy for addressing the needs identified and an implementation plan including objectives, tasks, and benchmarks for the applicant and the role that other organizations will play in assisting the applicant's efforts;

~~(e) ((Provide evidence of matching funds and resources, which are equivalent to at least one-quarter of the grant amount committed to the applicant's strategy;~~

~~(f))~~ Provide evidence that funds applied for, if received, will be used to provide effective delivery of community technology services in alignment with the goals of this program and to increase the applicant's level of effort beyond the current level; and

~~(g))~~ (f) Comply with such other requirements as the director establishes.

(3) The digital equity forum shall review grant applications and provide input to the director regarding the prioritization of applications in awarding grants among eligible applicants under the program.

(4) In awarding grants under the digital equity opportunity program created in this section, the director must:

(a) Consider the input provided by the digital equity forum, as provided in subsection (3) of this section, in awarding grants; and

(b) Consider the extent to which the mix of grants awarded would increase in the number of prekindergarten through 12th grade students gaining access to greater levels of digital inclusion as a factor in awarding grants.

(5) The director may use no more than ((ten)) 10 percent of funds received for the ((community technology)) digital equity opportunity program to cover administrative expenses.

~~((4))~~ (6) The director must establish expected program outcomes for each grant recipient and must require grant recipients to provide an annual accounting of program outcomes.

NEW SECTION. Sec. 305. A new section is added to chapter 43.330 RCW to read as follows:

(1) Subject to the availability of funds appropriated for this specific purpose, the department shall establish a digital equity planning grant program.

(2)(a) This program must provide grants to local governments, institutions of higher education, workforce development councils, or other entities to fund the development of a digital equity plan for a discrete geographic region of the state. Only the director or the director's designee may authorize expenditures.

(b) Priority must be given for grant applications:

(i) Accompanied by express support from community or neighborhood-based nonprofit organizations, public development authorities, federally recognized Indian tribes in the state, or other community partners and partners from the categories of institutions identified in RCW 43.330.421; and

(ii) That intend to use community-based participatory action research methods as a part of the proposed plan.

(3) An applicant must submit an application to the department in order to be eligible for funding under this section.

(4) The digital equity forum shall review grant applications and provide input to the department regarding the prioritization of applications in awarding grants among eligible applicants under the program.

(5) The department must:

(a) Pursuant to subsection (2)(b) of this section, evaluate and rank applications using objective criteria such as the number of underserved populations served and subjective criteria such as the degree of support

and engagement evidenced by the community who will be served;

(b) Consider the input provided by the forum, as provided in subsection (4) of this section, in awarding grants under the digital equity planning grant program; and

(c) Consider the extent to which the mix of grants awarded would increase in the number of prekindergarten through 12th grade students gaining access to greater levels of digital inclusion as a factor in awarding grants under the digital equity planning grant program.

(6) The department shall develop criteria for what the digital equity plans must include.

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

NEW SECTION. Sec. 306. A new section is added to chapter 43.330 RCW to read as follows:

(1) The Washington digital equity forum is established for the purpose of developing recommendations to advance digital connectivity in Washington state and advising the statewide broadband office on the digital equity opportunity program as provided under RCW 43.330.412 and the digital equity planning grant program as provided under section 305 of this act.

(2) In developing its recommendations to advance digital connectivity, the forum must:

(a) Develop goals that are consistent with the goals of the governor's statewide broadband office, as provided in RCW 43.330.536;

(b) Strengthen public-private partnerships;

(c) Solicit public input through public hearings or informational sessions;

(d) Work to increase collaboration and communication between local, state, and federal governments and agencies; and

(e) Recommend reforms to current universal service mechanisms.

(3) The directors of the governor's statewide broadband office and the Washington state office of equity are responsible for appointing participating members of the digital equity forum and no appointment may be made unless each

director concurs in the appointment. In making appointments, the directors must prioritize appointees representing:

(a) Federally recognized tribes;

(b) State agencies involved in digital equity; and

(c) Underserved and unserved communities, including historically disadvantaged communities.

(4) A majority of the participating members appointed by the directors must appoint an administrative chair for the forum.

(5) 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:

(a) The speaker of the house of representatives must appoint one member from each of the two largest caucuses of the house of representatives; and

(b) The president of the senate must appoint one member from each of the two largest caucuses of the senate.

(6) (a) Funds appropriated to the forum may be used to compensate, for any work done in connection with the forum, additional persons who have lived experience navigating barriers to digital connectivity and digital equity.

(b) 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.

(7) Staff for the digital equity forum must be provided by the governor's statewide broadband office and the Washington state office of equity. The governor's statewide broadband office and the Washington state office of equity are jointly responsible for transmitting the recommendations of the digital equity forum to the legislature, consistent with RCW 43.01.036, by October 28, 2025, and every odd-numbered year thereafter.

PART 4

DIGITAL EQUITY ACCOUNT

NEW SECTION. Sec. 401. A new section is added to chapter 80.36 RCW to read as follows:

(1) The digital equity account is created in the state treasury. Moneys in

the account may be spent only after appropriation.

(2) Any amounts appropriated by the legislature to the account, private contributions, or any other source directed to the account, must be deposited into the account. Funds from sources outside the state, from private contributions, federal or other sources may be directed to the specific purposes of the digital equity opportunity program or digital equity planning grant program.

(3) The legislature may appropriate moneys in the account only for the purposes of:

(a) RCW 43.330.412, the digital equity opportunity program; and

(b) Section 305 of this act, the digital equity planning grant program.

PART 5

MISCELLANEOUS PROVISIONS

NEW SECTION. **Sec. 501.** The director of the department of commerce or the director's designee, and the director of the statewide broadband office or the director's designee, may take any actions necessary to ensure that the provisions of this act are implemented on the date identified in section 502 of this act.

NEW SECTION. **Sec. 502.** Sections 101, 102, 301 through 305, and 401 of this act take effect July 1, 2023.

NEW SECTION. **Sec. 503.** 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. 504.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

On page 1, line 3 of the title, after "training;" strike the remainder of the title and insert "amending RCW 43.330.530, 43.330.532, 43.330.534, and 43.330.412; adding new sections to chapter 43.330 RCW; adding a new section to chapter 80.36 RCW; creating new sections; and providing an effective date."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1723 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Ryu and Boehnke spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1723, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1723, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 70; Nays, 28; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Gilday, Goodman, Gregerson, Hackney, Hansen, Harris, Harris-Talley, Hoff, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Chambers, Chase, Dent, Dufault, Dye, Eslick, Goehner, Graham, Griffey, Jacobsen, Klicker, Klippert, Kraft, Kretz, Maycumber, McCaslin, McEntire, Orcutt, Schmick, Steele, Sutherland, Vick, Volz, Walsh, Wilcox and Young.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1723, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 2, 2022

Madame Speaker:

The Senate has passed HOUSE BILL NO. 1975 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature recognizes the important role housing

authorities play in providing much needed affordable housing to more than 35,000 households through their inventory of rental housing, including through workforce housing programs where housing authorities keep rents as low as possible and operate on very thin margins.

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

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

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

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

(2) Within its area of operation: To prepare, carry out, acquire, lease and operate housing projects; to provide for the construction, reconstruction, improvement, alteration or repair of any housing project or any part thereof; to

agree to rent or sell dwellings forming part of the projects to or for persons of low income. Where an agreement or option is made to sell a dwelling to a person of low income, the authority may convey the dwelling to the person upon fulfillment of the agreement irrespective of whether the person is at the time of the conveyance a person of low income. Leases, options, agreements, or conveyances may include such covenants as the authority deems appropriate to assure the achievement of the objectives of this chapter.

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

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

~~((47))~~ (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.

~~((48))~~ (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 (~~(19)~~) (19)(b), if the development is owned directly or through a partnership by a governmental entity or a nonprofit organization, which nonprofit organization is itself not controlled by a for-profit entity or affiliated with any for-profit entity that a nonprofit organization itself does not control, it shall not be treated as being owned by a for-profit entity when the governmental entity or nonprofit organization exercises legal control of the ownership entity and in addition, (i) the dwelling units or mobile home lots required to be made available to persons of low income are rented to persons whose incomes do not exceed (~~(sixty)~~) 60 percent of the area median income, adjusted for household size, and (ii) the development is subject to an agreement that transfers ownership to the governmental entity or nonprofit organization or extends an irrevocable right of first refusal to purchase the development under a formula for setting the acquisition price that is specified in the agreement.

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

authority to carry out its powers and purposes under this chapter.

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

On page 1, line 2 of the title, after "properties;" strike the remainder of the title and insert "amending RCW 35.82.070; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1975 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Wylie and Gilday spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1975, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1975, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

HOUSE BILL NO. 1975, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 4, 2022

Madame Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 2008 with the following amendment:

Strike everything after the enacting clause and insert the following:

"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."

On page 1, line 3 of the title, after "disabilities;" strike the remainder of the title and insert "amending RCW 71A.16.020; reenacting and amending RCW 71A.10.020; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 2008 and advanced the bill, as amended by the Senate, to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representative Taylor spoke in favor of the passage of the bill.

Representative Gilday spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2008, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2008, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 57; Nays, 41; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

SECOND SUBSTITUTE HOUSE BILL NO. 2008, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 2, 2022

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2057 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that:

(a) In 2021, the total Washington state patrol workforce was 84 percent white and 67 percent male, the field force workforce was 86 percent white and 86 percent male, and the managerial staff was as high as 93 percent white;

(b) A strong diversity, equity, and inclusion strategic recruitment and retention plan is necessary to:

(i) Provide the state patrol with the benefits of a diverse workforce, improving service to the public, increasing employee productivity, and providing new perspectives and innovative approaches to achieving the agency's mission of enhancing the safety and security of all people and communities; and

(ii) Fill vacancies with those who are from historically and currently marginalized communities;

(c) Public employment opportunities at the Washington state patrol should provide all commissioned and noncommissioned staff full access to the opportunities, power, and resources each needs in the staff person's career; and

(d) The transition to a culture that fosters workforce diversity, equity, and inclusion requires steadfast commitment over the long term.

(2) Therefore, the legislature intends to:

(a) Challenge the state patrol to change and adapt its culture to attract and retain a diverse workforce representative of those who have been historically and currently marginalized and is representative of the labor force as a whole;

(b) Establish effective legislative and executive oversight mechanisms to increase workforce parity by eliminating disparities in the state patrol's workforce;

(c) Increase accountability and transparency relating to the state

patrol's progress in achieving equity in its workforce; and

(d) Provide technical assistance and support for the state patrol's diversity, equity, and inclusion efforts over the long term.

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.06D RCW to read as follows:

(1) Consistent with its purpose of promoting access to equitable opportunities and resources to reduce disparities, the Washington state office of equity shall provide oversight for the development and ongoing implementation of the Washington state patrol's diversity, equity, and inclusion strategic recruitment and retention plan.

(2) To accomplish this purpose, the office of equity shall work with the department of enterprise services, which will run and oversee a competitive procurement process to select and hire an independent, expert consultant to:

(a) Collect benchmark demographic data on the composition of the current Washington state patrol workforce, including applicants in the recruitment process, people in trooper academy classes, and new hires across positions in the agency including, and not limited to, applicants referred for interview; applicants referred for hire; applicant to hire ratios; applicants referred for psychological testing; applicant pass to fail ratios; and turnover rate. In addition, this task must include comparative demographic data for other law enforcement training classes within the state;

(b) Conduct a study of the labor force available for the commissioned and noncommissioned staff of the state patrol, with a focus on the availability of black, indigenous, Latino, Asian, and other groups currently underrepresented in the state patrol workforce;

(c) Using the results of the labor force availability study and Washington state patrol recruitment and retention demographic benchmark data, establish goals for the demographic composition of the state patrol workforce and a plan for reaching the goals;

(d) Develop agency-specific process and outcome measures of performance, taking into consideration community

feedback on whether the performance measures established accurately measure the effectiveness of agency programs and services in the communities served;

(e) Recommend effective agency programs and services to reduce disparities across the agency;

(f) Evaluate and report on progress in the implementation of the diversity, equity, and inclusion strategic recruitment and retention plan developed for the Washington state patrol in 2021;

(g) In coordination with the Washington state patrol, annually update the diversity, equity, and inclusion strategic recruitment and retention plan to reflect activities completed, new strategies, and next steps;

(h) Report biannually to the governor and appropriate committees of the legislature on the composition of the current Washington state patrol workforce compared to established benchmarks and goals; and

(i) Otherwise assist the office of equity in monitoring and reporting the Washington state patrol's implementation of the diversity, equity, and inclusion strategic recruitment and retention plan.

(3) The office is directed to complete the following work in accordance with RCW 43.06D.040:

(a) Provide technical assistance to the Washington state patrol regarding best practices to effectively foster an equitable, just, diverse workforce;

(b) Publish the Washington state patrol's diversity, equity, and inclusion strategic recruitment and retention plan on its performance dashboard;

(c) Report the Washington state patrol's performance on the office's performance dashboard, providing for a process for the Washington state patrol to respond to the report;

(d) Establish accountability procedures for the Washington state patrol, which may include conducting performance reviews related to state patrol compliance with office performance measures consistent with RCW 43.06D.040;

(e) Report annually to the governor and appropriate committees of the legislature on the Washington state

patrol's compliance with developing its diversity, equity, and inclusion strategic recruitment and retention plan in accordance with the office of equity standards and the state patrol's progress made toward performance measures in its diversity, equity, and inclusion strategic recruitment and retention plan.

(4) This section expires June 30, 2032."

On page 1, line 2 of the title, after "workforce;" strike the remainder of the title and insert "adding a new section to chapter 43.06D RCW; creating a new section; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2057 and advanced the bill, as amended by the Senate, to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Valdez and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2057, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2057, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 84; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Boehnke, Chase, Dufault, Eslick, Graham, Klicker, Klippert, Kraft, McCaslin, McEntire, Orcutt, Rude, Sutherland and Walsh.

SUBSTITUTE HOUSE BILL NO. 2057, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 3, 2022

Madame Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1664 with the following amendment:

On page 1, after line 7, insert the following:

"NEW SECTION. **Sec. 1.** The legislature recognizes that school nurses, social workers, psychologists, and school counselors are uniquely qualified to provide essential supports that address the physical, social, and emotional needs of students. As the COVID-19 pandemic continues to impact the health and well-being of students, the need for comprehensive student supports has grown beyond what is currently funded in the prototypical school model. Therefore, the legislature intends to provide increased allocations to school districts that demonstrate they have hired staff for these roles. The legislature hopes that this enhanced state funding will allow school districts to redirect local levy dollars previously spent on these positions to address learning loss resulting from the COVID-19 pandemic or to hire additional physical, social, and emotional support staff."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 1, line 5 of the title, after "creating" strike "a new section" and insert "new sections"

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1664 and advanced the bill, as amended by the Senate, to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Rule and Ybarra spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1664, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1664, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 74; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Hackney, Hansen, Harris, Harris-Talley, Hoff, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Macri, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Chambers, Chase, Dufault, Dye, Griffey, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Schmick, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox and Young.

SECOND SUBSTITUTE HOUSE BILL NO. 1664, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 4, 2022

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1689 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 48.43 RCW to read as follows:

(1) Health plans issued or renewed on or after January 1, 2023, shall exempt an enrollee from prior authorization requirements for coverage of biomarker testing for either of the following:

(a) Stage 3 or 4 cancer; or

(b) Recurrent, relapsed, refractory, or metastatic cancer.

(2) For purposes of this section, "biomarker test" means a single or multigene diagnostic test of the cancer patient's biospecimen, such as tissue, blood, or other bodily fluids, for DNA, RNA, or protein alterations, including phenotypic characteristics of a malignancy, to identify an individual with a subtype of cancer, in order to guide patient treatment.

(3) For purposes of this section, biomarker testing must be:

(a) Recommended in the latest version of nationally recognized guidelines or biomarker compendia, such as those published by the national comprehensive cancer network;

(b) Approved by the United States food and drug administration or a validated clinical laboratory test performed in a clinical laboratory certified under the clinical laboratory improvement amendments or in an alternative laboratory program approved by the centers for medicare and medicaid services;

(c) A covered service; and

(d) Prescribed by an in-network provider.

(4) This section does not limit, prohibit, or modify an enrollee's rights to biomarker testing as part of an approved clinical trial under chapter 69.77 RCW.

(5) Nothing in this section may be construed to mandate coverage of a health care service.

(6) Nothing in this section prohibits a health plan from requiring a biomarker test prior to approving a drug or treatment.

(7) This section does not limit an enrollee's rights to access individual gene tests."

On page 1, line 2 of the title, after "cancer;" strike the remainder of the title and insert "and adding a new section to chapter 48.43 RCW."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1689 and advanced the bill, as amended by the Senate, to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Walen and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1689, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1689, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1689, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 3, 2022

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1773 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 71.05.020 and 2021 c 264 s 21 and 2021 c 263 s 12 are each reenacted and amended to read as follows:

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

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

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

(3) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(4) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program certified by the department as meeting standards adopted under chapter 71.24 RCW;

(5) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(6) "Authority" means the Washington state health care authority;

(7) "Behavioral health disorder" means either a mental disorder as defined in this section, a substance use disorder as defined in this section, or a co-occurring mental disorder and substance use disorder;

(8) "Behavioral health service provider" means a public or private agency that provides mental health, substance use disorder, or co-occurring disorder services to persons with behavioral health disorders as defined under this section and receives funding from public sources. This includes, but is not limited to: Hospitals licensed under chapter 70.41 RCW; evaluation and treatment facilities as defined in this section; community mental health service delivery systems or community behavioral health programs as defined in RCW 71.24.025; licensed or certified

behavioral health agencies under RCW 71.24.037; facilities conducting competency evaluations and restoration under chapter 10.77 RCW; approved substance use disorder treatment programs as defined in this section; secure withdrawal management and stabilization facilities as defined in this section; and correctional facilities operated by state and local governments;

(9) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105;

(10) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(11) "Community behavioral health agency" has the same meaning as "licensed or certified behavioral health agency" defined in RCW 71.24.025;

(12) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(13) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization;

(14) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(15) "Department" means the department of health;

(16) "Designated crisis responder" means a mental health professional appointed by the county, by an entity appointed by the county, or by the authority in consultation with a federally recognized Indian tribe or after meeting and conferring with an

Indian health care provider, to perform the duties specified in this chapter;

(17) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(18) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department of social and health services;

(19) "Developmental disability" means that condition defined in RCW 71A.10.020(5);

(20) "Director" means the director of the authority;

(21) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(22) "Drug addiction" means a disease, characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(23) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is licensed or certified as such by the department. The authority may certify single beds as temporary evaluation and treatment beds under RCW 71.05.745. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department of social and health services or any federal agency will not require certification. No correctional institution or facility, or jail, shall

be an evaluation and treatment facility within the meaning of this chapter;

(24) "Gravely disabled" means a condition in which a person, as a result of a behavioral health disorder: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(25) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct;

(26) "Hearing" means any proceeding conducted in open court that conforms to the requirements of RCW 71.05.820;

(27) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a behavioral health facility, or in confinement as a result of a criminal conviction;

(28) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(29) "In need of assisted outpatient ~~((behavioral health))~~ treatment" ~~((means that a person, as a result of a behavioral health disorder: (a) Has been committed by a court to detention for involuntary behavioral health treatment during the preceding thirty-six months; (b) is unlikely to voluntarily participate in outpatient treatment without an order for less restrictive alternative treatment, based on a history of nonadherence with treatment or in view of the person's current behavior; (c) is likely to benefit from less restrictive alternative treatment; and (d) requires less restrictive alternative treatment to prevent a relapse, decompensation, or~~

~~deterioration that is likely to result in the person presenting a likelihood of serious harm or the person becoming gravely disabled within a reasonably short period of time))~~ refers to a person who meets the criteria for assisted outpatient treatment established under RCW 71.05.148;

(30) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

(31) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals;

(32) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(33) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public behavioral health service providers under RCW 71.05.130;

(34) "Less restrictive alternative treatment" means a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.05.585. This term includes: Treatment pursuant to a less restrictive alternative treatment order under RCW 71.05.240 or 71.05.320; treatment pursuant to a conditional release under RCW 71.05.340; and treatment pursuant to an assisted outpatient ~~((behavioral health))~~ treatment order under RCW 71.05.148;

(35) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington;

(36) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

(37) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder;

(38) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

(39) "Mental health professional" means a psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(40) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(41) "Physician assistant" means a person licensed as a physician assistant under chapter 18.71A RCW;

(42) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders;

(43) "Professional person" means a mental health professional, substance use disorder professional, or designated crisis responder and shall also mean a physician, physician assistant, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(44) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

(45) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

(46) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(47) "Public agency" means any evaluation and treatment facility or institution, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or hospital which is conducted for, or includes a department

or ward conducted for, the care and treatment of persons with behavioral health disorders, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments;

(48) "Release" means legal termination of the commitment under the provisions of this chapter;

(49) "Resource management services" has the meaning given in chapter 71.24 RCW;

(50) "Secretary" means the secretary of the department of health, or his or her designee;

(51) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals; and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Include security measures sufficient to protect the patients, staff, and community; and

(c) Be licensed or certified as such by the department of health;

(52) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010;

(53) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances;

(54) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW;

(55) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

(56) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for behavioral health disorders, which are maintained by the department of social and health services, the department, the authority, behavioral health administrative services organizations and their staffs, managed care organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department of social and health services, the department, the authority, behavioral health administrative services organizations, managed care organizations, or a treatment facility if the notes or records are not available to others;

(57) "Triage facility" means a short-term facility or a portion of a facility licensed or certified by the department, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department residential treatment facility standards. A triage facility may be

structured as a voluntary or involuntary placement facility;

(58) "Video," unless the context clearly indicates otherwise, means the delivery of behavioral health services through the use of interactive audio and video technology, permitting real-time communication between a person and a designated crisis responder, for the purpose of evaluation. "Video" does not include the use of audio-only telephone, facsimile, email, or store and forward technology. "Store and forward technology" means use of an asynchronous transmission of a person's medical information from a mental health service provider to the designated crisis responder which results in medical diagnosis, consultation, or treatment;

(59) "Violent act" means behavior that resulted in homicide, attempted suicide, injury, or substantial loss or damage to property.

Sec. 2. RCW 71.05.020 and 2021 c 264 s 23 and 2021 c 263 s 14 are each reenacted and amended to read as follows:

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

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

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

(3) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(4) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program certified by the department as meeting standards adopted under chapter 71.24 RCW;

(5) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(6) "Authority" means the Washington state health care authority;

(7) "Behavioral health disorder" means either a mental disorder as defined in this section, a substance use disorder as defined in this section, or a co-occurring mental disorder and substance use disorder;

(8) "Behavioral health service provider" means a public or private agency that provides mental health, substance use disorder, or co-occurring disorder services to persons with behavioral health disorders as defined under this section and receives funding from public sources. This includes, but is not limited to: Hospitals licensed under chapter 70.41 RCW; evaluation and treatment facilities as defined in this section; community mental health service delivery systems or community behavioral health programs as defined in RCW 71.24.025; licensed or certified behavioral health agencies under RCW 71.24.037; facilities conducting competency evaluations and restoration under chapter 10.77 RCW; approved substance use disorder treatment programs as defined in this section; secure withdrawal management and stabilization facilities as defined in this section; and correctional facilities operated by state and local governments;

(9) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105;

(10) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(11) "Community behavioral health agency" has the same meaning as "licensed or certified behavioral health agency" defined in RCW 71.24.025;

(12) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(13) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization;

(14) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(15) "Department" means the department of health;

(16) "Designated crisis responder" means a mental health professional appointed by the county, by an entity appointed by the county, or by the authority in consultation with a federally recognized Indian tribe or after meeting and conferring with an Indian health care provider, to perform the duties specified in this chapter;

(17) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(18) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department of social and health services;

(19) "Developmental disability" means that condition defined in RCW 71A.10.020(5);

(20) "Director" means the director of the authority;

(21) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(22) "Drug addiction" means a disease, characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or

psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(23) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is licensed or certified as such by the department. The authority may certify single beds as temporary evaluation and treatment beds under RCW 71.05.745. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department of social and health services or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(24) "Gravely disabled" means a condition in which a person, as a result of a behavioral health disorder: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration from safe behavior evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(25) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct;

(26) "Hearing" means any proceeding conducted in open court that conforms to the requirements of RCW 71.05.820;

(27) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time

spent, but not any violent acts committed, in a behavioral health facility, or in confinement as a result of a criminal conviction;

(28) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(29) "In need of assisted outpatient ~~((behavioral health))~~ treatment" ~~((means that a person, as a result of a behavioral health disorder: (a) Has been committed by a court to detention for involuntary behavioral health treatment during the preceding thirty-six months; (b) is unlikely to voluntarily participate in outpatient treatment without an order for less restrictive alternative treatment, based on a history of nonadherence with treatment or in view of the person's current behavior; (c) is likely to benefit from less restrictive alternative treatment; and (d) requires less restrictive alternative treatment to prevent a relapse, decompensation, or deterioration that is likely to result in the person presenting a likelihood of serious harm or the person becoming gravely disabled within a reasonably short period of time))~~ refers to a person who meets the criteria for assisted outpatient treatment established under RCW 71.05.148;

(30) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive

settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

(31) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals;

(32) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(33) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public behavioral health service providers under RCW 71.05.130;

(34) "Less restrictive alternative treatment" means a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.05.585. This term includes: Treatment pursuant to a less restrictive alternative treatment order under RCW 71.05.240 or 71.05.320; treatment pursuant to a conditional release under RCW 71.05.340; and treatment pursuant to an assisted outpatient ~~((behavioral health))~~ treatment order under RCW 71.05.148;

(35) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington;

(36) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused harm, substantial pain, or which places another person or persons in reasonable fear of harm to themselves or others; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

(37) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder;

(38) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

(39) "Mental health professional" means a psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(40) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(41) "Physician assistant" means a person licensed as a physician assistant under chapter 18.71A RCW;

(42) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders;

(43) "Professional person" means a mental health professional, substance use disorder professional, or designated crisis responder and shall also mean a physician, physician assistant, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(44) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse

practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

(45) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

(46) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(47) "Public agency" means any evaluation and treatment facility or institution, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments;

(48) "Release" means legal termination of the commitment under the provisions of this chapter;

(49) "Resource management services" has the meaning given in chapter 71.24 RCW;

(50) "Secretary" means the secretary of the department of health, or his or her designee;

(51) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals; and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Include security measures sufficient to protect the patients, staff, and community; and

(c) Be licensed or certified as such by the department of health;

(52) "Severe deterioration from safe behavior" means that a person will, if not treated, suffer or continue to suffer severe and abnormal mental, emotional, or physical distress, and this distress is associated with significant impairment of judgment, reason, or behavior;

(53) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010;

(54) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances;

(55) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW;

(56) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

(57) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services

for behavioral health disorders, which are maintained by the department of social and health services, the department, the authority, behavioral health administrative services organizations and their staffs, managed care organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department of social and health services, the department, the authority, behavioral health administrative services organizations, managed care organizations, or a treatment facility if the notes or records are not available to others;

(58) "Triage facility" means a short-term facility or a portion of a facility licensed or certified by the department, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility;

(59) "Video," unless the context clearly indicates otherwise, means the delivery of behavioral health services through the use of interactive audio and video technology, permitting real-time communication between a person and a designated crisis responder, for the purpose of evaluation. "Video" does not include the use of audio-only telephone, facsimile, email, or store and forward technology. "Store and forward technology" means use of an asynchronous transmission of a person's medical information from a mental health service provider to the designated crisis responder which results in medical diagnosis, consultation, or treatment;

(60) "Violent act" means behavior that resulted in homicide, attempted suicide, injury, or substantial loss or damage to property.

Sec. 3. RCW 71.05.148 and 2019 c 446 s 21 are each amended to read as follows:

~~((This section establishes a process for initial evaluation and filing of a~~

~~petition for assisted outpatient behavioral health treatment, but however does not preclude the filing of a petition for assisted outpatient behavioral health treatment following a period of inpatient detention in appropriate circumstances:))~~

(1) ~~((The designated crisis responder))~~ A person is in need of assisted outpatient treatment if the court finds by clear, cogent, and convincing evidence pursuant to a petition filed under this section that:

(a) The person has a behavioral health disorder;

(b) Based on a clinical determination and in view of the person's treatment history and current behavior, at least one of the following is true:

(i) The person is unlikely to survive safely in the community without supervision and the person's condition is substantially deteriorating; or

(ii) The person is in need of assisted outpatient treatment in order to prevent a relapse or deterioration that would be likely to result in grave disability or a likelihood of serious harm to the person or to others;

(c) The person has a history of lack of compliance with treatment for his or her behavioral health disorder that has:

(i) At least twice within the 36 months prior to the filing of the petition been a significant factor in necessitating hospitalization of the person, or the person's receipt of services in a forensic or other mental health unit of a state correctional facility or local correctional facility, provided that the 36-month period shall be extended by the length of any hospitalization or incarceration of the person that occurred within the 36-month period;

(ii) At least twice within the 36 months prior to the filing of the petition been a significant factor in necessitating emergency medical care or hospitalization for behavioral health-related medical conditions including overdose, infected abscesses, sepsis, endocarditis, or other maladies, or a significant factor in behavior which resulted in the person's incarceration in a state or local correctional facility; or

(iii) Resulted in one or more violent acts, threats, or attempts to cause

serious physical harm to the person or another within the 48 months prior to the filing of the petition, provided that the 48-month period shall be extended by the length of any hospitalization or incarceration of the person that occurred during the 48-month period;

(d) Participation in an assisted outpatient treatment program would be the least restrictive alternative necessary to ensure the person's recovery and stability; and

(e) The person will benefit from assisted outpatient treatment.

(2) The following individuals may directly file a petition for less restrictive alternative treatment on the basis that a person is in need of assisted outpatient treatment:

(a) The director of a hospital where the person is hospitalized or the director's designee;

(b) The director of a behavioral health service provider providing behavioral health care or residential services to the person or the director's designee;

(c) The person's treating mental health professional or substance use disorder professional or one who has evaluated the person;

(d) A designated crisis responder;

(e) A release planner from a corrections facility; or

(f) An emergency room physician.

(3) A court order for less restrictive alternative treatment on the basis that the person is in need of assisted outpatient treatment may be effective for up to 18 months. The petitioner must personally interview the person, unless the person refuses an interview, ~~((and))~~ to determine whether the person will voluntarily receive appropriate ~~((evaluation and))~~ treatment ~~((at a mental health facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program))~~.

~~((2))~~ (4) The ~~((designated crisis responder))~~ petitioner must ~~((investigate and evaluate the))~~ allege specific facts ~~((alleged and))~~ based on personal observation, evaluation, or investigation, and must consider the reliability or credibility of any person providing information~~((The designated~~

~~crisis responder may spend up to forty-eight hours to complete the investigation, provided that the person may not be held for investigation for any period except as authorized by RCW 71.05.050 or 71.05.153)) material to the petition.~~

~~((3) If the designated crisis responder finds that the person is in need of assisted outpatient behavioral health treatment, they may file a petition requesting the court to enter an order for up to ninety days of less restrictive alternative treatment.)) (5) The petition must include:~~

~~(a) A statement of the circumstances under which the person's condition was made known and ((stating that there is evidence, as a result of the designated crisis responder's)) the basis for the opinion, from personal observation or investigation, that the person is in need of assisted outpatient ((behavioral health)) treatment((, and stating the)). The petitioner must state which specific facts ((known as a result of)) come from personal observation ((or investigation, upon which the designated crisis responder bases)) and specify what other sources of information the petitioner has relied upon to form this belief;~~

~~(b) A declaration from a physician, physician assistant, advanced registered nurse practitioner, or the person's treating mental health professional or substance use disorder professional, who has examined the person no more than 10 days prior to the submission of the petition and who is willing to testify in support of the petition, or who alternatively has made appropriate attempts to examine the person within the same period but has not been successful in obtaining the person's cooperation, and who is willing to testify to the reasons they believe that the person meets the criteria for assisted outpatient treatment. If the declaration is provided by the person's treating mental health professional or substance use disorder professional, it must be cosigned by a supervising physician, physician assistant, or advanced registered nurse practitioner who certifies that they have reviewed the declaration;~~

~~(c) The declarations of additional witnesses, if any, supporting the petition for assisted outpatient ((behavioral health)) treatment;~~

~~((c) A designation of retained counsel for the person or, if counsel is appointed, the name, business address, and telephone number of the attorney appointed to represent the person;))~~

~~(d) The name of an agency, provider, or facility ((which agreed)) that agrees to ((assume the responsibility of providing)) provide less restrictive alternative treatment if the petition is granted by the court; and~~

~~(e) ((A summons to appear in court at a specific time and place within five judicial days for a probable cause hearing, except as provided in subsection (4) of this section)) If the person is detained in a state hospital, inpatient treatment facility, jail, or correctional facility at the time the petition is filed, the anticipated release date of the person and any other details needed to facilitate successful reentry and transition into the community.~~

~~((4) If the person is in the custody of jail or prison at the time of the investigation, a petition for assisted outpatient behavioral health treatment may be used to facilitate continuity of care after release from custody or the diversion of criminal charges as follows:~~

~~(a) If the petition is filed in anticipation of the person's release from custody, the summons may be for a date up to five judicial days following the person's anticipated release date, provided that a clear time and place for the hearing is provided; or~~

~~(b) The hearing may be held prior to the person's release from custody, provided that (i) the filing of the petition does not extend the time the person would otherwise spend in the custody of jail or prison; (ii) the charges or custody of the person is not a pretext to detain the person for the purpose of the involuntary commitment hearing; and (iii) the person's release from custody must be expected to swiftly follow the adjudication of the petition. In this circumstance, the time for hearing is shortened to three judicial days after the filing of the petition.~~

~~(5) The petition must be served upon the person and the person's counsel with a notice of applicable rights. Proof of service must be filed with the court.))~~

(6) (a) Upon receipt of a petition meeting all requirements of this section, the court shall fix a date for a hearing:

(i) No sooner than three days or later than seven days after the date of service or as stipulated by the parties or, upon a showing of good cause, no later than 30 days after the date of service; or

(ii) If the respondent is hospitalized at the time of filing of the petition, before discharge of the respondent and in sufficient time to arrange for a continuous transition from inpatient treatment to assisted outpatient treatment.

(b) A copy of the petition and notice of hearing shall be served, in the same manner as a summons, on the petitioner, the respondent, the qualified professional whose affidavit accompanied the petition, a current provider, if any, and a surrogate decision maker or agent under chapter 71.32 RCW, if any.

(c) If the respondent has a surrogate decision maker or agent under chapter 71.32 RCW who wishes to provide testimony at the hearing, the court shall afford the surrogate decision maker or agent an opportunity to testify.

(d) The respondent shall be represented by counsel at all stages of the proceedings.

(e) If the respondent fails to appear at the hearing after notice, the court may conduct the hearing in the respondent's absence; provided that the respondent's counsel is present.

(f) If the respondent has refused to be examined by the qualified professional whose affidavit accompanied the petition, the court may order a mental examination of the respondent. The examination of the respondent may be performed by the qualified professional whose affidavit accompanied the petition. If the examination is performed by another qualified professional, the examining qualified professional shall be authorized to consult with the qualified professional whose affidavit accompanied the petition.

(g) If the respondent has refused to be examined by a qualified professional and the court finds reasonable grounds to believe that the allegations of the petition are true, the court may issue a written order directing a peace officer who has completed crisis intervention

training to detain and transport the respondent to a provider for examination by a qualified professional. A respondent detained pursuant to this subsection shall be detained no longer than necessary to complete the examination and in no event longer than 24 hours.

(7) If the petition involves a person whom the petitioner or behavioral health administrative services organization knows, or has reason to know, is an American Indian or Alaska Native who receives medical or behavioral health services from a tribe within this state, the behavioral health administrative services organization shall notify the tribe and Indian health care provider. Notification shall be made in person or by telephonic or electronic communication to the tribal contact listed in the authority's tribal crisis coordination plan as soon as possible.

~~((6))~~ (8) A petition for assisted outpatient ~~((behavioral health))~~ treatment filed under this section ~~((must))~~ shall be adjudicated under RCW 71.05.240.

(9) After January 1, 2023, a petition for assisted outpatient treatment must be filed on forms developed by the administrative office of the courts.

NEW SECTION. Sec. 4. A new section is added to chapter 71.34 RCW to read as follows:

(1) An adolescent is in need of assisted outpatient treatment if the court finds by clear, cogent, and convincing evidence in response to a petition filed under this section that:

(a) The adolescent has a behavioral health disorder;

(b) Based on a clinical determination and in view of the adolescent's treatment history and current behavior, at least one of the following is true:

(i) The adolescent is unlikely to survive safely in the community without supervision and the adolescent's condition is substantially deteriorating; or

(ii) The adolescent is in need of assisted outpatient treatment in order to prevent a relapse or deterioration that would be likely to result in grave disability or a likelihood of serious harm to the adolescent or to others;

(c) The adolescent has a history of lack of compliance with treatment for his or her behavioral health disorder that has:

(i) At least twice within the 36 months prior to the filing of the petition been a significant factor in necessitating hospitalization of the adolescent, or the adolescent's receipt of services in a forensic or other mental health unit of a state correctional facility or local correctional facility, provided that the 36-month period shall be extended by the length of any hospitalization or incarceration of the adolescent that occurred within the 36-month period;

(ii) At least twice within the 36 months prior to the filing of the petition been a significant factor in necessitating emergency medical care or hospitalization for behavioral health-related medical conditions including overdose, infected abscesses, sepsis, endocarditis, or other maladies, or a significant factor in behavior which resulted in the adolescent's incarceration in a state or local correctional facility; or

(iii) Resulted in one or more violent acts, threats, or attempts to cause serious physical harm to the adolescent or another within the 48 months prior to the filing of the petition, provided that the 48-month period shall be extended by the length of any hospitalization or incarceration of the person that occurred during the 48-month period;

(d) Participation in an assisted outpatient treatment program would be the least restrictive alternative necessary to ensure the adolescent's recovery and stability; and

(e) The adolescent will benefit from assisted outpatient treatment.

(2) The following individuals may directly file a petition for less restrictive alternative treatment on the basis that an adolescent is in need of assisted outpatient treatment:

(a) The director of a hospital where the adolescent is hospitalized or the director's designee;

(b) The director of a behavioral health service provider providing behavioral health care or residential services to the adolescent or the director's designee;

(c) The adolescent's treating mental health professional or substance use disorder professional or one who has evaluated the person;

(d) A designated crisis responder;

(e) A release planner from a juvenile detention or rehabilitation facility; or

(f) An emergency room physician.

(3) A court order for less restrictive alternative treatment on the basis that the adolescent is in need of assisted outpatient treatment may be effective for up to 18 months. The petitioner must personally interview the adolescent, unless the adolescent refuses an interview, to determine whether the adolescent will voluntarily receive appropriate treatment.

(4) The petitioner must allege specific facts based on personal observation, evaluation, or investigation, and must consider the reliability or credibility of any person providing information material to the petition.

(5) The petition must include:

(a) A statement of the circumstances under which the adolescent's condition was made known and the basis for the opinion, from personal observation or investigation, that the adolescent is in need of assisted outpatient treatment. The petitioner must state which specific facts come from personal observation and specify what other sources of information the petitioner has relied upon to form this belief;

(b) A declaration from a physician, physician assistant, or advanced registered nurse practitioner, or the adolescent's treating mental health professional or substance use disorder professional, who has examined the adolescent no more than 10 days prior to the submission of the petition and who is willing to testify in support of the petition, or who alternatively has made appropriate attempts to examine the adolescent within the same period but has not been successful in obtaining the adolescent's cooperation, and who is willing to testify to the reasons they believe that the adolescent meets the criteria for assisted outpatient treatment. If the declaration is provided by the adolescent's treating mental health professional or substance use disorder professional, it must be

cosigned by a supervising physician, physician assistant, or advanced registered nurse practitioner who certifies that they have reviewed the declaration;

(c) The declarations of additional witnesses, if any, supporting the petition for assisted outpatient treatment;

(d) The name of an agency, provider, or facility that agrees to provide less restrictive alternative treatment if the petition is granted by the court; and

(e) If the adolescent is detained in a state hospital, inpatient treatment facility, or juvenile detention or rehabilitation facility at the time the petition is filed, the anticipated release date of the adolescent and any other details needed to facilitate successful reentry and transition into the community.

(6)(a) Upon receipt of a petition meeting all requirements of this section, the court shall fix a date for a hearing:

(i) No sooner than three days or later than seven days after the date of service or as stipulated by the parties or, upon a showing of good cause, no later than 30 days after the date of service; or

(ii) If the adolescent is hospitalized at the time of filing of the petition, before discharge of the adolescent and in sufficient time to arrange for a continuous transition from inpatient treatment to assisted outpatient treatment.

(b) A copy of the petition and notice of hearing shall be served, in the same manner as a summons, on the petitioner, the adolescent, the qualified professional whose affidavit accompanied the petition, a current provider, if any, and a surrogate decision maker or agent under chapter 71.32 RCW, if any.

(c) If the adolescent has a surrogate decision maker or agent under chapter 71.32 RCW who wishes to provide testimony at the hearing, the court shall afford the surrogate decision maker or agent an opportunity to testify.

(d) The adolescent shall be represented by counsel at all stages of the proceedings.

(e) If the adolescent fails to appear at the hearing after notice, the court may conduct the hearing in the

adolescent's absence; provided that the adolescent's counsel is present.

(f) If the adolescent has refused to be examined by the qualified professional whose affidavit accompanied the petition, the court may order a mental examination of the adolescent. The examination of the adolescent may be performed by the qualified professional whose affidavit accompanied the petition. If the examination is performed by another qualified professional, the examining qualified professional shall be authorized to consult with the qualified professional whose affidavit accompanied the petition.

(g) If the adolescent has refused to be examined by a qualified professional and the court finds reasonable grounds to believe that the allegations of the petition are true, the court may issue a written order directing a peace officer who has completed crisis intervention training to detain and transport the adolescent to a provider for examination by a qualified professional. An adolescent detained pursuant to this subsection shall be detained no longer than necessary to complete the examination and in no event longer than 24 hours. All papers in the court file must be provided to the adolescent's designated attorney.

(7) If the petition involves an adolescent whom the petitioner or behavioral health administrative services organization knows, or has reason to know, is an American Indian or Alaska Native who receives medical or behavioral health services from a tribe within this state, the behavioral health administrative services organization shall notify the tribe and Indian health care provider. Notification shall be made in person or by telephonic or electronic communication to the tribal contact listed in the authority's tribal crisis coordination plan as soon as possible.

(8) A petition for assisted outpatient treatment filed under this section shall be adjudicated under RCW 71.34.740.

(9) After January 1, 2023, a petition for assisted outpatient treatment must be filed on forms developed by the administrative office of the courts.

Sec. 5. RCW 71.05.150 and 2021 c 264 s 1 are each amended to read as follows:

(1) When a designated crisis responder receives information alleging that a

person, as a result of a behavioral health disorder, presents a likelihood of serious harm or is gravely disabled, (~~or that a person is in need of assisted outpatient behavioral health treatment~~)) the designated crisis responder may, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of any person providing information to initiate detention (~~or involuntary outpatient treatment~~), if satisfied that the allegations are true and that the person will not voluntarily seek appropriate treatment, file a petition for initial detention under this section (~~or a petition for involuntary outpatient behavioral health treatment under RCW 71.05.148~~). Before filing the petition, the designated crisis responder must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at an evaluation and treatment facility, crisis stabilization unit, triage facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. As part of the assessment, the designated crisis responder must attempt to ascertain if the person has executed a mental health advance directive under chapter 71.32 RCW. The interview performed by the designated crisis responder may be conducted by video provided that a licensed health care professional or professional person who can adequately and accurately assist with obtaining any necessary information is present with the person at the time of the interview.

(2)(a) A superior court judge may issue a warrant to detain a person with a behavioral health disorder to a designated evaluation and treatment facility, a secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program, for a period of not more than one hundred twenty hours for evaluation and treatment upon request of a designated crisis responder, subject to (d) of this subsection, whenever it appears to the satisfaction of the judge that:

(i) There is probable cause to support the petition; and

(ii) The person has refused or failed to accept appropriate evaluation and treatment voluntarily.

(b) The petition for initial detention, signed under penalty of perjury, or sworn telephonic testimony may be considered by the court in determining whether there are sufficient grounds for issuing the order.

(c) The order shall designate retained counsel or, if counsel is appointed from a list provided by the court, the name, business address, and telephone number of the attorney appointed to represent the person.

(d) A court may not issue an order to detain a person to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program unless there is an available secure withdrawal management and stabilization facility or approved substance use disorder treatment program that has adequate space for the person.

(e) If the court does not issue an order to detain a person pursuant to this subsection (2), the court shall issue an order to dismiss the initial petition.

(3) The designated crisis responder shall then serve or cause to be served on such person(~~(7)~~) and his or her guardian(~~(7) and conservator~~), if any, a copy of the order together with a notice of rights, and a petition for initial detention. After service on such person the designated crisis responder shall file the return of service in court and provide copies of all papers in the court file to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, and the designated attorney. The designated crisis responder shall notify the court and the prosecuting attorney that a probable cause hearing will be held within one hundred twenty hours of the date and time of outpatient evaluation or admission to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. The person shall be permitted to be accompanied by one or more of his or her relatives, friends, an attorney, a personal physician, or other professional or religious advisor to the place of evaluation. An attorney accompanying the person to the place of evaluation shall

be permitted to be present during the admission evaluation. Any other individual accompanying the person may be present during the admission evaluation. The facility may exclude the individual if his or her presence would present a safety risk, delay the proceedings, or otherwise interfere with the evaluation.

(4) The designated crisis responder may notify a peace officer to take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. At the time such person is taken into custody there shall commence to be served on such person, his or her guardian, and conservator, if any, a copy of the original order together with a notice of rights and a petition for initial detention.

(5) Tribal court orders for involuntary commitment shall be recognized and enforced in accordance with superior court civil rule 82.5.

(6) In any investigation and evaluation of an individual under (~~RCW 71.05.150~~) this section or RCW 71.05.153 in which the designated crisis responder knows, or has reason to know, that the individual is an American Indian or Alaska Native who receives medical or behavioral health services from a tribe within this state, the designated crisis responder shall notify the tribe and Indian health care provider regarding whether or not a petition for initial detention or involuntary outpatient treatment will be filed. Notification shall be made in person or by telephonic or electronic communication to the tribal contact listed in the authority's tribal crisis coordination plan as soon as possible but no later than three hours subject to the requirements in RCW 70.02.230(2)(ee) and (3). A designated crisis responder may restrict the release of information as necessary to comply with 42 C.F.R. Part 2.

Sec. 6. RCW 71.05.150 and 2021 c 264 s 2 are each amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as a result of a behavioral health disorder, presents a likelihood of serious harm or is gravely disabled, (~~or that a person is in need of assisted outpatient behavioral health~~

~~treatment~~)) the designated crisis responder may, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of any person providing information to initiate detention (~~(or involuntary outpatient treatment)~~), if satisfied that the allegations are true and that the person will not voluntarily seek appropriate treatment, file a petition for initial detention under this section (~~(or a petition for involuntary outpatient behavioral health treatment under RCW 71.05.148)~~). Before filing the petition, the designated crisis responder must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at an evaluation and treatment facility, crisis stabilization unit, triage facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. As part of the assessment, the designated crisis responder must attempt to ascertain if the person has executed a mental health advance directive under chapter 71.32 RCW. The interview performed by the designated crisis responder may be conducted by video provided that a licensed health care professional or professional person who can adequately and accurately assist with obtaining any necessary information is present with the person at the time of the interview.

(2)(a) A superior court judge may issue a warrant to detain a person with a behavioral health disorder to a designated evaluation and treatment facility, a secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program, for a period of not more than one hundred twenty hours for evaluation and treatment upon request of a designated crisis responder whenever it appears to the satisfaction of the judge that:

(i) There is probable cause to support the petition; and

(ii) The person has refused or failed to accept appropriate evaluation and treatment voluntarily.

(b) The petition for initial detention, signed under penalty of perjury, or sworn telephonic testimony may be considered by the court in

determining whether there are sufficient grounds for issuing the order.

(c) The order shall designate retained counsel or, if counsel is appointed from a list provided by the court, the name, business address, and telephone number of the attorney appointed to represent the person.

(d) If the court does not issue an order to detain a person pursuant to this subsection (2), the court shall issue an order to dismiss the initial petition.

(3) The designated crisis responder shall then serve or cause to be served on such person(~~(r)~~) and his or her guardian(~~(r and conservator)~~), if any, a copy of the order together with a notice of rights, and a petition for initial detention. After service on such person the designated crisis responder shall file the return of service in court and provide copies of all papers in the court file to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, and the designated attorney. The designated crisis responder shall notify the court and the prosecuting attorney that a probable cause hearing will be held within one hundred twenty hours of the date and time of outpatient evaluation or admission to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. The person shall be permitted to be accompanied by one or more of his or her relatives, friends, an attorney, a personal physician, or other professional or religious advisor to the place of evaluation. An attorney accompanying the person to the place of evaluation shall be permitted to be present during the admission evaluation. Any other individual accompanying the person may be present during the admission evaluation. The facility may exclude the individual if his or her presence would present a safety risk, delay the proceedings, or otherwise interfere with the evaluation.

(4) The designated crisis responder may notify a peace officer to take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. At the time such person is taken into custody there

shall commence to be served on such person, his or her guardian, and conservator, if any, a copy of the original order together with a notice of rights and a petition for initial detention.

(5) Tribal court orders for involuntary commitment shall be recognized and enforced in accordance with superior court civil rule 82.5.

(6) In any investigation and evaluation of an individual under (~~RCW 71.05.150~~) this section or RCW 71.05.153 in which the designated crisis responder knows, or has reason to know, that the individual is an American Indian or Alaska Native who receives medical or behavioral health services from a tribe within this state, the designated crisis responder shall notify the tribe and Indian health care provider regarding whether or not a petition for initial detention or involuntary outpatient treatment will be filed. Notification shall be made in person or by telephonic or electronic communication to the tribal contact listed in the authority's tribal crisis coordination plan as soon as possible but no later than three hours subject to the requirements in RCW 70.02.230(2)(ee) and (3). A designated crisis responder may restrict the release of information as necessary to comply with 42 C.F.R. Part 2.

Sec. 7. RCW 71.05.156 and 2018 c 291 s 12 are each amended to read as follows:

A designated crisis responder who conducts an evaluation for imminent likelihood of serious harm or imminent danger because of being gravely disabled under RCW 71.05.153 must also evaluate the person under RCW 71.05.150 for likelihood of serious harm or grave disability that does not meet the imminent standard for emergency detention (~~(r and to determine whether the person is in need of assisted outpatient behavioral health treatment)~~).

Sec. 8. RCW 71.05.201 and 2020 c 302 s 24 and 2020 c 256 s 304 are each reenacted and amended to read as follows:

(1) If a designated crisis responder decides not to detain a person for evaluation and treatment under RCW 71.05.150 or 71.05.153 or forty-eight hours have elapsed since a designated crisis responder received a request for investigation and the designated crisis responder has not taken action to have the person detained, an immediate family

member or guardian (~~(or conservator)~~) of the person, or a federally recognized Indian tribe if the person is a member of such tribe, may petition the superior court for the person's initial detention.

(2) A petition under this section must be filed within ten calendar days following the designated crisis responder investigation or the request for a designated crisis responder investigation. If more than ten days have elapsed, the immediate family member, guardian, or conservator may request a new designated crisis responder investigation.

(3)(a) The petition must be filed in the county in which the designated crisis responder investigation occurred or was requested to occur and must be submitted on forms developed by the administrative office of the courts for this purpose. The petition must be accompanied by a sworn declaration from the petitioner, and other witnesses if desired, describing why the person should be detained for evaluation and treatment. The description of why the person should be detained may contain, but is not limited to, the information identified in RCW 71.05.212.

(b) The petition must contain:

(i) A description of the relationship between the petitioner and the person; and

(ii) The date on which an investigation was requested from the designated crisis responder.

(4) The court shall, within one judicial day, review the petition to determine whether the petition raises sufficient evidence to support the allegation. If the court so finds, it shall provide a copy of the petition to the designated crisis responder agency with an order for the agency to provide the court, within one judicial day, with a written sworn statement describing the basis for the decision not to seek initial detention and a copy of all information material to the designated crisis responder's current decision.

(5) Following the filing of the petition and before the court reaches a decision, any person, including a mental health professional, may submit a sworn declaration to the court in support of or in opposition to initial detention.

(6) The court shall dismiss the petition at any time if it finds that a designated crisis responder has filed a petition for the person's initial detention under RCW 71.05.150 or 71.05.153 or that the person has voluntarily accepted appropriate treatment.

(7) The court must issue a final ruling on the petition within five judicial days after it is filed. After reviewing all of the information provided to the court, the court may enter an order for initial detention (~~(or an order instructing the designated crisis responder to file a petition for assisted outpatient behavioral health treatment)~~) if the court finds that: (a) There is probable cause to support a petition for detention (~~(or assisted outpatient behavioral health treatment)~~); and (b) the person has refused or failed to accept appropriate evaluation and treatment voluntarily. The court shall transmit its final decision to the petitioner.

(8) If the court enters an order for initial detention, it shall provide the order to the designated crisis responder agency and issue a (~~(written order for apprehension)~~) warrant. The designated crisis responder agency serving the jurisdiction of the court must collaborate and coordinate with law enforcement regarding apprehensions and detentions under this subsection, including sharing of information relating to risk and which would assist in locating the person. A person may not be detained to jail pursuant to a (~~(written order)~~) warrant issued under this subsection. An order for detention under this section should contain the advisement of rights which the person would receive if the person were detained by a designated crisis responder. An order for initial detention under this section expires one hundred eighty days from issuance.

(9) Except as otherwise expressly stated in this chapter, all procedures must be followed as if the order had been entered under RCW 71.05.150. RCW 71.05.160 does not apply if detention was initiated under the process set forth in this section.

(10) For purposes of this section, "immediate family member" means a spouse, domestic partner, child, stepchild, parent, stepparent, grandparent, or sibling.

Sec. 9. RCW 71.05.212 and 2020 c 256 s 305 are each amended to read as follows:

(1) Whenever a designated crisis responder or professional person is conducting an evaluation under this chapter, consideration shall include all reasonably available information from credible witnesses and records regarding:

(a) Prior recommendations for evaluation of the need for civil commitments when the recommendation is made pursuant to an evaluation conducted under chapter 10.77 RCW;

(b) Historical behavior, including history of one or more violent acts;

(c) Prior determinations of incompetency or insanity under chapter 10.77 RCW; and

(d) Prior commitments under this chapter.

(2) Credible witnesses may include family members, landlords, neighbors, or others with significant contact and history of involvement with the person. If the designated crisis responder relies upon information from a credible witness in reaching his or her decision to detain the individual, then he or she must provide contact information for any such witness to the prosecutor. The designated crisis responder or prosecutor shall provide notice of the date, time, and location of the probable cause hearing to such a witness.

(3) Symptoms and behavior of the respondent which standing alone would not justify civil commitment may support a finding of grave disability or likelihood of serious harm, or a finding that the person is in need of assisted outpatient ((behavioral health)) treatment, when:

(a) Such symptoms or behavior are closely associated with symptoms or behavior which preceded and led to a past incident of involuntary hospitalization, severe deterioration, or one or more violent acts;

(b) These symptoms or behavior represent a marked and concerning change in the baseline behavior of the respondent; and

(c) Without treatment, the continued deterioration of the respondent is probable.

(4) When conducting an evaluation for offenders identified under RCW 72.09.370, the designated crisis responder or professional person shall consider an offender's history of judicially required or administratively ordered antipsychotic medication while in confinement.

~~((5) The authority, in consultation with tribes and coordination with Indian health care providers and the American Indian health commission for Washington state, shall establish written guidelines by June 30, 2021, for conducting culturally appropriate evaluations of American Indians or Alaska Natives.))~~

Sec. 10. RCW 71.05.212 and 2020 c 302 s 28 and 2020 c 256 s 305 are each reenacted and amended to read as follows:

(1) Whenever a designated crisis responder or professional person is conducting an evaluation under this chapter, consideration shall include all reasonably available information from credible witnesses and records regarding:

(a) Prior recommendations for evaluation of the need for civil commitments when the recommendation is made pursuant to an evaluation conducted under chapter 10.77 RCW;

(b) Historical behavior, including history of one or more violent acts;

(c) Prior determinations of incompetency or insanity under chapter 10.77 RCW; and

(d) Prior commitments under this chapter.

(2) Credible witnesses may include family members, landlords, neighbors, or others with significant contact and history of involvement with the person. If the designated crisis responder relies upon information from a credible witness in reaching his or her decision to detain the individual, then he or she must provide contact information for any such witness to the prosecutor. The designated crisis responder or prosecutor shall provide notice of the date, time, and location of the probable cause hearing to such a witness.

(3) Symptoms and behavior of the respondent which standing alone would not justify civil commitment may support a finding of grave disability or likelihood of serious harm, or a finding that the

person is in need of assisted outpatient (~~behavioral health~~) treatment, when:

(a) Such symptoms or behavior are closely associated with symptoms or behavior which preceded and led to a past incident of involuntary hospitalization, severe deterioration from safe behavior, or one or more violent acts;

(b) These symptoms or behavior represent a marked and concerning change in the baseline behavior of the respondent; and

(c) Without treatment, the continued deterioration of the respondent is probable.

(4) When conducting an evaluation for offenders identified under RCW 72.09.370, the designated crisis responder or professional person shall consider an offender's history of judicially required or administratively ordered antipsychotic medication while in confinement.

~~((5) The authority, in consultation with tribes and coordination with Indian health care providers and the American Indian health commission for Washington state, shall establish written guidelines by June 30, 2021, for conducting culturally appropriate evaluations of American Indians or Alaska Natives.))~~

Sec. 11. RCW 71.05.230 and 2020 c 302 s 34 are each amended to read as follows:

A person detained for one hundred twenty (~~hour~~) hours of evaluation and treatment may be committed for not more than fourteen additional days of involuntary intensive treatment or ninety additional days of a less restrictive alternative treatment. A petition may only be filed if the following conditions are met:

(1) The professional staff of the facility providing evaluation services has analyzed the person's condition and finds that the condition is caused by a behavioral health disorder and results in: (a) A likelihood of serious harm; or (b) the person being gravely disabled; ~~((or (c) the person being in need of assisted outpatient behavioral health treatment,))~~ and are prepared to testify those conditions are met; and

(2) The person has been advised of the need for voluntary treatment and the professional staff of the facility has

evidence that he or she has not in good faith volunteered; and

(3) The facility providing intensive treatment is certified to provide such treatment by the department or under RCW 71.05.745; and

(4) (a) (i) The professional staff of the facility or the designated crisis responder has filed a petition with the court for a fourteen day involuntary detention or a ninety day less restrictive alternative. The petition must be signed by:

(A) One physician, physician assistant, or psychiatric advanced registered nurse practitioner; and

(B) One physician, physician assistant, psychiatric advanced registered nurse practitioner, or mental health professional.

(ii) If the petition is for substance use disorder treatment, the petition may be signed by a substance use disorder professional instead of a mental health professional and by an advanced registered nurse practitioner instead of a psychiatric advanced registered nurse practitioner. The persons signing the petition must have examined the person.

(b) If involuntary detention is sought the petition shall state facts that support the finding that such person, as a result of a behavioral health disorder, presents a likelihood of serious harm, or is gravely disabled and that there are no less restrictive alternatives to detention in the best interest of such person or others. The petition shall state specifically that less restrictive alternative treatment was considered and specify why treatment less restrictive than detention is not appropriate. If an involuntary less restrictive alternative is sought, the petition shall state facts that support the finding that such person, as a result of a behavioral health disorder, presents a likelihood of serious harm ~~((7))~~ or is gravely disabled ~~((7 or is in need of assisted outpatient behavioral health treatment,))~~ and shall set forth any recommendations for less restrictive alternative treatment services; and

(5) A copy of the petition has been served on the detained person, his or her attorney, and his or her guardian (~~or conservator~~), if any, prior to the probable cause hearing; and

(6) The court at the time the petition was filed and before the probable cause hearing has appointed counsel to represent such person if no other counsel has appeared; and

(7) The petition reflects that the person was informed of the loss of firearm rights if involuntarily committed for mental health treatment; and

(8) At the conclusion of the initial commitment period, the professional staff of the agency or facility or the designated crisis responder may petition for an additional period of either ~~((ninety))~~ 90 days of less restrictive alternative treatment or ~~((ninety))~~ 90 days of involuntary intensive treatment as provided in RCW 71.05.290; and

(9) If the hospital or facility designated to provide less restrictive alternative treatment is other than the facility providing involuntary treatment, the outpatient facility so designated to provide less restrictive alternative treatment has agreed to assume such responsibility.

Sec. 12. RCW 71.05.240 and 2021 c 264 s 8 are each amended to read as follows:

(1) If a petition is filed for ~~((fourteen day))~~ up to 14 days of involuntary treatment ((or ninety)), 90 days of less restrictive alternative treatment, or 18 months of less restrictive alternative treatment under RCW 71.05.148, the court shall hold a probable cause hearing within ~~((one hundred twenty))~~ 120 hours of the initial detention ~~((of such person as determined in))~~ under RCW 71.05.180, or at a time ~~((determined))~~ scheduled under RCW 71.05.148.

(2) If the petition is for mental health treatment, the court or the prosecutor at the time of the probable cause hearing and before an order of commitment is entered shall inform the person both orally and in writing that the failure to make a good faith effort to seek voluntary treatment as provided in RCW 71.05.230 will result in the loss of his or her firearm rights if the person is subsequently detained for involuntary treatment under this section.

(3) If the person or his or her attorney alleges, prior to the commencement of the hearing, that the person has in good faith volunteered for

treatment, the petitioner must show, by preponderance of the evidence, that the person has not in good faith volunteered for appropriate treatment. In order to qualify as a good faith volunteer, the person must abide by procedures and a treatment plan as prescribed by a treatment facility and professional staff.

(4) (a) Subject to (b) of this subsection, at the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that ~~((such))~~ a person detained for behavioral health treatment, as the result of a behavioral health disorder, presents a likelihood of serious harm, or is gravely disabled, and, after considering less restrictive alternatives to involuntary detention and treatment, finds that no such alternatives are in the best interests of such person or others, the court shall order that such person be detained for involuntary treatment not to exceed ~~((fourteen))~~ 14 days in a facility licensed or certified to provide treatment by the department or under RCW 71.05.745.

(b) A court may only order commitment to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program if there is an available facility with adequate space for the person.

(c) At the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that ~~((such))~~ a person detained for behavioral health treatment, as the result of a behavioral health disorder, presents a likelihood of serious harm or is gravely disabled, but that treatment in a less restrictive setting than detention is in the best interest of such person or others, the court shall order an appropriate less restrictive alternative course of treatment for up to ninety days.

(d) If the court finds by a preponderance of the evidence that ~~((such))~~ a person subject to a petition under RCW 71.05.148, as the result of a behavioral health disorder, is in need of assisted outpatient ~~((behavioral health))~~ treatment ~~((, and that the person does not present a likelihood of serious harm and is not gravely disabled)),~~ the court shall order an appropriate less restrictive alternative course of

treatment for up to ~~((ninety days))~~ 18 months.

(5) An order for less restrictive alternative treatment must name the behavioral health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the treatment recommendations of the behavioral health service provider.

(6) The court shall notify the person orally and in writing that if involuntary treatment is sought beyond the ~~((fourteen day))~~ 14-day inpatient or ~~((ninety day))~~ 90-day less restrictive treatment period, the person has the right to a full hearing or jury trial under RCW 71.05.310. If the commitment is for mental health treatment, the court shall ~~((also))~~ notify the person orally and in writing that the person 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.

(7) If the court does not issue an order to detain or commit a person under this section, the court shall issue an order to dismiss the petition.

(8) Nothing in this section precludes the court from subsequently modifying the terms of an order for less restrictive alternative treatment under RCW 71.05.590(3).

Sec. 13. RCW 71.05.240 and 2021 c 264 s 9 are each amended to read as follows:

(1) If a petition is filed for ~~((fourteen day))~~ up to 14 days of involuntary treatment ~~((or ninety))~~, 90 days of less restrictive alternative treatment, or 18 months of less restrictive alternative treatment under RCW 71.05.148, the court shall hold a probable cause hearing within ~~((one hundred twenty))~~ 120 hours of the initial detention ~~((of such person as determined in))~~ under RCW 71.05.180, or at a time ~~((determined))~~ scheduled under RCW 71.05.148.

(2) If the petition is for mental health treatment, the court or the prosecutor at the time of the probable cause hearing and before an order of commitment is entered shall inform the person both orally and in writing that the failure to make a good faith effort to seek voluntary treatment as provided in RCW 71.05.230 will result in the loss

of his or her firearm rights if the person is subsequently detained for involuntary treatment under this section.

(3) If the person or his or her attorney alleges, prior to the commencement of the hearing, that the person has in good faith volunteered for treatment, the petitioner must show, by preponderance of the evidence, that the person has not in good faith volunteered for appropriate treatment. In order to qualify as a good faith volunteer, the person must abide by procedures and a treatment plan as prescribed by a treatment facility and professional staff.

(4)(a) At the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that ~~((such))~~ a person detained for behavioral health treatment, as the result of a behavioral health disorder, presents a likelihood of serious harm, or is gravely disabled, and, after considering less restrictive alternatives to involuntary detention and treatment, finds that no such alternatives are in the best interests of such person or others, the court shall order that such person be detained for involuntary treatment not to exceed fourteen days in a facility licensed or certified to provide treatment by the department or under RCW 71.05.745.

(b) At the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that ~~((such))~~ a person detained for behavioral health treatment, as the result of a behavioral health disorder, presents a likelihood of serious harm or is gravely disabled, but that treatment in a less restrictive setting than detention is in the best interest of such person or others, the court shall order an appropriate less restrictive alternative course of treatment for up to ninety days.

(c) If the court finds by a preponderance of the evidence that ~~((such))~~ a person subject to a petition under RCW 71.05.148, as the result of a behavioral health disorder, is in need of assisted outpatient ~~((behavioral health))~~ treatment ~~((, and that the person does not present a likelihood of serious harm and is not gravely disabled))~~, the court shall order an appropriate less restrictive alternative course of

treatment for up to (~~ninety days~~) 18 months.

(5) An order for less restrictive alternative treatment must name the behavioral health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the treatment recommendations of the behavioral health service provider.

(6) The court shall notify the person orally and in writing that if involuntary treatment is sought beyond the (~~fourteen-day~~) 14-day inpatient or (~~ninety-day~~) 90-day less restrictive treatment period, such person has the right to a full hearing or jury trial under RCW 71.05.310. If the commitment is for mental health treatment, the court shall also notify the person orally and in writing that the person 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.

(7) If the court does not issue an order to detain or commit a person under this section, the court shall issue an order to dismiss the petition.

(8) Nothing in this section precludes the court from subsequently modifying the terms of an order for less restrictive alternative treatment under RCW 71.05.590(3).

Sec. 14. RCW 71.05.245 and 2018 c 291 s 14 are each amended to read as follows:

(1) In making a determination of whether a person is gravely disabled, presents a likelihood of serious harm, or is in need of assisted outpatient (~~behavioral health~~) treatment in a hearing conducted under RCW 71.05.240 or 71.05.320, the court must consider the symptoms and behavior of the respondent in light of all available evidence concerning the respondent's historical behavior.

(2) Symptoms or behavior which standing alone would not justify civil commitment may support a finding of grave disability or likelihood of serious harm, or a finding that the person is in need of assisted outpatient (~~behavioral health~~) treatment, when: (a) Such symptoms or behavior are closely associated with symptoms or behavior which preceded and led to a past incident of involuntary hospitalization, severe

deterioration, or one or more violent acts; (b) these symptoms or behavior represent a marked and concerning change in the baseline behavior of the respondent; and (c) without treatment, the continued deterioration of the respondent is probable.

(3) In making a determination of whether there is a likelihood of serious harm in a hearing conducted under RCW 71.05.240 or 71.05.320, the court shall give great weight to any evidence before the court regarding whether the person has: (a) A recent history of one or more violent acts; or (b) a recent history of one or more commitments under this chapter or its equivalent provisions under the laws of another state which were based on a likelihood of serious harm. The existence of prior violent acts or commitments under this chapter or its equivalent shall not be the sole basis for determining whether a person presents a likelihood of serious harm.

For the purposes of this subsection "recent" refers to the period of time not exceeding three years prior to the current hearing.

Sec. 15. RCW 71.05.280 and 2020 c 302 s 41 are each amended to read as follows:

At the expiration of the fourteen-day period of intensive treatment, a person may be committed for further treatment pursuant to RCW 71.05.320 if:

(1) Such person after having been taken into custody for evaluation and treatment has threatened, attempted, or inflicted: (a) Physical harm upon the person of another or himself or herself, or substantial damage upon the property of another, and (b) as a result of a behavioral health disorder presents a likelihood of serious harm; or

(2) Such person was taken into custody as a result of conduct in which he or she attempted or inflicted physical harm upon the person of another or himself or herself, or substantial damage upon the property of others, and continues to present, as a result of a behavioral health disorder, a likelihood of serious harm; or

(3) Such person has been determined to be incompetent and criminal charges have been dismissed pursuant to RCW 10.77.086(4), and has committed acts constituting a felony, and as a result of a behavioral health disorder, presents a

substantial likelihood of repeating similar acts.

(a) In any proceeding pursuant to this subsection it shall not be necessary to show intent, willfulness, or state of mind as an element of the crime;

(b) For any person subject to commitment under this subsection where the charge underlying the finding of incompetence is for a felony classified as violent under RCW 9.94A.030, the court shall determine whether the acts the person committed constitute a violent offense under RCW 9.94A.030; or

(4) Such person is gravely disabled(~~+~~
~~or~~

~~(5) Such person is in need of assisted outpatient behavioral health treatment)).~~

Sec. 16. RCW 71.05.290 and 2020 c 302 s 42 are each amended to read as follows:

(1) At any time during a person's (~~fourteen~~) 14-day intensive treatment period, the professional person in charge of a treatment facility or his or her professional designee or the designated crisis responder may petition the superior court for an order requiring such person to undergo an additional period of treatment. Such petition must be based on one or more of the grounds set forth in RCW 71.05.280.

(2) (a) (i) The petition shall summarize the facts which support the need for further commitment and shall be supported by affidavits based on an examination of the patient and signed by:

(A) One physician, physician assistant, or psychiatric advanced registered nurse practitioner; and

(B) One physician, physician assistant, psychiatric advanced registered nurse practitioner, or mental health professional.

(ii) If the petition is for substance use disorder treatment, the petition may be signed by a substance use disorder professional instead of a mental health professional and by an advanced registered nurse practitioner instead of a psychiatric advanced registered nurse practitioner.

(b) The affidavits shall describe in detail the behavior of the detained person which supports the petition and shall explain what, if any, less restrictive treatments which are

alternatives to detention are available to such person, and shall state the willingness of the affiant to testify to such facts in subsequent judicial proceedings under this chapter. If less restrictive alternative treatment is sought, the petition shall set forth any recommendations for less restrictive alternative treatment services.

(3) If a person has been determined to be incompetent pursuant to RCW 10.77.086(4), then the professional person in charge of the treatment facility or his or her professional designee or the designated crisis responder may directly file a petition for (~~one hundred eighty-day~~) 180-day treatment under RCW 71.05.280(3), or for (~~ninety-day~~) 90-day treatment under RCW 71.05.280 (1), (2), or (4) (~~or~~ ~~(5)~~). No petition for initial detention or (~~fourteen~~) 14-day detention is required before such a petition may be filed.

Sec. 17. RCW 71.05.320 and 2021 c 264 s 10 and 2021 c 263 s 2 are each reenacted and amended to read as follows:

(1) (a) Subject to (b) of this subsection, if the court or jury finds that grounds set forth in RCW 71.05.280 have been proven and that the best interests of the person or others will not be served by a less restrictive treatment which is an alternative to detention, the court shall remand him or her to the custody of the department of social and health services or to a facility certified for ninety day treatment by the department for a further period of intensive treatment not to exceed ninety days from the date of judgment.

(b) If the order for inpatient treatment is based on a substance use disorder, treatment must take place at an approved substance use disorder treatment program. The court may only enter an order for commitment based on a substance use disorder if there is an available approved substance use disorder treatment program with adequate space for the person.

(c) If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment to the custody of the department of social and health services or to a facility certified for (~~one hundred eighty-day~~) 180-day

treatment by the department or under RCW 71.05.745.

(2) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven, but finds that treatment less restrictive than detention will be in the best interest of the person or others, then the court shall remand him or her to the custody of the department of social and health services or to a facility certified for ninety day treatment by the department or to a less restrictive alternative for a further period of less restrictive treatment not to exceed ~~((ninety))~~ 90 days from the date of judgment. If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed ~~((one hundred eighty))~~ 180 days from the date of judgment. If the court has made an affirmative special finding under RCW 71.05.280(3)(b), the court shall appoint a multidisciplinary transition team as provided in subsection (6)(a)(i) of this section. ~~((If the court or jury finds that the grounds set forth in RCW 71.05.280(5) have been proven, and provide the only basis for commitment, the court must enter an order for less restrictive alternative treatment for up to ninety days from the date of judgment and may not order inpatient treatment.))~~

(3) An order for less restrictive alternative treatment entered under subsection (2) of this section must name the behavioral health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the services planned by the behavioral health service provider.

(4) The person shall be released from involuntary treatment at the expiration of the period of commitment imposed under subsection (1) or (2) of this section unless the superintendent or professional person in charge of the facility in which he or she is confined, or in the event of a less restrictive alternative, the designated crisis responder, files a new petition for involuntary treatment on the grounds that the committed person:

(a) During the current period of court ordered treatment: (i) Has threatened, attempted, or inflicted physical harm upon the person of another, or substantial damage upon the property of another, and (ii) as a result of a

behavioral health disorder or developmental disability presents a likelihood of serious harm; or

(b) Was taken into custody as a result of conduct in which he or she attempted or inflicted serious physical harm upon the person of another, and continues to present, as a result of a behavioral health disorder or developmental disability, a likelihood of serious harm; or

(c) (i) Is in custody pursuant to RCW 71.05.280(3) and as a result of a behavioral health disorder or developmental disability continues to present a substantial likelihood of repeating acts similar to the charged criminal behavior, when considering the person's life history, progress in treatment, and the public safety.

(ii) In cases under this subsection where the court has made an affirmative special finding under RCW 71.05.280(3)(b), the commitment shall continue for up to an additional one hundred eighty-day period whenever the petition presents prima facie evidence that the person continues to suffer from a behavioral health disorder or developmental disability that results in a substantial likelihood of committing acts similar to the charged criminal behavior, unless the person presents proof through an admissible expert opinion that the person's condition has so changed such that the behavioral health disorder or developmental disability no longer presents a substantial likelihood of the person committing acts similar to the charged criminal behavior. The initial or additional commitment period may include transfer to a specialized program of intensive support and treatment, which may be initiated prior to or after discharge from the state hospital; or

(d) Continues to be gravely disabled(~~(~~r~~-or~~

~~(e) Is in need of assisted outpatient behavioral health treatment)).~~

If the conduct required to be proven in (b) and (c) of this subsection was found by a judge or jury in a prior trial under this chapter, it shall not be necessary to prove such conduct again.

If less restrictive alternative treatment is sought, the petition shall set forth any recommendations for less

restrictive alternative treatment services.

(5) A new petition for involuntary treatment filed under subsection (4) of this section shall be filed and heard in the superior court of the county of the facility which is filing the new petition for involuntary treatment unless good cause is shown for a change of venue. The cost of the proceedings shall be borne by the state.

(6)(a) The hearing shall be held as provided in RCW 71.05.310, and if the court or jury finds that the grounds for additional confinement as set forth in this section are present, subject to subsection (1)(b) of this section, the court may order the committed person returned for an additional period of treatment not to exceed (~~one hundred eighty~~) 180 days from the date of judgment, except as provided in subsection (7) of this section. (~~If the court's order is based solely on the grounds identified in subsection (4)(c) of this section, the court may enter an order for less restrictive alternative treatment not to exceed one hundred eighty days from the date of judgment, and may not enter an order for inpatient treatment.~~) An order for less restrictive alternative treatment must name the behavioral health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the services planned by the behavioral health service provider.

(i) In cases where the court has ordered less restrictive alternative treatment and has previously made an affirmative special finding under RCW 71.05.280(3)(b), the court shall appoint a multidisciplinary transition team to supervise and assist the person on the order for less restrictive treatment, which shall include a representative of the community behavioral health agency providing treatment under RCW 71.05.585, and a specially trained supervising community corrections officer. The court may omit the appointment of a community corrections officer if it makes a special finding that the appointment of a community corrections officer would not facilitate the success of the person, or the safety of the person and the community under (a)(ii) of this subsection.

(ii) The role of the transition team shall be to facilitate the success of the person on the less restrictive alternative order by monitoring the person's progress in treatment, compliance with court-ordered conditions, and to problem solve around extra support the person may need or circumstances which may arise that threaten the safety of the person or the community. The transition team may develop a monitoring plan which may be carried out by any member of the team. The transition team shall meet according to a schedule developed by the team, and shall communicate as needed if issues arise that require the immediate attention of the team.

(iii) The department of corrections shall collaborate with the department to develop specialized training for community corrections officers under this section. The lack of a trained community corrections officer must not be the cause of delay to entry of a less restrictive alternative order.

(b) At the end of the (~~one hundred eighty-day~~) 180-day period of commitment, or one-year period of commitment if subsection (7) of this section applies, the committed person shall be released unless a petition for an additional (~~one hundred eighty-day~~) 180-day period of continued treatment is filed and heard in the same manner as provided in this section. Successive (~~one hundred eighty-day~~) 180-day commitments are permissible on the same grounds and pursuant to the same procedures as the original (~~one hundred eighty-day~~) 180-day commitment.

(7) An order for less restrictive treatment entered under subsection (6) of this section may be for up to one year when the person's previous commitment term was for intensive inpatient treatment in a state hospital.

(8) No person committed (~~as provided in~~) under this section may be detained unless a valid order of commitment is in effect. No order of commitment (~~can~~) under this section may exceed (~~one hundred eighty~~) 180 days in length except as provided in subsection (7) of this section.

(9) Nothing in this section precludes the court from subsequently modifying the terms of an order for less restrictive alternative treatment under RCW 71.05.590(3).

Sec. 18. RCW 71.05.320 and 2021 c 264 s 11 and 2021 c 263 s 3 are each reenacted and amended to read as follows:

(1) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven and that the best interests of the person or others will not be served by a less restrictive treatment which is an alternative to detention, the court shall remand him or her to the custody of the department of social and health services or to a facility certified for ninety day treatment by the department for a further period of intensive treatment not to exceed ninety days from the date of judgment.

If the order for inpatient treatment is based on a substance use disorder, treatment must take place at an approved substance use disorder treatment program. If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment to the custody of the department of social and health services or to a facility certified for ~~((one hundred eighty day))~~ 180-day treatment by the department or under RCW 71.05.745.

(2) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven, but finds that treatment less restrictive than detention will be in the best interest of the person or others, then the court shall remand him or her to the custody of the department of social and health services or to a facility certified for ninety day treatment by the department or to a less restrictive alternative for a further period of less restrictive treatment not to exceed ~~((ninety))~~ 90 days from the date of judgment. If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed ~~((one hundred eighty))~~ 180 days from the date of judgment. If the court has made an affirmative special finding under RCW 71.05.280(3)(b), the court shall appoint a multidisciplinary transition team as provided in subsection (6)(a)(i) of this section. ~~((If the court or jury finds that the grounds set forth in RCW 71.05.280(5) have been proven, and provide the only basis for commitment, the court must enter an order for less restrictive alternative treatment for up to ninety days from the date of judgment and may not order inpatient treatment.))~~

(3) An order for less restrictive alternative treatment entered under subsection (2) of this section must name the behavioral health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the services planned by the behavioral health service provider.

(4) The person shall be released from involuntary treatment at the expiration of the period of commitment imposed under subsection (1) or (2) of this section unless the superintendent or professional person in charge of the facility in which he or she is confined, or in the event of a less restrictive alternative, the designated crisis responder, files a new petition for involuntary treatment on the grounds that the committed person:

(a) During the current period of court ordered treatment: (i) Has threatened, attempted, or inflicted physical harm upon the person of another, or substantial damage upon the property of another, and (ii) as a result of a behavioral health disorder or developmental disability presents a likelihood of serious harm; or

(b) Was taken into custody as a result of conduct in which he or she attempted or inflicted serious physical harm upon the person of another, and continues to present, as a result of a behavioral health disorder or developmental disability, a likelihood of serious harm; or

(c)(i) Is in custody pursuant to RCW 71.05.280(3) and as a result of a behavioral health disorder or developmental disability continues to present a substantial likelihood of repeating acts similar to the charged criminal behavior, when considering the person's life history, progress in treatment, and the public safety.

(ii) In cases under this subsection where the court has made an affirmative special finding under RCW 71.05.280(3)(b), the commitment shall continue for up to an additional one hundred eighty-day period whenever the petition presents prima facie evidence that the person continues to suffer from a behavioral health disorder or developmental disability that results in a substantial likelihood of committing acts similar to the charged criminal

behavior, unless the person presents proof through an admissible expert opinion that the person's condition has so changed such that the behavioral health disorder or developmental disability no longer presents a substantial likelihood of the person committing acts similar to the charged criminal behavior. The initial or additional commitment period may include transfer to a specialized program of intensive support and treatment, which may be initiated prior to or after discharge from the state hospital; or

(d) Continues to be gravely disabled(~~(+ or~~

~~(c) Is in need of assisted outpatient behavioral health treatment)).~~

If the conduct required to be proven in (b) and (c) of this subsection was found by a judge or jury in a prior trial under this chapter, it shall not be necessary to prove such conduct again.

If less restrictive alternative treatment is sought, the petition shall set forth any recommendations for less restrictive alternative treatment services.

(5) A new petition for involuntary treatment filed under subsection (4) of this section shall be filed and heard in the superior court of the county of the facility which is filing the new petition for involuntary treatment unless good cause is shown for a change of venue. The cost of the proceedings shall be borne by the state.

(6) (a) The hearing shall be held as provided in RCW 71.05.310, and if the court or jury finds that the grounds for additional confinement as set forth in this section are present, the court may order the committed person returned for an additional period of treatment not to exceed ~~((one hundred eighty))~~ 180 days from the date of judgment, except as provided in subsection (7) of this section. ~~((If the court's order is based solely on the grounds identified in subsection (4)(c) of this section, the court may enter an order for less restrictive alternative treatment not to exceed one hundred eighty days from the date of judgment, and may not enter an order for inpatient treatment.))~~ An order for less restrictive alternative treatment must name the behavioral health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585,

and must include a requirement that the person cooperate with the services planned by the behavioral health service provider.

(i) In cases where the court has ordered less restrictive alternative treatment and has previously made an affirmative special finding under RCW 71.05.280(3)(b), the court shall appoint a multidisciplinary transition team to supervise and assist the person on the order for less restrictive treatment, which shall include a representative of the community behavioral health agency providing treatment under RCW 71.05.585, and a specially trained supervising community corrections officer. The court may omit the appointment of a community corrections officer if it makes a special finding that the appointment of a community corrections officer would not facilitate the success of the person, or the safety of the person and the community under (a)(ii) of this subsection.

(ii) The role of the transition team shall be to facilitate the success of the person on the less restrictive alternative order by monitoring the person's progress in treatment, compliance with court-ordered conditions, and to problem solve around extra support the person may need or circumstances which may arise that threaten the safety of the person or the community. The transition team may develop a monitoring plan which may be carried out by any member of the team. The transition team shall meet according to a schedule developed by the team, and shall communicate as needed if issues arise that require the immediate attention of the team.

(iii) The department of corrections shall collaborate with the department to develop specialized training for community corrections officers under this section. The lack of a trained community corrections officer must not be the cause of delay to entry of a less restrictive alternative order.

(b) At the end of the ~~((one hundred eighty-day))~~ 180-day period of commitment, or one-year period of commitment if subsection (7) of this section applies, the committed person shall be released unless a petition for an additional ~~((one hundred eighty-day))~~ 180-day period of continued treatment is filed and heard in the same manner as provided in this section. Successive

~~((one hundred eighty day))~~ 180-day commitments are permissible on the same grounds and pursuant to the same procedures as the original ~~((one hundred eighty day))~~ 180-day commitment.

(7) An order for less restrictive treatment entered under subsection (6) of this section may be for up to one year when the person's previous commitment term was for intensive inpatient treatment in a state hospital.

(8) No person committed ~~((as provided in))~~ under this section may be detained unless a valid order of commitment is in effect. No order of commitment ~~((can))~~ under this section may exceed ~~((one hundred eighty))~~ 180 days in length except as provided in subsection (7) of this section.

(9) Nothing in this section precludes the court from subsequently modifying the terms of an order for less restrictive alternative treatment under RCW 71.05.590(3).

Sec. 19. RCW 71.05.365 and 2019 c 325 s 3008 are each amended to read as follows:

When a person has been involuntarily committed for treatment to a hospital for a period of ~~((ninety))~~ 90 or ~~((one hundred eighty))~~ 180 days, and the superintendent or professional person in charge of the hospital determines that the person no longer requires active psychiatric treatment at an inpatient level of care, the behavioral health administrative services organization, managed care organization, or agency providing oversight of long-term care or developmental disability services that is responsible for resource management services for the person must work with the hospital to develop an individualized discharge plan, including whether a petition should be filed for less restrictive alternative treatment on the basis that the person is in need of assisted outpatient treatment, and arrange for a transition to the community in accordance with the person's individualized discharge plan within ~~((fourteen))~~ 14 days of the determination.

Sec. 20. RCW 71.05.585 and 2021 c 264 s 13 are each amended to read as follows:

(1) Less restrictive alternative treatment, at a minimum, includes the following services:

- (a) Assignment of a care coordinator;
- (b) An intake evaluation with the provider of the less restrictive alternative treatment;
- (c) A psychiatric evaluation, a substance use disorder evaluation, or both;
- (d) A schedule of regular contacts with the provider of the treatment services for the duration of the order;
- (e) A transition plan addressing access to continued services at the expiration of the order;
- (f) An individual crisis plan;
- (g) Consultation about the formation of a mental health advance directive under chapter 71.32 RCW; and

(h) Notification to the care coordinator assigned in (a) of this subsection if reasonable efforts to engage the client fail to produce substantial compliance with court-ordered treatment conditions.

(2) Less restrictive alternative treatment may additionally include requirements to participate in the following services:

- (a) Medication management;
- (b) Psychotherapy;
- (c) Nursing;
- (d) Substance use disorder counseling;
- (e) Residential treatment;
- (f) Partial hospitalization;
- (g) Intensive outpatient treatment;
- (h) Support for housing, benefits, education, and employment; and
- ~~((g))~~ (i) Periodic court review.

(3) If the person was provided with involuntary medication under RCW 71.05.215 or pursuant to a judicial order during the involuntary commitment period, the less restrictive alternative treatment order may authorize the less restrictive alternative treatment provider or its designee to administer involuntary antipsychotic medication to the person if the provider has attempted and failed to obtain the informed consent of the person and there is a concurring medical opinion approving the medication by a psychiatrist, physician assistant working with a supervising psychiatrist,

psychiatric advanced registered nurse practitioner, or physician or physician assistant in consultation with an independent mental health professional with prescribing authority.

(4) Less restrictive alternative treatment must be administered by a provider that is certified or licensed to provide or coordinate the full scope of services required under the less restrictive alternative order and that has agreed to assume this responsibility.

(5) The care coordinator assigned to a person ordered to less restrictive alternative treatment must submit an individualized plan for the person's treatment services to the court that entered the order. An initial plan must be submitted as soon as possible following the intake evaluation and a revised plan must be submitted upon any subsequent modification in which a type of service is removed from or added to the treatment plan.

(6) A care coordinator may disclose information and records related to mental health services pursuant to RCW 70.02.230(2)(k) for purposes of implementing less restrictive alternative treatment.

(7) For the purpose of this section, "care coordinator" means a clinical practitioner who coordinates the activities of less restrictive alternative treatment. The care coordinator coordinates activities with the designated crisis responders that are necessary for enforcement and continuation of less restrictive alternative orders and is responsible for coordinating service activities with other agencies and establishing and maintaining a therapeutic relationship with the individual on a continuing basis.

Sec. 21. RCW 71.34.755 and 2021 c 287 s 21 and 2021 c 264 s 16 are each reenacted and amended to read as follows:

(1) Less restrictive alternative treatment, at a minimum, must include the following services:

- (a) Assignment of a care coordinator;
- (b) An intake evaluation with the provider of the less restrictive alternative treatment;
- (c) A psychiatric evaluation, a substance use disorder evaluation, or both;

(d) A schedule of regular contacts with the provider of the less restrictive alternative treatment services for the duration of the order;

(e) A transition plan addressing access to continued services at the expiration of the order;

(f) An individual crisis plan;

(g) Consultation about the formation of a mental health advance directive under chapter 71.32 RCW; and

(h) Notification to the care coordinator assigned in (a) of this subsection if reasonable efforts to engage the client fail to produce substantial compliance with court-ordered treatment conditions.

(2) Less restrictive alternative treatment may include the following additional services:

(a) Medication management;

(b) Psychotherapy;

(c) Nursing;

(d) Substance use disorder counseling;

(e) Residential treatment;

(f) Partial hospitalization;

(g) Intensive outpatient treatment;

(h) Support for housing, benefits, education, and employment; and

~~((g))~~ (i) Periodic court review.

(3) If the minor was provided with involuntary medication during the involuntary commitment period, the less restrictive alternative treatment order may authorize the less restrictive alternative treatment provider or its designee to administer involuntary antipsychotic medication to the person if the provider has attempted and failed to obtain the informed consent of the person and there is a concurring medical opinion approving the medication by a psychiatrist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, or physician or physician assistant in consultation with an independent mental health professional with prescribing authority.

(4) Less restrictive alternative treatment must be administered by a provider that is certified or licensed to provide or coordinate the full scope of services required under the less

restrictive alternative order and that has agreed to assume this responsibility.

(5) The care coordinator assigned to a minor ordered to less restrictive alternative treatment must submit an individualized plan for the minor's treatment services to the court that entered the order. An initial plan must be submitted as soon as possible following the intake evaluation and a revised plan must be submitted upon any subsequent modification in which a type of service is removed from or added to the treatment plan.

(6) A care coordinator may disclose information and records related to mental health services pursuant to RCW 70.02.230(2)(k) for purposes of implementing less restrictive alternative treatment.

(7) For the purpose of this section, "care coordinator" means a clinical practitioner who coordinates the activities of less restrictive alternative treatment. The care coordinator coordinates activities with the designated crisis responders that are necessary for enforcement and continuation of less restrictive alternative treatment orders and is responsible for coordinating service activities with other agencies and establishing and maintaining a therapeutic relationship with the individual on a continuing basis.

Sec. 22. RCW 10.77.175 and 2021 c 263 s 4 are each amended to read as follows:

(1) Conditional release planning should start at admission and proceed in coordination between the department and the person's managed care organization, or behavioral health administrative services organization if the person is not eligible for medical assistance under chapter 74.09 RCW. If needed, the department shall assist the person to enroll in medical assistance in suspense status under RCW 74.09.670. The state hospital liaison for the managed care organization or behavioral health administrative services organization shall facilitate conditional release planning in collaboration with the department.

(2) Less restrictive alternative treatment pursuant to a conditional release order, at a minimum, includes the following services:

(a) Assignment of a care coordinator;

(b) An intake evaluation with the provider of the conditional treatment;

(c) A psychiatric evaluation or a substance use disorder evaluation, or both;

(d) A schedule of regular contacts with the provider of the less restrictive alternative treatment services for the duration of the order;

(e) A transition plan addressing access to continued services at the expiration of the order;

(f) An individual crisis plan;

(g) Consultation about the formation of a mental health advance directive under chapter 71.32 RCW; ~~((and))~~

(h) Appointment of a transition team under RCW 10.77.150; ~~((and))~~ and

(i) Notification to the care coordinator assigned in (a) of this subsection and to the transition team as provided in RCW 10.77.150 if reasonable efforts to engage the client fail to produce substantial compliance with court-ordered treatment conditions.

(3) Less restrictive alternative treatment pursuant to a conditional release order may additionally include requirements to participate in the following services:

(a) Medication management;

(b) Psychotherapy;

(c) Nursing;

(d) Substance use disorder counseling;

(e) Residential treatment;

(f) Partial hospitalization;

(g) Intensive outpatient treatment;

(h) Support for housing, benefits, education, and employment; and

~~((g))~~ (i) Periodic court review.

(4) Nothing in this section prohibits items in subsection (2) of this section from beginning before the conditional release of the individual.

(5) If the person was provided with involuntary medication under RCW 10.77.094 or pursuant to a judicial order during the involuntary commitment period, the less restrictive alternative treatment pursuant to the conditional release order may authorize the less restrictive alternative treatment

provider or its designee to administer involuntary antipsychotic medication to the person if the provider has attempted and failed to obtain the informed consent of the person and there is a concurring medical opinion approving the medication by a psychiatrist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, or physician or physician assistant in consultation with an independent mental health professional with prescribing authority.

(6) Less restrictive alternative treatment pursuant to a conditional release order must be administered by a provider that is certified or licensed to provide or coordinate the full scope of services required under the less restrictive alternative order and that has agreed to assume this responsibility.

(7) The care coordinator assigned to a person ordered to less restrictive alternative treatment pursuant to a conditional release order must submit an individualized plan for the person's treatment services to the court that entered the order. An initial plan must be submitted as soon as possible following the intake evaluation and a revised plan must be submitted upon any subsequent modification in which a type of service is removed from or added to the treatment plan.

(8) A care coordinator may disclose information and records related to mental health treatment under RCW 70.02.230(2)(k) for purposes of implementing less restrictive alternative treatment pursuant to a conditional release order.

(9) For the purpose of this section, "care coordinator" means a representative from the department of social and health services who coordinates the activities of less restrictive alternative treatment pursuant to a conditional release order. The care coordinator coordinates activities with the person's transition team that are necessary for enforcement and continuation of the conditional release order and is responsible for coordinating service activities with other agencies and establishing and maintaining a therapeutic relationship with the individual on a continuing basis.

Sec. 23. RCW 71.05.590 and 2021 c 264 s 14 are each amended to read as follows:

(1) Either an agency or facility designated to monitor or provide services under a less restrictive alternative order or conditional release, or a designated crisis responder, may take action to enforce, modify, or revoke a less restrictive alternative treatment order or conditional release order. The agency, facility, or designated crisis responder must determine that:

(a) The person is failing to adhere to the terms and conditions of the ~~((court))~~ order;

(b) Substantial deterioration in the person's functioning has occurred;

(c) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further evaluation, intervention, or treatment; or

(d) The person poses a likelihood of serious harm.

(2) Actions taken under this section must include a flexible range of responses of varying levels of intensity appropriate to the circumstances and consistent with the interests of the individual and the public in personal autonomy, safety, recovery, and compliance. Available actions may include, but are not limited to, any of the following:

(a) To counsel or advise the person as to their rights and responsibilities under the court order, and to offer ~~((appropriate))~~ incentives to motivate compliance;

(b) To increase the intensity of outpatient services provided to the person by increasing the frequency of contacts with the provider, referring the person for an assessment for assertive community services, or by other means;

(c) To request a court hearing for review and modification of the court order. The request must be ~~((made to or by))~~ directed to the court with jurisdiction over the order and specify the circumstances that give rise to the request and what modification is being sought. The county prosecutor shall assist the ~~((agency or facility in))~~ entity requesting ~~((this))~~ the hearing and ~~((issuing))~~ issue an appropriate summons to the person. This subsection does not limit the inherent authority of a treatment provider to alter conditions of treatment for clinical reasons, and is

intended to be used only when court intervention is necessary or advisable to secure the person's compliance and prevent decompensation or deterioration;

(d) To ~~((cause))~~ detain the person ~~((to be transported by a peace officer, designated crisis responder, or other means to the))~~ for up to 12 hours for evaluation at an agency ~~((or)),~~ facility ~~((monitoring or))~~ providing services under the court order, ~~((or to a))~~ triage facility, crisis stabilization unit, emergency department, evaluation and treatment facility, secure withdrawal management and stabilization facility with available space, or an approved substance use disorder treatment program with available space. The ~~((person may be detained at the facility for up to twelve hours for the))~~ purpose of ~~((an))~~ the evaluation is to determine whether modification, revocation, or commitment proceedings are necessary and appropriate to stabilize the person and prevent decompensation, deterioration, or physical harm. Temporary detention for evaluation under this subsection is intended to occur only following a pattern of noncompliance or the failure of reasonable attempts at outreach and engagement, and may occur only when ~~((in the)),~~ based on clinical judgment ~~((of a designated crisis responder or the professional person in charge of an agency or facility designated to monitor less restrictive alternative services)),~~ temporary detention is appropriate. The agency, facility, or designated crisis responder may request assistance from a peace officer for the purposes of temporary detention under this subsection (2)(d). This subsection does not limit the ability or obligation of the agency, facility, or designated crisis responder to pursue revocation procedures under subsection (5) of this section in appropriate circumstances; and

(e) To initiate revocation procedures under subsection (5) of this section ~~((or, if the current commitment is solely based on the person being in need of assisted outpatient behavioral health treatment as defined in RCW 71.05.020, initiate initial inpatient detention procedures under subsection (7) of this section)).~~

(3) A court may supervise a person on an order for less restrictive alternative treatment or a conditional release. While

the person is under the order, the court may:

(a) Require appearance in court for periodic reviews; and

(b) Modify the order after considering input from the agency or facility designated to provide or facilitate services. The court may not remand the person into inpatient treatment except as provided under subsection (5) of this section, but may take actions under subsection (2)(a) through (d) of this section.

(4) The facility or agency designated to provide outpatient treatment shall notify the secretary of the department of social and health services or designated crisis responder when a person fails to adhere to terms and conditions of court ordered treatment or experiences substantial deterioration in his or her condition and, as a result, presents an increased likelihood of serious harm.

(5) (a) ~~((Except as provided in subsection (7) of this section, a))~~ A designated crisis responder or the secretary of the department of social and health services may, upon their own motion or ~~((notification by))~~ upon request of the facility or agency designated to provide outpatient care ~~((order)),~~ cause a person ~~((subject to a court order under this chapter))~~ to be ~~((apprehended and taken into custody and temporary detention))~~ detained in an evaluation and treatment facility, ~~((an))~~ available secure withdrawal management and stabilization facility with adequate space, or ~~((an))~~ available approved substance use disorder treatment program with adequate space~~((r))~~ in or near the county in which he or she is receiving outpatient treatment~~((Proceedings under this subsection (5) may be initiated without ordering the apprehension and))~~ for the purpose of a hearing for revocation of a less restrictive alternative treatment order or conditional release order under this chapter. The designated crisis responder or secretary of the department of social and health services shall file a petition for revocation within 24 hours and serve the person, their guardian, if any, and their attorney. A hearing for revocation of a less restrictive alternative treatment order or conditional release order may be scheduled without detention of the person.

(b) ~~((Except as provided in subsection (7) of this section, a))~~ A person detained under this subsection (5) must be held until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the ~~((person should be returned to the hospital or facility from which he or she had been released))~~ order for less restrictive alternative treatment or conditional release should be revoked, modified, or retained. If the person is not detained, the hearing must be scheduled within five days of service on the person. The designated crisis responder or the secretary of the department of social and health services may ~~((modify or rescind the order at any time prior to commencement of))~~ withdraw its petition for revocation at any time before the court hearing.

(c) ~~((The designated crisis responder or secretary of the department of social and health services shall file a revocation petition and order of apprehension and detention with the court of the county where the person is currently located or being detained. The designated crisis responder shall serve the person and their attorney, guardian, and conservator, if any. The))~~ A person detained under this subsection (5) has the same rights with respect to notice, hearing, and counsel as in any involuntary treatment proceeding, except as specifically set forth in this section. There is no right to jury trial. The venue for proceedings is the county where the petition is filed. Notice of the filing must be provided to the court that originally ordered commitment, if different from the court where the petition for revocation is filed, within two judicial days of the person's detention.

(d) ~~((Except as provided in subsection (7) of this section, the))~~ The issues for the court to determine are whether: (i) The person adhered to the terms and conditions of the ~~((court))~~ order; (ii) substantial deterioration in the person's functioning has occurred; (iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm; and, if any of the above conditions apply, whether it is appropriate for the court ~~((should))~~ to reinstate or modify the person's less restrictive alternative treatment order

or conditional release order or order the person's detention for inpatient treatment. The person may waive the court hearing and allow the court to enter a stipulated order upon the agreement of all parties. If the court orders detention for inpatient treatment, the treatment period must be for ~~((fourteen))~~ 14 days from the revocation hearing if the ~~((outpatient))~~ less restrictive alternative treatment order or conditional release order was based on a petition under RCW 71.05.148, 71.05.160, or 71.05.230. If the court orders detention for inpatient treatment and the ~~((outpatient))~~ less restrictive alternative treatment order or conditional release order was based on a petition under RCW 71.05.290 or 71.05.320, the number of days remaining on the ~~((outpatient))~~ order must be converted to days of inpatient treatment ~~((authorized in the original court order)).~~ A court may not ~~((issue an order to))~~ detain a person for inpatient treatment ~~((in))~~ to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program under this subsection unless there is a ~~((secure withdrawal management and stabilization))~~ facility or ~~((approved substance use disorder treatment))~~ program available ~~((and))~~ with adequate space for the person.

(6) In determining whether or not to take action under this section the designated crisis responder, agency, or facility must consider the factors specified under RCW 71.05.212 and the court must consider the factors specified under RCW 71.05.245 as they apply to the question of whether to enforce, modify, or revoke a court order for involuntary treatment.

~~((7) (a) If the current commitment is solely based on the person being in need of assisted outpatient behavioral health treatment as defined in RCW 71.05.020, a designated crisis responder may initiate inpatient detention procedures under RCW 71.05.150 or 71.05.153 when appropriate. A designated crisis responder or the secretary may, upon their own motion or notification by the facility or agency designated to provide outpatient care to a person subject to a less restrictive alternative treatment order under RCW 71.05.320 subsequent to an order for assisted outpatient behavioral health treatment entered under RCW 71.05.148, order the person to be apprehended and taken into custody and temporary~~

~~detention for inpatient evaluation in an evaluation and treatment facility, secure withdrawal management and stabilization facility, or in an approved substance use disorder treatment program, in or near the county in which he or she is receiving outpatient treatment. Proceedings under this subsection may be initiated without ordering the apprehension and detention of the person.~~

~~(b) A person detained under this subsection may be held for evaluation for up to one hundred twenty hours, excluding weekends and holidays, pending a court hearing. If the person is not detained, the hearing must be scheduled within one hundred twenty hours of service on the person. The designated crisis responder or the secretary may modify or rescind the order at any time prior to commencement of the court hearing.~~

~~(c) The issues for the court to determine are whether to continue the detention of the person for inpatient treatment or whether the court should reinstate or modify the person's less restrictive alternative order or order the person's detention for inpatient treatment. To continue detention after the one hundred twenty hour period, the court must find that the person, as a result of a behavioral health disorder, presents a likelihood of serious harm or is gravely disabled and, after considering less restrictive alternatives to involuntary detention and treatment, that no such alternatives are in the best interest of the person or others.~~

~~(d) A court may not issue an order to detain a person for inpatient treatment in a secure withdrawal management and stabilization facility or approved substance use disorder program under this subsection unless there is a secure withdrawal management and stabilization facility or approved substance use disorder treatment program available and with adequate space for the person.)~~

Sec. 24. RCW 71.05.590 and 2021 c 264 s 15 are each amended to read as follows:

(1) Either an agency or facility designated to monitor or provide services under a less restrictive alternative order or conditional release, or a designated crisis responder, may take action to enforce, modify, or revoke a less restrictive alternative treatment order or conditional release order. The

agency, facility, or designated crisis responder must determine that:

(a) The person is failing to adhere to the terms and conditions of the ~~((court))~~ order;

(b) Substantial deterioration in the person's functioning has occurred;

(c) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further evaluation, intervention, or treatment; or

(d) The person poses a likelihood of serious harm.

(2) Actions taken under this section must include a flexible range of responses of varying levels of intensity appropriate to the circumstances and consistent with the interests of the individual and the public in personal autonomy, safety, recovery, and compliance. Available actions may include, but are not limited to, any of the following:

(a) To counsel or advise the person as to their rights and responsibilities under the court order, and to offer ~~((appropriate))~~ incentives to motivate compliance;

(b) To increase the intensity of outpatient services provided to the person by increasing the frequency of contacts with the provider, referring the person for an assessment for assertive community services, or by other means;

(c) To request a court hearing for review and modification of the court order. The request must be ~~((made to or by))~~ directed to the court with jurisdiction over the order and specify the circumstances that give rise to the request and what modification is being sought. The county prosecutor shall assist ~~((the agency or facility in))~~ entity requesting ~~((this))~~ the hearing and ~~((issuing))~~ issue an appropriate summons to the person. This subsection does not limit the inherent authority of a treatment provider to alter conditions of treatment for clinical reasons, and is intended to be used only when court intervention is necessary or advisable to secure the person's compliance and prevent decompensation or deterioration;

(d) To ~~((cause))~~ detain the person ~~((to be transported by a peace officer, designated crisis responder, or other means to the))~~ for up to 12 hours for

evaluation at an agency ((or)), facility ((monitoring or)) providing services under the court order, ((or to a)) triage facility, crisis stabilization unit, emergency department, evaluation and treatment facility, secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program. The ((person may be detained at the facility for up to twelve hours for the)) purpose of ((an)) the evaluation is to determine whether modification, revocation, or commitment proceedings are necessary and appropriate to stabilize the person and prevent decompensation, deterioration, or physical harm. Temporary detention for evaluation under this subsection is intended to occur only following a pattern of noncompliance or the failure of reasonable attempts at outreach and engagement, and may occur only when ((in the)), based on clinical judgment ((of a designated crisis responder or the professional person in charge of an agency or facility designated to monitor less restrictive alternative services)), temporary detention is appropriate. The agency, facility, or designated crisis responder may request assistance from a peace officer for the purposes of temporary detention under this subsection (2)(d). This subsection does not limit the ability or obligation of the agency, facility, or designated crisis responder to pursue revocation procedures under subsection (5) of this section in appropriate circumstances; and

(e) To initiate revocation procedures under subsection (5) of this section ~~((or, if the current commitment is solely based on the person being in need of assisted outpatient behavioral health treatment as defined in RCW 71.05.020, initial inpatient detention procedures under subsection (7) of this section)).~~

(3) A court may supervise a person on an order for less restrictive alternative treatment or a conditional release. While the person is under the order, the court may:

(a) Require appearance in court for periodic reviews; and

(b) Modify the order after considering input from the agency or facility designated to provide or facilitate services. The court may not remand the person into inpatient treatment except as provided under subsection (5) of this section, but may take actions under

subsection (2)(a) through (d) of this section.

(4) The facility or agency designated to provide outpatient treatment shall notify the secretary of the department of social and health services or designated crisis responder when a person fails to adhere to terms and conditions of court ordered treatment or experiences substantial deterioration in his or her condition and, as a result, presents an increased likelihood of serious harm.

(5) (a) ~~((Except as provided in subsection (7) of this section, a))~~ A designated crisis responder or the secretary of the department of social and health services may, upon their own motion or ((notification by)) upon request of the facility or agency designated to provide outpatient care ((order)), cause a person ((subject to a court order under this chapter)) to be ((apprehended and taken into custody and temporary detention)) detained in an evaluation and treatment facility, ((in a)) secure withdrawal management and stabilization facility, or ((in an)) approved substance use disorder treatment program((r)) in or near the county in which he or she is receiving outpatient treatment~~((Proceedings under this subsection (5) may be initiated without ordering the apprehension and))~~ for the purpose of a hearing for revocation of a less restrictive alternative treatment order or conditional release order under this chapter. The designated crisis responder or secretary of the department of social and health services shall file a petition for revocation within 24 hours and serve the person, their guardian, if any, and their attorney. A hearing for revocation of a less restrictive alternative treatment order or conditional release order may be scheduled without detention of the person.

(b) ~~((Except as provided in subsection (7) of this section, a))~~ A person detained under this subsection (5) must be held until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the ((person should be returned to the hospital or facility from which he or she had been released)) order for less restrictive alternative treatment or conditional release should be revoked, modified, or retained. If the person is not detained, the hearing must be scheduled within five days of service on the person. The

designated crisis responder or the secretary of the department of social and health services may ~~((modify or rescind the order at any time prior to commencement of))~~ withdraw its petition for revocation at any time before the court hearing.

(c) ~~((The designated crisis responder or secretary of the department of social and health services shall file a revocation petition and order of apprehension and detention with the court of the county where the person is currently located or being detained. The designated crisis responder shall serve the person and their attorney, guardian, and conservator, if any. The))~~ A person detained under this subsection (5) has the same rights with respect to notice, hearing, and counsel as in any involuntary treatment proceeding, except as specifically set forth in this section. There is no right to jury trial. The venue for proceedings is the county where the petition is filed. Notice of the filing must be provided to the court that originally ordered commitment, if different from the court where the petition for revocation is filed, within two judicial days of the person's detention.

(d) ~~((Except as provided in subsection (7) of this section, the))~~ The issues for the court to determine are whether: (i) The person adhered to the terms and conditions of the ((court)) order; (ii) substantial deterioration in the person's functioning has occurred; (iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm; and, if any of the above conditions apply, whether it is appropriate for the court ((should)) to reinstate or modify the person's less restrictive alternative treatment order or conditional release order or order the person's detention for inpatient treatment. The person may waive the court hearing and allow the court to enter a stipulated order upon the agreement of all parties. If the court orders detention for inpatient treatment, the treatment period must be for ((fourteen)) 14 days from the revocation hearing if the ((outpatient)) less restrictive alternative treatment order or conditional release order was based on a petition under RCW 71.05.148, 71.05.160, or 71.05.230. If the court orders

detention for inpatient treatment and the ~~((outpatient))~~ less restrictive alternative treatment order or conditional release order was based on a petition under RCW 71.05.290 or 71.05.320, the number of days remaining on the ~~((outpatient))~~ order must be converted to days of inpatient treatment ~~((authorized in the original court order)).~~

(6) In determining whether or not to take action under this section the designated crisis responder, agency, or facility must consider the factors specified under RCW 71.05.212 and the court must consider the factors specified under RCW 71.05.245 as they apply to the question of whether to enforce, modify, or revoke a court order for involuntary treatment.

~~((7) (a) If the current commitment is solely based on the person being in need of assisted outpatient behavioral health treatment as defined in RCW 71.05.020, a designated crisis responder may initiate inpatient detention procedures under RCW 71.05.150 or 71.05.153 when appropriate. A designated crisis responder or the secretary may, upon their own motion or notification by the facility or agency designated to provide outpatient care to a person subject to a less restrictive alternative treatment order under RCW 71.05.320 subsequent to an order for assisted outpatient behavioral health treatment entered under RCW 71.05.148, order the person to be apprehended and taken into custody and temporary detention for inpatient evaluation in an evaluation and treatment facility, in a secure withdrawal management and stabilization facility, or in an approved substance use disorder treatment program, in or near the county in which he or she is receiving outpatient treatment. Proceedings under this subsection may be initiated without ordering the apprehension and detention of the person.~~

~~((b) A person detained under this subsection may be held for evaluation for up to one hundred twenty hours, excluding weekends and holidays, pending a court hearing. The designated crisis responder or the secretary may modify or rescind the order at any time prior to commencement of the court hearing.~~

~~((c) The issues for the court to determine are whether to continue the detention of the person for inpatient treatment or whether the court should~~

~~reinstate or modify the person's less restrictive alternative order or order the person's detention for inpatient treatment. To continue detention after the one hundred twenty hour period, the court must find that the person, as a result of a behavioral health disorder, presents a likelihood of serious harm or is gravely disabled and, after considering less restrictive alternatives to involuntary detention and treatment, that no such alternatives are in the best interest of the person or others.)~~

Sec. 25. RCW 71.05.595 and 2018 c 291 s 16 are each amended to read as follows:

A court order for less restrictive alternative treatment for a person found to be in need of assisted outpatient ((behavioral health)) treatment must be terminated prior to the expiration of the order when, in the opinion of the professional person in charge of the less restrictive alternative treatment provider, (1) the person is prepared to accept voluntary treatment, or (2) the outpatient treatment ordered is no longer necessary to prevent a relapse, decompensation, or deterioration that is likely to result in the person presenting a likelihood of serious harm or the person becoming gravely disabled within a reasonably short period of time.

Sec. 26. RCW 71.24.045 and 2021 c 263 s 17 are each amended to read as follows:

(1) The behavioral health administrative services organization contracted with the authority pursuant to RCW 71.24.381 shall:

(a) Administer crisis services for the assigned regional service area. Such services must include:

(i) A behavioral health crisis hotline for its assigned regional service area;

(ii) Crisis response services twenty-four hours a day, seven days a week, three hundred sixty-five days a year;

(iii) Services related to involuntary commitments under chapters 71.05 and 71.34 RCW;

(iv) Tracking of less restrictive alternative orders issued within the region by superior courts, and providing notification to a managed care organization in the region when one of its enrollees receives a less restrictive alternative order so that the managed care organization may ensure that the

person is connected to services and that the requirements of RCW 71.05.585 are complied with. If the person receives a less restrictive alternative order and is returning to another region, the behavioral health administrative services organization shall notify the behavioral health administrative services organization in the home region of the less restrictive alternative order so that the home behavioral health administrative services organization may notify the person's managed care organization or provide services if the person is not enrolled in medicaid and does not have other insurance which can pay for those services;

(v) Additional noncrisis behavioral health services, within available resources, to individuals who meet certain criteria set by the authority in its contracts with the behavioral health administrative services organization. These services may include services provided through federal grant funds, provisos, and general fund state appropriations;

(vi) Care coordination, diversion services, and discharge planning for nonmedicaid individuals transitioning from state hospitals or inpatient settings to reduce rehospitalization and utilization of crisis services, as required by the authority in contract; and

(vii) Regional coordination, cross-system and cross-jurisdiction coordination with tribal governments, and capacity building efforts, such as supporting the behavioral health advisory board, the behavioral health ombuds, and efforts to support access to services or to improve the behavioral health system;

(b) Administer and provide for the availability of an adequate network of evaluation and treatment services to ensure access to treatment, investigation, transportation, court-related, and other services provided as required under chapter 71.05 RCW;

(c) Coordinate services for individuals under RCW 71.05.365;

(d) Administer and provide for the availability of resource management services, residential services, and community support services as required under its contract with the authority;

(e) Contract with a sufficient number, as determined by the authority, of licensed or certified providers for crisis services and other behavioral health services required by the authority;

(f) Maintain adequate reserves or secure a bond as required by its contract with the authority;

(g) Establish and maintain quality assurance processes;

(h) Meet established limitations on administrative costs for agencies that contract with the behavioral health administrative services organization; and

(i) Maintain patient tracking information as required by the authority.

(2) The behavioral health administrative services organization must collaborate with the authority and its contracted managed care organizations to develop and implement strategies to coordinate care with tribes and community behavioral health providers for individuals with a history of frequent crisis system utilization.

(3) The behavioral health administrative services organization shall:

(a) Assure that the special needs of minorities, older adults, individuals with disabilities, children, and low-income persons are met;

(b) Collaborate with local government entities to ensure that policies do not result in an adverse shift of persons with mental illness into state and local correctional facilities; and

(c) Work with the authority to expedite the enrollment or reenrollment of eligible persons leaving state or local correctional facilities and institutions for mental diseases.

(4) The behavioral health administrative services organization shall employ an assisted outpatient treatment program coordinator to oversee system coordination and legal compliance for assisted outpatient treatment under RCW 71.05.148 and section 4 of this act.

Sec. 27. RCW 71.24.045 and 2021 c 263 s 17 and 2021 c 202 s 15 are each reenacted and amended to read as follows:

(1) The behavioral health administrative services organization

contracted with the authority pursuant to RCW 71.24.381 shall:

(a) Administer crisis services for the assigned regional service area. Such services must include:

(i) A behavioral health crisis hotline for its assigned regional service area;

(ii) Crisis response services twenty-four hours a day, seven days a week, three hundred sixty-five days a year;

(iii) Services related to involuntary commitments under chapters 71.05 and 71.34 RCW;

(iv) Tracking of less restrictive alternative orders issued within the region by superior courts, and providing notification to a managed care organization in the region when one of its enrollees receives a less restrictive alternative order so that the managed care organization may ensure that the person is connected to services and that the requirements of RCW 71.05.585 are complied with. If the person receives a less restrictive alternative order and is returning to another region, the behavioral health administrative services organization shall notify the behavioral health administrative services organization in the home region of the less restrictive alternative order so that the home behavioral health administrative services organization may notify the person's managed care organization or provide services if the person is not enrolled in medicaid and does not have other insurance which can pay for those services;

(v) Additional noncrisis behavioral health services, within available resources, to individuals who meet certain criteria set by the authority in its contracts with the behavioral health administrative services organization. These services may include services provided through federal grant funds, provisos, and general fund state appropriations;

(vi) Care coordination, diversion services, and discharge planning for nonmedicaid individuals transitioning from state hospitals or inpatient settings to reduce rehospitalization and utilization of crisis services, as required by the authority in contract; and

(vii) Regional coordination, cross-system and cross-jurisdiction

coordination with tribal governments, and capacity building efforts, such as supporting the behavioral health advisory board and efforts to support access to services or to improve the behavioral health system;

(b) Administer and provide for the availability of an adequate network of evaluation and treatment services to ensure access to treatment, investigation, transportation, court-related, and other services provided as required under chapter 71.05 RCW;

(c) Coordinate services for individuals under RCW 71.05.365;

(d) Administer and provide for the availability of resource management services, residential services, and community support services as required under its contract with the authority;

(e) Contract with a sufficient number, as determined by the authority, of licensed or certified providers for crisis services and other behavioral health services required by the authority;

(f) Maintain adequate reserves or secure a bond as required by its contract with the authority;

(g) Establish and maintain quality assurance processes;

(h) Meet established limitations on administrative costs for agencies that contract with the behavioral health administrative services organization; and

(i) Maintain patient tracking information as required by the authority.

(2) The behavioral health administrative services organization must collaborate with the authority and its contracted managed care organizations to develop and implement strategies to coordinate care with tribes and community behavioral health providers for individuals with a history of frequent crisis system utilization.

(3) The behavioral health administrative services organization shall:

(a) Assure that the special needs of minorities, older adults, individuals with disabilities, children, and low-income persons are met;

(b) Collaborate with local government entities to ensure that policies do not

result in an adverse shift of persons with mental illness into state and local correctional facilities; and

(c) Work with the authority to expedite the enrollment or reenrollment of eligible persons leaving state or local correctional facilities and institutions for mental diseases.

(4) The behavioral health administrative services organization shall employ an assisted outpatient treatment program coordinator to oversee system coordination and legal compliance for assisted outpatient treatment under RCW 71.05.148 and section 4 of this act.

NEW SECTION. Sec. 28. By December 31, 2022, the administrative office of the courts, in collaboration with stakeholders, shall: (1) Develop a court form or forms for the filing of a petition under RCW 71.05.148 and section 4 of this act; and (2) develop and publish on its website a user's guide to assist litigants in the preparation and filing of a petition under RCW 71.05.148 or section 4 of this act.

Sec. 29. RCW 71.05.740 and 2021 c 263 s 15 are each amended to read as follows:

(1) All behavioral health administrative services organizations in the state of Washington must forward historical behavioral health involuntary commitment information retained by the organization, including identifying information and dates of commitment to the authority. As soon as feasible, the behavioral health administrative services organizations must arrange to report new commitment data to the authority within twenty-four hours. Commitment information under this section does not need to be resent if it is already in the possession of the authority. Behavioral health administrative services organizations and the authority shall be immune from liability related to the sharing of commitment information under this section.

(2) The clerk of the court must share commitment hearing outcomes in all hearings under this chapter with the local behavioral health administrative services organization that serves the region where the superior court is located, including in cases in which the designated crisis responder investigation occurred outside the region. The hearing outcome data must

include the name of the facility to which a person has been committed.

NEW SECTION. **Sec. 30.** Sections 1, 2, and 31 of this act take effect July 1, 2022.

Sec. 31. 2021 c 264 s 24 (uncodified) and 2021 c 263 s 21 (uncodified) are each reenacted and amended to read as follows:

(1) Sections 4 and 28, chapter 302, Laws of 2020, sections 13 and 14, chapter 263, Laws of 2021, ~~((and, until July 1, 2022, section 22, chapter 264, Laws of 2021 and, beginning July 1, 2022,))~~ section 23, chapter 264, Laws of 2021, and sections 2 and 10, chapter ... (this act), Laws of 2022 take effect when monthly single-bed certifications authorized under RCW 71.05.745 fall below 200 reports for 3 consecutive months.

(2) The health care authority must provide written notice of the effective date of sections 4 and 28, chapter 302, Laws of 2020, sections 13 and 14, chapter 263, Laws of 2021, ~~((and sections 22 and))~~ section 23, chapter 264, Laws of 2021, and sections 2 and 10, chapter ... (this act), Laws of 2022 to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the authority.

NEW SECTION. **Sec. 32.** Sections 5, 12, 17, and 23 of this act expire July 1, 2026.

NEW SECTION. **Sec. 33.** Sections 6, 13, 18, and 24 of this act take effect July 1, 2026.

NEW SECTION. **Sec. 34.** Section 26 of this act expires October 1, 2022.

NEW SECTION. **Sec. 35.** Section 27 of this act takes effect October 1, 2022.

NEW SECTION. **Sec. 36.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "disorders;" strike the remainder of the title and insert "amending RCW 71.05.148, 71.05.150, 71.05.150, 71.05.156, 71.05.212, 71.05.230, 71.05.240, 71.05.240, 71.05.245, 71.05.280, 71.05.290, 71.05.365, 71.05.585, 10.77.175, 71.05.590, 71.05.590, 71.05.595, 71.24.045, and 71.05.740;

reenacting and amending RCW 71.05.020, 71.05.020, 71.05.201, 71.05.212, 71.05.320, 71.05.320, 71.34.755, and 71.24.045; reenacting and amending 2021 c 264 s 24 and 2021 c 263 s 21 (uncodified); adding a new section to chapter 71.34 RCW; creating new sections; providing effective dates; providing a contingent effective date; and providing expiration dates."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1773 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Taylor spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1773, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1773, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 90; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Representatives Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Abbarno, Chandler, Kraft, McCaslin, McEntire, Orcutt, Walsh and Young.

SUBSTITUTE HOUSE BILL NO. 1773, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 3, 2022

Madame Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1812 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 80.50.010 and 2001 c 214 s 1 are each amended to read as follows:

The legislature finds that the present and predicted growth in energy demands in the state of Washington requires ~~((the development of))~~ a procedure for the selection and ~~((utilization))~~ use of sites for energy facilities and the identification of a state position with respect to each proposed site. The legislature recognizes that the selection of sites will have a significant impact upon the welfare of the population, the location and growth of industry and the use of the natural resources of the state.

It is the policy of the state of Washington to reduce dependence on fossil fuels by recognizing the need for clean energy in order to strengthen the state's economy, meet the state's greenhouse gas reduction obligations, and mitigate the significant near-term and long-term impacts from climate change while conducting a public process that is transparent and inclusive to all with particular attention to overburdened communities.

The legislature finds that the in-state manufacture of industrial products that enable a clean energy economy is critical to advancing the state's objectives in providing affordable electricity, promoting renewable energy, strengthening the state's economy, and reducing greenhouse gas emissions. Therefore, the legislature intends to provide the council with additional authority regarding the siting of clean energy product manufacturing facilities.

It is the policy of the state of Washington to recognize the pressing need for increased energy facilities, and to ensure through available and reasonable methods ~~((r))~~ that the location and operation of ~~((such))~~ all energy facilities and certain clean energy

product manufacturing facilities will produce minimal adverse effects on the environment, ecology of the land and its wildlife, and the ecology of state waters and their aquatic life.

It is the intent to seek courses of action that will balance the increasing demands for energy facility location and operation in conjunction with the broad interests of the public. In addition, it is the intent of the legislature to streamline application review for energy facilities to meet the state's energy goals and to authorize applications for review of certain clean energy product manufacturing facilities to be considered under the provisions of this chapter.

Such action will be based on these premises:

(1) To assure Washington state citizens that, where applicable, operational safeguards are at least as stringent as the criteria established by the federal government and are technically sufficient for their welfare and protection.

(2) To preserve and protect the quality of the environment; to enhance the public's opportunity to enjoy the esthetic and recreational benefits of the air, water and land resources; to promote air cleanliness; ~~((and))~~ to pursue beneficial changes in the environment; and to promote environmental justice for overburdened communities.

(3) To encourage the development and integration of clean energy sources.

(4) To provide abundant clean energy at reasonable cost.

~~((4))~~ (5) To avoid costs of complete site restoration and demolition of improvements and infrastructure at unfinished nuclear energy sites, and to use unfinished nuclear energy facilities for public uses, including economic development, under the regulatory and management control of local governments and port districts.

~~((5))~~ (6) To avoid costly duplication in the siting process and ensure that decisions are made timely and without unnecessary delay while also encouraging meaningful public comment and participation in energy facility decisions.

Sec. 2. RCW 80.50.020 and 2021 c 317 s 17 are each amended to read as follows:

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

(1) "Alternative energy resource" includes energy facilities of the following types: (a) Wind; (b) solar energy; (c) geothermal energy; (d) ~~((landfill))~~ renewable natural gas; (e) wave or tidal action; ~~((or))~~ (f) biomass energy based on solid organic fuels from wood, forest, or field residues, or dedicated energy crops that do not include wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic; or (g) renewable or green electrolytic hydrogen.

(2) "Applicant" means any person who makes application for a site certification pursuant to the provisions of this chapter.

(3) "Application" means any request for approval of a particular site or sites filed in accordance with the procedures established pursuant to this chapter, unless the context otherwise requires.

(4) "Associated facilities" means storage, transmission, handling, or other related and supporting facilities connecting an energy plant with the existing energy supply, processing, or distribution system, including, but not limited to, communications, controls, mobilizing or maintenance equipment, instrumentation, and other types of ancillary transmission equipment, off-line storage or venting required for efficient operation or safety of the transmission system and overhead, and surface or subsurface lines of physical access for the inspection, maintenance, and safe operations of the transmission facility and new transmission lines constructed to operate at nominal voltages of at least 115,000 volts to connect a thermal power plant or alternative energy facilities to the northwest power grid. However, common carrier railroads or motor vehicles shall not be included.

(5) "Biofuel" means a liquid or gaseous fuel derived from organic matter ~~((intended for use as a transportation fuel))~~ including, but not limited to, biodiesel, renewable diesel, ethanol, renewable natural gas, and renewable propane.

(6) "Certification" means a binding agreement between an applicant and the

state which shall embody compliance to the siting guidelines, in effect as of the date of certification, which have been adopted pursuant to RCW 80.50.040 as now or hereafter amended as conditions to be met prior to or concurrent with the construction or operation of any energy facility.

(7) "Construction" means on-site improvements, excluding exploratory work, which cost in excess of two hundred fifty thousand dollars.

(8) "Council" means the energy facility site evaluation council created by RCW 80.50.030.

(9) "Counsel for the environment" means an assistant attorney general or a special assistant attorney general who shall represent the public in accordance with RCW 80.50.080.

(10) "Electrical transmission facilities" means electrical power lines and related equipment.

(11) "Energy facility" means an energy plant or transmission facilities: PROVIDED, That the following are excluded from the provisions of this chapter:

(a) Facilities for the extraction, conversion, transmission or storage of water, other than water specifically consumed or discharged by energy production or conversion for energy purposes; and

(b) Facilities operated by and for the armed services for military purposes or by other federal authority for the national defense.

(12) "Energy plant" means the following facilities together with their associated facilities:

(a) Any nuclear power facility where the primary purpose is to produce and sell electricity;

(b) Any nonnuclear stationary thermal power plant with generating capacity of three hundred fifty thousand kilowatts or more, measured using maximum continuous electric generating capacity, less minimum auxiliary load, at average ambient temperature and pressure, and floating thermal power plants of one hundred thousand kilowatts or more suspended on the surface of water by means of a barge, vessel, or other floating platform;

(c) Facilities which will have the capacity to receive liquefied natural gas

in the equivalent of more than one hundred million standard cubic feet of natural gas per day, which has been transported over marine waters;

(d) Facilities which will have the capacity to receive more than an average of fifty thousand barrels per day of crude or refined petroleum or liquefied petroleum gas which has been or will be transported over marine waters, except that the provisions of this chapter shall not apply to storage facilities unless occasioned by such new facility construction;

(e) Any underground reservoir for receipt and storage of natural gas as defined in RCW 80.40.010 capable of delivering an average of more than one hundred million standard cubic feet of natural gas per day; and

(f) Facilities capable of processing more than twenty-five thousand barrels per day of petroleum or biofuel into refined products except where such biofuel production is undertaken at existing industrial facilities (~~(and~~

~~(g) Facilities capable of producing more than one thousand five hundred barrels per day of refined biofuel but less than twenty-five thousand barrels of refined biofuel)).~~

(13) "Independent consultants" means those persons who have no financial interest in the applicant's proposals and who are retained by the council to evaluate the applicant's proposals, supporting studies, or to conduct additional studies.

(14) "Land use plan" means a comprehensive plan or land use element thereof adopted by a unit of local government pursuant to chapter 35.63, 35A.63, 36.70, or 36.70A RCW, or as otherwise designated by chapter 325, Laws of 2007.

(15) "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private, however organized.

(16) "Preapplicant" means a person considering applying for a site certificate agreement for any (~~(transmission)~~) facility.

(17) "Preapplication process" means the process which is initiated by written correspondence from the preapplicant to the council, and includes the process adopted by the council for consulting with the preapplicant and with federally recognized tribes, cities, towns, and counties prior to accepting applications for (~~(all transmission facilities)~~) any facility.

(18) "Secretary" means the secretary of the United States department of energy.

(19) "Site" means any proposed or approved location of an energy facility, alternative energy resource, clean energy product manufacturing facility, or electrical transmission facility.

(20) "Thermal power plant" means, for the purpose of certification, any electrical generating facility using any fuel for distribution of electricity by electric utilities.

(21) "Transmission facility" means any of the following together with their associated facilities:

(a) Crude or refined petroleum or liquid petroleum product transmission pipeline of the following dimensions: A pipeline larger than six inches minimum inside diameter between valves for the transmission of these products with a total length of at least fifteen miles;

(b) Natural gas, synthetic fuel gas, or liquefied petroleum gas transmission pipeline of the following dimensions: A pipeline larger than fourteen inches minimum inside diameter between valves, for the transmission of these products, with a total length of at least fifteen miles for the purpose of delivering gas to a distribution facility, except an interstate natural gas pipeline regulated by the United States federal (~~(power)~~) energy regulatory commission.

(22) "Zoning ordinance" means an ordinance of a unit of local government regulating the use of land and adopted pursuant to chapter 35.63, 35A.63, 36.70, or 36.70A RCW or Article XI of the state Constitution, or as otherwise designated by chapter 325, Laws of 2007.

(23) "Clean energy product manufacturing facility" means a facility that exclusively or primarily manufactures the following products or components primarily used by such products:

(a) Vehicles, vessels, and other modes of transportation that emit no exhaust gas from the onboard source of power, other than water vapor;

(b) Charging and fueling infrastructure for electric, hydrogen, or other types of vehicles that emit no exhaust gas from the onboard source of power, other than water vapor;

(c) Renewable or green electrolytic hydrogen, including preparing renewable or green electrolytic hydrogen for distribution as an energy carrier or manufacturing feedstock, or converting it to a green hydrogen carrier;

(d) Equipment and products used to produce energy from alternative energy resources; and

(e) Equipment and products used at storage facilities.

(24) "Director" means the director of the energy facility site evaluation council appointed by the chair of the council in accordance with section 4 of this act.

(25) (a) "Green electrolytic hydrogen" means hydrogen produced through electrolysis.

(b) "Green electrolytic hydrogen" does not include hydrogen manufactured using steam reforming or any other conversion technology that produces hydrogen from a fossil fuel feedstock.

(26) "Green hydrogen carrier" means a chemical compound, created using electricity or renewable resources as energy input and without use of fossil fuel as a feedstock, from renewable hydrogen or green electrolytic hydrogen for the purposes of transportation, storage, and dispensing of hydrogen.

(27) "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.

(28) "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.

(29) "Renewable resource" means: (a) Water; (b) wind; (c) solar energy; (d) geothermal energy; (e) renewable natural gas; (f) renewable hydrogen; (g) wave, ocean, or tidal power; (h) biodiesel fuel

that is not derived from crops raised on land cleared from old growth or first growth forests; or (i) biomass energy.

(30) "Storage facility" means a plant that: (a) Accepts electricity as an energy source and uses a chemical, thermal, mechanical, or other process to store energy for subsequent delivery or consumption in the form of electricity; or (b) stores renewable hydrogen, green electrolytic hydrogen, or a green hydrogen carrier for subsequent delivery or consumption.

Sec. 3. RCW 80.50.030 and 2010 c 271 s 601 and 2010 c 152 s 2 are each reenacted and amended to read as follows:

(1) ~~((There is created and established the))~~ The energy facility site evaluation council is created and established.

(2) ~~((a))~~ The chair of the council shall be appointed by the governor with the advice and consent of the senate, shall have a vote on matters before the council, shall serve for a term coextensive with the term of the governor, and is removable for cause. The chair may designate a member of the council to serve as acting chair in the event of the chair's absence. The salary of the chair shall be determined under RCW 43.03.040. The chair is a "state employee" for the purposes of chapter 42.52 RCW. As applicable, when attending meetings of the council, members may receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060, and are eligible for compensation under RCW 43.03.250.

~~((b) The chair or a designee shall execute all official documents, contracts, and other materials on behalf of the council. The Washington utilities and transportation commission shall provide all administrative and staff support for the council. The commission has supervisory authority over the staff of the council and shall employ such personnel as are necessary to implement this chapter. Not more than three such employees may be exempt from chapter 41.06 RCW. The council shall otherwise retain its independence in exercising its powers, functions, and duties and its supervisory control over nonadministrative staff support. Membership, powers, functions, and duties of the Washington state utilities and transportation commission and the council shall otherwise remain as provided by law.)~~

(3) (a) The council shall consist of the ~~((directors, administrators, or their designees, of the following departments, agencies, commissions, and committees or their statutory successors:~~

- ~~(i) Department of ecology;~~
- ~~(ii) Department of fish and wildlife;~~
- ~~(iii) Department of commerce;~~
- ~~(iv) Utilities and transportation commission; and~~
- ~~(v) Department of natural resources)~~
chair of the council and:

(i) The director of the department of ecology or the director's designee;

(ii) The director of the department of fish and wildlife or the director's designee;

(iii) The director of the department of commerce or the director's designee;

(iv) The chair of the utilities and transportation commission or the chair's designee; and

(v) The commissioner of public lands or the commissioner's designee.

(b) The directors, administrators, or their designees, of the following departments, agencies, and commissions, or their statutory successors, may participate as councilmembers at their own discretion provided they elect to participate no later than sixty days after an application is filed:

- (i) Department of agriculture;
- (ii) Department of health;
- (iii) Military department; and
- (iv) Department of transportation.

~~((e) Council membership is discretionary for agencies that choose to participate under (b) of this subsection only for applications that are filed with the council on or after May 8, 2001. For applications filed before May 8, 2001, council membership is mandatory for those agencies listed in (b) of this subsection.))~~

(4) The appropriate county legislative authority of every county wherein an application for a proposed site is filed shall appoint a member or designee as a voting member to the council. The member or designee so appointed shall sit with the council only at such times as the

council considers the proposed site for the county which he or she represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site.

(5) The city legislative authority of every city within whose corporate limits an energy facility is proposed to be located shall appoint a member or designee as a voting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the city which he or she represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site.

(6) For any port district wherein an application for a proposed port facility is filed subject to this chapter, the port district shall appoint a member or designee as a nonvoting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the port district which he or she represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site. The provisions of this subsection shall not apply if the port district is the applicant, either singly or in partnership or association with any other person.

(7) A quorum of the council consists of a majority of members appointed for business to be conducted.

NEW SECTION. Sec. 4. A new section is added to chapter 80.50 RCW to read as follows:

(1) The chair of the council or the chair's designee shall execute all official documents, contracts, and other materials on behalf of the council.

(2) The chair of the council shall appoint a director to oversee the operations of the council and carry out the duties of this chapter as delegated by the chair. The chair of the council may delegate to the director its status as appointing authority for the council.

(3) The director shall employ such administrative and professional personnel as may be necessary to perform the administrative work of the council and implement this chapter. The director has supervisory authority over all staff

of the council. Not more than four employees may be exempt from chapter 41.06 RCW.

Sec. 5. RCW 80.50.040 and 2001 c 214 s 6 are each amended to read as follows:

The council shall have the following powers:

(1) To adopt, promulgate, amend, or rescind suitable rules and regulations, pursuant to chapter 34.05 RCW, to carry out the provisions of this chapter, and the policies and practices of the council in connection therewith;

(2) To develop and apply environmental and ecological guidelines in relation to the type, design, location, construction, ~~((and))~~ initial operational conditions of certification, and ongoing regulatory oversight under the regulatory authority established in this chapter of energy facilities subject to this chapter;

(3) To establish rules of practice for the conduct of public hearings pursuant to the provisions of the Administrative Procedure Act, as found in chapter 34.05 RCW;

(4) To prescribe the form, content, and necessary supporting documentation for site certification;

(5) To receive applications for energy facility locations and to investigate the sufficiency thereof;

(6) To ~~((make and contract, when applicable, for independent studies of sites proposed by the applicant))~~ enter into contracts to carry out the provisions of this chapter;

(7) To conduct hearings on the proposed location and operational conditions of the energy facilities under the regulatory authority established in this chapter;

(8) To prepare written reports to the governor which shall include: (a) A statement indicating whether the application is in compliance with the council's guidelines, (b) criteria specific to the site and transmission line routing, (c) a council recommendation as to the disposition of the application, and (d) a draft certification agreement when the council recommends approval of the application;

(9) To prescribe the means for monitoring of the effects arising from the construction and the operation of

energy facilities to assure continued compliance with terms of certification and/or permits issued by the council pursuant to chapter 90.48 RCW or subsection (12) of this section: PROVIDED, That any on-site inspection required by the council shall be performed by other state agencies pursuant to interagency agreement: PROVIDED FURTHER, That the council may retain authority for determining compliance relative to monitoring;

(10) To integrate its site evaluation activity with activities of federal agencies having jurisdiction in such matters to avoid unnecessary duplication;

(11) To present state concerns and interests to other states, regional organizations, and the federal government on the location, construction, and operation of any energy facility which may affect the environment, health, or safety of the citizens of the state of Washington;

(12) To issue permits in compliance with applicable provisions of the federally approved state implementation plan adopted in accordance with the Federal Clean Air Act, as now existing or hereafter amended, for the new construction, reconstruction, or enlargement or operation of energy facilities: PROVIDED, That such permits shall become effective only if the governor approves an application for certification and executes a certification agreement pursuant to this chapter: AND PROVIDED FURTHER, That all such permits be conditioned upon compliance with all provisions of the federally approved state implementation plan which apply to energy facilities covered within the provisions of this chapter; and

(13) To serve as an interagency coordinating body for energy-related issues.

Sec. 6. RCW 80.50.060 and 2021 c 317 s 18 are each amended to read as follows:

(1) ~~((Except for biofuel refineries specified in RCW 80.50.020(12)(g), the))~~ (a) The provisions of this chapter apply to the construction of energy facilities which includes the new construction of energy facilities and the reconstruction or enlargement of existing energy facilities where the net increase in physical capacity or dimensions resulting from such reconstruction or

enlargement meets or exceeds those capacities or dimensions set forth in RCW 80.50.020 (12) and (21). No construction or reconstruction of such energy facilities may be undertaken, except as otherwise provided in this chapter, ((after July 15, 1977,)) without first obtaining certification in the manner provided in this chapter.

~~((2) The provisions of this chapter apply to the construction, reconstruction, or enlargement of a new or existing biofuel refinery specified in RCW 80.50.020 (12) (g) or a new or existing energy facility that exclusively uses alternative energy resources and chooses to receive certification under this chapter, regardless of the generating capacity of the project.~~

~~((3)) (b) If applicants proposing the following types of facilities choose to receive certification under this chapter, the provisions of this chapter apply to the construction, reconstruction, or enlargement of these new or existing facilities:~~

~~(i) Facilities that produce refined biofuel, but which are not capable of producing 25,000 barrels or more per day;~~

~~(ii) Alternative energy resource facilities;~~

~~(iii) Electrical transmission facilities: (A) Of a nominal voltage of at least 115,000 volts; and (B) located in more than one jurisdiction that has promulgated land use plans or zoning ordinances;~~

~~(iv) Clean energy product manufacturing facilities; and~~

~~(v) Storage facilities.~~

~~(c) All of the council's powers with regard to energy facilities apply to all of the facilities in (b) of this subsection and these facilities are subject to all provisions of this chapter that apply to an energy facility.~~

~~(2) (a) The provisions of this chapter must apply to the construction, reconstruction, or modification of electrical transmission facilities when ((+~~

~~(i) The)) the facilities are located in a national interest electric transmission corridor as specified in RCW 80.50.045 ((+~~

~~(ii) An applicant chooses to receive certification under this chapter, and the~~

~~facilities are: (A) Of a nominal voltage of at least one hundred fifteen thousand volts and are located in a completely new corridor, except for the terminus of the new facility or interconnection of the new facility with the existing grid, and the corridor is not otherwise used for electrical transmission facilities; and (B) located in more than one jurisdiction that has promulgated land use plans or zoning ordinances; or~~

~~((iii) An applicant chooses to receive certification under this chapter, and the facilities are: (A) Of a nominal voltage in excess of one hundred fifteen thousand volts; and (B) located outside an electrical transmission corridor identified in (a) (i) and (ii) of this subsection (3)).~~

(b) For the purposes of this subsection, ~~(("modify"))~~ "modification" means a significant change to an electrical transmission facility and does not include the following: (i) Minor improvements such as the replacement of existing transmission line facilities or supporting structures with equivalent facilities or structures; (ii) the relocation of existing electrical transmission line facilities; (iii) the conversion of existing overhead lines to underground; or (iv) the placing of new or additional conductors, supporting structures, insulators, or their accessories on or replacement of supporting structures already built.

~~((4)) (3) The provisions of this chapter shall not apply to normal maintenance and repairs which do not increase the capacity or dimensions beyond those set forth in RCW 80.50.020 (12) and (21).~~

~~((5)) (4) Applications for certification of energy facilities made prior to July 15, 1977, shall continue to be governed by the applicable provisions of law in effect on the day immediately preceding July 15, 1977, with the exceptions of RCW ((80.50.190 and)) 80.50.071 which shall apply to such prior applications and to site certifications prospectively from July 15, 1977.~~

~~((6)) (5) Applications for certification shall be upon forms prescribed by the council and shall be supported by such information and technical studies as the council may require.~~

(6) Upon receipt of an application for certification under this chapter, the chair of the council shall notify:

(a) The appropriate county legislative authority or authorities where the proposed facility is located;

(b) The appropriate city legislative authority or authorities where the proposed facility is located;

(c) The department of archaeology and historic preservation; and

(d) The appropriate federally recognized tribal governments that may be affected by the proposed facility.

(7) The council must work with local governments where a project is proposed to be sited in order to provide for meaningful participation and input during siting review and compliance monitoring.

(8) The council must consult with all federally recognized tribes that possess resources, rights, or interests reserved or protected by federal treaty, statute, or executive order in the area where an energy facility is proposed to be located to provide early and meaningful participation and input during siting review and compliance monitoring. The chair and designated staff must offer to conduct government-to-government consultation to address issues of concern raised by such a tribe. The goal of the consultation process is to identify tribal resources or rights potentially affected by the proposed energy facility and to seek ways to avoid, minimize, or mitigate any adverse effects on tribal resources or rights. The chair must provide regular updates on the consultation to the council throughout the application review process. The report from the council to the governor required in RCW 80.50.100 must include a summary of the government-to-government consultation process that complies with RCW 42.56.300, including the issues and proposed resolutions.

(9) The department of archaeology and historic preservation shall coordinate with the affected federally recognized tribes and the applicant in order to assess potential effects to tribal cultural resources, archaeological sites, and sacred sites.

NEW SECTION. Sec. 7. A new section is added to chapter 80.50 RCW to read as follows:

(1) A person proposing to construct, reconstruct, or enlarge a clean energy product manufacturing facility may choose to receive certification under this chapter.

(2) All of the council's powers with regard to energy facilities apply to clean energy product manufacturing facilities, and such a facility is subject to all provisions of this chapter that apply to an energy facility.

Sec. 8. RCW 80.50.071 and 2016 sp.s. c 10 s 1 are each amended to read as follows:

(1) The council shall receive all applications for energy facility site certification. Each applicant shall pay actual costs incurred by the council (~~and the utilities and transportation commission~~) in processing an application.

(a) Each applicant shall, at the time of application submission, (~~deposit with the utilities and transportation commission~~) pay to the council for deposit into the energy facility site evaluation council account created in section 15 of this act an amount up to fifty thousand dollars, or such greater amount as specified by the council after consultation with the applicant. The council (~~and the utilities and transportation commission~~) shall charge costs against the deposit if the applicant withdraws its application and has not reimbursed (~~the commission, on behalf of~~) the council((~~7~~)) for all actual expenditures incurred in considering the application.

(b) The council may commission its own independent consultant study to measure the consequences of the proposed energy facility on the environment or any matter that it deems essential to an adequate appraisal of the site. The council(~~7 after consultation with the utilities and transportation commission,~~) shall provide an estimate of the cost of the study to the applicant and consider applicant comments.

(c) In addition to the deposit required under (a) of this subsection, applicants must reimburse (~~the utilities and transportation commission, on behalf of~~) the council((~~7~~)) for actual expenditures that arise in considering the application, including the cost of any independent consultant study. The (~~utilities and transportation commission, on behalf of~~

~~the~~) council(~~(7)~~) shall submit to each applicant an invoice of actual expenditures made during the preceding calendar quarter in sufficient detail to explain the expenditures. The applicant shall pay the ~~((utilities and transportation commission))~~ council the amount of the invoice by the due date.

(2) Each certificate holder shall pay ~~((to the utilities and transportation commission))~~ the actual costs incurred by the council for inspection and determination of compliance by the certificate holder with the terms of the certification relative to monitoring the effects of construction, operation, and site restoration of the facility.

(a) Each certificate holder shall, within thirty days of execution of the site certification agreement, ~~((deposit with the utilities and transportation commission))~~ pay to the council for deposit into the energy facility site evaluation council account created in section 15 of this act an amount up to fifty thousand dollars, or such greater amount as specified by the council after consultation with the certificate holder. The council ~~((and the utilities and transportation commission))~~ shall charge costs against the deposit if the certificate holder ceases operations and has not reimbursed ~~((the commission, on behalf of))~~ the council(~~(7)~~) for all actual expenditures incurred in conducting inspections and determining compliance with the terms of the certification.

(b) In addition to the deposit required under (a) of this subsection, certificate holders must reimburse ~~((the utilities and transportation commission, on behalf of))~~ the council(~~(7)~~) for actual expenditures that arise in administering this chapter and determining compliance. The council(~~(7)~~ ~~after consultation with the utilities and transportation commission~~) shall submit to each certificate holder an invoice of the expenditures actually made during the preceding calendar quarter in sufficient detail to explain the expenditures. The certificate holder shall pay ~~((the utilities and transportation commission))~~ the amount of the invoice by the due date.

(3) If an applicant or certificate holder fails to provide the initial deposit, or if subsequently required payments are not received within thirty days following receipt of the invoice

from the council, the council may (a) in the case of the applicant, suspend processing of the application until payment is received; or (b) in the case of a certificate holder, suspend the certification.

(4) All payments required of the applicant or certificate holder under this section are to be made to the ~~((utilities and transportation commission who shall make payments as instructed by the council from the funds submitted))~~ council for deposit into the energy facility site evaluation council account created in section 15 of this act. All such funds shall be subject to state auditing procedures. Any unexpended portions of the deposit shall be returned to the applicant within sixty days following the conclusion of the application process or to the certificate holder within sixty days after a determination by the council that the certificate is no longer required and there is no continuing need for compliance with its terms. For purposes of this section, "conclusion of the application process" means after the governor's decision granting or denying a certificate and the expiration of any opportunities for judicial review.

(5) (a) Upon receipt of an application for an energy facility site certification proposing an energy plant or alternative energy resource that is connected to electrical transmission facilities of a nominal voltage of at least one hundred fifteen thousand volts, the council shall notify in writing the United States department of defense. The notification shall include, but not be limited to, the following:

(i) A description of the proposed energy plant or alternative energy resource;

(ii) The location of the site;

(iii) The placement of the energy plant or alternative energy resource on the site;

(iv) The date and time by which comments must be received by the council; and

(v) Contact information of the council and the applicant.

(b) The purpose of the written notification is to provide an opportunity for the United States department of defense to comment upon the application,

and to identify potential issues relating to the placement and operations of the energy plant or alternative energy resource, before a site certification application is approved. The time period set forth by the council for receipt of such comments shall not extend the time period for the council's processing of the application.

(c) In order to assist local governments required to notify the United States department of defense under RCW 35.63.270, 35A.63.290, and 36.01.320, the council shall post on its website the appropriate information for contacting the United States department of defense.

Sec. 9. RCW 80.50.090 and 2006 c 205 s 3 and 2006 c 196 s 6 are each reenacted and amended to read as follows:

(1) The council shall conduct an informational public hearing in the county of the proposed site as soon as practicable but not later than sixty days after receipt of an application for site certification. However, the place of such public hearing shall be as close as practical to the proposed site.

(2) Subsequent to the informational public hearing, the council shall conduct a public hearing to determine whether or not the proposed site is consistent and in compliance with city, county, or regional land use plans or zoning ordinances (~~(. If it is determined that the proposed site does conform with existing land use plans or zoning ordinances in effect as of the date of the application, the city, county, or regional planning authority shall not thereafter change such land use plans or zoning ordinances so as to affect the proposed site)~~) on the date of the application.

(3)(a) After the submission of an environmental checklist and prior to issuing a threshold determination that a facility is likely to cause a significant adverse environmental impact under chapter 43.21C RCW, the director must notify the project applicant and explain in writing the basis for its anticipated determination of significance. Prior to issuing the threshold determination of significance, the director must give the project applicant the option of withdrawing and revising its application and the associated environmental checklist to clarify or make changes to features of the proposal that are designed to mitigate the impacts that

were the basis of the director's anticipated determination of significance. The director shall make the threshold determination based upon the changed or clarified proposal following the applicant's submittal. The director must provide an opportunity for public comment on a project for which a project applicant has withdrawn and revised the application and environmental checklist and subsequently received a threshold determination of nonsignificance or mitigated determination of nonsignificance.

(b) The notification required under (a) of this subsection is not an official determination by the director and is not subject to appeal under chapter 43.21C RCW.

~~((3))~~ (4) Prior to the issuance of a council recommendation to the governor under RCW 80.50.100 a public hearing, conducted as an adjudicative proceeding under chapter 34.05 RCW, the administrative procedure act, shall be held.

(a) At such public hearing any person shall be entitled to be heard in support of or in opposition to the application for certification by raising one or more specific issues, provided that the person has raised the issue or issues in writing with specificity during the application review process or during the public comment period that will be held prior to the start of the adjudicative hearing.

(b) If the environmental impact of the proposed facility in an application for certification is not significant or will be mitigated to a nonsignificant level under RCW 43.21C.031, the council may limit the topic of the public hearing conducted as an adjudicative proceeding under this section to whether any land use plans or zoning ordinances with which the proposed site is determined to be inconsistent under subsection (2) of this section should be preempted.

(5) After expedited processing is granted under RCW 80.50.075, the council must hold a public meeting to take comments on the proposed application prior to issuing a council recommendation to the governor.

~~((4))~~ (6) Additional public hearings shall be held as deemed appropriate by the council in the exercise of its functions under this chapter.

Sec. 10. RCW 80.50.100 and 2011 c 180 s 109 are each amended to read as follows:

(1) (a) The council shall report to the governor its recommendations as to the approval or rejection of an application for certification within twelve months of receipt by the council of ~~((such))~~ an application deemed complete by the director, or such later time as is mutually agreed by the council and the applicant.

(b) The council shall review and consider comments received during the application process in making its recommendation.

(c) In the case of an application filed prior to December 31, 2025, for certification of an energy facility proposed for construction, modification, or expansion for the purpose of providing generating facilities that meet the requirements of RCW 80.80.040 and are located in a county with a coal-fired electric ~~((generating [generation]))~~ generation facility subject to RCW 80.80.040(3)(c), the council shall expedite the processing of the application pursuant to RCW 80.50.075 and shall report its recommendations to the governor within one hundred eighty days of receipt by the council of such an application, or a later time as is mutually agreed by the council and the applicant.

(2) If the council recommends approval of an application for certification, it shall also submit a draft certification agreement with the report. The council shall include conditions in the draft certification agreement to implement the provisions of this chapter ~~((r))~~ including, but not limited to, conditions to protect state ~~((er))~~, local governmental, or community interests, or overburdened communities as defined in RCW 70A.02.010 affected by the construction or operation of the ~~((energy))~~ facility, and conditions designed to recognize the purpose of laws or ordinances, or rules or regulations promulgated thereunder, that are preempted or superseded pursuant to RCW 80.50.110 as now or hereafter amended.

(3) (a) Within ~~((sixty))~~ 60 days of receipt of the council's report the governor shall take one of the following actions:

(i) Approve the application and execute the draft certification agreement; or

(ii) Reject the application; or

(iii) Direct the council to reconsider certain aspects of the draft certification agreement.

(b) The council shall reconsider such aspects of the draft certification agreement by reviewing the existing record of the application or, as necessary, by reopening the adjudicative proceeding for the purposes of receiving additional evidence. Such reconsideration shall be conducted expeditiously. The council shall resubmit the draft certification to the governor incorporating any amendments deemed necessary upon reconsideration. Within ~~((sixty))~~ 60 days of receipt of such draft certification agreement, the governor shall either approve the application and execute the certification agreement or reject the application. The certification agreement shall be binding upon execution by the governor and the applicant.

(4) The rejection of an application for certification by the governor shall be final as to that application but shall not preclude submission of a subsequent application for the same site on the basis of changed conditions or new information.

Sec. 11. RCW 80.50.175 and 1983 c 3 s 205 are each amended to read as follows:

(1) In addition to all other powers conferred on the council under this chapter, the council shall have the powers set forth in this section.

~~((The council, upon request of any potential applicant, is authorized, as provided in this section, to conduct a preliminary study of any potential site prior to receipt of an application for site certification. A fee of ten thousand dollars for each potential site, to be applied toward the cost of any study agreed upon pursuant to subsection (3) of this section, shall accompany the request and shall be a condition precedent to any action on the request by the council.~~

~~((3) After receiving a request to study a potential site, the council shall commission its own independent consultant to study matters relative to the potential site. The study shall include, but need not be limited to, the~~

~~preparation and analysis of environmental impact information for the proposed potential site and any other matter the council and the potential applicant deem essential to an adequate appraisal of the potential site. In conducting the study, the council is authorized to cooperate and work jointly with the county or counties in which the potential site is located, any federal, state, or local governmental agency that might be requested to comment upon the potential site, and any municipal or public corporation having an interest in the matter. The full cost of the study shall be paid by the potential applicant. PROVIDED, That such costs exceeding a total of ten thousand dollars shall be payable subject to the potential applicant giving prior approval to such excess amount.~~

~~(4) Any study prepared by the council pursuant to subsection (3) of this section may be used in place of the "detailed statement" required by RCW 43.21C.030(2)(c) by any branch of government except the council created pursuant to chapter 80.50 RCW.~~

~~(5) All payments required of the potential applicant under this section are to be made to the state treasurer, who in turn shall pay the consultant as instructed by the council. All such funds shall be subject to state auditing procedures. Any unexpended portions thereof shall be returned to the potential applicant.~~

~~(6) Nothing in this section shall change the requirements for an application for site certification or the requirement of payment of a fee as provided in RCW 80.50.071, or change the time for disposition of an application for certification as provided in RCW 80.50.100.~~

~~(7) Nothing in this section shall be construed as preventing a city or county from requiring any information it deems appropriate to make a decision approving a particular location.)) (a) The council, upon agreement with any potential applicant, is authorized as provided in this section to conduct a preliminary study of any potential project prior to receipt of an application for site certification. This preliminary study must be completed before any environmental review or process under RCW 43.21C.031 is initiated. A fee of \$10,000 for each potential project, to be applied toward the cost of any study agreed upon~~

pursuant to (b) of this subsection, must accompany the agreement and is a condition precedent to any action on the agreement by the council.

(b) Upon agreement with the potential applicant, the council may commission its own independent consultant to study matters relative to the potential project. In conducting the study, the council is authorized to cooperate and work jointly with the county or counties in which the potential project is located, any federal, state, local, or tribal governmental agency that might be requested to comment on the potential project, and any municipal or public corporation having an interest in the matter. The full cost of the study must be paid by the potential applicant. However, costs exceeding a total of \$10,000 are payable subject to the potential applicant giving prior approval to such an excess amount.

(3) All payments required of the potential applicant under this section must be deposited into the energy facility site evaluation council account created in section 15 of this act. All of these funds are subject to state auditing procedures. Any unexpended portions of the funds must be returned to the potential applicant.

(4) If a potential applicant subsequently submits a formal application for site certification to the council for a site where a preliminary study was conducted, payments made under this section for that study may be considered as payment towards the application fee provided in RCW 80.50.071.

NEW SECTION. Sec. 12. A new section is added to chapter 80.50 RCW to read as follows:

(1) Except for the siting of electrical transmission facilities, any potential applicant may request a preapplication review of a proposed project. Council staff must review the preapplicant's draft application materials and provide comments on either additional studies or stakeholder and tribal input, or both, that should be included in the formal application for site certification. Council staff must inform affected federally recognized tribes under RCW 80.50.060 of the preapplication review. The department of archaeology and historic preservation shall coordinate with the affected

federally recognized tribes and the applicant in order to assess potential effects to tribal cultural resources, archaeological sites, and sacred sites.

(2) After initial review, the director and the applicant may agree on fees to be paid by the applicant so that council staff may conduct further review and consultation, including contracting for review by other parties.

Sec. 13. RCW 80.50.340 and 2007 c 325 s 4 are each amended to read as follows:

(1) A preapplicant applying under RCW 80.50.330 shall pay to the council a fee of ten thousand dollars to be applied to the cost of the preapplication process as a condition precedent to any action by the council, provided that costs in excess of this amount shall be paid only upon prior approval by the preapplicant, and provided further that any unexpended portions thereof shall be returned to the preapplicant.

(2) The council shall consult with the preapplicant and prepare a plan for the preapplication process which shall commence with an informational public hearing within (~~sixty~~) 60 days after the receipt of the preapplication fee as provided in RCW 80.50.090.

(3) The preapplication plan shall include but need not be limited to:

(a) An initial consultation to explain the proposal and request input from council staff, federal and state agencies, cities, towns, counties, port districts, tribal governments, property owners, and interested individuals;

(b) Where applicable, a process to guide negotiations between the preapplicant and cities, towns, and counties within the corridor proposed pursuant to RCW 80.50.330.

(4) Fees paid under this section must be deposited in the energy facility site evaluation council account created in section 15 of this act.

NEW SECTION. Sec. 14. A new section is added to chapter 41.06 RCW to read as follows:

In addition to the exemptions provided under RCW 41.06.070, the provisions of this chapter do not apply to the following positions at the energy facility site evaluation council: The director; the personal secretary to the

director and the council chair; and up to two professional staff members.

NEW SECTION. Sec. 15. A new section is added to chapter 80.50 RCW to read as follows:

The energy facility site evaluation council account is created in the custody of the state treasurer. All receipts from funds received by the council for all payments, including fees, deposits, and reimbursements received under this chapter must be deposited into the account. Expenditures from the account may be used for purposes set forth in this chapter. Only the chair of the council or the chair's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 16. RCW 43.79A.040 and 2021 c 175 s 10 and 2021 c 108 s 5 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury, and may be commingled with moneys in the state treasury for cash management and cash balance purposes.

(2) All income received from investment of the treasurer's trust fund must be set aside in an account in the treasury trust fund to be known as the investment income account.

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

(4)(a) Monthly, the state treasurer must distribute the earnings credited to the investment income account to the state general fund except under (b), (c), and (d) of this subsection.

(b) The following accounts and funds must receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The 24/7 sobriety account, the Washington promise scholarship account, the Gina Grant Bull memorial legislative page scholarship account, the Rosa Franklin legislative internship program scholarship (~~(+account+)~~) account, the Washington advanced college tuition payment program account, the Washington college savings program account, the accessible communities account, the Washington achieving a better life experience program account, the community and technical college innovation account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the county enhanced 911 excise tax account, the county road administration board emergency loan account, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the energy facility site evaluation council account, the fair fund, the family and medical leave insurance account, the fish and wildlife federal lands revolving account, the natural resources federal lands revolving account, the food animal veterinarian conditional scholarship account, the forest health revolving account, the fruit and vegetable inspection account, the educator conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the Washington global health technologies and product development account, the grain inspection revolving fund, the Washington history day account, the industrial insurance rainy day fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the low-income home rehabilitation revolving loan program account, the multiagency permitting team account, the northeast Washington wolf-livestock management account, the produce railcar pool account, the public use general aviation airport loan revolving account, the regional transportation investment district account, the rural rehabilitation account, the Washington

sexual assault kit account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account, the life sciences discovery fund, the Washington state library-archives building account, the reduced cigarette ignition propensity account, the center for deaf and hard of hearing youth account, the school for the blind account, the Millersylvania park trust fund, the public employees' and retirees' insurance reserve fund, the school employees' benefits board insurance reserve fund, the public employees' and retirees' insurance account, the school employees' insurance account, the long-term services and supports trust account, the radiation perpetual maintenance fund, the Indian health improvement reinvestment account, the department of licensing tuition recovery trust fund, the student achievement council tuition recovery trust fund, the tuition recovery trust fund, the industrial insurance premium refund account, the mobile home park relocation fund, the natural resources deposit fund, the Washington state health insurance pool account, the federal forest revolving account, and the library operations account.

(c) The following accounts and funds must receive (~~(eighty)~~) 80 percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advance right-of-way revolving fund, the advanced environmental mitigation revolving account, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

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

fund's average daily balance for the period.

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

NEW SECTION. Sec. 17. A new section is added to chapter 80.50 RCW to read as follows:

(1) Those administrative powers, duties, and functions of the utilities and transportation commission that were performed under the provisions of this chapter for the council prior to the effective date of this section are transferred to the council as set forth in this act.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the utilities and transportation commission pertaining to the powers, duties, and functions transferred must be delivered to the custody of the council. All cabinets, furniture, office equipment, motor vehicles, and other tangible property under the inventory of the utilities and transportation commission for the council must be transferred to the council. All funds, credits, or other assets held by the utilities and transportation commission for the benefit of the council, of which were paid to the utilities and transportation commission pursuant to this chapter must be assigned to the council and transferred to the energy facility site evaluation council account created in section 15 of this act.

(b) Any appropriations made to the utilities and transportation commission for the council to carrying out its powers, functions, and duties transferred must, on the effective date of this section, be transferred and credited to the council. Any funds received pursuant to payment made under this chapter must be credited to the council and deposited in the energy facility site evaluation council account created in section 15 of this act.

(c) If any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall decide as

to the proper allocation and certify the same to the state agencies concerned.

(3) All pending business before the utilities and transportation commission pertaining to the powers, duties, and functions transferred must be continued and acted upon by the council. All existing contracts and obligations remain in full force and must be performed by the council.

(4) The transfer of the powers, duties, functions, and personnel of the utilities and transportation commission does not affect the validity of any act performed before the effective date of this section.

(5) If apportionments of budgeted or nonbudgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(6) All employees of the utilities and transportation commission that are engaged in performing the powers, functions, and duties of the council, are transferred to the council. All employees classified under chapter 41.06 RCW, the state civil service law, assigned to the council shall continue to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service law.

Sec. 18. RCW 80.50.075 and 2006 c 205 s 2 are each amended to read as follows:

(1) Any person filing an application for certification of (~~(an energy facility or an alternative energy resource)~~) any facility pursuant to this chapter may apply to the council for an expedited processing of such an application. The application for expedited processing shall be submitted to the council in such form and manner and accompanied by such information as may be prescribed by council rule. The council may grant an applicant expedited processing of an application for certification upon finding that the environmental impact of the proposed (~~(energy)~~) facility is not significant or will be mitigated to a nonsignificant level under RCW

43.21C.031 and the project is found under RCW 80.50.090(2) to be consistent and in compliance with city, county, or regional land use plans or zoning ordinances.

(2) Upon granting an applicant expedited processing of an application for certification, the council shall not be required to:

(a) Commission an independent study to further measure the consequences of the proposed ~~((energy facility or alternative energy resource))~~ facility on the environment, notwithstanding the other provisions of RCW 80.50.071; nor

(b) Hold an adjudicative proceeding under chapter 34.05 RCW, the administrative procedure act, on the application.

(3) The council shall adopt rules governing the expedited processing of an application for certification pursuant to this section.

NEW SECTION. Sec. 19. (1)(a) The department must consult with stakeholders from rural communities, agriculture, natural resource management and conservation, and forestry to gain a better understanding of the benefits and impacts of anticipated changes in the state's energy system, including the siting of facilities under the jurisdiction of the energy facility site evaluation council, and to identify risks and opportunities for rural communities. This consultation must be conducted in compliance with the community engagement plan developed by the department under chapter 70A.02 RCW and with input from the environmental justice council, using the best recommended practices available at the time. The department must collect the best available information and learn from the lived experiences of people in rural communities, with the objective of improving state implementation of clean energy policies, including the siting of energy facilities under the jurisdiction of the energy facility site evaluation council, in ways that protect and improve life in rural Washington. The department must consult with an array of rural community members, including: low-income community and vulnerable population members or representatives; legislators; local elected officials and staff; those involved with agriculture, forestry, and natural resource management and conservation; renewable energy project property owners; utilities; large energy consumers; and others.

(b) The consultation must include stakeholder meetings with at least one in eastern Washington and one in western Washington.

(c) The department's consultation with stakeholders may include, but is not limited to, the following topics:

(i) Energy facility siting under the jurisdiction of the energy facility site evaluation council, including placement of new renewable energy resources, such as wind and solar generation, pumped storage, and batteries or new nonemitting electric generation resources, and their contribution to resource adequacy;

(ii) Production of hydrogen, biofuels, and feedstocks for clean fuels;

(iii) Programs to reduce energy cost burdens on rural families and farm operations;

(iv) Electric vehicles, farm and warehouse equipment, and charging infrastructure suitable for rural use;

(v) Efforts to capture carbon or produce energy on agricultural, forest, and other rural lands, including dual use solar projects that ensure ongoing agricultural operations;

(vi) The use of wood products and forest practices that provide low-carbon building materials and renewable fuel supplies; and

(vii) The development of clean manufacturing facilities, such as solar panels, vehicles, and carbon fiber.

(2)(a) The department must complete a report on rural clean energy and resilience that takes into consideration the consultation with rural stakeholders as described in subsection (1) of this section. The report must include recommendations for how policies, projects, and investment programs, including energy facility siting through the energy facility site evaluation council, can be developed or amended to more equitably distribute costs and benefits to rural communities. The report must include an assessment of how to improve the total benefits to rural areas overall, as well as the equitable distribution of benefits and costs within rural communities.

(b) The report must include a baseline understanding of rural energy production and consumption, and collect data on

their economic impacts. Specifically, the report must examine:

- (i) Direct, indirect, and induced jobs in construction and operations;
- (ii) Financial returns to property owners;
- (iii) Effects on local tax revenues and public services, which must include whether any school districts had a net loss of resources from diminished local effort assistance payments required under chapter 28A.500 RCW;
- (iv) Effects on other rural land uses, such as agriculture, natural resource management and conservation, and tourism;
- (v) Geographic distribution of large energy projects previously sited or forecast to be sited in Washington;
- (vi) Potential forms of economic development assistance and impact mitigation payments; and
- (vii) Relevant information from the least-conflict priority solar siting pilot project in the Columbia basin of eastern and central Washington required under section 607, chapter 334, Laws of 2021.

(c) The report must include a forecast of what Washington's clean energy transition will require for siting energy projects in rural Washington. The department must gather and analyze the best available information to produce forecast scenarios.

(d) By December 1, 2022, the department must submit an interim report on rural clean energy and resilience to the joint committee on energy supply, energy conservation, and energy resilience created in RCW 44.39.010, the energy facility site evaluation council, and the appropriate policy and fiscal committees of the legislature.

(e) By December 1, 2023, the department must submit a final report on rural clean energy and resilience to the joint committee on energy supply, energy conservation, and energy resilience created in RCW 44.39.010, the energy facility site evaluation council, and the appropriate policy and fiscal committees of the legislature.

(3) For the purposes of this section, "department" means the department of commerce.

Sec. 20. RCW 44.39.010 and 2005 c 299 s 1 are each amended to read as follows:

There is hereby created the joint committee on energy supply (~~and~~), energy conservation, and energy resilience.

Sec. 21. RCW 44.39.012 and 2005 c 299 s 4 are each amended to read as follows:

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

(1) "Committee" means the joint committee on energy supply (~~and~~), energy conservation, and energy resilience.

(2) "Conservation" means reduced energy consumption or energy cost, or increased efficiency in the use of energy, and activities, measures, or equipment designed to achieve such results.

NEW SECTION. **Sec. 22.** (1)(a) The committee shall review the following issues:

(i) Inequities in where large alternative energy projects, including projects under the jurisdiction of the energy facility site evaluation council, have been sited in Washington;

(ii) Inequities in where large alternative energy projects, including projects under the jurisdiction of the energy facility site evaluation council, are forecast to be sited in Washington; and

(iii) Forms of economic development assistance, mitigation payments, and viewshed impairment payments that counties not hosting their per capita share of alternative energy resources should provide to counties that host more than their per capita share.

(b) In support of its obligations under (a) of this subsection, the committee must review the report produced by the department of commerce under section 19 of this act.

(2) The committee must hold at least four meetings, at least two of which must be in eastern Washington. The first meeting of the committee must occur by September 30, 2022.

(3) Relevant state agencies, departments, and commissions, including the energy facility site evaluation council, shall cooperate with the

committee and provide information as the chair reasonably requests.

(4) The committee shall report its findings and any recommendations to the energy facility site evaluation council and the committees of the legislature with jurisdiction over environment and energy laws by December 1, 2023. Recommendations of the committee may be made by a simple majority of committee members. In the event that the committee does not reach majority-supported recommendations, the committee may report minority findings supported by at least two members of the committee.

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

(a) "Alternative energy" means energy derived from an alternative energy resource specified in RCW 80.50.020(1).

(b) "Committee" means the joint committee on energy supply, energy conservation, and energy resilience created in RCW 44.39.010.

(6) This section expires June 30, 2024.

NEW SECTION. Sec. 23. 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.

NEW SECTION. Sec. 24. This act takes effect June 30, 2022.

NEW SECTION. Sec. 25. The following acts or parts of acts are each repealed:

(1) RCW 80.50.190 (Disposition of receipts from applicants) and 1977 ex.s. c 371 s 15; and

(2) RCW 80.50.904 (Effective date—1996 c 4) and 1996 c 4 s 6."

On page 1, line 2 of the title, after "goals;" strike the remainder of the title and insert "amending RCW 80.50.010, 80.50.020, 80.50.040, 80.50.060, 80.50.071, 80.50.100, 80.50.175, 80.50.340, 80.50.075, 44.39.010, and 44.39.012; reenacting and amending RCW 80.50.030, 80.50.090, and 43.79A.040; adding new sections to chapter 80.50 RCW; adding a new section to chapter 41.06 RCW; creating new sections; repealing RCW 80.50.190 and 80.50.904; providing an effective date; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1812 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Fitzgibbon and Dye spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1812, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1812, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 92; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault, Kraft, McCaslin, McEntire, Vick and Walsh.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1812, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 2, 2022

Madame Speaker:

The Senate has passed HOUSE BILL NO. 1825 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 2.56 RCW to read as follows:

For purposes of this title and Title 3 RCW, unless the context clearly requires otherwise, "single judge court" means a court or judicial district that has only one judge.

Sec. 2. RCW 2.56.040 and 2005 c 182 s 1 are each amended to read as follows:

(1) The chief justice shall consider all recommendations of the administrator for the assignment of judges, and, in the discretion of the chief justice, direct any judge whose calendar, in the judgment of the chief justice, will permit, to hold court (~~in any county or district~~) where need therefor exists, to the end that the courts (~~of~~) in this state shall function with maximum efficiency, and that the work of other courts shall be equitably distributed. It shall be the duty of every judge to obey such direction of the chief justice unless excused by the chief justice for sufficient cause.

(2)(a) If due to illness, incapacity, resignation, death, or other unavailability the presiding judge in a single judge court is unable to fulfill the duties of the office, and either (i) no person has been designated by the presiding judge to serve as presiding judge pro tempore or (ii) the previously designated presiding judge pro tempore resigns, is removed from office, or is no longer able to serve, the chief justice may appoint another judicial officer or other person as the presiding judge pro tempore who meets the qualifications of a judge pro tempore, subject to (c) of this subsection, during the remaining period of unavailability or until a vacancy is filled as provided by law.

(b) The chief justice may appoint someone other than the previously designated or appointed individual to serve as presiding judge pro tempore whenever the chief justice determines that the administration of justice would be better served by appointment of someone else to fulfill the presiding judge duties, subject to (c) of this subsection, during the remaining period of unavailability or until the vacancy is filled as provided by law.

(c) The chief justice, or designee, shall consult with the local legislative and executive authorities before removing or appointing a presiding judge

pro tempore under (a) or (b) of this subsection.

(d) Nothing in this section is intended to modify the role of the commission on judicial conduct as provided in Article IV, section 31 of the Washington state Constitution and chapter 2.64 RCW.

Sec. 3. RCW 2.08.120 and 1955 c 38 s 5 are each amended to read as follows:

(1) If a vacancy occurs in the office of judge of the superior court, the governor shall appoint a person to hold the office until the election and qualification of a judge to fill the vacancy, which election shall be at the next succeeding general election, and the judge so elected shall hold office for the remainder of the unexpired term.

(2) During any vacancy that occurs pursuant to subsection (1) of this section in a single judge court, a presiding judge pro tempore who has been predesignated pursuant to court rule or appointed pursuant to RCW 2.56.040(2) may fulfill presiding judge duties, and the authority of the predesignated or appointed presiding judge pro tempore endures until the chief justice appoints someone else to fulfill the presiding judge duties pursuant to RCW 2.56.040(2)(b), or until a vacancy in the position is filled as provided by law, whichever occurs first.

Sec. 4. RCW 2.24.010 and 2021 c 311 s 17 are each amended to read as follows:

(1) There may be appointed in each county or judicial district, by the judges of the superior court having jurisdiction therein or a presiding judge pro tempore who is fulfilling presiding judge duties for a single judge court pursuant to RCW 2.08.120(2), one or more court commissioners for said county or judicial district. Each such commissioner shall be a citizen of the United States and shall hold the office during the pleasure of the judges making the appointment.

(2)(a) There may be appointed in counties with a population of more than four hundred thousand, by the presiding judge of the superior court having jurisdiction therein, one or more attorneys to act as criminal commissioners to assist the superior court in disposing of adult criminal cases. Such criminal commissioners shall have power, authority, and jurisdiction,

concurrent with the superior court and the judges thereof, in adult criminal cases, to preside over arraignments, preliminary appearances, initial extradition hearings, and noncompliance proceedings pursuant to RCW 9.94A.6333 or 9.94B.040; accept pleas if authorized by local court rules; appoint counsel; make determinations of probable cause; set, amend, and review conditions of pretrial release; set bail; set trial and hearing dates; authorize continuances; accept waivers of the right to speedy trial; and authorize and issue search warrants and orders to intercept, monitor, or record wired or wireless telecommunications or for the installation of electronic taps or other devices to include, but not be limited to, vehicle global positioning system or other mobile tracking devices with all the powers conferred upon the judge of the superior court in such matters.

(b) Criminal commissioners shall also have the authority to conduct resentencing hearings and to vacate convictions related to *State v. Blake*, No. 96873-0 (Feb. 25, 2021). Criminal commissioners may be appointed for this purpose regardless of the population of the county served by the appointing court.

(c) The county legislative authority must approve the creation of criminal commissioner positions.

Sec. 5. RCW 3.34.150 and 1989 c 227 s 7 are each amended to read as follows:

(1) If a district has more than one judge, the supreme court may by rule provide for the manner of selection of one of the judges to serve as presiding judge and prescribe the presiding judge's duties. If a county has multiple districts or has one district with multiple electoral districts, the supreme court may by rule provide for the manner of selection of one of the judges to serve as presiding judge and prescribe the presiding judge's duties.

(2) Pursuant to court rule or RCW 2.56.040(2), a presiding judge pro tempore may be predesignated or appointed to fulfill presiding judge duties in case of the illness, incapacity, resignation, death, or unavailability of the presiding judge of a single judge court. In such circumstances, the authority of the predesignated or appointed presiding judge pro tempore endures until the chief justice appoints someone else to fulfill

the presiding judge duties pursuant to RCW 2.56.040(2)(b), or the period of such illness, incapacity, or unavailability ends, or until a vacancy in the position is filled as provided by law, whichever occurs first.

Sec. 6. RCW 3.34.100 and 2003 c 97 s 3 are each amended to read as follows:

(1) If a district judge dies, resigns, is convicted of a felony, ceases to reside in the district, fails to serve for any reason except temporary disability, or if his or her term of office is terminated in any other manner, the office shall be deemed vacant. The county legislative authority shall fill all vacancies by appointment and the judge thus appointed shall hold office until the next general election and until a successor is elected and qualified. However, if a vacancy in the office of district court judge occurs and the total number of district court judges remaining in the county is equal to or greater than the number of district court judges authorized in RCW 3.34.010 then the position shall remain vacant. District judges shall be granted sick leave in the same manner as other county employees. A district judge may receive when vacating office remuneration for unused accumulated leave and sick leave at a rate equal to one day's monetary compensation for each full day of accrued leave and one day's monetary compensation for each four full days of accrued sick leave, the total remuneration for leave and sick leave not to exceed the equivalent of thirty days' monetary compensation.

(2) During any vacancy that occurs pursuant to subsection (1) of this section in a single judge court, a presiding judge pro tempore who has been predesignated pursuant to court rule or appointed pursuant to RCW 2.56.040(2) may fulfill presiding judge duties, and the authority of the predesignated or appointed presiding judge pro tempore endures until the chief justice appoints someone else to fulfill the presiding judge duties pursuant to RCW 2.56.040(2)(b), or until a vacancy in the position is filled as provided by law, whichever occurs first.

Sec. 7. RCW 3.34.130 and 1996 c 16 s 1 are each amended to read as follows:

(1) ~~((Each))~~ In addition to the designation of a presiding judge pro tempore for a single judge court as

provided in RCW 3.34.150(2), each district court shall designate one or more persons as judge pro tempore who shall serve during the temporary absence, disqualification, or incapacity of a district judge or to serve as an additional judge for excess caseload or special set cases. The qualifications of a judge pro tempore shall be the same as for a district judge, except that with respect to RCW 3.34.060(1), the person appointed need only be a registered voter of the state. A district that has a population of not more than ten thousand and that has no person available who meets the qualifications under RCW 3.34.060(2) (a) or (b), may appoint as a pro tempore judge a person who has taken and passed the qualifying examination for the office of district judge as is provided by rule of the supreme court. A judge pro tempore may sit in any district of the county for which he or she is appointed. A judge pro tempore shall be paid the salary authorized by the county legislative authority.

(2) For each day that a judge pro tempore serves in excess of thirty days during any calendar year, the annual salary of the district judge in whose place the judge pro tempore serves shall be reduced by an amount equal to one-two hundred fiftieth of such salary: PROVIDED, That each full time district judge shall have up to fifteen days annual leave without reduction for service on judicial commissions established by the legislature or the chief justice of the supreme court. No reduction in salary shall occur when a judge pro tempore serves:

(a) While a district judge is using sick leave granted in accordance with RCW 3.34.100;

(b) While a district court judge is disqualified from serving following the filing of an affidavit of prejudice;

(c) As an additional judge for excess case load or special set cases; or

(d) While a district judge is otherwise involved in administrative, educational, or judicial functions related to the performance of the judge's duties: PROVIDED, That the appointment of judge pro tempore authorized under subsection (2) (c) and (d) of this section is subject to an appropriation for this purpose by the county legislative authority.

(3) The legislature may appropriate money for the purpose of reimbursing counties for the salaries of judges pro tempore for certain days in excess of thirty worked per year that the judge pro tempore was required to work as the result of service by a judge on a commission as authorized under subsection (2) of this section. No later than September 1 of each year, each county treasurer shall certify to the administrator for the courts for the year ending the preceding June 30, the number of days in excess of thirty that any judge pro tempore was required to work as the result of service by a judge on a commission as authorized under subsection (2) of this section. Upon receipt of the certification, the administrator for the courts shall reimburse the county from money appropriated for that purpose.

Sec. 8. RCW 3.42.010 and 1984 c 258 s 30 are each amended to read as follows:

When so authorized by the districting plan, one or more district court commissioners may be appointed in any district by the judges of the district. Each commissioner shall be a registered voter of the county in which the district or a portion thereof is located, and shall hold office at the pleasure of the appointing judges. For purposes of this section, "appointing judge" includes a presiding judge pro tempore fulfilling presiding judge duties for a single judge court pursuant to RCW 3.34.100(2) or 3.34.150(2). Any person appointed as a commissioner authorized to hear or dispose of cases shall be a lawyer who is admitted to the practice of law in the state of Washington or who has passed the qualifying examination for lay judges as provided under RCW 3.34.060.

NEW SECTION. Sec. 9. A new section is added to chapter 3.50 RCW to read as follows:

During any vacancy that occurs in a single judge court pursuant to RCW 3.50.093 or 3.50.095, a presiding judge pro tempore who has been predesignated pursuant to court rule or appointed pursuant to RCW 2.56.040(2) may fulfill presiding judge duties, and the authority of the predesignated or appointed presiding judge pro tempore endures until the chief justice appoints someone else to fulfill the presiding judge duties pursuant to RCW 2.56.040(2) (b), or until a vacancy in the position is filled as provided by law, whichever occurs first.

Sec. 10. RCW 3.50.075 and 2019 c 52 s 1 are each amended to read as follows:

(1) One or more court commissioners may be appointed by a judge of the municipal court.

(2) Each commissioner holds office at the pleasure of the appointing judge.

(3) Except as provided in subsection (4) of this section, a commissioner has such power, authority, and jurisdiction in criminal and civil matters as the appointing judges possess, and must be a lawyer who is admitted to practice law in the state of Washington or a nonlawyer who has passed, by January 1, 2003, the qualifying examination for lay judges for courts of limited jurisdiction under RCW 3.34.060.

(4) On or after July 1, 2010, when serving as a commissioner, the commissioner does not have authority to preside over trials in criminal matters, or jury trials in civil matters unless agreed to on the record by all parties.

(5) A commissioner need not be a resident of the city or of the county in which the municipal court is created. When a court commissioner has not been appointed and the municipal court is presided over by a part-time appointed judge, the judge need not be a resident of the city or of the county in which the municipal court is created.

(6) For purposes of this section, "appointing judge" includes a presiding judge pro tempore fulfilling presiding judge duties for a single judge court pursuant to RCW 3.50.090(2).

Sec. 11. RCW 3.50.090 and 2000 c 55 s 1 are each amended to read as follows:

~~((The))~~ (1) In addition to the designation of a presiding judge pro tempore for a single judge court as provided in RCW 3.50.090(2), the presiding municipal court judge may designate one or more persons as judges pro tem to serve in the absence or disability of the elected or duly appointed judges of the court, subsequent to the filing of an affidavit of prejudice, or in addition to the elected or duly appointed judges when the administration of justice and the accomplishment of the work of the court make it necessary. The qualifications of a judge pro tempore shall be the same as for judges as provided under RCW 3.50.040 except that a judge pro tempore need not

be a resident of the city or county in which the municipal court is located. Judges pro tempore shall have all of the powers of the duly appointed or elected judges when serving as judges pro tempore of the court. Before entering on his or her duties, each judge pro tempore shall take, subscribe, and file an oath as is taken by a duly appointed or elected judge. Such pro tempore judges shall receive such compensation as shall be fixed by ordinance by the municipality in which the court is located and such compensation shall be paid by the municipality.

(2) If a presiding municipal court judge is the single judge of the court, then pursuant to court rule or RCW 2.56.040(2), a presiding judge pro tempore may be predesignated or appointed to fulfill presiding judge duties in case of the illness, incapacity, resignation, death, or unavailability of the presiding judge. In such circumstances, the authority of the predesignated or appointed presiding judge pro tempore endures until the chief justice appoints someone else to fulfill the presiding judge duties pursuant to RCW 2.56.040(2)(b), or the period of such illness, incapacity, or unavailability ends, or until a vacancy in the position is filled as provided by law, whichever occurs first."

On page 1, line 2 of the title, after "courts;" strike the remainder of the title and insert "amending RCW 2.56.040, 2.08.120, 2.24.010, 3.34.150, 3.34.100, 3.34.130, 3.42.010, 3.50.075, and 3.50.090; adding a new section to chapter 2.56 RCW; and adding a new section to chapter 3.50 RCW."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1825 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Dye and Hansen spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1825, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1825, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

HOUSE BILL NO. 1825, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 3, 2022

Madame Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1890 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 74.09.4951 and 2020 c 130 s 1 are each amended to read as follows:

(1) The children and youth behavioral health work group is established to identify barriers to and opportunities for accessing behavioral health services for children and their families, and to advise the legislature on statewide behavioral health services for this population.

(2) The work group shall consist of members and alternates as provided in this subsection. Members must represent the regional, racial, and cultural diversity of all children and families in the state.

(a) The president of the senate shall appoint one member and one alternate from each of the two largest caucuses in the senate.

(b) The speaker of the house of representatives shall appoint one member and one alternate from each of the two largest caucuses in the house of representatives.

(c) The governor shall appoint six members representing the following state agencies and offices: The department of children, youth, and families; the department of social and health services; the health care authority; the department of health; the office of homeless youth prevention and protection programs; and the office of the governor.

(d) The governor shall appoint the following members:

(i) One representative of behavioral health administrative services organizations;

(ii) One representative of community mental health agencies;

(iii) ~~((One representative))~~ Two representatives of medicaid managed care organizations, one of which must provide managed care to children and youth receiving child welfare services;

(iv) One regional provider of co-occurring disorder services;

(v) One pediatrician or primary care provider;

(vi) One provider specializing in infant or early childhood mental health;

(vii) One representative who advocates for behavioral health issues on behalf of children and youth;

(viii) One representative of early learning and child care providers;

(ix) One representative of the evidence-based practice institute;

(x) Two parents or caregivers of children who have received behavioral health services, one of which must have a child under the age of six;

(xi) One representative of an education or teaching institution that provides training for mental health professionals;

(xii) One foster parent;

(xiii) One representative of providers of culturally and linguistically

appropriate health services to traditionally underserved communities;

(xiv) One pediatrician located east of the crest of the Cascade mountains;

(xv) One child psychiatrist;

(xvi) One representative of an organization representing the interests of individuals with developmental disabilities;

(xvii) Two youth representatives who have received behavioral health services;

(xviii) One representative of a private insurance organization;

(xix) One representative from the statewide family youth system partner roundtable established in the *T.R. v. Strange and McDermott*, formerly the *T.R. v. Dreyfus and Porter*, settlement agreement; and

(xx) One substance use disorder professional.

(e) The governor shall request participation by a representative of tribal governments.

(f) The superintendent of public instruction shall appoint one representative from the office of the superintendent of public instruction.

(g) The insurance commissioner shall appoint one representative from the office of the insurance commissioner.

(h) The work group shall choose its cochairs, one from among its legislative members and one from among the executive branch members. The representative from the health care authority shall convene at least two, but not more than (~~four~~) six, meetings of the work group each year.

(i) The cochairs may invite additional members of the house of representatives and the senate to participate in work group activities, including as leaders of advisory groups to the work group. These legislators are not required to be formally appointed members of the work group in order to participate in or lead advisory groups.

(3) The work group shall:

(a) Monitor the implementation of enacted legislation, programs, and policies related to children and youth behavioral health, including provider payment for mood, anxiety, and substance

use disorder prevention, screening, diagnosis, and treatment for children and young mothers; consultation services for child care providers caring for children with symptoms of trauma; home visiting services; and streamlining agency rules for providers of behavioral health services;

(b) Consider system strategies to improve coordination and remove barriers between the early learning, K-12 education, and health care systems;

(c) Identify opportunities to remove barriers to treatment and strengthen behavioral health service delivery for children and youth;

(d) Determine the strategies and resources needed to:

(i) Improve inpatient and outpatient access to behavioral health services;

(ii) Support the unique needs of young children prenatally through age five, including promoting health and social and emotional development in the context of children's family, community, and culture; and

(iii) Develop and sustain system improvements to support the behavioral health needs of children and youth; and

(e) Consider issues and recommendations put forward by the statewide family youth system partner roundtable established in the *T.R. v. Strange and McDermott*, formerly the *T.R. v. Dreyfus and Porter*, settlement agreement.

(4) At the direction of the cochairs, the work group may convene advisory groups to evaluate specific issues and report related findings and recommendations to the full work group.

(5) The work group shall convene an advisory group focused on school-based behavioral health and suicide prevention. The advisory group shall advise the full work group on creating and maintaining an integrated system of care through a tiered support framework for kindergarten through twelfth grade school systems defined by the office of the superintendent of public instruction and behavioral health care systems that can rapidly identify students in need of care and effectively link these students to appropriate services, provide age-appropriate education on behavioral health and other universal supports for social-emotional wellness for all

students, and improve both education and behavioral health outcomes for students. The work group cochairs may invite nonwork group members to participate as advisory group members.

(6) (a) Subject to the availability of amounts appropriated for this specific purpose, the work group shall convene an advisory group for the purpose of developing a draft strategic plan that describes:

(i) The current landscape of behavioral health services available to families in the perinatal phase, children, youth transitioning into adulthood, and the caregivers of those children and youth in Washington state, including a description of:

(A) The gaps and barriers in receiving or accessing behavioral health services, including services for co-occurring behavioral health disorders or other conditions;

(B) Access to high quality, equitable care and supports in behavioral health education and promotion, prevention, intervention, treatment, recovery, and ongoing well-being supports;

(C) The current supports and services that address emerging behavioral health issues before a diagnosis and more intensive services or clinical treatment is needed; and

(D) The current behavioral health care oversight and management of services and systems;

(ii) The vision for the behavioral health service delivery system for families in the perinatal phase, children, youth transitioning into adulthood, and the caregivers of those children and youth, including:

(A) A complete continuum of services from education, promotion, prevention, early intervention through crisis response, intensive treatment, postintervention, and recovery, as well as supports that sustain wellness in the behavioral health spectrum;

(B) How access can be provided to high quality, equitable care and supports in behavioral health education, promotion, prevention, intervention, recovery, and ongoing well-being when and where needed;

(C) How the children and youth behavioral health system must successfully pair with the 988 behavioral

health crisis response described under chapter 82.86 RCW;

(D) The incremental steps needed to achieve the vision for the behavioral health service delivery system based on the current gaps and barriers for accessing behavioral health services, with estimated dates for these steps; and

(E) The oversight and management needed to ensure effective behavioral health care; and

(iii) A comparison of the current behavioral health system for families in the perinatal phase, children, youth transitioning into adulthood, and the caregivers of those children and youth that is primarily based on crisis response and inadequate capacity with the behavioral health system vision created by the strategic planning process through a cost-benefit analysis.

(b) The work group cochairs may invite nonwork group members to participate as advisory group members, but the strategic plan advisory group shall include, at a minimum:

(i) Community members with lived experience including those with cultural, linguistic, and ethnic diversity, as well as those having diverse experience with behavioral health care invited by the work group cochairs;

(ii) A representative from the department of children, youth, and families;

(iii) A representative from the department;

(iv) A representative from the authority;

(v) A representative from the department of health;

(vi) A representative from the office of homeless youth prevention and protection programs;

(vii) A representative from the office of the governor;

(viii) A representative from the developmental disability administration of the department of social and health services;

(ix) A representative from the office of the superintendent of public instruction;

(x) A representative from the office of the insurance commissioner;

(xi) A tribal representative;

(xii) Two legislative members or alternates from the work group; and

(xiii) Individuals invited by the work group cochairs with relevant subject matter expertise.

(c) The health care authority shall conduct competitive procurements as necessary in accordance with chapter 39.26 RCW to select a third-party facilitator to facilitate the strategic plan advisory group.

(d) To assist the strategic plan advisory group in its work, the authority, in consultation with the cochairs of the work group, shall select an entity to conduct the activities set forth in this subsection. The health care authority may contract directly with a public agency as defined under RCW 39.34.020 through an interagency agreement. If the health care authority determines, in consultation with the cochairs of the work group, that a public agency is not appropriate for conducting these analyses, the health care authority may select another entity through competitive procurements as necessary in accordance with chapter 39.26 RCW. The activities that entities selected under this subsection must complete include:

(i) Following a statewide stakeholder engagement process, a behavioral health landscape analysis for families in the perinatal phase, children, youth transitioning into adulthood, and the caregivers of those children and youth outlining:

(A) The current service continuum including the cost of care, delivery service models, and state oversight for behavioral health services covered by medicaid and private insurance;

(B) Current gaps in the service continuum, areas without access to services, workforce demand, and capacity shortages;

(C) Barriers to accessing preventative services and necessary care including inequities in service access, affordability, cultural responsiveness, linguistic responsiveness, gender responsiveness, and developmentally appropriate service availability; and

(D) Incorporated information provided by the 988 crisis hotline crisis response improvement strategy committee as required under RCW 71.24.893;

(ii) A gap analysis estimating the prevalence of needs for Washington state behavioral health services for families in the perinatal phase, children, youth transitioning into adulthood, and the caregivers of those children and youth served by medicaid or private insurance, including:

(A) The estimated number of families in the perinatal phase, children, youth transitioning into adulthood, and the caregivers of those children and youth who need clinical behavioral health services or could benefit from preventive or early intervention services on an annual basis;

(B) The estimated number of expectant parents and caregivers in need of behavioral health services;

(C) A collection and analysis of disaggregated data to better understand regional, economic, linguistic, gender, and racial gaps in access to behavioral health services;

(D) The estimated costs of providing services that include a range of behavioral health supports that will meet the projected needs of the population; and

(E) Recommendations on the distribution of resources to deliver needed services to families in the perinatal phase, children, youth transitioning into adulthood, and the caregivers of those children and youth across multiple settings; and

(iii) An analysis of peer-reviewed publications, evidence-based practices, and other existing practices and guidelines with preferred outcomes regarding the delivery of behavioral health services to families in the perinatal phase, children, youth transitioning into adulthood, and the caregivers of those children and youth across multiple settings including:

(A) Approaches to increasing access and quality of care for underserved populations;

(B) Approaches to providing developmentally appropriate care;

(C) The integration of culturally responsive care with effective clinical care practices and guidelines;

(D) Strategies to maximize federal reinvestment and resources from any alternative funding sources; and

(E) Workforce development strategies that ensure a sustained, representative, and diverse workforce.

(e) The strategic plan advisory group shall prioritize its work as follows:

(i) Hold its first meeting by September 1, 2022;

(ii) Select third-party entities described under (d) of this subsection by December 31, 2022;

(iii) Provide a progress report on the development of the strategic plan, including a timeline of future strategic plan development steps, to be included in the work group's 2022 annual report required under subsection (10) of this section;

(iv) Provide a progress report on the development of the strategic plan, including discussion of the work group recommendations that align with the strategic plan development thus far, to be included in the work group's 2023 annual report required under subsection (10) of this section;

(v) Provide a draft strategic plan, along with any materials produced by entities selected under (d) of this subsection, to the work group by October 1, 2024. The draft strategic plan must include an incremental action plan outlining the action steps needed to achieve the vision provided by the draft strategic plan, clear prioritization criteria, and a transparent evaluation plan. The action plan may include further research questions, a proposed budget to continue the strategic planning work or implementation process, and a process for reviewing and updating the strategic plan.

(f) The work group shall discuss the draft strategic plan and action plan after they are submitted and adopt a final strategic plan that must be submitted to the governor and the appropriate committees of the legislature at the same time as the work group's 2024 annual report required under subsection (10) of this section.

(7) (a) Staff support for the work group, including administration of work group meetings and preparation of full work group recommendations and reports required under this section, must be provided by the health care authority.

(b) Additional staff support for legislative members of the work group may be provided by senate committee services and the house of representatives office of program research.

(c) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction must provide staff support to the school-based behavioral health and suicide prevention advisory group, including administration of advisory group meetings and the preparation and delivery of advisory group recommendations to the full work group.

~~((7))~~ (8) (a) Legislative members of the work group are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. ~~((Any))~~ Except as provided under (b) of this subsection, any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW. ~~(Advisory group members who are not members of the work group are not entitled to reimbursement.~~

~~(8) The work group shall update the findings and recommendations reported to the legislature by the children's mental health work group in December 2016 pursuant to chapter 96, Laws of 2016. The work group must submit the updated report to the governor and the appropriate committees of the legislature by December 1, 2020.)~~

(b) Members of the children and youth behavioral health work group or an advisory group established under this section with lived experience may receive a stipend of up to \$200 per day if:

(i) The member participates in the meeting virtually or in person, even if only participating for one meeting and not on an ongoing basis; and

(ii) The member does not receive compensation, including paid leave, from the member's employer or contractor for participation in the meeting.

(9) The following definitions apply to this section:

(a) "A member with lived experience" means an individual who has received behavioral health services or whose family member has received behavioral health services; and

(b) "Families in the perinatal phase" means families during the time from pregnancy through one year after birth.

(10) Beginning November 1, 2020, and annually thereafter, the work group shall provide recommendations in alignment with subsection (3) of this section to the governor and the legislature. Beginning November 1, 2025, the work group shall include in its annual report a discussion of how the work group's recommendations align with the final strategic plan described under subsection (6) of this section.

((9)) (11) This section expires December 30, 2026.

NEW SECTION. Sec. 2. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "group;" strike the remainder of the title and insert "amending RCW 74.09.4951; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1890 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Callan and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1890, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1890, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 90; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chase, Dufault, Kraft, McCaslin, McEntire, Sutherland, Walsh and Young.

SECOND SUBSTITUTE HOUSE BILL NO. 1890, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 4, 2022

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1902 with the following amendment:

Strike everything after the enacting clause and insert the following:

"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."

On page 1, line 3 of the title, after "manner;" strike the remainder of the title and insert "and amending RCW 51.28.040."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1902 and advanced the bill, as amended by the Senate, to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Schmick and Sells spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1902, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1902, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE HOUSE BILL NO. 1902, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 4, 2022

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2076 with the following amendment:

Strike everything after the enacting clause and insert the following:

"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.

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."

On page 1, line 2 of the title, after "companies;" strike the remainder of the title and insert "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."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2076 and advanced the bill, as amended by the Senate, to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representative Berry spoke in favor of the passage of the bill.

Representative Hoff spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2076, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2076, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 56; Nays, 42; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldwell, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Entenman, Eslick, Gilday, Goehner, Graham, Griffey,

Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2076, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 3, 2022

Madame Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1099 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.70A.020 and 2021 c 254 s 1 are each amended to read as follows:

The following goals are adopted to guide the development and adoption of comprehensive plans and development regulations of those counties and cities that are required or choose to plan under RCW 36.70A.040 and, where specified, also guide the development of regional policies, plans, and strategies adopted under RCW 36.70A.210 and chapter 47.80 RCW. The following goals are not listed in order of priority and shall be used exclusively for the purpose of guiding the development of comprehensive plans (~~and~~), development regulations, and, where specified, regional plans, policies, and strategies:

(1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

(2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

(3) Transportation. Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.

(4) Housing. Plan for and accommodate housing affordable to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.

(5) Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.

(6) Property rights. Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.

(7) Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.

(8) Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forestlands and productive agricultural lands, and discourage incompatible uses.

(9) Open space and recreation. Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.

(10) Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

(11) Citizen participation and coordination. Encourage the involvement of citizens in the planning process, including the participation of vulnerable populations and overburdened communities, and ensure coordination between communities and jurisdictions to reconcile conflicts.

(12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy

and use without decreasing current service levels below locally established minimum standards.

(13) Historic preservation. Identify and encourage the preservation of lands, sites, and structures, that have historical or archaeological significance.

(14) Environmental Resiliency. Ensure that comprehensive plans, development regulations, and regional policies, plans, and strategies under RCW 36.70A.210 and chapter 47.80 RCW, address and plan to create systems to address jurisdictional needs for resilience to changing conditions including, but not limited to, wildfire, drought, flooding, air quality, other natural hazards, and protect and enhance environmental, economic, and human health and safety.

Sec. 2. RCW 36.70A.480 and 2010 c 107 s 2 are each amended to read as follows:

(1) For shorelines of the state, the goals and policies of the shoreline management act as set forth in RCW 90.58.020 are added as one of the goals of this chapter as set forth in RCW 36.70A.020 without creating an order of priority among the (~~fourteen~~) 15 goals. The goals and policies of a shoreline master program for a county or city approved under chapter 90.58 RCW shall be considered an element of the county or city's comprehensive plan. All other portions of the shoreline master program for a county or city adopted under chapter 90.58 RCW, including use regulations, shall be considered a part of the county or city's development regulations.

(2) The shoreline master program shall be adopted pursuant to the procedures of chapter 90.58 RCW rather than the goals, policies, and procedures set forth in this chapter for the adoption of a comprehensive plan or development regulations.

(3)(a) The policies, goals, and provisions of chapter 90.58 RCW and applicable guidelines shall be the sole basis for determining compliance of a shoreline master program with this chapter except as the shoreline master program is required to comply with the internal consistency provisions of RCW 36.70A.070, 36.70A.040(4), 35.63.125, and 35A.63.105.

(b) Except as otherwise provided in (c) of this subsection, development

regulations adopted under this chapter to protect critical areas within shorelines of the state apply within shorelines of the state until the department of ecology approves one of the following: A comprehensive master program update, as defined in RCW 90.58.030; a segment of a master program relating to critical areas, as provided in RCW 90.58.090; or a new or amended master program approved by the department of ecology on or after March 1, 2002, as provided in RCW 90.58.080. The adoption or update of development regulations to protect critical areas under this chapter prior to department of ecology approval of a master program update as provided in this subsection is not a comprehensive or segment update to the master program.

(c)(i) Until the department of ecology approves a master program or segment of a master program as provided in (b) of this subsection, a use or structure legally located within shorelines of the state that was established or vested on or before the effective date of the local government's development regulations to protect critical areas may continue as a conforming use and may be redeveloped or modified if: (A) The redevelopment or modification is consistent with the local government's master program; and (B) the local government determines that the proposed redevelopment or modification will result in no net loss of shoreline ecological functions. The local government may waive this requirement if the redevelopment or modification is consistent with the master program and the local government's development regulations to protect critical areas.

(ii) For purposes of this subsection (3)(c), an agricultural activity that does not expand the area being used for the agricultural activity is not a redevelopment or modification. "Agricultural activity," as used in this subsection (3)(c), has the same meaning as defined in RCW 90.58.065.

(d) Upon department of ecology approval of a shoreline master program or critical area segment of a shoreline master program, critical areas within shorelines of the state are protected under chapter 90.58 RCW and are not subject to the procedural and substantive requirements of this chapter, except as provided in subsection (6) of this section. Nothing in chapter 321, Laws of 2003 or chapter 107, Laws of 2010 is intended to affect whether or to what

extent agricultural activities, as defined in RCW 90.58.065, are subject to chapter 36.70A RCW.

(e) The provisions of RCW 36.70A.172 shall not apply to the adoption or subsequent amendment of a local government's shoreline master program and shall not be used to determine compliance of a local government's shoreline master program with chapter 90.58 RCW and applicable guidelines. Nothing in this section, however, is intended to limit or change the quality of information to be applied in protecting critical areas within shorelines of the state, as required by chapter 90.58 RCW and applicable guidelines.

(4) Shoreline master programs shall provide a level of protection to critical areas located within shorelines of the state that assures no net loss of shoreline ecological functions necessary to sustain shoreline natural resources as defined by department of ecology guidelines adopted pursuant to RCW 90.58.060.

(5) Shorelines of the state shall not be considered critical areas under this chapter except to the extent that specific areas located within shorelines of the state qualify for critical area designation based on the definition of critical areas provided by RCW 36.70A.030(~~(4)~~) (6) and have been designated as such by a local government pursuant to RCW 36.70A.060(2).

(6) If a local jurisdiction's master program does not include land necessary for buffers for critical areas that occur within shorelines of the state, as authorized by RCW 90.58.030(2)(~~(4)~~) (d), then the local jurisdiction shall continue to regulate those critical areas and their required buffers pursuant to RCW 36.70A.060(2).

Sec. 3. RCW 36.70A.070 and 2021 c 254 s 2 are each amended to read as follows:

The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in RCW

36.70A.140. Each comprehensive plan shall include a plan, scheme, or design for each of the following:

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, general aviation airports, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of groundwater used for public water supplies. The land use element must give special consideration to achieving environmental justice in its goals and policies, including efforts to avoid creating or worsening environmental health disparities. Wherever possible, the land use element should consider utilizing urban planning approaches that promote physical activity. Where applicable, the land use element shall review drainage, flooding, and stormwater runoff in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound. The land use element must reduce and mitigate the risk to lives and property posed by wildfires by using land use planning tools, which may include, but are not limited to, appropriate development standards for residential development in the wildland urban interface area, creating open space buffers between human development and wildfire-prone landscapes, and protecting existing residential development through community wildfire preparedness and fire adaptation measures.

(2) A housing element ensuring the vitality and character of established residential neighborhoods that:

(a) Includes an inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth, as provided by the department of commerce, including:

(i) Units for moderate, low, very low, and extremely low-income households; and

(ii) Emergency housing, emergency shelters, and permanent supportive housing;

(b) Includes a statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing, including single-family residences, and within an urban growth area boundary, moderate density housing options including ~~((+))~~, but not limited to, duplexes, triplexes, and townhomes;

(c) Identifies sufficient capacity of land for housing including, but not limited to, government-assisted housing, housing for moderate, low, very low, and extremely low-income households, manufactured housing, multifamily housing, group homes, foster care facilities, emergency housing, emergency shelters, permanent supportive housing, and within an urban growth area boundary, consideration of duplexes, triplexes, and townhomes;

(d) Makes adequate provisions for existing and projected needs of all economic segments of the community, including:

(i) Incorporating consideration for low, very low, extremely low, and moderate-income households;

(ii) Documenting programs and actions needed to achieve housing availability including gaps in local funding, barriers such as development regulations, and other limitations;

(iii) Consideration of housing locations in relation to employment location; and

(iv) Consideration of the role of accessory dwelling units in meeting housing needs;

(e) Identifies local policies and regulations that result in racially disparate impacts, displacement, and exclusion in housing, including:

(i) Zoning that may have a discriminatory effect;

(ii) Disinvestment; and

(iii) Infrastructure availability;

(f) Identifies and implements policies and regulations to address and begin to undo racially disparate impacts, displacement, and exclusion in housing caused by local policies, plans, and actions;

(g) Identifies areas that may be at higher risk of displacement from market forces that occur with changes to zoning development regulations and capital investments; and

(h) Establishes antidisplacement policies, with consideration given to the preservation of historical and cultural communities as well as investments in low, very low, extremely low, and moderate-income housing; equitable development initiatives; inclusionary zoning; community planning requirements; tenant protections; land disposition policies; and consideration of land that may be used for affordable housing.

In counties and cities subject to the review and evaluation requirements of RCW 36.70A.215, any revision to the housing element shall include consideration of prior review and evaluation reports and any reasonable measures identified. The housing element should link jurisdictional goals with overall county goals to ensure that the housing element goals are met.

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, including green infrastructure, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent. Park and recreation facilities shall be included in the capital facilities plan element.

(4) A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, components of drinking water, stormwater, wastewater, electrical ~~((lines))~~, telecommunications ~~((lines))~~, and natural gas ~~((lines))~~ systems.

(5) Rural element. Counties shall include a rural element including lands

that are not designated for urban growth, agriculture, forest, or mineral resources. The following provisions shall apply to the rural element:

(a) Growth management act goals and local circumstances. Because circumstances vary from county to county, in establishing patterns of rural densities and uses, a county may consider local circumstances, but shall develop a written record explaining how the rural element harmonizes the planning goals in RCW 36.70A.020 and meets the requirements of this chapter.

(b) Rural development. The rural element shall permit rural development, forestry, and agriculture in rural areas. The rural element shall provide for a variety of rural densities, uses, essential public facilities, and rural governmental services needed to serve the permitted densities and uses. To achieve a variety of rural densities and uses, counties may provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural economic advancement, densities, and uses that are not characterized by urban growth and that are consistent with rural character.

(c) Measures governing rural development. The rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by:

(i) Containing or otherwise controlling rural development;

(ii) Assuring visual compatibility of rural development with the surrounding rural area;

(iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;

(iv) Protecting critical areas, as provided in RCW 36.70A.060, and surface water and groundwater resources; and

(v) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.

(d) Limited areas of more intensive rural development. Subject to the requirements of this subsection and except as otherwise specifically provided in this subsection (5)(d), the

rural element may allow for limited areas of more intensive rural development, including necessary public facilities and public services to serve the limited area as follows:

(i) Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments.

(A) A commercial, industrial, residential, shoreline, or mixed-use area are subject to the requirements of (d)(iv) of this subsection, but are not subject to the requirements of (c)(ii) and (iii) of this subsection.

(B) Any development or redevelopment other than an industrial area or an industrial use within a mixed-use area or an industrial area under this subsection (5)(d)(i) must be principally designed to serve the existing and projected rural population.

(C) Any development or redevelopment in terms of building size, scale, use, or intensity shall be consistent with the character of the existing areas. Development and redevelopment may include changes in use from vacant land or a previously existing use so long as the new use conforms to the requirements of this subsection (5);

(ii) The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting, but that do not include new residential development. A small-scale recreation or tourist use is not required to be principally designed to serve the existing and projected rural population. Public services and public facilities shall be limited to those necessary to serve the recreation or tourist use and shall be provided in a manner that does not permit low-density sprawl;

(iii) The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide

job opportunities for rural residents. Rural counties may allow the expansion of small-scale businesses as long as those small-scale businesses conform with the rural character of the area as defined by the local government according to RCW 36.70A.030(23). Rural counties may also allow new small-scale businesses to utilize a site previously occupied by an existing business as long as the new small-scale business conforms to the rural character of the area as defined by the local government according to RCW 36.70A.030(23). Public services and public facilities shall be limited to those necessary to serve the isolated nonresidential use and shall be provided in a manner that does not permit low-density sprawl;

(iv) A county shall adopt measures to minimize and contain the existing areas or uses of more intensive rural development, as appropriate, authorized under this subsection. Lands included in such existing areas or uses shall not extend beyond the logical outer boundary of the existing area or use, thereby allowing a new pattern of low-density sprawl. Existing areas are those that are clearly identifiable and contained and where there is a logical boundary delineated predominately by the built environment, but that may also include undeveloped lands if limited as provided in this subsection. The county shall establish the logical outer boundary of an area of more intensive rural development. In establishing the logical outer boundary, the county shall address (A) the need to preserve the character of existing natural neighborhoods and communities, (B) physical boundaries, such as bodies of water, streets and highways, and land forms and contours, (C) the prevention of abnormally irregular boundaries, and (D) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl;

(v) For purposes of (d) of this subsection, an existing area or existing use is one that was in existence:

(A) On July 1, 1990, in a county that was initially required to plan under all of the provisions of this chapter;

(B) On the date the county adopted a resolution under RCW 36.70A.040(2), in a county that is planning under all of the provisions of this chapter under RCW 36.70A.040(2); or

(C) On the date the office of financial management certifies the county's population as provided in RCW 36.70A.040(5), in a county that is planning under all of the provisions of this chapter pursuant to RCW 36.70A.040(5).

(e) Exception. This subsection shall not be interpreted to permit in the rural area a major industrial development or a master planned resort unless otherwise specifically permitted under RCW 36.70A.360 and 36.70A.365.

(6) A transportation element that implements, and is consistent with, the land use element.

(a) The transportation element shall include the following subelements:

(i) Land use assumptions used in estimating travel;

(ii) Estimated traffic impacts to state-owned transportation facilities resulting from land use assumptions to assist the department of transportation in monitoring the performance of state facilities, to plan improvements for the facilities, and to assess the impact of land-use decisions on state-owned transportation facilities;

(iii) Facilities and services needs, including:

(A) An inventory of air, water, and ground transportation facilities and services, including transit alignments, active transportation facilities, and general aviation airport facilities, to define existing capital facilities and travel levels ~~((as a basis for))~~ to inform future planning. This inventory must include state-owned transportation facilities within the city or county's jurisdictional boundaries;

(B) Level of service standards for all locally owned arterials ~~((and)),~~ locally and regionally operated transit routes that serve urban growth areas, state-owned or operated transit routes that serve urban areas if the department of transportation has prepared such standards, and active transportation facilities to serve as a gauge to judge performance of the system and success in helping to achieve the goals of this chapter consistent with environmental justice. These standards should be regionally coordinated;

(C) For state-owned transportation facilities, level of service standards

for highways, as prescribed in chapters 47.06 and 47.80 RCW, to gauge the performance of the system. The purposes of reflecting level of service standards for state highways in the local comprehensive plan are to monitor the performance of the system, to evaluate improvement strategies, and to facilitate coordination between the county's or city's six-year street, road, active transportation, or transit program and the office of financial management's ten-year investment program. The concurrency requirements of (b) of this subsection do not apply to transportation facilities and services of statewide significance except for counties consisting of islands whose only connection to the mainland are state highways or ferry routes. In these island counties, state highways and ferry route capacity must be a factor in meeting the concurrency requirements in (b) of this subsection;

(D) Specific actions and requirements for bringing into compliance ~~((locally owned))~~ transportation facilities or services that are below an established level of service standard;

(E) Forecasts of ~~((traffic))~~ multimodal transportation demand and needs within cities and urban growth areas, and forecasts of traffic demand and needs outside of cities and urban growth areas, for at least ten years based on the adopted land use plan to ~~((provide information on the location, timing, and capacity needs of future growth))~~ inform the development of a transportation element that balances transportation system safety and convenience to accommodate all users of the transportation system to safely, reliably, and efficiently provide access and mobility to people and goods;

(F) Identification of state and local system needs to equitably meet current and future demands. Identified needs on state-owned transportation facilities must be consistent with the statewide multimodal transportation plan required under chapter 47.06 RCW. Local system needs should reflect the regional transportation system, local goals, and strive to equitably implement the multimodal network;

(iv) Finance, including:

(A) An analysis of funding capability to judge needs against probable funding resources;

(B) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve as the basis for the six-year street, road, or transit program required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems. The multiyear financing plan should be coordinated with the ten-year investment program developed by the office of financial management as required by RCW 47.05.030;

(C) If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;

(v) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;

(vi) Demand-management strategies;

(vii) ~~((Pedestrian and bicycle))~~ Active transportation component to include collaborative efforts to identify and designate planned improvements for ~~((pedestrian and bicycle))~~ active transportation facilities and corridors that address and encourage enhanced community access and promote healthy lifestyles.

(b) After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a locally owned transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include active transportation facility improvements, increased or enhanced public transportation service, ride-sharing programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (6), "concurrent with the development" means that improvements or strategies are in place at the time of

development, or that a financial commitment is in place to complete the improvements or strategies within six years. If the collection of impact fees is delayed under RCW 82.02.050(3), the six-year period required by this subsection (6)(b) must begin after full payment of all impact fees is due to the county or city. If it is possible to provide for the transportation needs of a development through active transportation facility improvements, increased or enhanced public transportation service, ride-sharing programs, demand management, or other transportation systems management strategies funded by the development, a development approval may not be denied because it fails to meet traffic level of service standards.

(c) The transportation element described in this subsection (6), the six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems, and the ten-year investment program required by RCW 47.05.030 for the state, must be consistent.

(7) An economic development element establishing local goals, policies, objectives, and provisions for economic growth and vitality and a high quality of life. A city that has chosen to be a residential community is exempt from the economic development element requirement of this subsection.

(8) A park and recreation element that implements, and is consistent with, the capital facilities plan element as it relates to park and recreation facilities. The element shall include: (a) Estimates of park and recreation demand for at least a ten-year period; (b) an evaluation of facilities and service needs; and (c) an evaluation of intergovernmental coordination opportunities to provide regional approaches for meeting park and recreational demand.

(9)(a) A resiliency element designed to address environmental related problems specific to the jurisdiction. These problems may include but are not limited to limiting damage from wildfires, sea level rise, addressing air quality issues, designing transportation systems that balance the needs of the jurisdiction and its people as well as environmental impacts.

(b) (i) The resiliency subelement must equitably enhance resiliency to, and avoid or substantially reduce the adverse impacts of, climate change in human communities and ecological systems through goals, policies, and programs consistent with the best available science and scientifically credible climate projections and impact scenarios that moderate or avoid harm, enhance the resiliency of natural and human systems, and enhance beneficial opportunities. The resiliency subelement must prioritize actions in overburdened communities as defined in chapter 70A.02 RCW that will disproportionately suffer from compounding environmental impacts and will be most impacted by natural hazards due to extreme weather events. Specific goals, policies, and programs of the resiliency subelement must include, but are not limited to, those designed to:

(A) Identify, protect, and enhance natural areas to foster resiliency to changing conditions, as well as areas of vital habitat for safe passage and species migration;

(B) Identify, protect, and enhance community resiliency to climate change impacts, including social, economic, and built factors, that support adaptation to changing conditions consistent with environmental justice; and

(C) Address natural hazards created or aggravated by extreme weather events, including sea level rise, landslides, flooding, drought, heat, smoke, wildfire, and other effects of changes to temperature and precipitation patterns.

(ii) A natural hazard mitigation plan or similar plan that is guided by RCW 36.70A.020(14), that prioritizes actions in overburdened communities as defined in RCW 70A.02.010, and that complies with the applicable requirements of this chapter, including the requirements set forth in this subsection (9) (b), may be adopted by reference to satisfy these requirements, except that to the extent any of the substantive requirements of this subsection (9) (b) are not addressed, or are inadequately addressed, in the referenced natural hazard mitigation plan, a county or city must supplement the natural hazard mitigation plan accordingly so that the adopted resiliency subelement complies fully with the substantive requirements of this subsection (9) (b).

(A) If a county or city intends to adopt by reference a federal emergency management agency natural hazard mitigation plan in order to meet all or part of the substantive requirements set forth in this subsection (9) (b), and the most recently adopted federal emergency management agency natural hazard mitigation plan does not comply with the requirements of this subsection (9) (b), the department may grant the county or city an extension of time in which to submit a natural hazard mitigation plan.

(B) Eligibility for an extension under this subsection prior to July 1, 2027, is limited to a city or county required to review and, if needed, revise its comprehensive plan on or before June 30, 2025, as provided in RCW 36.70A.130, or for a city or county with an existing, unexpired federal emergency management agency natural hazard mitigation plan scheduled to expire before December 31, 2024.

(C) Extension requests after July 1, 2027, may be granted if requirements for the resiliency subelement are amended or added by the legislature or if the department finds other circumstances that may result in a potential finding of noncompliance with a jurisdiction's existing and approved federal emergency management agency natural hazard mitigation plan.

(D) A city or county that wishes to request an extension of time must submit a request in writing to the department no later than the date on which the city or county is required to review and, if needed, revise its comprehensive plan as provided in RCW 36.70A.130.

(E) Upon the submission of such a request to the department, the city or county may have an additional 48 months from the date provided in RCW 36.70A.130 in which to either adopt by reference an updated federal emergency management agency natural hazard mitigation plan or adopt its own natural hazard mitigation plan, and to then submit that plan to the department.

(F) No later than 48 months from the date provided in RCW 36.70A.130, the city or county must adopt a natural hazard mitigation plan that complies with this subsection (9) (b).

(10) It is the intent that new or amended elements required after January 1, 2002, be adopted concurrent with the scheduled update provided in RCW

36.70A.130. Requirements to incorporate any such new or amended elements shall be null and void until funds sufficient to cover applicable local government costs are appropriated and distributed by the state at least two years before local government must update comprehensive plans as required in RCW 36.70A.130.

Sec. 4. RCW 36.70A.190 and 1991 sp.s. c 32 s 3 are each amended to read as follows:

(1) The department shall establish a program of technical and financial assistance and incentives to counties and cities to encourage and facilitate the adoption and implementation of comprehensive plans and development regulations throughout the state.

(2) The department shall develop a priority list and establish funding levels for planning and technical assistance grants both for counties and cities that plan under RCW 36.70A.040. Priority for assistance shall be based on a county's or city's population growth rates, commercial and industrial development rates, the existence and quality of a comprehensive plan and development regulations, ~~((and other relevant factors))~~ presence of overburdened communities, and other relevant factors. The department shall establish funding levels for grants to community-based organizations for the specific purpose of advancing participation of vulnerable populations and overburdened communities in the planning process.

(3) The department shall develop and administer a grant program to provide direct financial assistance to counties and cities for the preparation of comprehensive plans under this chapter. The department may establish provisions for county and city matching funds to conduct activities under this subsection. Grants may be expended for any purpose directly related to the preparation of a county or city comprehensive plan as the county or city and the department may agree, including, without limitation, the conducting of surveys, inventories and other data gathering and management activities, the retention of planning consultants, contracts with regional councils for planning and related services, and other related purposes.

(4) The department shall establish a program of technical assistance:

(a) Utilizing department staff, the staff of other state agencies, and the technical resources of counties and cities to help in the development of comprehensive plans required under this chapter. The technical assistance may include, but not be limited to, model land use ordinances, regional education and training programs, and information for local and regional inventories; and

(b) Adopting by rule procedural criteria to assist counties and cities in adopting comprehensive plans and development regulations that meet the goals and requirements of this chapter. These criteria shall reflect regional and local variations and the diversity that exists among different counties and cities that plan under this chapter.

(5) The department shall provide mediation services to resolve disputes between counties and cities regarding, among other things, coordination of regional issues and designation of urban growth areas.

(6) The department shall provide planning grants to enhance citizen participation under RCW 36.70A.140.

(7) 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, the emergency management division of the military department, as well as any federally recognized tribe who chooses to voluntarily participate, and adopt by rule guidance that creates a model 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 required by RCW 36.70A.070(9), subject to the following provisions:

(a) The model element must establish minimum requirements, and may include model options or voluntary cross-jurisdictional strategies, or both, for fulfilling the requirements of RCW 36.70A.070(9);

(b) The model element should provide guidance on identifying, designing, and investing in infrastructure that supports community resilience to extreme weather events, including the protection, restoration, and enhancement of natural infrastructure as well as traditional infrastructure and protecting and enhancing natural areas to

foster resiliency to changing conditions, as well as areas of vital habitat for safe passage and species migration;

(c) The model element should provide guidance on identifying and addressing natural hazards created or aggravated by changing conditions, including sea level rise, landslides, flooding, drought, heat, smoke, wildfires, and other effects of reasonably anticipated changes to temperature and precipitation patterns;

(d) The rule must recognize and promote as many cobenefits of climate resiliency as possible such as salmon recovery, forest health, ecosystem services, and socioeconomic health and resilience; and

(e) The model element must not be required but may be implemented by any jurisdiction.

NEW SECTION. Sec. 5. A new section is added to chapter 90.58 RCW to read as follows:

The department shall update its shoreline master program guidelines to require shoreline master programs to address the impact of sea level rise and increased storm severity on people, property, and shoreline natural resources and the environment.

Sec. 6. RCW 36.70A.030 and 2021 c 254 s 6 are each amended to read as follows:

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

(1) "Adopt a comprehensive land use plan" means to enact a new comprehensive land use plan or to update an existing comprehensive land use plan.

(2) "Affordable housing" means, unless the context clearly indicates otherwise, residential housing whose monthly costs, including utilities other than telephone, do not exceed thirty percent of the monthly income of a household whose income is:

(a) For rental housing, sixty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development; or

(b) For owner-occupied housing, eighty percent of the median household income adjusted for household size, for the county where the household is located, as

reported by the United States department of housing and urban development.

(3) "Agricultural land" means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production.

(4) "City" means any city or town, including a code city.

(5) "Comprehensive land use plan," "comprehensive plan," or "plan" means a generalized coordinated land use policy statement of the governing body of a county or city that is adopted pursuant to this chapter.

(6) "Critical areas" include the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas. "Fish and wildlife habitat conservation areas" does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company.

(7) "Department" means the department of commerce.

(8) "Development regulations" or "regulation" means the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in RCW 36.70B.020, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city.

(9) "Emergency housing" means temporary indoor accommodations for

individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement.

(10) "Emergency shelter" means a facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations.

(11) "Extremely low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below thirty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

(12) "Forestland" means land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140, and that has long-term commercial significance. In determining whether forestland is primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, the following factors shall be considered: (a) The proximity of the land to urban, suburban, and rural settlements; (b) surrounding parcel size and the compatibility and intensity of adjacent and nearby land uses; (c) long-term local economic conditions that affect the ability to manage for timber production; and (d) the availability of public facilities and services conducive to conversion of forestland to other uses.

(13) "Freight rail dependent uses" means buildings and other infrastructure that are used in the fabrication, processing, storage, and transport of goods where the use is dependent on and makes use of an adjacent short line railroad. Such facilities are both urban and rural development for purposes of this chapter. "Freight rail dependent uses" does not include buildings and

other infrastructure that are used in the fabrication, processing, storage, and transport of coal, liquefied natural gas, or "crude oil" as defined in RCW 90.56.010.

(14) "Geologically hazardous areas" means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

(15) "Long-term commercial significance" includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

(16) "Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below eighty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

(17) "Minerals" include gravel, sand, and valuable metallic substances.

(18) "Moderate-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below 120 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

(19) "Permanent supportive housing" is subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a

successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in chapter 59.18 RCW.

(20) "Public facilities" include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools.

(21) "Public services" include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.

(22) "Recreational land" means land so designated under RCW 36.70A.1701 and that, immediately prior to this designation, was designated as agricultural land of long-term commercial significance under RCW 36.70A.170. Recreational land must have playing fields and supporting facilities existing before July 1, 2004, for sports played on grass playing fields.

(23) "Rural character" refers to the patterns of land use and development established by a county in the rural element of its comprehensive plan:

(a) In which open space, the natural landscape, and vegetation predominate over the built environment;

(b) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;

(c) That provide visual landscapes that are traditionally found in rural areas and communities;

(d) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;

(e) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;

(f) That generally do not require the extension of urban governmental services; and

(g) That are consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas.

(24) "Rural development" refers to development outside the urban growth area and outside agricultural, forest, and mineral resource lands designated pursuant to RCW 36.70A.170. Rural development can consist of a variety of uses and residential densities, including clustered residential development, at levels that are consistent with the preservation of rural character and the requirements of the rural element. Rural development does not refer to agriculture or forestry activities that may be conducted in rural areas.

(25) "Rural governmental services" or "rural services" include those public services and public facilities historically and typically delivered at an intensity usually found in rural areas, and may include domestic water systems, fire and police protection services, transportation and public transit services, and other public utilities associated with rural development and normally not associated with urban areas. Rural services do not include storm or sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

(26) "Short line railroad" means those railroad lines designated class II or class III by the United States surface transportation board.

(27) "Urban governmental services" or "urban services" include those public services and public facilities at an intensity historically and typically provided in cities, specifically including storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with rural areas.

(28) "Urban growth" refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands designated pursuant to RCW 36.70A.170. A pattern of more intensive rural development, as provided in RCW 36.70A.070(5)(d), is not urban growth. When allowed to spread over wide areas, urban growth typically requires urban

governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

(29) "Urban growth areas" means those areas designated by a county pursuant to RCW 36.70A.110.

(30) "Very low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below fifty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

(31) "Wetland" or "wetlands" means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands.

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

(33) "Transportation system" means all infrastructure and services for all forms

of transportation within a geographical area, irrespective of the responsible jurisdiction or transportation provider.

(34) "Environmental justice" means the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to development, implementation, and enforcement of environmental laws, regulations, and policies; with a focus on the equitable distribution of resources, benefits, and burdens in a manner that prioritizes communities that experience the greatest inequities, disproportionate impacts, and have the greatest unmet needs.

(35) "Active transportation facilities" means facilities provided for the safety and mobility of active transportation users including, but not limited to, trails, as defined in RCW 47.30.005, sidewalks, bike lanes, shared-use paths, and other facilities in the public right-of-way.

(36) "Greenspace" means an area of land, vegetated by natural features such as grass, trees, or shrubs, within an urban context and less than one acre in size that creates public value through one or more of the following attributes:

(a) Is accessible to the public;

(b) Promotes physical and mental health of residents;

(c) Provides relief from the urban heat island effects;

(d) Promotes recreational and aesthetic values;

(e) Protects streams or water supply;
or

(f) Preserves visual quality along highway, road, or street corridors.

(37) "Green infrastructure" means a wide array of natural assets, built structures, and management practices at multiple scales that manage wet weather and that maintain and restore natural hydrology by storing, infiltrating, evapotranspiring, and harvesting and using stormwater.

Sec. 7. RCW 86.12.200 and 1991 c 322 s 3 are each amended to read as follows:

The county legislative authority of any county may adopt a comprehensive flood control management plan for any drainage basin that is located wholly or partially within the county.

A comprehensive flood control management plan shall include the following elements:

(1) Designation of areas that are susceptible to periodic flooding, from inundation by bodies of water or surface water runoff, or both, including the river's meander belt or floodway;

(2) Establishment of a comprehensive scheme of flood control protection and improvements for the areas that are subject to such periodic flooding, that includes: (a) Determining the need for, and desirable location of, flood control improvements to protect or preclude flood damage to structures, works, and improvements, based upon a cost/benefit ratio between the expense of providing and maintaining these improvements and the benefits arising from these improvements; (b) establishing the level of flood protection that each portion of the system of flood control improvements will be permitted; (c) identifying alternatives to in-stream flood control work; (d) identifying areas where flood waters could be directed during a flood to avoid damage to buildings and other structures; and (e) identifying sources of revenue that will be sufficient to finance the comprehensive scheme of flood control protection and improvements;

(3) Establishing land use regulations that preclude the location of structures, works, or improvements in critical portions of such areas subject to periodic flooding, including a river's meander belt or floodway, and permitting only flood-compatible land uses in such areas;

(4) Establishing restrictions on construction activities in areas subject to periodic floods that require the flood proofing of those structures that are permitted to be constructed or remodeled; ((and))

(5) Establishing restrictions on land clearing activities and development practices that exacerbate flood problems by increasing the flow or accumulation of flood waters, or the intensity of drainage, on low-lying areas. Land clearing activities do not include forest practices as defined in chapter 76.09 RCW; and

(6) Consideration of changing conditions, including the impact of sea level rise and increased storm severity on people, property, natural resources, and the environment.

A comprehensive flood control management plan shall be subject to the minimum requirements for participation in the national flood insurance program, requirements exceeding the minimum national flood insurance program that have been adopted by the department of ecology for a specific floodplain pursuant to RCW 86.16.031, and rules adopted by the department of ecology pursuant to RCW 86.26.050 relating to floodplain management activities. When a county plans under chapter 36.70A RCW, it may incorporate the portion of its comprehensive flood control management plan relating to land use restrictions in its comprehensive plan and development regulations adopted pursuant to chapter 36.70A RCW.

NEW SECTION. **Sec. 8.** (1) The obligation of local governments to comply with the requirements established in the updated shoreline master program guidelines adopted pursuant to section 5 of this act, is contingent on the provision of state funding to local governments for the specific purpose of complying with these requirements.

(2) The obligation of local governments to comply with the requirements established in: (a) The amendments to RCW 36.70A.070 set forth in this act; and (b) the updated shoreline master program guidelines adopted pursuant to section 5 of this act, takes effect two years after the date the legislature appropriates state funding to provide to local governments for the purpose of complying with these requirements.

NEW SECTION. **Sec. 9.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "framework;" strike the remainder of the title and insert "amending RCW 36.70A.020, 36.70A.480, 36.70A.070, 36.70A.190, 36.70A.030, and 86.12.200; adding a new section to chapter 90.58 RCW; and creating new sections."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate Amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1099 and asked the Senate for a conference thereon. The Speaker (Representative Orwall presiding) appointed Representatives Fitzgibbon, Duerr and Dye as conferees.

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

MESSAGES FROM THE SENATE

March 7, 2022

Mme. SPEAKER:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

SENATE BILL NO. 5002,
ENGROSSED SUBSTITUTE SENATE BILL NO.
5245,
ENGROSSED SUBSTITUTE SENATE BILL NO.
5268,
SUBSTITUTE SENATE BILL NO. 5376,
SENATE BILL NO. 5498,
SUBSTITUTE SENATE BILL NO. 5528,
SENATE BILL NO. 5529,
SECOND SUBSTITUTE SENATE BILL NO. 5532,
ENGROSSED SUBSTITUTE SENATE BILL NO.
5544,
SENATE BILL NO. 5566,
ENGROSSED SECOND SUBSTITUTE SENATE
BILL NO. 5600,
SUBSTITUTE SENATE BILL NO. 5610,
ENGROSSED SUBSTITUTE SENATE BILL NO.
5628,
SECOND SUBSTITUTE SENATE BILL NO. 5649,
SENATE BILL NO. 5657,
SECOND SUBSTITUTE SENATE BILL NO. 5664,
SENATE BILL NO. 5687,
SECOND SUBSTITUTE SENATE BILL NO. 5695,
ENGROSSED SECOND SUBSTITUTE SENATE
BILL NO. 5702,
SENATE BILL NO. 5713,
SECOND SUBSTITUTE SENATE BILL NO. 5720,
SUBSTITUTE SENATE BILL NO. 5729,
SUBSTITUTE SENATE BILL NO. 5749,
SUBSTITUTE SENATE BILL NO. 5753,
ENGROSSED SUBSTITUTE SENATE BILL NO.
5761,
ENGROSSED SECOND SUBSTITUTE SENATE
BILL NO. 5764,
SENATE BILL NO. 5788,
SECOND SUBSTITUTE SENATE BILL NO. 5789,
SUBSTITUTE SENATE BILL NO. 5790,
SECOND SUBSTITUTE SENATE BILL NO. 5793,
ENGROSSED SECOND SUBSTITUTE SENATE
BILL NO. 5796,
SUBSTITUTE SENATE BILL NO. 5810,
SUBSTITUTE SENATE BILL NO. 5818,

SUBSTITUTE SENATE BILL NO. 5819,
ENGROSSED SECOND SUBSTITUTE SENATE
BILL NO. 5842,
ENGROSSED SUBSTITUTE SENATE BILL NO.
5847,
SENATE BILL NO. 5855,
SENATE BILL NO. 5868,
ENGROSSED SUBSTITUTE SENATE BILL NO.
5878,
SUBSTITUTE SENATE BILL NO. 5883,
SENATE BILL NO. 5929,
SUBSTITUTE SENATE BILL NO. 5961,

and the same are herewith transmitted.

Sarah Bannister, Secretary

March 7, 2022

Mme. SPEAKER:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1642,
ENGROSSED SUBSTITUTE HOUSE BILL NO.
1716,
SUBSTITUTE HOUSE BILL NO. 1724,
HOUSE BILL NO. 1833,
SUBSTITUTE HOUSE BILL NO. 1867,
HOUSE BILL NO. 1934,
SUBSTITUTE HOUSE BILL NO. 1941,
HOUSE BILL NO. 1953,
HOUSE BILL NO. 1974,
HOUSE BILL NO. 2033,
ENGROSSED SUBSTITUTE HOUSE BILL NO.
2064,

and the same are herewith transmitted.

Sarah Bannister, Secretary

March 7, 2022

Mme. SPEAKER:

The President has signed:

ENGROSSED SENATE BILL NO. 5017,
ENGROSSED SUBSTITUTE SENATE BILL NO.
5078,
SENATE BILL NO. 5196,
SECOND ENGROSSED SUBSTITUTE SENATE
BILL NO. 5275,
SENATE BILL NO. 5505,
SENATE BILL NO. 5519,
SUBSTITUTE SENATE BILL NO. 5548,
SUBSTITUTE SENATE BILL NO. 5590,
SENATE BILL NO. 5615,
SENATE BILL NO. 5624,
SUBSTITUTE SENATE BILL NO. 5678,
SECOND SUBSTITUTE SENATE BILL NO. 5736,
SUBSTITUTE SENATE BILL NO. 5745,

SENATE BILL NO. 5750,
 SUBSTITUTE SENATE BILL NO. 5756,
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 5758,
 SUBSTITUTE SENATE BILL NO. 5785,
 SENATE BILL NO. 5787,

and the same are herewith transmitted.

Sarah Bannister, Secretary

The Speaker assumed the chair.

RESOLUTION

HOUSE RESOLUTION NO. 2022-4666, by Representatives Jinkins, Wilcox, Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slater, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wylie, Ybarra, and Young

WHEREAS, Representative Jeremie J. Dufault was born and raised in Yakima where his family has lived and farmed in the Yakima Valley for nearly a century; and

WHEREAS, He graduated from A.C. Davis High School in Yakima in 1996; and

WHEREAS, Dufault graduated from the University of Pennsylvania, earned a Juris Doctorate degree from Harvard Law School, and graduated from the United States Army Judge Advocate General School at the University of Virginia; and

WHEREAS, He served during wartime in Kuwait and Afghanistan; and

WHEREAS, Dufault is a Lieutenant Colonel in the United States Army Reserve and serves as a Judge Advocate General's (JAG) Corps military lawyer; and

WHEREAS, He is an investor and real estate developer specializing in senior, student, and family housing; and

WHEREAS, Dufault has been committed to public service having served on the Selah City Council, chair of the Yakima County Veterans Board, a member of the Yakima County Economic Development Board, and chair of the Yakima Valley Technical Skills Center General Advisory Council; and

WHEREAS, He is active in his community, including American Legion Selah Post 88 and the Veterans of Foreign Wars; and

WHEREAS, Dufault was elected to the first of two terms in the Washington State House of Representatives in 2018 to represent the 15th Legislative District; and

WHEREAS, He serves as assistant ranking member of the House Finance and Consumer Protection and Business Committees, respectively; and

WHEREAS, Dufault has worked tirelessly for the people, employers, institutions, projects, and communities of the 15th Legislative District, specifically promoting legislation that expanded mental health care capacity, provided housing and services for homeless veterans, and invested in schools, parks, youth programs, and roads in Yakima County; and

WHEREAS, He has fought for constitutional rights, property rights, lower taxes, and transparency in government; and

WHEREAS, Dufault is the loving father of three daughters – Ellie, Lulu, and Addy – whose health, happiness, and prosperity are his top priority;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize Dufault's record of public service, both in and out of this chamber, on behalf of his district, his colleagues, and the people of the State of Washington.

Representatives Chandler, Valdez, Corry and Leavitt spoke in favor of the adoption of the resolution.

There being no objection, HOUSE RESOLUTION NO. 4666 was adopted.

There being no objection, the House adjourned until 10:00 a.m., March 8, 2022, the 58th Legislative Day of the Regular Session.

Laurie Jinkins, Speaker

Bernard Dean, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FIFTY EIGHTH DAY

House Chamber, Olympia, Tuesday, March 8, 2022

The House was called to order at 10:00 a.m. by the Speaker (Representative Bronoske presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

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

MOTION

There being no objection, the Committee on Rules was relieved of the following bill and the bill was placed on the second reading calendar:

SUBSTITUTE SENATE BILL NO. 5651

There being no objection, the House reverted to the seventh order of business.

THIRD READING**MESSAGE FROM THE SENATE**

March 4, 2022

Mme. SPEAKER:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1694, with the following amendment(s):

On page 2, line 22, after "and" strike "at least"

On page 2, line 26, after "and" strike "at least"

On page 2, line 31, after "and" strike "at least"

On page 2, line 35, after "and" strike "at least"

On page 4, line 6, after "(1)" strike "~~(Every)~~ At least every" and insert "Every"

On page 6, at the beginning of line 1, strike "~~(Every)~~ At least every" and insert "Every"

On page 7, line 10, after "(1)" strike "~~(Every)~~ At least every" and insert "Every"

On page 4, beginning on line 10, after "must" strike all material through "publication" on line 13 and insert "submit a report"

On page 6, beginning on line 3, after "must" strike all material through "publication" on line 5 and insert "report"

On page 7, beginning on line 14, after "must" strike all material through "publication" on line 16 and insert "submit a report"

and the same are herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

March 4, 2022

Mme. SPEAKER:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1736, with the following amendment(s):

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) The legislature finds that college students continue to borrow in order to fund their higher education, despite an increase in access to state financial aid. In Washington state, estimates for the number of borrowers carrying student loan debt are around 800,000 with an average balance around \$33,500, resulting in a total outstanding balance of \$29,400,000,000. Student loan debt

outpaces other sources of consumer debt, such as credit card and vehicle debt. While research shows that earning a postsecondary credential positively impacts a person's earning potential, high student loan debt erodes much of this benefit.

(2) The legislature recognizes that people with student loan debt are less likely to get married and start a family, establish small businesses, and buy homes. High student loan debt negatively impacts a person's credit score and their debt-to-income ratio, which impacts their ability to qualify for a mortgage. However, student loan debt does not impact all borrowers the same.

(3) Student loan borrowers who struggle the most are typically lower income, first generation, and students of color. Data from the national center for education statistics of a 12-year longitudinal study based on students who began their education in the 2003-04 academic year found the following for students who defaulted: Almost 90 percent had received a Pell grant at one point; 70 percent were first generation college students; 40 percent were in the bottom quarter of income distribution; and 30 percent were African American.

(4) The legislature recognizes though that student loans are beneficial for students who have no other way to pay for college or have expenses beyond tuition and fees. Student loans can open up postsecondary education opportunities for many and help boost the state's economy by increasing the number of qualified graduates to fulfill workforce shortages. However, the legislature finds that high interest rates that accumulate while the student is in college negatively impact the student's ability to prosper financially and contribute to the state's economy after graduation. The legislature also recognizes that there is very little financial aid available to assist students pursuing graduate studies, despite the state's high demand for qualified professionals in fields with workforce shortages such as behavioral health, nursing, software development, teaching, and more. Therefore, the legislature intends to support students pursuing higher education by establishing a state student loan program that is more affordable than direct federal student loans and private loans. The legislature intends to offer student

loans to state residents with financial need who are pursuing undergraduate and high-demand graduate studies at a subsidized, one percent interest rate. The legislature intends for the Washington state student loan program to align with the Washington college grant program, recognizing that student loans are secondary forms of financial aid that often cover expenses beyond tuition.

NEW SECTION. **Sec. 2.** (1) The Washington student achievement council, in consultation with the office of the state treasurer and the state investment board shall design a student loan program to assist students who need additional financial support to obtain postsecondary education.

(2) At a minimum, the program design must make recommendations about the following features for a state student loan program and implementation plan:

(a) A low interest rate that is below current federal subsidized student loan interest rates, with one option being a one percent interest rate;

(b) The distribution of loans between graduate students and undergraduate students;

(c) The terms of the loans, including:

(i) Loan limits;

(ii) Grace periods; and

(iii) Minimum postsecondary enrollment standards;

(d) The terms and administration of a repayment program, including:

(i) Repayment options such as standard loan repayment contracts and the length of the repayment contracts;

(ii) Income-based repayment plans; and

(iii) Terms of loan forgiveness;

(e) The types and characteristics of borrowers permitted to participate in the program including family income, degree and credential types, and other borrower characteristics. The program must prioritize low-income borrowers; and

(f) The design and administration of an appeals process.

(3) In the design of the program, the office may recommend contracting with one or more state-based financial institutions regulated by either chapter 31.12 or 30A.04 RCW to provide loan

origination and may contract with a third-party entity to provide loan servicing for the program. A third-party entity providing loan servicing shall comply with all of the requirements for student education loan servicers under chapter 31.04 RCW.

(4) The student achievement council, in consultation with the office of the treasurer and the state investment board shall include an analysis on the sustainability of the program design.

(5) The student achievement council shall provide a report on the design and implementation plan for the state student loan program to the governor and the higher education committees of the legislature by December 1, 2022, in accordance with RCW 43.01.036.

NEW SECTION. Sec. 3. Sections 1 and 2 of this act constitute a new chapter in Title 28B RCW."

On page 1, at the beginning of line 2 of the title, strike the remainder of the title and insert "and adding a new chapter to Title 28B RCW."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

March 2, 2022

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1876 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that the people have reserved for themselves the power to enact or reject legislation through the initiative and referendum process, as provided in Article II, section 1 of the state Constitution. The legislature finds that when exercising this right, the people are entitled to know the fiscal impact that their vote will have on public investments at the time they

cast their ballots. The legislature further finds that when a ballot measure will affect funding for public investments, a neutral, nonprejudicial disclosure of the public investments affected will provide greater transparency and necessary information for voters.

NEW SECTION. Sec. 2. A new section is added to chapter 29A.72 RCW to read as follows:

(1) The attorney general must prepare a public investment impact disclosure for any ballot measure that:

(a) Repeals, levies, or modifies any tax or fee, including changing the scope or application of an existing tax or fee; and

(b) Has a fiscal impact statement, as provided by RCW 29A.72.025, that shows that adoption of the measure would cause a net change in state revenue.

(2) The public investment impact disclosure must include a description of the investments that will be affected if the measure is adopted. The description must be sufficiently broad to reflect the subject of the investments that will be impacted by the change in revenue that will result from adoption of the measure, but also sufficiently precise to give notice of the subject matter of the investments that will be impacted by the change in revenue that will result from adoption of the measure. The description may not exceed 10 words, unless the fiscal impact is primarily to the state general fund, in which case the description must list the top three categories of state services funded by the general fund in the current state budget and may not exceed 15 words. The attorney general may consult with the office of financial management or any other state or local agencies as necessary to procure accurate information to draft the description.

(3) The format of the public investment impact disclosure, as it appears on the ballot, is:

"This measure would (increase or decrease) funding for (description of services)."

(4) In drafting the public investment impact disclosure, the attorney general must use neutral language that cannot reasonably be expected to create prejudice for or against the measure.

(5) The attorney general must file the public investment impact disclosure with the secretary of state no later than July 31st.

(6) The secretary of state must certify the public investment impact disclosure and timely transmit it to each county auditor for its inclusion on the ballot.

(7) Public investment impact disclosures are considered part of the ballot title under this chapter and are subject to the legal requirements for ballot titles.

Sec. 3. RCW 29A.72.050 and 2003 c 111 s 1806 are each amended to read as follows:

(1) The ballot title for an initiative to the people, an initiative to the legislature, a referendum bill, or a referendum measure consists of: (a) A statement of the subject of the measure; (b) a concise description of the measure; and (c) a question in the form prescribed in this section for the ballot measure in question. The statement of the subject of a measure must be sufficiently broad to reflect the subject of the measure, sufficiently precise to give notice of the measure's subject matter, and not exceed ten words. The concise description must contain no more than thirty words, be a true and impartial description of the measure's essential contents, clearly identify the proposition to be voted on, and not, to the extent reasonably possible, create prejudice either for or against the measure.

(2) If a public investment impact disclosure is required under section 2 of this act, the disclosure must appear in the middle of the ballot title, after the concise description and before the question. The disclosure is not, however, considered part of the ballot title and is not subject to any of the legal requirements for ballot titles under this chapter.

(3) For an initiative to the people, or for an initiative to the legislature for which the legislature has not proposed an alternative, the ballot title and public investment impact disclosure, if applicable, must be displayed on the ballot substantially as follows:

"Initiative Measure No. . . . concerns (statement of subject). This measure would (concise description). (Public investment impact disclosure, if

applicable). Should this measure be enacted into law?

Yes

No

~~((3))~~ (4) For an initiative to the legislature for which the legislature has proposed an alternative, the ballot title and public investment impact disclosure, if applicable, must be displayed on the ballot substantially as follows:

"Initiative Measure Nos. . . . and . . .B concern (statement of subject).

Initiative Measure No. . . . would (concise description). (Public investment impact disclosure, if applicable).

As an alternative, the legislature has proposed Initiative Measure No. . . .B, which would (concise description). (Public investment impact disclosure, if applicable).

1. Should either of these measures be enacted into law?

Yes

No

2. Regardless of whether you voted yes or no above, if one of these measures is enacted, which one should it be?

Measure No.

or

Measure No.

~~((4))~~ (5) For a referendum bill submitted to the people by the legislature, the ballot issue and public investment impact disclosure, if applicable, must be displayed on the ballot substantially as follows:

"The legislature has passed Bill No. . . . concerning (statement of subject). This bill would (concise description). (Public investment impact disclosure, if applicable). Should this bill be:

Approved

Rejected

~~((5))~~ (6) For a referendum measure by state voters on a bill the legislature has passed, the ballot issue and public investment impact disclosure, if applicable, must be displayed on the ballot substantially as follows:

"The legislature passed . . . Bill No. . . . concerning (statement of subject) and voters have filed a sufficient referendum petition on this bill. This bill would (concise description). (Public investment impact disclosure, if applicable). Should this bill be:

Approved

Rejected

~~((6))~~ (7) The legislature may specify the statement of subject or concise description, or both, in a referendum bill that it refers to the people. The legislature may specify the concise description for an alternative it submits for an initiative to the legislature. If the legislature fails to specify these matters, the attorney general shall prepare the material that was not specified. The statement of subject and concise description as so provided must be included as part of the ballot title unless changed on appeal.

The attorney general shall specify the statement of subject and concise description for an initiative to the people, an initiative to the legislature, and a referendum measure. The statement of subject and concise description as so provided must be included as part of the ballot title unless changed on appeal.

Sec. 4. RCW 29A.72.290 and 2013 c 11 s 76 are each amended to read as follows:

The county auditor of each county shall print on the official ballots for the election at which initiative and referendum measures and measures for an advisory vote of the people are to be submitted to the people for their approval or rejection, the serial numbers ~~((and))~~, ballot titles, and public investment impact disclosures certified by the secretary of state and the serial numbers and short descriptions of measures for an advisory vote of the people. They must appear under separate headings in the order of the serial numbers as follows:

- (1) Initiatives to the people;
- (2) Referendum measures;
- (3) Referendum bills;
- (4) Initiatives to the legislature;
- (5) Initiatives to the legislature and legislative alternatives;
- (6) Advisory votes;

(7) Proposed constitutional amendments.

Sec. 5. RCW 29A.72.025 and 2009 c 415 s 7 are each amended to read as follows:

The office of financial management, in consultation with the secretary of state, the attorney general, and any other appropriate state or local agency, shall prepare a fiscal impact statement for each of the following state ballot measures: (1) An initiative to the people that is certified to the ballot; (2) an initiative to the legislature that will appear on the ballot; (3) an alternative measure appearing on the ballot that the legislature proposes to an initiative to the legislature; (4) a referendum bill referred to voters by the legislature; and (5) a referendum measure appearing on the ballot. Fiscal impact statements must be written in clear and concise language, avoid legal and technical terms when possible, and be filed with the secretary of state no later than ~~((the tenth day of August))~~ July 31st. Fiscal impact statements may include easily understood graphics.

A fiscal impact statement must describe any projected increase or decrease in revenues, costs, expenditures, or indebtedness that the state or local governments will experience if the ballot measure were approved by state voters. Where appropriate, a fiscal impact statement may include both estimated dollar amounts and a description placing the estimated dollar amounts into context. A fiscal impact statement must include both a summary of not to exceed one hundred words and a more detailed statement that includes the assumptions that were made to develop the fiscal impacts.

Fiscal impact statements must be available online from the secretary of state's website and included in the state voters' pamphlet. Additional information may be posted on the website of the office of financial management."

On page 1, line 4 of the title, after "revenue;" strike the remainder of the title and insert "amending RCW 29A.72.050, 29A.72.290, and 29A.72.025; adding a new section to chapter 29A.72 RCW; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate Amendment to SUBSTITUTE HOUSE BILL NO. 1876 and asked the Senate for a conference thereon. The Speaker (Representative Bronoske presiding) appointed Representatives Gregerson, Valdez and Volz as conferees.

MESSAGE FROM THE SENATE

March 2, 2022

Madame Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1153 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that:

(a) It is the policy of the state to welcome and encourage the presence of diverse cultures and the use of diverse languages and modalities of communication in business, government, and private affairs in this state. To this end, the state has developed interpreter credentialing programs for court, medical, and social service settings.

(b) According to a report from the United States department of education, 50 years of research has shown that family engagement has beneficial impacts on student grades, test scores, drop-out rates, students' sense of competence, and beliefs about the importance of education. In Washington, many students' family members have language access barriers because they prefer to communicate in a language other than English or require communication assistance services. Washington public schools' ability to effectively communicate with students and their family members who have language access barriers plays a vital role in reducing educational opportunity gaps. Failure to provide language access hinders communication between schools and families, which leads to long-term economic costs when a substantial fraction of the students in Washington are not able to realize their full potential.

(c) Effective two way communication between school staff and student's

families in educational settings outside the classroom is not taking place for a variety of reasons, including: (i) Some school districts do not consistently assess the language needs of their communities or consistently evaluate the effectiveness of their language access services; (ii) resources, including time and money, are often not prioritized to engage families with language access barriers; and even when language access is a priority, some districts do not know the best practices for engaging families with language access barriers; (iii) school staff are often not trained on how to engage families with language access barriers, how to engage and use interpreters in educational settings outside the classroom, or when to provide translated documents; and (iv) there are not enough interpreters qualified to work in educational settings outside the classroom.

(d) Providing meaningful, equitable language access to students and their family members who have language access barriers is not only a civil right, but will help students meet the state's basic education goals under RCW 28A.150.210 resulting in a decrease in the educational opportunity gap between learners with language access barriers and other students, because student outcomes improve when families are engaged in their student's education.

(2) Therefore, the legislature intends to require public schools to implement a language access plan and program for culturally responsive, systemic family engagement developed through meaningful stakeholder engagement. The legislature intends to provide training, tools, and other technical assistance to public schools to support the development, implementation, and evaluation of their language access plans and programs. In addition, the legislature intends to direct the development and implementation of credentialing for spoken and sign language interpreters for students' families in educational settings outside the classroom, with the goal of creating a professional interpreter workforce guided by a code of ethics and standards of practice. Finally, the legislature intends to establish an ongoing advisory committee to guide, monitor, and report on the implementation of these new policies.

NEW SECTION. **Sec. 2.** The definitions in this section apply throughout this

chapter unless the context clearly requires otherwise.

(1) "Interpreter" means a spoken language or sign language interpreter working in a public school, as defined in RCW 28A.150.010, to interpret for students' families, students, and communities in educational settings outside the classroom.

(2) "Qualified interpreter" means an interpreter who is able to interpret effectively, accurately, and impartially, both receptively and expressively using any necessary specialized vocabulary until the office of the superintendent of public instruction and the Washington professional educator standards board establish a different definition in rule making.

(3) "2020 and 2021 reports of the language access work group" means the reports of the language access work group created by section 2, chapter 256, Laws of 2019, and reconvened and expanded by section 501(3)(g), chapter 334, Laws of 2021.

NEW SECTION. Sec. 3. The principles of an effective language access program for culturally responsive, systemic family engagement are as follows:

(1) Accessibility and equity. Schools provide access to all; two-way communication is a priority and is woven into the design of all programs and services;

(2) Accountability and transparency. The language access program and decision-making processes at all levels are: Open, accessible, and useable to families; proactive, not reactive; continuously improved based on ongoing feedback from families and staff; and regulated by a clear and just complaint process;

(3) Responsive culture. Schools are safe, compassionate places where each family's opinions are heard, needs are met, and contributions are valued. School staff are humble and empathetic towards families; and

(4) Focus on relationships. Schools seek to relate to families on an individual level, building trust through respectful relationships that recognize the unique strengths that each family and student possesses.

NEW SECTION. Sec. 4. (1) The center for the improvement of student learning

established in RCW 28A.300.130 must implement a language access technical assistance program for culturally responsive, systemic family engagement that meets the requirements of this section.

(2) Subject to the availability of amounts appropriated for this specific purpose, the language access technical assistance program must:

(a) Adhere to the principles of an effective language access program for culturally responsive, systemic family engagement established in section 3 of this act;

(b) Provide training and technical assistance to support the implementation of language access programs for culturally responsive, systemic family engagement required under sections 5 and 8 of this act;

(c) Develop and maintain training modules for interpreters on interpreting for students' families and students in educational settings outside the classroom;

(d) Develop, periodically update, and publish a language access toolkit that includes the following resources:

(i) A self-assessment for evaluating the provision of language access services;

(ii) A guide for the development, implementation, and evaluation of a language access policy, procedures, and plan that meets the specific needs of families and the community;

(iii) Best practices for using interpreter services provided by dual role staff and contract interpreters, for using remote interpretation, and for translating documents;

(iv) Language access service evaluation templates for spoken and sign languages;

(v) Information for students' families about their language access rights, translated into English, Spanish, and at least the next nine languages most commonly used by students and their families; and

(vi) Sample job description of school district language access coordinators and building points of contact for language access services;

(e) Develop, periodically update, and publish bilingual glossaries of education terminology;

(f) Analyze and publish language access and language access service information submitted as required under section 6 of this act. In addition to disaggregation by the student race and ethnicity categories and subcategories described in RCW 28A.300.042 (1) and (3), the published information must be disaggregated, to the extent possible, by language, school district and school, type of meeting, and other demographics or categories; and

(g) Provide staff support for the language access advisory committee established in section 10 of this act.

(3) The activities of and resources provided by the language access technical assistance program must take into consideration the recommendations in the 2020 and 2021 reports of the language access work group.

NEW SECTION. Sec. 5. (1) Each school district must designate a language access liaison to facilitate district compliance with state and federal laws related to family engagement, including the requirements under this section and section 6 of this act. If a school district has a language access coordinator with duties as described in subsection (4)(c) of this section, the language access coordinator may also be the language access liaison.

(2) By October 1, 2022, each school district must adopt a language access policy and procedures that adheres to the principles of an effective language access program for culturally responsive, systemic family engagement established in section 3 of this act and incorporates the model policy and procedures described in section 9 of this act.

(3) Beginning with the 2023-24 school year, each school district must implement a language access program for culturally responsive, systemic family engagement. Implementation of a language access program requires that a school district, at a minimum, complete the following activities:

(a) Adopt a language access plan that outlines how the school district identifies language access needs, allocates resources, establishes standards for providing language access

services, and monitors the effectiveness of the language access program;

(b) Administer the self-assessment for evaluating the provision of language access services, which is part of the toolkit described in section 4 of this act;

(c) Use the guide for the development, implementation, and evaluation of a language access policy, procedures, and plan, which is part of the toolkit described in section 4 of this act. The processes for developing and evaluating the language access policy, procedures, and plan must engage staff, students' families, and other community members in ways likely to result in timely and meaningful feedback, for example partnering with community based organizations and providing translation and interpretation in common languages understood by students' families;

(d) Review, periodically, the language access policy and procedures adopted as required under subsection (2) of this section to incorporate updates made to the model policy and procedures described in section 9 of this act;

(e) Collaborate with community-based organizations on how to work effectively with interpreters; and

(f) Review, update, and publish, at least annually, information about the school district's language access plan, policy and procedures, and language access services, including the need for, and spending on, language access services. The information must include notice to families about their right to free language access services and the contact information for any school district language access coordinator and any building points of contact for language access services. The information must be translated into common languages understood by students' families.

(4) (a) Except as required under (b) of this subsection, school districts are encouraged to have a language access coordinator with the duties described in (c) of this subsection.

(b) Beginning with the 2023-24 school year, school districts with at least 50 percent English learner enrollment or greater than 75 languages used by students or families must either: (i) Have a full-time language access coordinator with the duties described in

(c) of this subsection; or (ii) annually report to the office of the superintendent of public instruction the total number of hours school district staff spent performing the language access coordinator duties described in (c) of this subsection and other information as required by the office of the superintendent of public instruction.

(c) The duties of the school district language access coordinator are to: (i) Serve as the primary contact for families, community members, school district staff responsible for monitoring compliance with chapter 28A.642 RCW, the office of the superintendent of public instruction, and the office of the education ombuds on issues related to language access needs and language access services; (ii) collaborate with any building points of contact for language access services; (iii) receive training and technical assistance provided under section 4 of this act; and (iv) deliver language access training and support to school district staff.

(5) The requirements in this section do not apply to school districts with both fewer than 1,000 enrolled students and less than 10 percent English learner enrollment.

NEW SECTION. **Sec. 6.** (1) School districts must annually collect the following language access and language access service information for use by the school district:

(a) The language in which each student and student's family prefers to communicate;

(b) Whether a qualified interpreter for the student's family was requested for and provided at meetings reported in the longitudinal student data system established under RCW 28A.300.500; and

(c) Other data on provision of language access services.

(2) School districts must submit the information collected under subsection (1) of this section at the time and in the manner required by the office of the superintendent of public instruction.

(3) Beginning in the 2023-24 school year, school districts must provide an opportunity for participants in each interpreted meeting to provide feedback on the effectiveness of the

interpretation and the provision of language access services.

NEW SECTION. **Sec. 7.** A new section is added to chapter 28A.710 RCW to read as follows:

Sections 5 and 6 of this act govern school operation and management under RCW 28A.710.040 and apply to charter schools established under this chapter.

NEW SECTION. **Sec. 8.** A new section is added to chapter 72.40 RCW to read as follows:

The center for deaf and hard of hearing youth and the state school for the blind must comply with the requirements in sections 5 and 6 of this act.

NEW SECTION. **Sec. 9.** (1) By August 1, 2022, and periodically thereafter, the Washington state school directors' association must collaborate with the office of the superintendent of public instruction to update a model policy and procedures for implementing a language access program for culturally responsive, systemic family engagement.

(a) When updating the model policy and procedures, the Washington state school directors' association must perform a racial equity impact analysis that involves the community.

(b) The model policy and procedure must include procedures for the school district board of directors to annually review the spending on and the need for language access services.

(c) The model policy and procedure must address procedures for effective communication with students' families who are deaf, deaf and blind, blind, hard of hearing, or need other communication assistance.

(d) The elements of the model policy and procedures must take into consideration the recommendations in the 2020 and 2021 reports of the language access work group.

(2) The office of the superintendent of public instruction and the Washington state school directors' association must maintain the model policy and procedures on each agency's website, at no cost to school districts.

NEW SECTION. **Sec. 10.** (1) The office of the superintendent of public instruction shall establish the language access advisory committee to guide and monitor the implementation of this act

and to recommend changes to requirements, policies, and procedures related to language access and language access services for students' families, students, and communities in educational settings outside the classroom.

(2) At a minimum, the advisory committee must guide, monitor, and make recommendations on the following topics:

(a) The effectiveness of language access policies, procedures, and programs;

(b) Family and community engagement, with a focus on multicultural families, families whose students have multiple barriers to student achievement, and families least engaged with their schools;

(c) The definition of "qualified interpreter";

(d) Supply of and demand for interpreters;

(e) Training for interpreters;

(f) Credentialing requirements for interpreters, including a code of professional conduct;

(g) Grants to cover nonstate controlled interpreter credentialing requirement costs;

(h) Language access and language access service data collection and analysis; and

(i) Evidence-based practices regarding language access, including best practice for using state and federal funding to provide language access services.

(3)(a) The members of the advisory committee must include representatives from spoken and sign language services users, community organizations that provide direct services to non-English speaking families, interpreters for students' families, interpreter preparation programs, advocacy organizations, schools, and school districts.

(b) Members of the advisory committee must be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060. Subject to available funding and as determined by the office of the superintendent of public instruction, members of the advisory committee who do not receive compensation from their employer or contractor for attendance, either in person or virtually, at a

meeting of the advisory committee are eligible for a stipend.

(4) Staff support for the advisory committee must be provided by the language access technical assistance program described in section 4 of this act, except with respect to credentialing requirements for interpreters, for which staff support must also be provided by the Washington professional educator standards board.

(5) The advisory committee must collaborate with the Washington professional educator standards board, the Washington state office of equity established in RCW 43.06D.020, the educational opportunity gap oversight and accountability committee created in RCW 28A.300.136, and other office of the superintendent of public instruction committees that focus on ensuring equity in access to opportunities for all students.

(6) By November 1, 2024, and periodically thereafter, the advisory committee must submit, in compliance with RCW 43.01.036, a report on implementation of this chapter to the office of the superintendent of public instruction, the Washington professional educator standards board, the governor, and the appropriate committees of the legislature.

NEW SECTION. Sec. 11. (1) The office of the superintendent of public instruction and the Washington professional educator standards board shall collaborate to establish credentialing requirements for interpreters as described in this section.

(2) Prior to establishing new credentialing requirements for interpreters, the office of the superintendent of public instruction and the Washington professional educator standards board must consult with the language access advisory committee established in section 10 of this act.

(3) The credentialing requirements for interpreters must take into consideration the recommendations in the 2020 and 2021 reports of the language access work group.

(4) Credentialing requirements for interpreters, which must include minimum employment requirements, may be phased in as training and testing options become available and may be tiered based on the

structure and significance of the interaction between school staff and the student's family.

(5) The office of the superintendent of public instruction and the Washington professional educator standards board must establish, and periodically update, a definition of "qualified interpreter" for purposes of this chapter and for other purposes.

(6) Once a code of professional conduct for interpreters is established, the superintendent of public instruction has the power to issue, suspend, and revoke interpreter credentials to which the code applies and to take other disciplinary actions against interpreters to which the code applies.

(7) Any activities provided by the office of the superintendent of public instruction or the professional educator standards board that are required to meet credentialing requirements, including training, testing, and applications, must be made available at no cost to people who want to be interpreters.

(8) The electronic educator certification process must be adapted to include interpreter credentials.

NEW SECTION. Sec. 12. The office of the superintendent of public instruction and the Washington professional educator standards board may adopt rules under chapter 34.05 RCW that are necessary for the effective and efficient implementation of this chapter.

NEW SECTION. Sec. 13. RCW 28A.155.230 (Student language) and 2019 c 256 s 3 are each repealed.

NEW SECTION. Sec. 14. Sections 2 through 6 and 9 through 12 of this act constitute a new chapter in Title 28A RCW.

NEW SECTION. Sec. 15. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

On page 1, line 1 of the title, after "schools;" strike the remainder of the title and insert "adding a new section to chapter 28A.710 RCW; adding a new section to chapter 72.40 RCW; adding a new chapter to Title 28A RCW; creating new sections; and repealing RCW 28A.155.230."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1153 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Orwall and Ybarra spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1153, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1153, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 86; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chase, Dufault, Dye, Klippert, Kraft, McCaslin, McEntire, Orcutt, Schmick, Sutherland, Walsh and Young.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1153, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 2, 2022

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1389 with the following amendment:

On page 3, line 37, after "than" insert "two times"

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1389 and advanced the bill, as amended by the Senate, to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Corry and Kirby spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1389, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1389, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

SUBSTITUTE HOUSE BILL NO. 1389, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 4, 2022

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1673 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.155.160 and 2021 c 332 s 7040 are each amended to read as follows:

(1) The board, in collaboration with the office, shall establish a competitive grant and loan program to award funding to eligible applicants in order to promote the expansion of access to broadband service in unserved areas of the state.

(2) (a) Grants and loans may be awarded under this section to assist in funding acquisition, installation, and construction of middle mile and last mile infrastructure that supports broadband services and to assist in funding strategic planning for deploying broadband service in unserved areas.

(b) The board may choose to fund all or part of an application for funding, provided that the application meets the requirements of subsection ~~((49))~~ (11) of this section.

(3) Eligible applicants for grants and loans awarded under this section include:

- (a) Local governments;
- (b) Tribes;
- (c) Nonprofit organizations;
- (d) Cooperative associations;
- (e) Multiparty entities comprised of public entity members;
- (f) Limited liability corporations organized for the purpose of expanding broadband access; and

(g) Incorporated businesses or partnerships.

(4) (a) The board shall develop administrative procedures governing the ~~((application))~~ preapplication and award process. The board shall act as fiscal agent for the program and is responsible for receiving and reviewing applications and awarding funds under this section.

(b) At least sixty days prior to the first day ~~((applications))~~ preapplications may be submitted each fiscal year, the board must publish on its website the specific criteria and any quantitative weighting scheme or scoring system that the board will use to evaluate or rank applications and award funding.

(c) The board may maintain separate accounting in the statewide broadband account created in RCW 43.155.165 as the

board deems necessary to carry out the purposes of this section.

(d) The board must provide a method for the allocation of loans, grants, provision of technical assistance, and interest rates under this section.

(5) An applicant for a grant or loan under this section must provide the following information on the ~~((application))~~ preapplication:

(a) The location and description of the project;

(b) Evidence regarding the unserved nature of the community in which the project is to be located;

(c) Evidence that proposed infrastructure will be capable of scaling to greater download and upload speeds;

(d) The number of households passed that will gain access to broadband service as a result of the project or whose broadband service will be upgraded as a result of the project;

~~(e) ((The estimated cost of retail services to end users facilitated by a project;~~

~~(f) The proposed actual download and upload speeds experienced by end users;~~

~~(g) Evidence of significant community institutions that will benefit from the proposed project;~~

~~(h) Anticipated economic, educational, health care, or public safety benefits created by the project;~~

~~(i) Evidence of community support for the project;~~

~~(j) If available, a description of the applicant's user adoption assistance program and efforts to promote the use of newly available broadband services created by the project;~~

~~(k) The estimated total cost of the project;~~

~~(l) Other sources of funding for the project that will supplement any grant or loan award;~~

~~(m) A demonstration of the project's long-term sustainability, including the applicant's financial soundness, organizational capacity, and technical expertise;~~

~~(n) A strategic plan to maintain long-term operation of the infrastructure;~~

~~(o))~~ Evidence that ~~((no later than six weeks))~~ before submission of the application, the applicant contacted, in writing, all entities providing broadband service near the proposed project area to ask each broadband service provider's plan to upgrade broadband service in the project area to speeds that meet or exceed the state's definition for broadband service as defined in RCW 43.330.530, within the time frame specified in the proposed grant or loan activities;

~~((o))~~ (f) If applicable, the broadband service providers' written responses to the inquiry made under ~~((o))~~ (e) of this subsection; ~~((and~~

~~(g))~~ (g) The proposed geographic broadband service area and the proposed broadband speeds in the form and manner prescribed by the board;

(h) Evidence of community support for the project; and

(i) Any additional information requested by the board.

(6) An applicant for a grant or loan under this section must provide the following information on the application:

(a) ((Within thirty days of the close of the grant and loan application process, the)) The final location and description of the project;

(b) Evidence that the proposed infrastructure will be capable of scaling to greater download and upload speeds;

(c) The number of households passed that will gain access to broadband service as a result of the project or whose broadband service will be upgraded as a result of the project;

(d) The estimated cost of retail services to end users facilitated by a project;

(e) The proposed actual download and upload speeds experienced by end users;

(f) Evidence of significant community institutions that will benefit from the proposed project;

(g) Anticipated economic, educational, health care, or public safety benefits created by the project;

(h) If available, a description of the applicant's user adoption assistance program and efforts to promote the use of

newly available broadband services created by the project;

(i) The estimated total cost of the project;

(j) Other sources of funding for the project that will supplement any grant or loan award;

(k) A demonstration of the project's long-term sustainability, including the applicant's financial soundness, organizational capacity, and technical expertise;

(l) A strategic plan to maintain long-term operation of the infrastructure;

(m) If applicable, documentation describing the outcome of the broadband service providers' written responses to the inquiry made prior to or during the preapplication phase; and

(n) Any additional information requested by the board.

(7) (a) The board shall publish on its website for at least 30 days the proposed geographic broadband service area and the proposed broadband speeds for each ((application)) proposed broadband project submitted in the preapplication period.

(b) The board shall, within three business days following the close of the preapplication cycle, publish on its website preapplications as described in subsection (5) of this section.

(c) The board shall set an objection period of at least 30 days.

((b)) (8) (a) Any existing broadband service provider near the proposed project area may((, within thirty days of publication of the information under (a) of this subsection,)) submit in writing to the board an objection to ((an application)) a proposed broadband project. An objection must contain information demonstrating that:

(i) The project would result in overbuild, meaning that the objecting provider currently provides, or has begun construction to provide, broadband service to end users in the proposed project area at speeds equal to or greater than ((the state speed goals contained in RCW 43.330.536)) the speeds contained in the definition of broadband in RCW 43.330.530(2); or

(ii) The objecting provider commits to complete construction of broadband

infrastructure and provide broadband service to end users in the proposed project area at speeds equal to or greater than ((the state speed goals contained in RCW 43.330.536)) the speeds contained in the definition of broadband in RCW 43.330.530(2), no later than twenty-four months after the date awards are made under this section for the grant and loan cycle under which the ((application)) preapplication was submitted.

((e)) (b) Objections submitted to the board under this subsection must be certified by affidavit.

((d)) (c) The board may evaluate the information submitted under this section by the objecting provider and must consider it in making a determination on the ((application)) proposed broadband project objected to. The board may request clarification or additional information. The board may choose to not fund a project if the board determines that the objecting provider's commitment to provide broadband service that meets the requirements of ((b)) (a) of this subsection in the proposed project area is credible. In assessing the commitment, the board may consider whether the objecting provider has or will provide a bond, letter of credit, or other indicia of financial commitment guaranteeing the project's completion.

((e)) (d) If the board denies funding to an applicant as a result of a broadband service provider's objection made under this section, and the broadband service provider does not fulfill its commitment to provide broadband service in the project area, then for the following two grant and loan cycles, the board is prohibited from denying funding to an applicant on the basis of a challenge by the same broadband service provider, unless the board determines that the broadband service provider's failure to fulfill the provider's commitment was the result of factors beyond the broadband service provider's control. The board is not prohibited from denying funding to an applicant for reasons other than an objection by the same broadband service provider.

((f)) (e) An applicant or broadband service provider that objected to the application may request a debriefing conference regarding the board's decision on the application. Requests for debriefing must be coordinated by the

office and must be submitted in writing in accordance with procedures specified by the office.

~~((9))~~ (f) Confidential business and financial information submitted by an objecting provider under this subsection is exempt from disclosure under chapter 42.56 RCW.

~~((7))~~ (9)(a) In evaluating applications and awarding funds, the board shall give priority to applications that are constructed in areas identified as unserved.

(b) In evaluating applications and awarding funds, the board may give priority to applications that:

(i) Provide assistance to public-private partnerships deploying broadband infrastructure from areas currently served with broadband service to areas currently lacking access to broadband services;

(ii) Demonstrate project readiness to proceed;

(iii) Construct infrastructure that is open access, meaning that during the useful life of the infrastructure, service providers may use network services and facilities at rates, terms, and conditions that are not discriminatory or preferential between providers, and employing accountable interconnection arrangements published and available publicly;

(iv) Are submitted by tribal governments whose reservations are in rural and remote areas where reliable and efficient broadband services are unavailable to many or most residents;

(v) Bring broadband service to tribal lands, particularly to rural and remote tribal lands or areas servicing rural and remote tribal entities;

(vi) Are submitted by tribal governments in rural and remote areas that have spent significant amounts of tribal funds to address the problem but cannot provide necessary broadband services without either additional state support, additional federal support, or both;

(vii) Serve economically distressed areas of the state as the term "distressed area" is defined in RCW 43.168.020;

(viii) Offer new or substantially improved broadband service to important

community anchor institutions including, but not limited to, libraries, educational institutions, public safety facilities, and health care facilities;

(ix) Facilitate the use of telemedicine and electronic health records, especially in deliverance of behavioral health services and services to veterans;

(x) Provide technical support and train residents, businesses, and institutions in the community served by the project to utilize broadband service;

(xi) Include a component to actively promote the adoption of newly available broadband services in the community;

(xii) Provide evidence of strong support for the project from citizens, government, businesses, and community institutions;

(xiii) Provide access to broadband service to a greater number of unserved households and businesses, including farms;

(xiv) Utilize equipment and technology demonstrating greater longevity of service;

(xv) Seek the lowest amount of state investment per new location served and leverage greater amounts of funding for the project from other private and public sources;

(xvi) Include evidence of a customer service plan;

(xvii) Consider leveraging existing broadband infrastructure and other unique solutions;

(xviii) Benefit public safety and fire preparedness; or

(xix) Demonstrate other priorities as the board, in collaboration with the office, may prescribe by rule.

(c) The board shall endeavor to award funds under this section to qualified applicants in all regions of the state.

(d) The board shall consider affordability and quality of service to end users in making a determination on any application.

(e) The board, in collaboration with the office, may develop additional rules for eligibility, project preapplications, project applications, the associated objection process, and funding priority, as provided under this

subsection and subsections (3), (5), ~~((and))~~ (6), (7), and (8) of this section.

(f) The board, in collaboration with the office, may adopt rules for a voluntary nonbinding mediation between incumbent providers and applicants to the grant and loan program created in this section.

~~((8))~~ (10) To ensure a grant or loan to a private entity under this section primarily serves the public interest and benefits the public, any such grant or loan must be conditioned on a guarantee that the asset or infrastructure to be developed will be maintained for public use for a period of at least fifteen years.

~~((9))~~ (11)(a) No funds awarded under this section may fund more than fifty percent of the total cost of the project, except as provided in (b) of this subsection.

(b) The board may choose to fund up to ninety percent of the total cost of a project in financially distressed areas as the term "distressed area" is defined in RCW 43.168.020, and in areas identified as Indian country as the term "Indian country" is defined in WAC 458-20-192.

(c) Funds awarded to a single project under this section must not exceed two million dollars, except that the board may choose to fund projects qualifying for the exception in (b) of this subsection up to, but not to exceed, five million dollars.

~~((10) Except for during the 2021-2023 fiscal biennium, prior to awarding funds under this section, the board must consult with the Washington utilities and transportation commission. The commission must provide to the board an assessment of the technical feasibility of a proposed application. The board must consider the commission's assessment as part of its evaluation of a proposed application.~~

~~((11))~~ (12) The board shall have such rights of recovery in the event of default in payment or other breach of financing agreement as may be provided in the agreement or otherwise by law.

~~((12))~~ (13) The community economic revitalization board shall facilitate the timely transmission of information and documents from its broadband program

to the board in order to effectuate an orderly transition.

~~((13))~~ (14)(a) Subject to rules promulgated by the board, the board may make low-interest or interest-free loans or grants to eligible applicants for emergency public works broadband projects. While developing rules, the board shall consider prioritizing broadband infrastructure projects that replace existing infrastructure impacted by an emergency, as described in (b) of this subsection.

(b) Emergency public works broadband projects include construction, repair, reconstruction, replacement, rehabilitation, or improvement to critical broadband infrastructure that has been made necessary by a natural disaster or damaged by unforeseen events. To ensure limited resources are provided as efficiently as possible, the board shall grant priority to emergency public works projects that replace existing infrastructure of the provider whose facilities were damaged by the unforeseen event and shall not provide funds to a new provider to overbuild the existing provider. The loans or grants may be used to help fund all or part of an emergency public works broadband infrastructure project less any reimbursement from any of the following sources: (i) Federal disaster or emergency funds, including funds from the federal emergency management agency; (ii) state disaster or emergency funds; (iii) insurance settlements; and (iv) litigation.

(c) Eligible applicants for grants and loans awarded under this subsection are the same as those described in subsection (3) of this section.

(15) The definitions in RCW 43.330.530 apply throughout this section unless the context clearly requires otherwise.

(16) For purposes of this section, a "proposed broadband project" means a project that has been submitted as a preapplication to the public works board.

Sec. 2. RCW 42.56.270 and 2021 c 308 s 4 are each amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request

for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750; (b) highway construction or improvement as required by RCW 47.28.070; or (c) alternative public works contracting procedures as required by RCW 39.10.200 through 39.10.905;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.325, 43.163, 43.160, 43.330, and 43.168 RCW and RCW 43.155.160, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10) (a) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a horse racing license submitted pursuant to RCW 67.16.260(1)(b), marijuana producer, processor, or retailer license, liquor license, gambling license, or lottery retail license;

(b) Internal control documents, independent auditors' reports and financial statements, and supporting documents: (i) Of house-banked social card game licensees required by the gambling commission pursuant to rules adopted under chapter 9.46 RCW; or (ii) submitted by tribes with an approved tribal/state compact for class III gaming;

(c) Valuable formulae or financial or proprietary commercial information records received during a consultative visit or while providing consultative services to a licensed marijuana business in accordance with RCW 69.50.561;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services or the health care authority for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011;

(12) (a) When supplied to and in the records of the department of commerce:

(i) Financial and proprietary information collected from any person and provided to the department of commerce pursuant to RCW 43.330.050(8);

(ii) Financial or proprietary information collected from any person and provided to the department of commerce or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business; and

(iii) Financial or proprietary information collected from any person and provided to the department of commerce pursuant to RCW 43.31.625 (3) (b) and (4);

(b) When developed by the department of commerce based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of commerce from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter;

(13) Financial and proprietary information submitted to or obtained by the department of ecology or the authority created under chapter 70A.500 RCW to implement chapter 70A.500 RCW;

(14) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the life sciences discovery fund authority in applications for, or delivery of, grants under RCW 43.330.502, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information;

(15) Financial and commercial information provided as evidence to the department of licensing as required by RCW 19.112.110 or 19.112.120, except information disclosed in aggregate form that does not permit the identification of information related to individual fuel licensees;

(16) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department of natural resources under RCW 78.44.085;

(17)(a) Farm plans developed by conservation districts, unless permission to release the farm plan is granted by the landowner or operator who requested the plan, or the farm plan is used for the application or issuance of a permit;

(b) Farm plans developed under chapter 90.48 RCW and not under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject to RCW 42.56.610 and 90.64.190;

(18) Financial, commercial, operations, and technical and research information and data submitted to or obtained by a health sciences and services authority in applications for, or delivery of, grants under RCW 35.104.010 through 35.104.060, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information;

(19) Information gathered under chapter 19.85 RCW or RCW 34.05.328 that can be identified to a particular business;

(20) Financial and commercial information submitted to or obtained by the University of Washington, other than information the university is required to disclose under RCW 28B.20.150, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the University of Washington consolidated endowment fund or to result in private loss to the providers of this information;

(21) Market share data submitted by a manufacturer under RCW 70A.500.190(4);

(22) Financial information supplied to the department of financial institutions, when filed by or on behalf of an issuer of securities for the purpose of obtaining the exemption from state securities registration for small securities offerings provided under RCW 21.20.880 or when filed by or on behalf of an investor for the purpose of purchasing such securities;

(23) Unaggregated or individual notices of a transfer of crude oil that is financial, proprietary, or commercial information, submitted to the department of ecology pursuant to RCW 90.56.565(1)(a), and that is in the possession of the department of ecology or any entity with which the department of ecology has shared the notice pursuant to RCW 90.56.565;

(24) Financial institution and retirement account information, and building security plan information, supplied to the liquor and cannabis board

pursuant to RCW 69.50.325, 69.50.331, 69.50.342, and 69.50.345, when filed by or on behalf of a licensee or prospective licensee for the purpose of obtaining, maintaining, or renewing a license to produce, process, transport, or sell marijuana as allowed under chapter 69.50 RCW;

(25) Marijuana transport information, vehicle and driver identification data, and account numbers or unique access identifiers issued to private entities for traceability system access, submitted by an individual or business to the liquor and cannabis board under the requirements of RCW 69.50.325, 69.50.331, 69.50.342, and 69.50.345 for the purpose of marijuana product traceability. Disclosure to local, state, and federal officials is not considered public disclosure for purposes of this section;

(26) Financial and commercial information submitted to or obtained by the retirement board of any city that is responsible for the management of an employees' retirement system pursuant to the authority of chapter 35.39 RCW, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the retirement fund or to result in private loss to the providers of this information except that (a) the names and commitment amounts of the private funds in which retirement funds are invested and (b) the aggregate quarterly performance results for a retirement fund's portfolio of investments in such funds are subject to disclosure;

(27) Proprietary financial, commercial, operations, and technical and research information and data submitted to or obtained by the liquor and cannabis board in applications for marijuana research licenses under RCW 69.50.372, or in reports submitted by marijuana research licensees in accordance with rules adopted by the liquor and cannabis board under RCW 69.50.372;

(28) Trade secrets, technology, proprietary information, and financial considerations contained in any agreements or contracts, entered into by a licensed marijuana business under RCW 69.50.395, which may be submitted to or obtained by the state liquor and cannabis board;

(29) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the Andy Hill cancer research endowment program in applications for, or delivery of, grants under chapter 43.348 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information;

(30) Proprietary information filed with the department of health under chapter 69.48 RCW;

(31) Records filed with the department of ecology under chapter 70A.515 RCW that a court has determined are confidential valuable commercial information under RCW 70A.515.130; and

(32) Unaggregated financial, proprietary, or commercial information submitted to or obtained by the liquor and cannabis board in applications for licenses under RCW 66.24.140 or 66.24.145, or in any reports or remittances submitted by a person licensed under RCW 66.24.140 or 66.24.145 under rules adopted by the liquor and cannabis board under chapter 66.08 RCW."

On page 1, line 2 of the title, after "board;" strike the remainder of the title and insert "and amending RCW 43.155.160 and 42.56.270."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1673 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Ryu and Boehnke spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1673, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1673, as amended by

the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Corry and Dufault.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1673, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 1, 2022

Madame Speaker:

The Senate has passed HOUSE BILL NO. 1785 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.43.380 and 2018 c 140 s 1 are each amended to read as follows:

(1) (a) The minimum monthly salary paid to state patrol troopers and sergeants must be competitive with law enforcement agencies within the boundaries of the state of Washington, guided by the results of a survey undertaken in the collective bargaining process during each biennium. (~~The salary levels must be guided by the average of compensation paid to the corresponding rank from the Seattle police department, King county sheriff's office, Tacoma police department, Snohomish county sheriff's office, Spokane police department, and Vancouver police department.~~) Compensation must be calculated using base salary, premium pay (a pay received by more than a majority of employees), education pay, and longevity pay. The compensation comparison data is based on the Washington state patrol and the law enforcement agencies listed in this section. Increases (~~(i)~~) for sergeants will be extended to the salary levels for

~~captains and lieutenants ((that are collectively bargained must be proportionate to the)) through the collective bargaining process to ensure proportionality of increases ((~~+~~ salaries for troopers and sergeants as a result of the survey described in this section)).~~

(b) (i) Until July 1, 2028, the comparisons for determining competitiveness with other law enforcement agency salary levels must be guided by the average of compensation paid to the corresponding rank from the Seattle police department, King county sheriff's office, Tacoma police department, Snohomish county sheriff's office, Spokane police department, and Vancouver police department.

(ii) Beginning July 1, 2028, the comparisons for determining competitiveness with other law enforcement agency salary levels must be guided by the average of compensation paid to the corresponding rank from the Seattle police department, King county sheriff's office, Tacoma police department, Snohomish county sheriff's office, Spokane police department, and Vancouver police department, unless the office of financial management determines that one or more agencies should be replaced in this comparison with another law enforcement agency pursuant to the periodic evaluation process specified in (b) (iii) of this subsection.

(iii) By January 1, 2028, and each decade thereafter, the office of financial management must conduct an evaluation of the six agencies that are relevant for comparison to ensure state patrol troopers and sergeant salary levels are competitive with other law enforcement agencies within the boundaries of the state of Washington. If the office of financial management determines that one or more agencies specified in (b) (ii) of this subsection should be replaced in this comparison with a different law enforcement agency that is more relevant to ensure salary competitiveness, the office of financial management may utilize that revised compensation comparison data in the survey undertaken in the collective bargaining process during each biennium.

(2) By December 1, 2024, as part of the salary survey required in this section, the office of financial management must report to the governor

and transportation committees of the legislature on the efficacy of Washington state patrol recruitment and retention efforts. Using the results of the 2016 salary survey as the baseline data, the report must include an analysis of voluntary resignations of state patrol troopers and sergeants and a comparison of state patrol academy class sizes and trooper graduations.

~~((3) This section expires June 30, 2025.)~~

Sec. 2. RCW 41.56.475 and 2008 c 149 s 1 are each amended to read as follows:

In addition to the classes of employees listed in RCW 41.56.030(~~((7))~~) (14), the provisions of RCW 41.56.430 through 41.56.452 and 41.56.470, 41.56.480, and 41.56.490 also apply to Washington state patrol officers appointed under RCW 43.43.020 as provided in this section, subject to the following:

(1) Within (~~ten~~) 10 working days after the first Monday in September of every odd-numbered year, the state's bargaining representative and the bargaining representative for the appropriate bargaining unit shall attempt to agree on an interest arbitration panel consisting of three members to be used if the parties are not successful in negotiating a comprehensive collective bargaining agreement. Each party shall name one person to serve as its arbitrator on the arbitration panel. The two members so appointed shall meet within seven days following the appointment of the later appointed member to attempt to choose a third member to act as the neutral chair of the arbitration panel. Upon the failure of the arbitrators to select a neutral chair within seven days, the two appointed members shall use one of the two following options in the appointment of the third member, who shall act as chair of the panel: (a) By mutual consent, the two appointed members may jointly request the commission to, and the commission shall, appoint a third member within two days of such a request. Costs of each party's appointee shall be borne by each party respectively; other costs of the arbitration proceedings shall be borne by the commission; or (b) either party may apply to the commission, the federal mediation and conciliation service, or the American arbitration association to provide a list of five qualified arbitrators from which the

neutral chair shall be chosen. Each party shall pay the fees and expenses of its arbitrator, and the fees and expenses of the neutral chair shall be shared equally between the parties. Immediately upon selecting an interest arbitration panel, the parties shall cooperate to reserve dates with the arbitration panel for potential arbitration between August 1st and September 15th of the following even-numbered year. The parties shall also prepare a schedule of at least five negotiation dates for the following year, absent an agreement to the contrary. The parties shall execute a written agreement before November 1st of each odd-numbered year setting forth the names of the members of the arbitration panel and the dates reserved for bargaining and arbitration. This subsection imposes minimum obligations only and is not intended to define or limit a party's full, good faith bargaining obligation under other sections of this chapter.

(2) The mediator or arbitration panel may consider only matters that are subject to bargaining under RCW 41.56.473.

(3) The decision of an arbitration panel is not binding on the legislature and, if the legislature does not approve the funds necessary to implement provisions pertaining to wages and wage-related matters of an arbitrated collective bargaining agreement, is not binding on the state or the Washington state patrol.

(4) In making its determination, the arbitration panel shall be mindful of the legislative purpose enumerated in RCW 41.56.430 and, as additional standards or guidelines to aid it in reaching a decision, shall take into consideration the following factors:

(a) The constitutional and statutory authority of the employer;

(b) Stipulations of the parties;

(c) Comparison of the hours and conditions of employment of personnel involved in the proceedings with the hours and conditions of employment of ~~((like personnel of))~~ like employers of similar size ~~((on the west coast of the United States))~~ identified in RCW 43.43.380;

(d) Changes in any of the foregoing circumstances during the pendency of the proceedings; and

(e) Such other factors, not confined to the foregoing, which are normally or traditionally taken into consideration in the determination of matters that are subject to bargaining under RCW 41.56.473."

On page 1, line 2 of the title, after "sergeants;" strike the remainder of the title and insert "and amending RCW 43.43.380 and 41.56.475."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1785 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Fey and Robertson spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1785, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1785, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

HOUSE BILL NO. 1785, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 1, 2022

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1881 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

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

(2) "Birth doula" means a person that is a nonmedical birth coach or support person trained to provide physical, emotional, and informational support to birthing persons during pregnancy, antepartum, labor, birth, and the postpartum period. Birth doulas advocate for and support birthing people and families to self-advocate by helping them to know their rights and make informed decisions. Birth doulas do not provide medical care.

(3) "Postpartum period" means the 12-month period beginning on the last day of the pregnancy.

(4) "Secretary" means the secretary of health.

NEW SECTION. Sec. 2. (1) A birth doula may voluntarily apply for certification from the department under this section.

(2) The department shall issue a certification to any applicant who has met the following requirements:

(a) Submitted a completed application as required by the department;

(b) Satisfactorily completed competencies that meet the requirements established by the secretary;

(c) Has not engaged in unprofessional conduct as defined in RCW 18.130.180;

(d) Is not currently subject to any disciplinary proceedings; and

(e) Paid a certification fee established by the secretary in rule.

(3) The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of certifications and the discipline of certified birth doulas under this chapter.

NEW SECTION. **Sec. 3.** (1) The secretary shall:

(a) In collaboration with community partners who advance equitable access to improve perinatal outcomes and care through holistic services for black and brown communities, adopt rules establishing the competency-based requirements that a birth doula must meet to obtain certification. The rules must establish processes that allow for applicants to meet the competency-based requirements through the following pathways:

(i) Successful completion of training and education programs approved by the secretary; and

(ii) Submission of proof of successful completion of culturally congruent ancestral practices, training, and education that the secretary must review and determine whether the training and education meet the competency-based requirements;

(b) Establish certification and renewal fees, administrative procedures, continuing education, administrative requirements, and forms necessary to implement this chapter in accordance with RCW 43.70.250 and 43.70.280;

(c) Maintain a record of all applicants and certifications under this chapter; and

(d) Hire clerical, administrative, and investigative staff as needed to implement and administer this chapter.

(2) All fees collected under this chapter must be credited to the health professions account as required under RCW 43.70.320.

NEW SECTION. **Sec. 4.** (1) Nothing in this chapter prohibits a person from practicing as a birth doula without obtaining certification under this chapter.

(2) No person may use the title "state-certified birth doula" in connection with the person's name to indicate or imply, directly or indirectly, that the person is a state-certified birth doula without being certified in accordance with this chapter as a birth doula.

Sec. 5. RCW 18.130.040 and 2021 c 179 s 7 are each amended to read as follows:

(1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the

professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The secretary has authority under this chapter in relation to the following professions:

(i) Dispensing opticians licensed and designated apprentices under chapter 18.34 RCW;

(ii) Midwives licensed under chapter 18.50 RCW;

(iii) Ocularists licensed under chapter 18.55 RCW;

(iv) Massage therapists and businesses licensed under chapter 18.108 RCW;

(v) Dental hygienists licensed under chapter 18.29 RCW;

(vi) Acupuncturists or acupuncture and Eastern medicine practitioners licensed under chapter 18.06 RCW;

(vii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW;

(viii) Respiratory care practitioners licensed under chapter 18.89 RCW;

(ix) Hypnotherapists and agency affiliated counselors registered and advisors and counselors certified under chapter 18.19 RCW;

(x) Persons licensed as mental health counselors, mental health counselor associates, marriage and family therapists, marriage and family therapist associates, social workers, social work associates—advanced, and social work associates—independent clinical under chapter 18.225 RCW;

(xi) Persons registered as nursing pool operators under chapter 18.52C RCW;

(xii) Nursing assistants registered or certified or medication assistants endorsed under chapter 18.88A RCW;

(xiii) Dietitians and nutritionists certified under chapter 18.138 RCW;

(xiv) Substance use disorder professionals, substance use disorder professional trainees, or co-occurring disorder specialists certified under chapter 18.205 RCW;

(xv) Sex offender treatment providers and certified affiliate sex offender

treatment providers certified under chapter 18.155 RCW;

(xvi) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;

(xvii) Orthotists and prosthetists licensed under chapter 18.200 RCW;

(xviii) Surgical technologists registered under chapter 18.215 RCW;

(xix) Recreational therapists under chapter 18.230 RCW;

(xx) Animal massage therapists certified under chapter 18.240 RCW;

(xxi) Athletic trainers licensed under chapter 18.250 RCW;

(xxii) Home care aides certified under chapter 18.88B RCW;

(xxiii) Genetic counselors licensed under chapter 18.290 RCW;

(xxiv) Reflexologists certified under chapter 18.108 RCW;

(xxv) Medical assistants-certified, medical assistants-hemodialysis technician, medical assistants-phlebotomist, forensic phlebotomist, and medical assistants-registered certified and registered under chapter 18.360 RCW; (~~and~~)

(xxvi) Behavior analysts, assistant behavior analysts, and behavior technicians under chapter 18.380 RCW; and

(xxvii) Birth doulas certified under chapter 18.--- RCW (the new chapter created in section 7 of this act).

(b) The boards and commissions having authority under this chapter are as follows:

(i) The podiatric medical board as established in chapter 18.22 RCW;

(ii) The chiropractic quality assurance commission as established in chapter 18.25 RCW;

(iii) The dental quality assurance commission as established in chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW, licenses and registrations issued under chapter 18.260 RCW, and certifications issued under chapter 18.350 RCW;

(iv) The board of hearing and speech as established in chapter 18.35 RCW;

(v) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;

(vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;

(vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapter 18.57 RCW;

(viii) The pharmacy quality assurance commission as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;

(ix) The Washington medical commission as established in chapter 18.71 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;

(x) The board of physical therapy as established in chapter 18.74 RCW;

(xi) The board of occupational therapy practice as established in chapter 18.59 RCW;

(xii) The nursing care quality assurance commission as established in chapter 18.79 RCW governing licenses and registrations issued under that chapter;

(xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW;

(xiv) The veterinary board of governors as established in chapter 18.92 RCW;

(xv) The board of naturopathy established in chapter 18.36A RCW, governing licenses and certifications issued under that chapter; and

(xvi) The board of denturists established in chapter 18.30 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses. The disciplining authority may also grant a license subject to conditions.

(4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the uniform disciplinary act, among the disciplining authorities listed in subsection (2) of this section.

NEW SECTION. **Sec. 6.** The secretary may adopt any rules necessary to implement this chapter.

NEW SECTION. **Sec. 7.** Sections 1 through 4 and 6 of this act constitute a new chapter in Title 18 RCW.

NEW SECTION. **Sec. 8.** Sections 1 through 5 of this act take effect October 1, 2023."

On page 1, line 2 of the title, after "douglas;" strike the remainder of the title and insert "amending RCW 18.130.040; adding a new chapter to Title 18 RCW; and providing an effective date."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1881 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Harris-Talley spoke in favor of the passage of the bill.

Representatives Chambers and Dye spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1881, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1881, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 57; Nays, 41; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Calder, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt,

Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1881, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 2, 2022

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1956 with the following amendment:

Strike everything after the enacting clause and insert the following:

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

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

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

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

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

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

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

(iv) The identities of individuals other than department of corrections staff, contractors, and volunteers, in closed prison rape elimination act investigation reports and related investigative materials; however, the identity of an accused individual is not exempt if the allegation is determined to have been substantiated; and

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

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

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

(4) For purposes of this section:

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

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

(c) "Incarcerated individual" has the same meaning as "inmate" under RCW

72.09.015 and includes currently or formerly incarcerated individuals.

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

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

On page 1, line 3 of the title, after "safety;" strike the remainder of the title and insert "adding a new section to chapter 42.56 RCW; creating a new section; and declaring an emergency."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1956 and advanced the bill, as amended by the Senate, to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representative Hackney spoke in favor of the passage of the bill.

Representative Volz spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1956, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1956, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 55; Nays, 43; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Simmons, Slatte,

Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Schmick, Shewmake, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1956, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 4, 2022

Madame Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1015 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** This chapter may be known and cited as the Washington equitable access to credit act.

NEW SECTION. **Sec. 2.** A new section is added to chapter 82.04 RCW 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 the equitable access to credit program created in chapter 43.--- RCW (the new chapter created in section 6 of this act).

(2)(a) The person must make the contribution before claiming a credit authorized under this section. The credit may be used against any tax due under this chapter. The amount of the 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 \$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.

(b) Any amount of tax credit otherwise allowable under this section not claimed by the person in any calendar year may be carried forward and claimed against a person's tax liability for the next

succeeding calendar year; and any credit not used in that next succeeding calendar year may be carried forward and claimed against the person's tax liability for the second succeeding calendar year, but may not be carried over for any calendar year thereafter.

(3) Credits are available on a first-in-time basis. The department must disallow any credits, or portions thereof, that would cause the total amount of credits claimed under this section for any calendar year to exceed \$8,000,000. If this limitation is reached, the department must notify the department of commerce 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 the tax be paid within 30 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.

(4) 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 electronic format. As used in this subsection, "returns" has the same meaning as "return" in RCW 82.32.050.

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

(6) The equitable access to credit program must provide to the department, upon request, such information as may be needed to verify eligibility for credit under this section, including information regarding contributions received by the program.

(7) The maximum credit that may be earned for each calendar year under this section for a person is limited to the lesser of \$1,000,000 or an amount equal to 100 percent of the contributions made

by the person to the equitable access to credit program.

(8) No credit may be earned for contributions made on or after June 30, 2027. Credits may be claimed as provided in subsections (2) through (4) of this section; however, credits may not be claimed prior to January 1, 2023.

(9) For the purposes of this section, "equitable access to credit program" means a program established within the department of commerce pursuant to section 3 of this act.

(10) The provisions of chapter 82.32 RCW apply to the administration of this section.

(11) This section expires July 1, 2027.

NEW SECTION. Sec. 3. (1) Subject to appropriation, the department of commerce shall create and operate the equitable access to credit program. The purpose of the equitable access to credit program is to award grants to qualified lending institutions, using funds generated by business and occupation tax credits created in section 2 of this act, for the purpose of providing access to credit for historically underserved communities. The equitable access to credit program must be governed by the provisions of this chapter and by any guidelines developed and rules adopted by the department of commerce pursuant to this chapter.

(2) The following requirements apply to the operation of the equitable access to credit program:

(a) No more than 25 percent of all grants awarded in any calendar year may be awarded to the same grant recipient;

(b) Up to 20 percent of an individual grant award may be used by the grant recipient to fund a loan loss reserve, technical assistance, and/or small business training programs;

(c) At least 65 percent of the value of all grants awarded in any calendar year must be provided for native community development financial institution grantees or grantees to provide services or invest, or both, in rural counties as defined in RCW 82.14.370; and

(d) Beginning in fiscal year 2022, up to five percent of the program revenues may be used for all agencies' staffing

and other administrative costs related to the implementation of this act. In the event that the statewide limit in section 2(3) of this act is not reached, the percentage used for administration may be increased as necessary to maintain normal staffing operations, not to exceed 10 percent.

(3) In order to receive a grant award under the equitable access to credit program, a qualified lending institution must:

(a) Be recognized by the United States department of the treasury as:

(i) An emerging community development financial institution; or

(ii) A certified community development financial institution;

(b) Match any grant awarded by the equitable access to credit program on:

(i) At least a five percent basis, if the institution is recognized by the United States department of the treasury as an emerging community development financial institution;

(ii) At least a 10 percent basis, if the institution:

(A) Is recognized by the United States department of the treasury as a certified community development financial institution; and

(B) Has net assets of fewer than \$3,000,000 at the time of the grant application; or

(iii) At least a 25 percent basis, if the institution:

(A) Is recognized by the United States department of the treasury as a certified emerging community development financial institution; and

(B) Has net assets of \$3,000,000 or more at the time of the grant application;

(c) Be registered as a nonprofit organization exempt from taxation under Title 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code of 1986, as amended, as of the effective date of this section; and

(d) Demonstrate a history of lending in Washington.

(4) The director must appoint members to an advisory board that will assist the department in ranking applications for

the grants. The department is encouraged to seek representation from members with relevant expertise, including those from the banking industry familiar with community development financial institutions, rural economic development professionals, local government representatives, and representatives from federally recognized Indian tribes. The department shall seek, to the greatest extent possible, a fair geographic balance.

(5)(a) The following criteria must be considered in ranking applications:

(i) The number and total value of loans and investments closed during the previous five-year period by the qualified lending institution in Washington and the percentage of those loans and investments that went to historically underserved communities;

(ii) Funds leveraged by the proposed grant award, which may be no less than 25 percent for certified community development financial institutions with net assets of \$3,000,000 or more at the time of the grant application;

(iii) Projected loan or investment production with the award over the performance period of the grant;

(iv) How the award supports the growth of the qualified lending institution;

(v) Past performance of loans and investments made by the qualified lending institution including, where applicable, past performance of loans and investments made using funds from the equitable access to credit program; and

(vi) Awards to a diversity of qualified lending institution awardees, including institutions of different sizes or with different target markets or products, access to historically underserved communities, or other differentiators that ensure a broad-base access to capital.

(b) The department may also include such additional criteria as it deems helpful in achieving the goal of ensuring access to credit to underserved communities across the state.

(6) Grants may be awarded from the equitable access to credit program beginning six months after the first tax credits are claimed pursuant to section 2 of this act. Grant awards must cease from the equitable access to credit

program upon the expiration of this chapter.

(7) No loan or investment made by a qualified lending institution using funds awarded from the equitable access to credit program may have an interest rate that exceeds 200 basis points above the Wall Street Journal prime rate when the loan or investment is made.

(8) Once a loan or investment made by a qualified lending institution using funds awarded from the equitable access to credit program has been repaid, the qualified lending institution must reloan the repaid funds consistent with the terms of this chapter.

(9) A qualified lending institution that receives funds from the equitable access to credit program must submit a report to the department of commerce by June 30th of each year that contains the following information:

(a) A list of loans and investments made using funds from the equitable access to credit program's grant and associated match, including, on a per-borrower or per-investee basis:

(i) The date the loan or investment was originated;

(ii) The amount of the loan or investment;

(iii) The total cost of the project, including owner equity and leverage;

(iv) The interest rate and interest type;

(v) The Wall Street Journal prime rate at the time the loan or investment is made;

(vi) The term;

(vii) The number of permanent full-time equivalent jobs projected to be created in the business due to this financing;

(viii) Whether the loan or investment utilized a guarantee program;

(ix) The North American industry classification system code;

(x) The entity structure;

(xi) Whether the investee or borrower is more than 50 percent owned or controlled by:

(A) One or more minorities;

(B) One or more women; or

(C) One or more low-income persons;

(xii) The race of the primary investee(s) or borrower(s);

(xiii) Whether the primary investee or borrower is Hispanic or Latino; and

(xiv) The location, by city and county, in which funds from the program will be invested;

(b) Certification that each loan or investment made using funds from the program was to a historically underserved community; and

(c) Other information as required by the department of commerce.

(10) No later than September 15th of each year, beginning in 2022, the department of commerce must submit a report to the appropriate committees of the legislature that contains the following information:

(a) The list of grant applicants, total value of grants requested, and the location of each applicant;

(b) The list of grant recipients, total amount of awards, and required match amounts; and

(c) On an aggregate basis, information on loans and investments as reported under subsection (9) of this section.

(11) The department may contract for all or part of the administration of this section.

(12) The department may adopt rules as necessary to implement this section.

NEW SECTION. Sec. 4. The equitable access to credit program account is created in the custody of the state treasurer. All receipts from contributions to the equitable access to credit program created by this chapter must be deposited in the account. Expenditures from the account may be used only for the award of grants to qualified lending institutions from the equitable access to credit program and administrative costs pursuant to section 3 of this act. Only the director of the department of commerce or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. Any funds remaining in the account upon the expiration of this chapter must be transferred to the state general fund.

NEW SECTION. Sec. 5. (1) This section is the tax preference performance statement for the tax preference contained in section 2, chapter . . . , Laws of 2022 (section 2 of this act). This performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or to be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes this tax preference as one intended to create or retain jobs pursuant to RCW 82.32.808(2)(c), as well as encourage community and economic development within communities that have historically lacked access to capital.

(3) It is the legislature's specific public policy objective to create a program that encourages investment in small, underserved businesses to encourage community and economic development in Washington.

(4) The legislature intends to extend the expiration date of this tax preference if a review finds that the equitable access to credit program has had a net positive impact on investment in communities historically underserved by credit and on state and local tax revenues. In conducting its review under this section, the joint legislative audit and review committee should consider, among other data:

(a) The number and aggregate amount of loans and investments originated under the program, including with revolved dollars;

(b) Overall match, including project leverage, invested by grant recipients;

(c) The balance sheet growth of community development financial institutions that received grants from the program;

(d) Whether participants in the program achieved balance sheet growth during the time of their participation in the program;

(e) The percentage of community development financial institutions in Washington that received funding from the program; and

(f) The level of ongoing demand for funding from the program.

(5) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative audit and review committee may refer to any data collected by the state.

(6) This section expires July 1, 2027.

NEW SECTION. **Sec. 6.** Sections 1, 3, and 4 of this act constitute a new chapter in Title 43 RCW."

On page 1, line 2 of the title, after "act;" strike the remainder of the title and insert "adding a new section to chapter 82.04 RCW; adding a new chapter to Title 43 RCW; creating a new section; and providing expiration dates."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1015 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Maycumber and Frame spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1015, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1015, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick,

Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1015, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 4, 2022

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1643 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that Washington state has one of the strongest economies in the country. However, despite the strong economy, our state has entered an affordable housing crisis where low-income and middle-income households have the fewest number of housing options. Furthermore, it is estimated that Washington state's housing gap is among the most severe in the nation, with only 29 affordable and available rental homes for every 100 extremely low-income households.

(2) The legislature concludes that in the spirit of one Washington, the health of all Washingtonians will benefit from a larger stock in affordable housing. Therefore, it is the intent of the legislature to incentivize real property transfers to nonprofit housing providers, public housing authorities, or local governments to increase the availability of affordable housing for low-income Washingtonians.

NEW SECTION. **Sec. 2.** (1) This section is the tax preference performance statement for the tax preferences in sections 3 and 4, chapter . . . , Laws of 2022 (sections 3 and 4 of this act). This performance statement is only intended to be used for subsequent evaluation of the tax preferences. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes this tax preference as one intended to induce certain designated behavior by taxpayers, as indicated in RCW 82.32.808(2)(a).

(3) It is the legislature's specific public policy objective to encourage sales or transfers of real property to nonprofit entities, housing authorities, or public corporations that intend to use the transferred property for housing for low-income persons.

(4) If a review finds that the number of sales or transfers of real property to qualified entities has not increased, then the legislature intends to repeal the expiration date of the tax preference.

(5) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative audit and review committee may refer to any available data source, including the transfer or sale of properties reported by county records.

Sec. 3. RCW 82.45.010 and 2019 c 424 s 3, 2019 c 390 s 10, and 2019 c 385 s 2 are each reenacted and amended to read as follows:

(1) As used in this chapter, the term "sale" has its ordinary meaning and includes any conveyance, grant, assignment, quitclaim, or transfer of the ownership of or title to real property, including standing timber, or any estate or interest therein for a valuable consideration, and any contract for such conveyance, grant, assignment, quitclaim, or transfer, and any lease with an option to purchase real property, including standing timber, or any estate or interest therein or other contract under which possession of the property is given to the purchaser, or any other person at the purchaser's direction, and title to the property is retained by the vendor as security for the payment of the purchase price. The term also includes the grant, assignment, quitclaim, sale, or transfer of improvements constructed upon leased land.

(2)(a) The term "sale" also includes the transfer or acquisition within any thirty-six month period of a controlling interest in any entity with an interest in real property located in this state for a valuable consideration.

(b) For the sole purpose of determining whether, pursuant to the exercise of an option, a controlling interest was transferred or acquired within a thirty-six month period, the date that the option agreement was executed is the date on which the transfer or acquisition of the

controlling interest is deemed to occur. For all other purposes under this chapter, the date upon which the option is exercised is the date of the transfer or acquisition of the controlling interest.

(c) For purposes of this subsection, all acquisitions of persons acting in concert must be aggregated for purposes of determining whether a transfer or acquisition of a controlling interest has taken place. The department must adopt standards by rule to determine when persons are acting in concert. In adopting a rule for this purpose, the department must consider the following:

(i) Persons must be treated as acting in concert when they have a relationship with each other such that one person influences or controls the actions of another through common ownership; and

(ii) When persons are not commonly owned or controlled, they must be treated as acting in concert only when the unity with which the purchasers have negotiated and will consummate the transfer of ownership interests supports a finding that they are acting as a single entity. If the acquisitions are completely independent, with each purchaser buying without regard to the identity of the other purchasers, then the acquisitions are considered separate acquisitions.

(3) The term "sale" does not include:

(a) A transfer by gift, devise, or inheritance.

(b) A transfer by transfer on death deed, to the extent that it is not in satisfaction of a contractual obligation of the decedent owed to the recipient of the property.

(c) A transfer of any leasehold interest other than of the type mentioned above.

(d) A cancellation or forfeiture of a vendee's interest in a contract for the sale of real property, whether or not such contract contains a forfeiture clause, or deed in lieu of foreclosure of a mortgage.

(e) The partition of property by tenants in common by agreement or as the result of a court decree.

(f) The assignment of property or interest in property from one spouse or one domestic partner to the other spouse or other domestic partner in accordance

with the terms of a decree of dissolution of marriage or state registered domestic partnership or in fulfillment of a property settlement agreement.

(g) The assignment or other transfer of a vendor's interest in a contract for the sale of real property, even though accompanied by a conveyance of the vendor's interest in the real property involved.

(h) Transfers by appropriation or decree in condemnation proceedings brought by the United States, the state or any political subdivision thereof, or a municipal corporation.

(i) A mortgage or other transfer of an interest in real property merely to secure a debt, or the assignment thereof.

(j) Any transfer or conveyance made pursuant to a deed of trust or an order of sale by the court in any mortgage, deed of trust, or lien foreclosure proceeding or upon execution of a judgment, or deed in lieu of foreclosure to satisfy a mortgage or deed of trust.

(k) A conveyance to the federal housing administration or veterans administration by an authorized mortgagee made pursuant to a contract of insurance or guaranty with the federal housing administration or veterans administration.

(l) A transfer in compliance with the terms of any lease or contract upon which the tax as imposed by this chapter has been paid or where the lease or contract was entered into prior to the date this tax was first imposed.

(m) The sale of any grave or lot in an established cemetery.

(n) A sale by the United States, this state or any political subdivision thereof, or a municipal corporation of this state.

(o) A sale to a regional transit authority or public corporation under RCW 81.112.320 under a sale/leaseback agreement under RCW 81.112.300.

(p) A transfer of real property, however effected, if it consists of a mere change in identity or form of ownership of an entity where there is no change in the beneficial ownership. These include transfers to a corporation or partnership which is wholly owned by the transferor and/or the transferor's spouse or domestic partner or children of

the transferor or the transferor's spouse or domestic partner. However, if thereafter such transferee corporation or partnership voluntarily transfers such real property, or such transferor, spouse or domestic partner, or children of the transferor or the transferor's spouse or domestic partner voluntarily transfer stock in the transferee corporation or interest in the transferee partnership capital, as the case may be, to other than (i) the transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner, (ii) a trust having the transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner as the only beneficiaries at the time of the transfer to the trust, or (iii) a corporation or partnership wholly owned by the original transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner, within three years of the original transfer to which this exemption applies, and the tax on the subsequent transfer has not been paid within sixty days of becoming due, excise taxes become due and payable on the original transfer as otherwise provided by law.

(q) (i) A transfer that for federal income tax purposes does not involve the recognition of gain or loss for entity formation, liquidation or dissolution, and reorganization, including but not limited to nonrecognition of gain or loss because of application of 26 U.S.C. Sec. 332, 337, 351, 368(a)(1), 721, or 731 of the internal revenue code of 1986, as amended.

(ii) However, the transfer described in (q)(i) of this subsection cannot be preceded or followed within a thirty-six month period by another transfer or series of transfers, that, when combined with the otherwise exempt transfer or transfers described in (q)(i) of this subsection, results in the transfer of a controlling interest in the entity for valuable consideration, and in which one or more persons previously holding a controlling interest in the entity receive cash or property in exchange for any interest the person or persons acting in concert hold in the entity. This subsection (3)(q)(ii) does not apply to that part of the transfer involving property received that is the real

property interest that the person or persons originally contributed to the entity or when one or more persons who did not contribute real property or belong to the entity at a time when real property was purchased receive cash or personal property in exchange for that person or persons' interest in the entity. The real estate excise tax under this subsection (3)(q)(ii) is imposed upon the person or persons who previously held a controlling interest in the entity.

(r) A qualified sale of a manufactured/mobile home community, as defined in RCW 59.20.030.

(s)(i) A transfer of a qualified low-income housing development or controlling interest in a qualified low-income housing development, unless, due to noncompliance with federal statutory requirements, the seller is subject to recapture, in whole or in part, of its allocated federal low-income housing tax credits within the four years prior to the date of transfer.

(ii) For purposes of this subsection (3)(s), "qualified low-income housing development" means real property and improvements in respect to which the seller or, in the case of a transfer of a controlling interest, the owner or beneficial owner, was allocated federal low-income housing tax credits authorized under 26 U.S.C. Sec. 42 or successor statute, by the Washington state housing finance commission or successor state-authorized tax credit allocating agency.

(iii) This subsection (3)(s) does not apply to transfers of a qualified low-income housing development or controlling interest in a qualified low-income housing development occurring on or after July 1, 2035.

(iv) The Washington state housing finance commission, in consultation with the department, must gather data on: (A) The fiscal savings, if any, accruing to transferees as a result of the exemption provided in this subsection (3)(s); (B) the extent to which transferors of qualified low-income housing developments receive consideration, including any assumption of debt, as part of a transfer subject to the exemption provided in this subsection (3)(s); and (C) the continued use of the property for low-income housing. The Washington state housing finance commission must provide

this information to the joint legislative audit and review committee. The committee must conduct a review of the tax preference created under this subsection (3)(s) in calendar year 2033, as required under chapter 43.136 RCW.

(t)(i) A qualified transfer of residential property by a legal representative of a person with developmental disabilities to a qualified entity subject to the following conditions:

(A) The adult child with developmental disabilities of the transferor of the residential property must be allowed to reside in the residence or successor property so long as the placement is safe and appropriate as determined by the department of social and health services;

(B) The title to the residential property is conveyed without the receipt of consideration by the legal representative of a person with developmental disabilities to a qualified entity;

(C) The residential property must have no more than four living units located on it; and

(D) The residential property transferred must remain in continued use for fifty years by the qualified entity as supported living for persons with developmental disabilities by the qualified entity or successor entity. If the qualified entity sells or otherwise conveys ownership of the residential property the proceeds of the sale or conveyance must be used to acquire similar residential property and such similar residential property must be considered the successor for continued use. The property will not be considered in continued use if the department of social and health services finds that the property has failed, after a reasonable time to remedy, to meet any health and safety statutory or regulatory requirements. If the department of social and health services determines that the property fails to meet the requirements for continued use, the department of social and health services must notify the department and the real estate excise tax based on the value of the property at the time of the transfer into use as residential property for persons with developmental disabilities becomes immediately due and payable by the qualified entity. The tax due is not

subject to penalties, fees, or interest under this title.

(ii) For the purposes of this subsection (3)(t) the definitions in RCW 71A.10.020 apply.

(iii) A "qualified entity" is:

(A) A nonprofit organization under Title 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code of 1986, as amended, as of June 7, 2018, or a subsidiary under the same taxpayer identification number that provides residential supported living for persons with developmental disabilities; or

(B) A nonprofit adult family home, as defined in RCW 70.128.010, that exclusively serves persons with developmental disabilities.

(iv) In order to receive an exemption under this subsection (3)(t) an affidavit must be submitted by the transferor of the residential property and must include a copy of the transfer agreement and any other documentation as required by the department.

(u)(i) The sale by an affordable homeownership facilitator of self-help housing to a low-income household. (~~The definitions in section 2 of this act apply to this subsection.~~)

(ii) The definitions in this subsection (3)(u) apply to this subsection (3)(u) unless the context clearly requires otherwise.

(A) "Affordable homeownership facilitator" means a nonprofit community or neighborhood-based organization that is exempt from income tax under Title 26 U.S.C. Sec. 501(c) of the internal revenue code of 1986, as amended, as of October 1, 2019, and that is the developer of self-help housing.

(B) "Low-income" means household income as defined by the department, provided that the definition may not exceed eighty percent of median household income, adjusted for household size, for the county in which the dwelling is located.

(C) "Self-help housing" means dwelling residences provided for ownership by low-income individuals and families whose ownership requirement includes labor participation. "Self-help housing" does not include residential rental housing provided on a commercial basis to the general public.

(v)(i) A sale or transfer of real property to a qualifying grantee that uses the property for housing for low-income persons and receives or otherwise qualifies the property for an exemption from real and personal property taxes under RCW 84.36.560, 84.36.049, 35.82.210, 35.21.755, or 84.36.010. For purposes of this subsection (3)(v), "qualifying grantee" means a nonprofit entity as defined in RCW 84.36.560, a nonprofit entity or qualified cooperative association as defined in RCW 84.36.049, a housing authority created under RCW 35.82.030 or 35.82.300, a public corporation established under RCW 35.21.660 or 35.21.730, or a county or municipal corporation. A qualifying grantee that is a county or municipal corporation must record a covenant at the time of transfer that prohibits using the property for any purpose other than for low-income housing for a period of at least 10 years. At a minimum, the covenant must address price restrictions and household income limits for the low-income housing. A qualifying grantee must comply with the requirements described in (v)(i)(A), (B), or (C) of this subsection and must also certify, by affidavit at the time of sale or transfer, that it intends to comply with those requirements.

(A) If the qualifying grantee intends to operate existing housing on the property, within one year of the sale or transfer:

(I) The qualifying grantee must receive or qualify the property for a tax exemption under RCW 84.36.560, 84.36.049, 35.82.210, 35.21.755, or 84.36.010; and

(II) The property must be used as housing for low-income persons.

(B) If the qualifying grantee intends to develop new housing on the site, within five years of the sale or transfer:

(I) The qualifying grantee must receive or qualify the property for a tax exemption under RCW 84.36.560, 84.36.049, 35.82.210, 35.21.755, or 84.36.010; and

(II) The property must be used as housing for low-income persons.

(C) If the qualifying grantee intends to substantially rehabilitate the premises as defined in RCW 59.18.200, within three years:

(I) The qualifying grantee must receive or qualify the property for a tax exemption under RCW 84.36.560, 84.36.049, 35.82.210, 35.21.755, or 84.36.010; and

(II) The property must be used as housing for low-income persons.

(ii) If the qualifying grantee fails to satisfy the requirements described in (v) (i) (A), (B), or (C) of this subsection, within the timelines described in (v) (i) (A), (B), or (C) of this subsection, the qualifying grantee must pay the tax that would have otherwise been due at the time of initial transfer, plus interest calculated from the date of initial transfer pursuant to RCW 82.32.050.

(iii) If a qualifying grantee transfers the property to a different qualifying grantee within the original timelines described in (v) (i) (A), (B), or (C) of this subsection, neither the original qualifying grantee nor the new qualifying grantee is required to pay the tax, so long as the new qualifying grantee satisfies the requirements as described in (v) (i) (A), (B), or (C) of this subsection within the exemption period of the initial transfer. If the new qualifying grantee fails to satisfy the requirements described in (v) (i) (A), (B), or (C) of this subsection, only the new qualifying grantee is liable for the payment of taxes required by (v) (ii) of this subsection. There is no limit on the number of transfers between qualifying grantees within the original timelines.

(iv) Each affidavit must be filed with the department upon completion of the sale or transfer of property, including transfers from a qualifying grantee to a different qualifying grantee. The qualifying grantee must provide proof to the department as required by the department once the requirements as described in (v) (i) (A), (B), or (C) of this subsection have been satisfied.

(v) For the purposes of this subsection (3) (v), "low-income" has the same meaning as in (u) of this subsection.

Sec. 4. RCW 82.45.010 and 2019 c 424 s 3 are each amended to read as follows:

(1) As used in this chapter, the term "sale" has its ordinary meaning and includes any conveyance, grant, assignment, quitclaim, or transfer of the ownership of or title to real property,

including standing timber, or any estate or interest therein for a valuable consideration, and any contract for such conveyance, grant, assignment, quitclaim, or transfer, and any lease with an option to purchase real property, including standing timber, or any estate or interest therein or other contract under which possession of the property is given to the purchaser, or any other person at the purchaser's direction, and title to the property is retained by the vendor as security for the payment of the purchase price. The term also includes the grant, assignment, quitclaim, sale, or transfer of improvements constructed upon leased land.

(2) (a) The term "sale" also includes the transfer or acquisition within any thirty-six month period of a controlling interest in any entity with an interest in real property located in this state for a valuable consideration.

(b) For the sole purpose of determining whether, pursuant to the exercise of an option, a controlling interest was transferred or acquired within a thirty-six month period, the date that the option agreement was executed is the date on which the transfer or acquisition of the controlling interest is deemed to occur. For all other purposes under this chapter, the date upon which the option is exercised is the date of the transfer or acquisition of the controlling interest.

(c) For purposes of this subsection, all acquisitions of persons acting in concert must be aggregated for purposes of determining whether a transfer or acquisition of a controlling interest has taken place. The department must adopt standards by rule to determine when persons are acting in concert. In adopting a rule for this purpose, the department must consider the following:

(i) Persons must be treated as acting in concert when they have a relationship with each other such that one person influences or controls the actions of another through common ownership; and

(ii) When persons are not commonly owned or controlled, they must be treated as acting in concert only when the unity with which the purchasers have negotiated and will consummate the transfer of ownership interests supports a finding that they are acting as a single entity. If the acquisitions are completely

independent, with each purchaser buying without regard to the identity of the other purchasers, then the acquisitions are considered separate acquisitions.

(3) The term "sale" does not include:

(a) A transfer by gift, devise, or inheritance.

(b) A transfer by transfer on death deed, to the extent that it is not in satisfaction of a contractual obligation of the decedent owed to the recipient of the property.

(c) A transfer of any leasehold interest other than of the type mentioned above.

(d) A cancellation or forfeiture of a vendee's interest in a contract for the sale of real property, whether or not such contract contains a forfeiture clause, or deed in lieu of foreclosure of a mortgage.

(e) The partition of property by tenants in common by agreement or as the result of a court decree.

(f) The assignment of property or interest in property from one spouse or one domestic partner to the other spouse or other domestic partner in accordance with the terms of a decree of dissolution of marriage or state registered domestic partnership or in fulfillment of a property settlement agreement.

(g) The assignment or other transfer of a vendor's interest in a contract for the sale of real property, even though accompanied by a conveyance of the vendor's interest in the real property involved.

(h) Transfers by appropriation or decree in condemnation proceedings brought by the United States, the state or any political subdivision thereof, or a municipal corporation.

(i) A mortgage or other transfer of an interest in real property merely to secure a debt, or the assignment thereof.

(j) Any transfer or conveyance made pursuant to a deed of trust or an order of sale by the court in any mortgage, deed of trust, or lien foreclosure proceeding or upon execution of a judgment, or deed in lieu of foreclosure to satisfy a mortgage or deed of trust.

(k) A conveyance to the federal housing administration or veterans administration by an authorized

mortgagee made pursuant to a contract of insurance or guaranty with the federal housing administration or veterans administration.

(l) A transfer in compliance with the terms of any lease or contract upon which the tax as imposed by this chapter has been paid or where the lease or contract was entered into prior to the date this tax was first imposed.

(m) The sale of any grave or lot in an established cemetery.

(n) A sale by the United States, this state or any political subdivision thereof, or a municipal corporation of this state.

(o) A sale to a regional transit authority or public corporation under RCW 81.112.320 under a sale/leaseback agreement under RCW 81.112.300.

(p) A transfer of real property, however effected, if it consists of a mere change in identity or form of ownership of an entity where there is no change in the beneficial ownership. These include transfers to a corporation or partnership which is wholly owned by the transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner. However, if thereafter such transferee corporation or partnership voluntarily transfers such real property, or such transferor, spouse or domestic partner, or children of the transferor or the transferor's spouse or domestic partner voluntarily transfer stock in the transferee corporation or interest in the transferee partnership capital, as the case may be, to other than (i) the transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner, (ii) a trust having the transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner as the only beneficiaries at the time of the transfer to the trust, or (iii) a corporation or partnership wholly owned by the original transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner, within three years of the original transfer to which this exemption applies, and the tax on the subsequent transfer has not been paid within sixty days of becoming due, excise

taxes become due and payable on the original transfer as otherwise provided by law.

(q)(i) A transfer that for federal income tax purposes does not involve the recognition of gain or loss for entity formation, liquidation or dissolution, and reorganization, including but not limited to nonrecognition of gain or loss because of application of 26 U.S.C. Sec. 332, 337, 351, 368(a)(1), 721, or 731 of the internal revenue code of 1986, as amended.

(ii) However, the transfer described in (q)(i) of this subsection cannot be preceded or followed within a thirty-six month period by another transfer or series of transfers, that, when combined with the otherwise exempt transfer or transfers described in (q)(i) of this subsection, results in the transfer of a controlling interest in the entity for valuable consideration, and in which one or more persons previously holding a controlling interest in the entity receive cash or property in exchange for any interest the person or persons acting in concert hold in the entity. This subsection (3)(q)(ii) does not apply to that part of the transfer involving property received that is the real property interest that the person or persons originally contributed to the entity or when one or more persons who did not contribute real property or belong to the entity at a time when real property was purchased receive cash or personal property in exchange for that person or persons' interest in the entity. The real estate excise tax under this subsection (3)(q)(ii) is imposed upon the person or persons who previously held a controlling interest in the entity.

(r) A qualified sale of a manufactured/mobile home community, as defined in RCW 59.20.030, that takes place on or after June 12, 2008, but before December 31, 2018.

(s)(i) A transfer of a qualified low-income housing development or controlling interest in a qualified low-income housing development, unless, due to noncompliance with federal statutory requirements, the seller is subject to recapture, in whole or in part, of its allocated federal low-income housing tax credits within the four years prior to the date of transfer.

(ii) For purposes of this subsection (3)(s), "qualified low-income housing development" means real property and improvements in respect to which the seller or, in the case of a transfer of a controlling interest, the owner or beneficial owner, was allocated federal low-income housing tax credits authorized under 26 U.S.C. Sec. 42 or successor statute, by the Washington state housing finance commission or successor state-authorized tax credit allocating agency.

(iii) This subsection (3)(s) does not apply to transfers of a qualified low-income housing development or controlling interest in a qualified low-income housing development occurring on or after July 1, 2035.

(iv) The Washington state housing finance commission, in consultation with the department, must gather data on: (A) The fiscal savings, if any, accruing to transferees as a result of the exemption provided in this subsection (3)(s); (B) the extent to which transferors of qualified low-income housing developments receive consideration, including any assumption of debt, as part of a transfer subject to the exemption provided in this subsection (3)(s); and (C) the continued use of the property for low-income housing. The Washington state housing finance commission must provide this information to the joint legislative audit and review committee. The committee must conduct a review of the tax preference created under this subsection (3)(s) in calendar year 2033, as required under chapter 43.136 RCW.

(t)(i) A qualified transfer of residential property by a legal representative of a person with developmental disabilities to a qualified entity subject to the following conditions:

(A) The adult child with developmental disabilities of the transferor of the residential property must be allowed to reside in the residence or successor property so long as the placement is safe and appropriate as determined by the department of social and health services;

(B) The title to the residential property is conveyed without the receipt of consideration by the legal representative of a person with developmental disabilities to a qualified entity;

(C) The residential property must have no more than four living units located on it; and

(D) The residential property transferred must remain in continued use for fifty years by the qualified entity as supported living for persons with developmental disabilities by the qualified entity or successor entity. If the qualified entity sells or otherwise conveys ownership of the residential property the proceeds of the sale or conveyance must be used to acquire similar residential property and such similar residential property must be considered the successor for continued use. The property will not be considered in continued use if the department of social and health services finds that the property has failed, after a reasonable time to remedy, to meet any health and safety statutory or regulatory requirements. If the department of social and health services determines that the property fails to meet the requirements for continued use, the department of social and health services must notify the department and the real estate excise tax based on the value of the property at the time of the transfer into use as residential property for persons with developmental disabilities becomes immediately due and payable by the qualified entity. The tax due is not subject to penalties, fees, or interest under this title.

(ii) For the purposes of this subsection (3)(t) the definitions in RCW 71A.10.020 apply.

(iii) A "qualified entity" is:

(A) A nonprofit organization under Title 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code of 1986, as amended, as of June 7, 2018, or a subsidiary under the same taxpayer identification number that provides residential supported living for persons with developmental disabilities; or

(B) A nonprofit adult family home, as defined in RCW 70.128.010, that exclusively serves persons with developmental disabilities.

(iv) In order to receive an exemption under this subsection (3)(t) an affidavit must be submitted by the transferor of the residential property and must include a copy of the transfer agreement and any other documentation as required by the department.

(u)(i) A sale or transfer of real property to a qualifying grantee that uses the property for housing for low-income persons and receives or otherwise qualifies the property for an exemption from real and personal property taxes under RCW 84.36.560, 84.36.049, 35.82.210, 35.21.755, or 84.36.010. For purposes of this subsection (3)(u), "qualifying grantee" means a nonprofit entity as defined in RCW 84.36.560, a nonprofit entity or qualified cooperative association as defined in RCW 84.36.049, a housing authority created under RCW 35.82.030 or 35.82.300, a public corporation established under RCW 35.21.660 or 35.21.730, or a county or municipal corporation. A qualifying grantee that is a county or municipal corporation must record a covenant at the time of transfer that prohibits using the property for any purpose other than for low-income housing for a period of at least 10 years. At a minimum, the covenant must address price restrictions and household income limits for the low-income housing. A qualifying grantee must comply with the requirements described in (u)(i)(A), (B), or (C) of this subsection and must also certify, by affidavit at the time of sale or transfer, that it intends to comply with those requirements.

(A) If the qualifying grantee intends to operate existing housing on the property, within one year of the sale or transfer:

(I) The qualifying grantee must receive or qualify the property for a tax exemption under RCW 84.36.560, 84.36.049, 35.82.210, 35.21.755, or 84.36.010; and

(II) The property must be used as housing for low-income persons.

(B) If the qualifying grantee intends to develop new housing on the site, within five years of the sale or transfer:

(I) The qualifying grantee must receive or qualify the property for a tax exemption under RCW 84.36.560, 84.36.049, 35.82.210, 35.21.755, or 84.36.010; and

(II) The property must be used as housing for low-income persons.

(C) If the qualifying grantee intends to substantially rehabilitate the premises as defined in RCW 59.18.200, within three years:

(I) The qualifying grantee must receive or qualify the property for a tax exemption under RCW 84.36.560, 84.36.049, 35.82.210, 35.21.755, or 84.36.010; and

(II) The property must be used as housing for low-income persons.

(ii) If the qualifying grantee fails to satisfy the requirements described in (u) (i) (A), (B), or (C) of this subsection, within the timelines described in (u) (i) (A), (B), or (C) of this subsection, the qualifying grantee must pay the tax that would have otherwise been due at the time of initial transfer, plus interest calculated from the date of initial transfer pursuant to RCW 82.32.050.

(iii) If a qualifying grantee transfers the property to a different qualifying grantee within the original timelines described in (u) (i) (A), (B), or (C) of this subsection, neither the original qualifying grantee nor the new qualifying grantee is required to pay the tax, so long as the new qualifying grantee satisfies the requirements as described in (u) (i) (A), (B), or (C) of this subsection within the exemption period of the initial transfer. If the new qualifying grantee fails to satisfy the requirements described in (u) (i) (A), (B), or (C) of this subsection, only the new qualifying grantee is liable for the payment of taxes required by (u) (ii) of this subsection. There is no limit on the number of transfers between qualifying grantees within the original timelines.

(iv) Each affidavit must be filed with the department upon completion of the sale or transfer of property, including transfers from a qualifying grantee to a different qualifying grantee. The qualifying grantee must provide proof to the department as required by the department once the requirements as described in (u) (i) (A), (B), or (C) of this subsection have been satisfied.

(v) For the purposes of this subsection (3) (u), "low-income" means household income as defined by the department, provided that the definition may not exceed 80 percent of median household income, adjusted for household size, for the county in which the dwelling is located.

NEW SECTION. Sec. 5. The expiration date provisions of RCW 82.32.805(1) (a) do not apply to the tax preferences in

sections 3 and 4, chapter . . ., Laws of 2022 (sections 3 and 4 of this act).

NEW SECTION. Sec. 6. Section 3 of this act takes effect January 1, 2023.

NEW SECTION. Sec. 7. Section 3 of this act expires January 1, 2030.

NEW SECTION. Sec. 8. Section 4 of this act takes effect January 1, 2030."

On page 1, line 4 of the title, after "tax;" strike the remainder of the title and insert "amending RCW 82.45.010; reenacting and amending RCW 82.45.010; creating new sections; providing effective dates; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1643 and advanced the bill, as amended by the Senate, to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Hackney and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1643, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1643, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick,

Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Dufault.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1643, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 4, 2022

Madame Speaker:

The Senate has passed HOUSE BILL NO. 1859 with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. **Sec. 1.** The purpose of this act is to create an interagency coordination team responsible for the program that establishes and maintains quality standards for laboratories conducting analysis of recreational and medicinal cannabis with THC levels greater than 0.3 percent. The interagency team includes the department of agriculture, the liquor and cannabis board, and the department of health. The standards must be adopted by rule by the department of agriculture, and changes to standards may require reference in liquor and cannabis board and department of health rules. This authority to establish these rules transfers from the liquor and cannabis board to the department of agriculture. This act implements the recommendations of the cannabis science task force established in RCW 43.21A.735.

According to the task force's recommendations: "Laboratory quality standards are the elements used in the evaluation of a product's compliance with established product standards. They consist of approved methods, method validation protocols, and performance measures and criteria applied to the testing of the product. Establishing appropriate and well-defined laboratory quality standards is essential to communicate to the testing laboratories what standardized practices and procedures are appropriate.

Laboratory quality standards help ensure the data that laboratories generate are credible and can be used to provide consumer protections. They should represent sound scientific protocols, and detail practical and specific guidance for the testing subject

matter. Together, well-established product standards, laboratory quality standards, and accreditation standards should function to garner confidence for consumers and the industry they support."

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

(1) "Cannabis lab" means a laboratory that tests cannabis for compliance with product standards established by rule by the state liquor and cannabis board.

(2) "Team" means the interagency coordination team for cannabis laboratory quality standards created in this chapter.

NEW SECTION. **Sec. 3.** (1) The interagency coordination team for cannabis laboratory quality standards is created. The team consists of the department, the liquor and cannabis board, and the department of health. The department is designated lead agency for the team and must provide the team with all necessary administrative support.

(2) The agencies that make up the team must each dedicate administrative, policy, scientific, or other staff necessary to successfully accomplish the duties assigned to the team.

(3) The team must:

(a) Coordinate among all participating agencies on agency policies, actions, and regulatory activities that relate to cannabis testing laboratory quality standards; and

(b) Advise the department on implementation and maintenance of cannabis testing laboratory quality standards topics including, but not limited to, analytical methods, validation protocols, quality assurance and quality control practices, project planning and sampling guides, and other topics as necessary to fulfill the purposes of the team and this act. In making its recommendations, the team must take into account the cannabis science task force recommendations.

NEW SECTION. **Sec. 4.** (1) The department must establish and maintain cannabis testing laboratory quality standards by rule in accordance with chapter 34.05 RCW.

(2) Cannabis testing laboratory quality standards must include, but are

not limited to, approved methods for testing cannabis for compliance with product standards established by rule by the state liquor and cannabis board or the department of health, method validation protocol, and performance measures and criteria applied to testing of cannabis products.

(3) The department must take into account the recommendations of the team created in section 3 of this act.

(4) Standards created under this chapter must be provided to the state department of ecology for use in the lab accreditation process described in RCW 69.50.348.

Sec. 5. RCW 69.50.348 and 2019 c 277 s 1 are each amended to read as follows:

(1) On a schedule determined by the state liquor and cannabis board, every licensed marijuana producer and processor must submit representative samples of marijuana, useable marijuana, or marijuana-infused products produced or processed by the licensee to an independent, third-party testing laboratory ~~((meeting the accreditation requirements established by the state liquor and cannabis board, for inspection and testing))~~. The purpose of testing representative samples is to certify compliance with quality assurance and product standards adopted by the state liquor and cannabis board under RCW 69.50.342 or the department of health under RCW 69.50.375. In conducting tests of cannabis product samples, testing laboratories must adhere to laboratory quality standards adopted by the state department of agriculture under chapter 15.--- RCW (the new chapter created in section 9 of this act). Any sample remaining after testing shall be destroyed by the laboratory or returned to the licensee submitting the sample.

(2) Independent, third-party testing laboratories performing cannabis product testing under subsection (1) of this section must obtain and maintain accreditation.

(3) Licensees must submit the results of inspection and testing for quality assurance and product standards required under subsection (1) of this section to the state liquor and cannabis board on a form developed by the state liquor and cannabis board.

~~((3))~~ (4) If a representative sample inspected and tested under this section

does not meet the applicable quality assurance and product standards established by the state liquor and cannabis board, the entire lot from which the sample was taken must be destroyed.

~~((4))~~ (5) The state liquor and cannabis board may adopt rules necessary to implement this section. The state liquor and cannabis board may adopt rules necessary to implement subsection (2) of this section until a successor state agency or agencies assume responsibility for establishing and administering laboratory standards and accreditation.

Sec. 6. RCW 69.50.348 and 2019 c 277 s 2 are each amended to read as follows:

(1) On a schedule determined by the state liquor and cannabis board, every licensed marijuana producer and processor must submit representative samples of marijuana, useable marijuana, or marijuana-infused products produced or processed by the licensee to an independent, third-party testing laboratory meeting the accreditation requirements established by the state department of ecology ~~((, for inspection and testing))~~. The purpose of testing representative samples is to certify compliance with quality assurance and product standards adopted by the state liquor and cannabis board under RCW 69.50.342 or the department of health under RCW 69.50.375. In conducting tests of cannabis product samples, testing laboratories must adhere to laboratory quality standards adopted by the state department of agriculture under chapter 15.--- RCW (the new chapter created in section 9 of this act). Any sample remaining after testing shall be destroyed by the laboratory or returned to the licensee submitting the sample.

(2) Independent, third-party testing laboratories performing cannabis product testing under subsection (1) of this section must obtain and maintain accreditation.

(3) Licensees must submit the results of inspection and testing for quality assurance and product standards required under RCW 69.50.342 to the state liquor and cannabis board on a form developed by the state liquor and cannabis board.

~~((3))~~ (4) If a representative sample inspected and tested under this section does not meet the applicable quality assurance and product standards established by the state liquor and

cannabis board, the entire lot from which the sample was taken must be destroyed.

((+4)) (5)(a) The department of ecology may determine, assess, and collect annual fees sufficient to cover the direct and indirect costs of implementing a state marijuana product testing laboratory accreditation program, except for the initial program development costs. The department of ecology must develop a fee schedule allocating the costs of the accreditation program among its accredited marijuana product testing laboratories. The department of ecology may establish a payment schedule requiring periodic installments of the annual fee. The fee schedule must be established in amounts to fully cover, but not exceed, the administrative and oversight costs. The department of ecology must review and update its fee schedule biennially. The costs of marijuana product testing laboratory accreditation are those incurred by the department of ecology in administering and enforcing the accreditation program. The costs may include, but are not limited to, the costs incurred in undertaking the following accreditation functions:

(i) Evaluating the protocols and procedures used by a laboratory;

(ii) Performing on-site audits;

(iii) Evaluating participation and successful completion of proficiency testing;

(iv) Determining the capability of a laboratory to produce accurate and reliable test results; and

(v) Such other accreditation activities as the department of ecology deems appropriate.

(b) The state marijuana product testing laboratory accreditation program initial development costs must be fully paid from the dedicated marijuana account created in RCW 69.50.530.

((+5)) (6) The department of ecology and the ~~((liquor and cannabis board))~~ interagency coordination team created in section 3 of this act must act cooperatively to ensure effective implementation and administration of this section.

((+6)) (7) All fees collected under this section must be deposited in the dedicated marijuana account created in RCW 69.50.530.

NEW SECTION. **Sec. 7.** Section 5 of this act expires July 1, 2024.

NEW SECTION. **Sec. 8.** Section 6 of this act takes effect July 1, 2024.

NEW SECTION. **Sec. 9.** Sections 2 through 4 of this act constitute a new chapter in Title 15 RCW."

On page 1, line 2 of the title, after "analysis;" strike the remainder of the title and insert "amending RCW 69.50.348 and 69.50.348; adding a new chapter to Title 15 RCW; creating a new section; providing an effective date; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1859 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Kloba and Robertson spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1859, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1859, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault and Kraft.

HOUSE BILL NO. 1859, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 3, 2022

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1590 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that the COVID-19 pandemic has impacted the delivery of education across the state, as school districts resume in-person instructional models with heightened efforts to protect the health and well-being of students and staff and address the pandemic's impact on student learning. The legislature also recognizes that state funding formulas are largely driven by enrollment, and the pandemic has resulted in unforeseen, temporary enrollment declines in many districts. Funding declines due to temporary, unforeseen changes in enrollment can affect a district's ability to maintain the staffing and resources needed to deliver education services. Stabilization funding in the 2020-21 school year provided important support for schools to maintain services amid enrollment declines. With this act and in the omnibus operating appropriations act, the legislature intends to extend stabilizing funding to districts that have seen temporary enrollment declines due to the COVID-19 pandemic for the final time.

NEW SECTION. Sec. 2. (1) If a local education agency's combined state revenue generated in the 2021-22 school year is less than what its combined state revenue would be using 2019-20 annual average enrollment values and formulas in place for the 2021-22 school year, then the superintendent of public instruction must provide an enrollment stabilization amount to the local education agency in the 2021-22 school year. The enrollment stabilization amount shall be equal to 50 percent of the local education agency low enrollment impact.

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

(a) "Combined state revenue" means the combined amount from the following allocations to local education agencies:

(i) General apportionment allocations as described in RCW 28A.150.260;

(ii) Special education allocations as described in RCW 28A.150.390. Allocations for special education enrollment above 2021-22 levels in kindergarten through 12th grades must be based on an excess cost multiplier of 0.995;

(iii) Learning assistance program allocations as described in RCW 28A.150.260(10)(a). Learning assistance program allocations based on 2019-20 enrollments must include the prior years' free or reduced-price meal percentages used for allocations in the 2020-21 school year;

(iv) Transitional bilingual program allocations as described in RCW 28A.150.260(10)(b);

(v) Highly capable program allocations as described in RCW 28A.150.260(10)(c);

(vi) Career and technical education and skill centers allocations as described in RCW 28A.150.260 (4)(c), (7), and (9);

(vii) Allocations to support institutional education for residential schools as defined by RCW 28A.190.005 and of juveniles in detention facilities as identified by RCW 28A.190.010;

(viii) Dropout reengagement program allocations for eligible students under RCW 28A.175.100;

(ix) Alternative learning experience allocations as described in RCW 28A.232.020; and

(x) Running start allocations as described in RCW 28A.600.310.

(b) "Local education agency" means a school district, charter school, or state-tribal education compact school established under chapter 28A.715 RCW.

(c) "Local education agency low enrollment impact" is equal to a local education agency's combined state revenue that would be generated using 2019-20 annual average enrollment values and formulas in place for the 2021-22 school year minus its combined state revenue generated in the 2021-22 school year, if the difference is greater than zero.

(3) Enrollment stabilization amounts allocated under this section are not part of the state's program of basic education but may be used for any allowable cost within any of the programs.

Sec. 3. RCW 84.52.0531 and 2021 c 221 s 2 and 2021 c 145 s 22 are each reenacted and amended to read as follows:

(1) Beginning with taxes levied for collection in 2020, the maximum dollar amount which may be levied by or for any school district for enrichment levies under RCW 84.52.053 is equal to the lesser of two dollars and fifty cents per thousand dollars of the assessed value of property in the school district or the maximum per-pupil limit. This maximum dollar amount shall be reduced accordingly as provided under RCW 43.09.2856(2).

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

(a) For the purpose of this section, "inflation" means the percentage change in the seasonally adjusted consumer price index for all urban consumers, Seattle area, for the most recent 12-month period as of September 25th of the year before the taxes are payable, using the official current base compiled by the United States bureau of labor statistics.

(b) "Maximum per-pupil limit" means:

(i) Two thousand five hundred dollars, as increased by inflation beginning with property taxes levied for collection in 2020, multiplied by the number of average annual full-time equivalent students enrolled in the school district in the prior school year, for school districts with fewer than forty thousand annual full-time equivalent students enrolled in the school district in the prior school year; or

(ii) Three thousand dollars, as increased by inflation beginning with property taxes levied for collection in 2020, multiplied by the number of average annual full-time equivalent students enrolled in the school district in the prior school year, for school districts with forty thousand or more annual full-time equivalent students enrolled in the school district in the prior school year.

(c) "Open for in-person instruction to all students" means that all students in all grades have the option to participate in at least 40 hours of planned in-person

instruction per month and the school follows state department of health guidance and recommendations for resuming in-person instruction to the greatest extent practicable.

(d) "Prior school year" means the most recent school year completed prior to the year in which the levies are to be collected, except ~~((that in))~~ as follows:

(i) In the 2022 calendar year, if 2019-20 school year average annual full-time equivalent enrollment is greater than the school district's 2020-21 school year average annual full-time equivalent enrollment and the school district is open for in-person instruction to all students by the beginning of the 2021-22 school year, "prior school year" means the 2019-20 school year.

(ii) In the 2023 calendar year, if 2019-20 school year average annual full-time equivalent enrollment is greater than the school district's 2021-22 school year average annual full-time equivalent enrollment and the school district was open for in-person instruction to all students by the beginning of the 2021-22 school year, "prior school year" means the 2019-20 school year.

(3) For districts in a high/nonhigh relationship, the enrollments of the nonhigh students attending the high school shall only be counted by the nonhigh school districts for purposes of funding under this section.

(4) For school districts participating in an innovation academy cooperative established under RCW 28A.340.080, enrollments of students attending the academy shall be adjusted so that each participant district receives its proportional share of student enrollments for purposes of funding under this section.

(5) Beginning with propositions for enrichment levies for collection in calendar year 2020 and thereafter, a district must receive approval of an enrichment levy expenditure plan under RCW 28A.505.240 before submission of the proposition to the voters.

(6) The superintendent of public instruction shall develop rules and regulations and inform school districts of the pertinent data necessary to carry out the provisions of this section.

(7) Beginning with taxes levied for collection in 2018, enrichment levy

revenues must be deposited in a separate subfund of the school district's general fund pursuant to RCW 28A.320.330, and for the 2018-19 school year are subject to the restrictions of RCW 28A.150.276 and the audit requirements of RCW 43.09.2856.

(8) Funds collected from levies for transportation vehicles, construction, modernization, or remodeling of school facilities as established in RCW 84.52.053 are not subject to the levy limitations in subsections (1) through (5) of this section.

Sec. 4. RCW 28A.500.015 and 2019 c 410 s 1 are each amended to read as follows:

(1) Beginning in calendar year 2020 and each calendar year thereafter, the state must provide state local effort assistance funding to supplement school district enrichment levies as provided in this section.

(2) (a) For an eligible school district with an actual enrichment levy rate that is less than one dollar and fifty cents per thousand dollars of assessed value in the school district, the annual local effort assistance funding is equal to the school district's maximum local effort assistance multiplied by a fraction equal to the school district's actual enrichment levy rate divided by one dollar and fifty cents per thousand dollars of assessed value in the school district.

(b) For an eligible school district with an actual enrichment levy rate that is equal to or greater than one dollar and fifty cents per thousand dollars of assessed value in the school district, the annual local effort assistance funding is equal to the school district's maximum local effort assistance.

(c) Beginning in calendar year 2022, for state-tribal education compact schools established under chapter 28A.715 RCW, the annual local effort assistance funding is equal to the actual enrichment levy per student as calculated by the superintendent of public instruction for the previous year for the school district in which the state-tribal education compact school is located, up to a maximum per student amount of one thousand five hundred fifty dollars as increased by inflation from the 2019 calendar year, multiplied by the student enrollment of the state-tribal education compact school in the prior school year.

~~((d) For a school district that meets the criteria in this subsection and is located west of the Cascades in a county that borders another state, the annual local effort assistance funding is equal to the local effort assistance funding authorized under (b) of this subsection and additional local effort assistance funding equal to the following amounts:~~

~~(i) Two hundred forty six dollars per pupil in the 2019-20 school year for a school district with more than twenty five thousand annual full-time equivalent students; and~~

~~(ii) Two hundred eighty six dollars per pupil in the 2019-20 school year for a school district with more than twenty thousand annual full-time equivalent enrolled students but fewer than twenty five thousand annual full-time equivalent enrolled students.)~~

(3) The state local effort assistance funding provided under this section is not part of the state's program of basic education deemed by the legislature to comply with the requirements of Article IX, section 1 of the state Constitution.

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

(a) "Eligible school district" means a school district where the amount generated by a levy of one dollar and fifty cents per thousand dollars of assessed value in the school district, divided by the school district's total student enrollment in the prior school year, is less than the state local effort assistance threshold.

(b) For the purpose of this section, "inflation" means, for any school year, the rate of the yearly increase of the previous calendar year's annual average consumer price index for all urban consumers, Seattle area, using the official current base compiled by the bureau of labor statistics, United States department of labor.

(c) "Maximum local effort assistance" means the difference between the following:

(i) The school district's actual prior school year enrollment multiplied by the state local effort assistance threshold; and

(ii) The amount generated by a levy of one dollar and fifty cents per thousand

dollars of assessed value in the school district.

(d) "Prior school year" means the most recent school year completed prior to the year in which the state local effort assistance funding is to be distributed, except as follows:

(i) In the 2022 calendar year, if 2019-20 school year average annual full-time equivalent enrollment is greater than the school district's 2020-21 school year average annual full-time equivalent enrollment, "prior school year" means the 2019-20 school year.

(ii) In the 2023 calendar year, if 2019-20 school year average annual full-time equivalent enrollment is greater than the school district's 2021-22 school year average annual full-time equivalent enrollment, "prior school year" means the 2019-20 school year.

(e) "State local effort assistance threshold" means one thousand five hundred fifty dollars per student, increased for inflation beginning in calendar year 2020.

(f) "Student enrollment" means the average annual full-time equivalent student enrollment.

(5) For districts in a high/nonhigh relationship, the enrollments of the nonhigh students attending the high school shall only be counted by the nonhigh school districts for purposes of funding under this section.

(6) For school districts participating in an innovation academy cooperative established under RCW 28A.340.080, enrollments of students attending the academy shall be adjusted so that each participant district receives its proportional share of student enrollments for purposes of funding under this section.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "pandemic;" strike the remainder of the title and insert "amending RCW 28A.500.015; reenacting and amending RCW 84.52.0531; creating new sections; and declaring an emergency."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1590 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Dolan, McEntire and Senn spoke in favor of the passage of the bill.

Representative Stokesbary spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1590, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1590, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 62; Nays, 36; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Hackney, Hansen, Harris, Harris-Talley, J. Johnson, Kirby, Klicker, Kloba, Leavitt, Lekanoff, Macri, McEntire, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Shewmake, Simmons, Springer, Steele, Stonier, Sullivan, Taylor, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Callan, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Graham, Griffey, Hoff, Jacobsen, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Orcutt, Schmick, Senn, Slatter, Stokesbary, Sutherland, Thai, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

SUBSTITUTE HOUSE BILL NO. 1590, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

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

MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

SUBSTITUTE SENATE BILL NO. 5488
 SECOND SUBSTITUTE SENATE BILL NO. 5085
 SUBSTITUTE SENATE BILL NO. 5741

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

SUBSTITUTE HOUSE BILL NO. 1074
 ENGROSSED SECOND SUBSTITUTE HOUSE
 BILL NO. 1181
 HOUSE BILL NO. 1376
 SUBSTITUTE HOUSE BILL NO. 1571
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1630
 SUBSTITUTE HOUSE BILL NO. 1644
 SUBSTITUTE HOUSE BILL NO. 1646
 SUBSTITUTE HOUSE BILL NO. 1703
 SUBSTITUTE HOUSE BILL NO. 1725
 SUBSTITUTE HOUSE BILL NO. 1779
 SECOND SUBSTITUTE HOUSE BILL NO. 1173
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1329
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1357
 SUBSTITUTE HOUSE BILL NO. 1616
 SECOND SUBSTITUTE HOUSE BILL NO. 1664
 ENGROSSED SECOND SUBSTITUTE HOUSE
 BILL NO. 1688
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1689
 SUBSTITUTE HOUSE BILL NO. 1706
 ENGROSSED SECOND SUBSTITUTE HOUSE
 BILL NO. 1723
 SUBSTITUTE HOUSE BILL NO. 1728
 SUBSTITUTE HOUSE BILL NO. 1773
 ENGROSSED SECOND SUBSTITUTE HOUSE
 BILL NO. 1812
 HOUSE BILL NO. 1825
 ENGROSSED HOUSE BILL NO. 1851
 SECOND SUBSTITUTE HOUSE BILL NO. 1890
 SUBSTITUTE HOUSE BILL NO. 1893
 SUBSTITUTE HOUSE BILL NO. 1902
 HOUSE BILL NO. 1975
 SECOND SUBSTITUTE HOUSE BILL NO. 2008
 SUBSTITUTE HOUSE BILL NO. 2057
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2076
 ENGROSSED SENATE BILL NO. 5017
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 5078
 SENATE BILL NO. 5196
 SECOND ENGROSSED SUBSTITUTE SENATE
 BILL NO. 5275
 SENATE BILL NO. 5505
 SENATE BILL NO. 5519
 SUBSTITUTE SENATE BILL NO. 5548
 SUBSTITUTE SENATE BILL NO. 5590
 SENATE BILL NO. 5615
 SENATE BILL NO. 5624
 SUBSTITUTE SENATE BILL NO. 5678
 SECOND SUBSTITUTE SENATE BILL NO. 5736
 SUBSTITUTE SENATE BILL NO. 5745
 SENATE BILL NO. 5750
 SUBSTITUTE SENATE BILL NO. 5756

ENGROSSED SUBSTITUTE SENATE BILL NO.
 5758
 SUBSTITUTE SENATE BILL NO. 5785
 SENATE BILL NO. 5787
 SENATE BILL NO. 5042
 SENATE BILL NO. 5504
 SENATE BILL NO. 5508
 SENATE BILL NO. 5539
 SUBSTITUTE SENATE BILL NO. 5538
 SENATE BILL NO. 5565
 SUBSTITUTE SENATE BILL NO. 5589
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 5593
 SECOND SUBSTITUTE SENATE BILL NO. 5616
 SENATE BILL NO. 5715
 SUBSTITUTE SENATE BILL NO. 5765
 SUBSTITUTE SENATE BILL NO. 5791
 SUBSTITUTE SENATE BILL NO. 5814
 SUBSTITUTE SENATE BILL NO. 5838
 SENATE BILL NO. 5854
 SUBSTITUTE SENATE BILL NO. 5862
 SENATE BILL NO. 5895
 SUBSTITUTE SENATE BILL NO. 5933
 SENATE BILL NO. 5972

The Speaker called upon Representative Orwall to
 preside.

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

MESSAGES FROM THE SENATE

March 8, 2022

Mme. SPEAKER:

The Senate has passed:

HOUSE BILL NO. 2024,

and the same is herewith transmitted.

Sarah Bannister, Secretary

March 8, 2022

Mme. SPEAKER:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5778,

and the same is herewith transmitted.

Sarah Bannister, Secretary

March 8, 2022

Mme. SPEAKER:

The President has signed:

SENATE BILL NO. 5042,
 SENATE BILL NO. 5504,
 SENATE BILL NO. 5508,
 SENATE BILL NO. 5539,
 SUBSTITUTE SENATE BILL NO. 5558,
 SENATE BILL NO. 5565,
 SUBSTITUTE SENATE BILL NO. 5589,
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 5593,
 SECOND SUBSTITUTE SENATE BILL NO. 5616,
 SENATE BILL NO. 5715,
 SUBSTITUTE SENATE BILL NO. 5765,
 SUBSTITUTE SENATE BILL NO. 5791,
 SUBSTITUTE SENATE BILL NO. 5814,
 SUBSTITUTE SENATE BILL NO. 5838,
 SENATE BILL NO. 5854,
 SUBSTITUTE SENATE BILL NO. 5862,
 SENATE BILL NO. 5895,
 SUBSTITUTE SENATE BILL NO. 5933,
 SENATE BILL NO. 5972,

and the same are herewith transmitted.

Sarah Bannister, Secretary

March 8, 2022

Mme. SPEAKER:

The Senate has granted the request of the House for a Conference on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1099. The President has appointed the following members as Conferees: Short, Van De Wege, Lovelett

and the same is herewith transmitted.

Sarah Bannister, Secretary

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

SECOND READING

SUBSTITUTE SENATE BILL NO. 5651, by Senate Committee on Ways & Means (originally sponsored by Frockt)

Concerning the capital budget.

The bill was read the second time.

Representative Tharinger moved the adoption of striking amendment (1374):

Strike everything after the enacting clause and insert the following:

"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
 ((~~\$1,523,000~~))

\$815,000

Prior Biennia (Expenditures)
 ((~~\$32,378,000~~))

\$31,343,000

Future Biennia (Projected Costs)
 \$0

TOTAL ((~~\$33,901,000~~))

\$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~~))

\$6,350,000

State Taxable Building Construction Account—

State \$2,997,000

Subtotal Reappropriation
 ((~~\$9,299,000~~))
\$9,347,000
 Prior Biennia (Expenditures)
 ((~~\$31,101,000~~))
\$31,053,000
 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~~))
\$1,763,000
 Prior Biennia (Expenditures)
 ((~~\$9,128,000~~))
\$8,983,000
 Future Biennia (Projected Costs)
 \$0
 TOTAL ((~~\$10,878,000~~))
\$10,746,000

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 ((~~\$5,716,000~~))
\$6,246,000

State Taxable Building Construction Account—

State \$24,810,000

Washington Housing Trust Account—
 State \$1,578,000

Subtotal Reappropriation
 ((~~\$32,104,000~~))
\$32,634,000

Appropriation:

State Building Construction Account—
 State \$1,500,000

Prior Biennia (Expenditures)
 ((~~\$79,386,000~~))
\$78,856,000

Future Biennia (Projected Costs) \$19,410,000
 \$0
 TOTAL ((~~\$111,490,000~~))
\$112,990,000

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)
 ((~~\$11,000,000~~))
\$10,954,000

Future Biennia (Projected Costs)
 \$0

TOTAL ((~~\$12,000,000~~))
\$11,954,000

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~~))
\$3,868,000

Subtotal Reappropriation
\$4,090,000

Prior Biennia (Expenditures)
 ((~~\$23,124,000~~))

Future Biennia (Projected Costs)
 \$0
 TOTAL \$23,500,000

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~~))
\$27,002,000

Subtotal Reappropriation
 ((~~\$34,764,000~~))

\$32,364,000

Prior Biennia (Expenditures)
 \$11,336,000

Future Biennia (Projected Costs)
 \$0

TOTAL ((~~\$46,100,000~~))
\$43,700,000

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~~))

\$1,884,000
 Prior Biennia (Expenditures)
 ((~~\$26,200,000~~))
\$25,379,000
 Future Biennia (Projected Costs)
 \$0
 TOTAL ((~~\$27,900,000~~))
\$27,263,000

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

\$3,062,000

Subtotal Reappropriation ((~~\$3,999,000~~))

\$4,061,000

Prior Biennia (Expenditures)
 ((~~\$11,501,000~~))

\$11,404,000

Future Biennia (Projected Costs)
 \$0

TOTAL ((~~\$15,500,000~~))

\$15,465,000

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 ((~~\$1,500,000~~))

\$1,839,000

Subtotal Reappropriation ((~~\$29,500,000~~))

\$29,839,000

Prior Biennia (Expenditures)
 ((~~\$5,520,000~~))

\$5,181,000

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 (~~(\$1,105,000)~~)
\$1,106,000

State Taxable Building Construction Account—

State \$175,000
 Subtotal Reappropriation
 (~~(\$1,280,000)~~)
\$1,281,000
 Prior Biennia (Expenditures)
 (~~(\$20,000)~~)
\$19,000

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
 (~~(\$129,000,000)~~)
\$249,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$0

TOTAL ((~~\$129,000,000~~)
\$249,000,000)

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

Capital Community Assistance Account—
State \$40,000,000

Subtotal Appropriation
(~~(\$25,000,000)~~)

\$65,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$0

TOTAL ((~~\$25,000,000~~)

\$65,000,000)

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

~~((Sno-Isle Regional Inter-County
Libraries~~

~~(Lake Stevens) \$1,100,000))~~

Camas Library Improvements (Camas)
\$515,000

Ephrata Public Library (Ephrata)
\$91,000

Lake Stevens Early Learning Library
(Lake Stevens) \$2,000,000

(2) The department must establish a
competitive process to solicit proposals
for and prioritize projects whose primary
objective is to assist libraries operated
by governmental units, as defined in RCW
27.12.010, in acquiring, constructing,
repairing, or rehabilitating facilities.

(3) The department must establish a
committee to develop the grant program
criteria and review proposals. The
committee must be composed of five
members as provided in this subsection.
The committee must include: (a) A
representative from the department of
commerce; (b) a representative from the
department of archaeology and historic
preservation; (c) the state librarian;
(d) a representative from a library
district; and (e) a representative from
a municipal library.

(4) The department must conduct a statewide solicitation of project applications. The department must evaluate and rank applications in consultation with the committee established in subsection (3) of this section, using objective criteria. The ranking of projects must prioritize library district facilities listed on a local, state, or federal register of historic places and those located in distressed or rural counties. The evaluation and ranking process must also include an examination of existing assets that applicants propose to apply to projects. Grant assistance under this section may not exceed 50 percent of the total cost of the project. The nonstate portion of the total project cost may include cash, the value of real property when acquired solely for the purpose of the project, and in-kind contributions.

(5) The department must submit a prioritized list of recommended projects to the governor and the legislature by October 1, 2022, for inclusion in the department of commerce's 2023-2025 biennial capital budget request. The list must include a description of each project, the amount of recommended state funding, and documentation of nonstate funds to be used for the project. Individual grants may not exceed \$2,000,000. The total amount of recommended state funding for the projects on a biennial project list may not exceed \$10,000,000.

(6) In contracts for grants authorized under this section, the department must include provisions that require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee must repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued on the date most close in time to the date of authorization of the grant.

(7) The department must assist grant recipients under this section to apply for applicable competitive federal grant funding and, upon receipt of any such funding, an equal amount of the state building construction account—state

appropriation must be placed in unallotted status.

Appropriation:

State Building Construction Account—	
State ((\$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

Subtotal Appropriation \$89,766,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$50,000,000

TOTAL ((~~\$60,000,000~~))

\$139,766,000

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:

Boat Street (Lakewood) \$464,000

Heron Park (Langley) \$875,000

Highland Village (Airway Heights)
\$3,000,000

Mary's Place Burien Project Shelter
Replacement

(Burien) \$3,000,000

Oxford Housing Program (Lacey)
\$515,000

Skyway Affordable Housing and Early
Learning (Skyway) \$500,000

Sno Valley Senior Housing (Carnation)
\$309,000

South Park Riverside Affordable
Housing Preservation

(Seattle) \$309,000

Squire Park Plaza Affordable Housing
Preservation

(Seattle) \$3,000,000

Veteran Housing & Resource Ctr
(Raymond) \$2,300,000

Yakima Valley Partners Habitat for
Humanity (Yakima) \$650,000

(5) In evaluating projects in this section, the department must give preference for applications based on some or all of the criteria in RCW 43.185.070(5).

~~((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 ~~((141,403,000))~~

\$69,847,000

Coronavirus State Fiscal Recovery Fund—Federal \$73,606,000

Capital Community Assistance Account—State \$110,950,000

Subtotal Appropriation ~~((175,000,000))~~

\$288,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$620,000,000

TOTAL ~~((795,000,000))~~

\$908,000,000

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.~~

\$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
- Auburn Resource Center (Auburn)
\$1,500,000
- Aurora Commons Acquisition (Seattle) \$2,500,000
- Ballinger Park - Hall Creek Restoration
(Mountlake Terrace) \$824,000
- Battle Ground HealthCare Free Clinic Relocation
(Battle Ground) \$1,000,000
- Bellevue High School Automotive Dynamometer Install
(Bellevue) \$277,000
- Bigelow House Museum Preservation (Olympia) \$52,000
- BIPOC Artist Installation at Kraken Training Center

(Seattle) \$155,000	(Renton) \$1,339,000
Brewery Park Visitor Center (Tumwater) \$1,200,000	Coupeville Boys & Girls Club (Coupeville) ((\$1,030,000))
Bridges To Home (Shoreline) \$2,000,000	\$1,236,000
Camp Kilworth - YMCA Day Camp/Environmental Educ (Federal Way) \$1,030,000	Cow Skull Creek and Rushingwater Creek Acclimation Ponds (Orting) \$690,000
Campus Towers Roofing Project (Longview) \$301,000	Craft Beverage Lab & Instrumentation (Tumwater) \$773,000
Capitol Theatre Curtains/Soft Goods Replacement (Yakima) \$250,000	Cross Park Trail and Picnic Shelter (Tacoma) \$206,000
Central Klickitat County Parks Improvements (Goldendale) \$25,000	CSML Food Bank Facility (Moses Lake) \$1,900,000
Chehalis Centralia Steam Locomotive Repair/Restore (Chehalis) \$123,000	Cultural Anchor Village (Tukwila) \$1,500,000
<u>Chelan Municipal Airport Extension</u> (Chelan) \$5,700,000	Curran House Museum (University Place) \$85,000
Children's Village Neurodevelopmental Center Expansion (Yakima) \$750,000	Dawson Place Facilities (Everett) \$258,000
City of Wenatchee Community Center (Wenatchee) \$2,500,000	Day/Night House Exhibit Rebuild - Design Phase (Seattle) \$300,000
Civic Park Mika's Playground (Edmonds) \$258,000	Daybreak Star Indian Cultural Center (Seattle) \$2,600,000
Clallam Joint Emergency Services (Port Angeles) ((\$1,200,000)) \$1,700,000	Delridge Wetland Park (Seattle) \$244,000
Class A Biosolids Dryer (Yelm) \$850,000	Des Moines North Marina Bulkhead Replacement Ph II (Des Moines) \$2,000,000
Clemans View Park (Naches) \$442,000	Doris Morrison Learning Center (Greenacres) \$1,030,000
Coastal Community Action Program Service Ctr (Aberdeen) \$500,000	Downtown Puyallup Redevelopment Infrastructure (Puyallup) \$257,000
Communications Tower (Ocean Shores) \$77,000	Downtown Revitalization (Blaine) \$500,000
Community Action Resource and Training Center (Omak) \$400,000	Duffy's Pond Pathway Completion (Kennewick) \$38,000
Community Multi-Use Center (Carnation) \$1,030,000	Early Learning Facility Project for Licensed Childcare (Hoquiam) \$721,000
Cornforth Campbell Demolition & Infrastructure (Puyallup) \$330,000	East County Family Resource Center Renovation (Washougal) \$721,000
Coulee City Medical Clinic (Coulee City) \$846,000	Edmonds Marsh Restoration (Edmonds) \$258,000
Coulon North Water Walk Repair and Enhancement	

Edmonds Waterfront Center (Edmonds) \$250,000	Health Care Kiosk Deployment (Federal Way) \$75,000
Ejido Farm Project (Everson) \$200,000	Historic Downtown Chelan Infrastructure Predesign
Ellensburg Masonic Temple (Ellensburg) \$258,000	(Chelan) \$150,000
Ellensburg Rodeo Grandstands (Ellensburg) \$1,500,000	Immigrant and Refugee Community Hub (Tukwila) \$960,000
Ephrata Rec Center Upgrade (Ephrata) \$621,000	Island County Criminal Justice Renovation (Coupeville) \$600,000
Esther's Home (Pasco) \$1,000,000	IT3 Discovery Center (Ridgefield) \$1,350,000
Ethiopian Community Affordable Housing (Seattle) \$3,000,000	Japanese Gulch Daylighting (Mukilteo) \$206,000
Extruded Curb Improvements (Kirkland) \$515,000	Jim Kaemingk Sr. Trail (Lynden) \$200,000
Family Engagement Center (Seattle) \$1,030,000	Joya Child & Family Development Center (Spokane) \$1,200,000
Felts Field Gateway Project (Spokane) \$400,000	JV Memorial Pool Roof (Oak Harbor) \$250,000
Ferry County Airport Runway Lighting System (Republic) \$450,000	Kitsap Lake Park Renovation & Accessibility (Bremerton) \$258,000
Flag Plaza Redevelopment (Kennewick) \$46,000	Kittitas Valley Healthcare Laboratory Services Reno
FOE Meeting and Dance Hall (Puyallup) \$77,000	(Ellensburg) \$397,000
Fourth Plain Community Commons (Vancouver) \$1,236,000	La Center City Hall Improvements (La Center) \$1,236,000
Franklin Pierce Farm Agricultural Resource Center	Lake Lawrence Fire Station (Yelm) \$515,000
(Tacoma) \$3,900,000	Lake Sacajawea Renovation Project (Longview) \$900,000
Frontier Park - Goat Barn Roof (Graham) \$89,000	Lake Stevens Civic Center Phase 3 (Lake Stevens) \$2,100,000
Frontier Park-Horse Arena Cover (Graham) \$1,811,000	Lakefront Property Acquisition (Lake Forest Park) \$432,000
Garfield Pool Upgrade (Garfield) \$500,000	LASA Client Services Center (Lakewood) \$515,000
Gas Station Park Improvements (Tacoma) \$515,000	Leavenworth Ski Hill ADA Restroom (Leavenworth) \$52,000
Gold Mountain Communications Zone - Upgraded Telecomm	Lewis County Public Safety Radio Infrastructure
(Bremerton) \$835,000	(Chehalis) \$129,000
Granger Historical Society Museum (Granger) \$300,000	Lewis County Youth Services Renovation and Addition
Green Lake Community Boathouse (Seattle) \$100,000	(Chehalis) \$824,000
Grounds Improvement Proposal (Ritzville) \$150,000	LGBTQ-Affirming Senior Center (Seattle) \$1,030,000
	Links to Opportunity (Tacoma) \$2,000,000

Little League Field Improvement (Federal Way) \$200,000	(Gig Harbor) \$170,000
Longview Hospice Care Center Renovation (Longview) \$765,000	North Bend Depot Rehab (North Bend) \$151,000
Lopez Island Swim Center (Lopez Island) \$245,000	North Clear Zone Land Acquisition (Lakewood) \$1,400,000
Lynnwood Neighborhood Center (Lynnwood) \$500,000	North Creek Trail (Bothell) \$618,000
Maddie's Place (Spokane) \$644,000	North Seattle Boys & Girls Club Safety Upgrades (Seattle) \$361,000
Madrona Day Treatment School (Bremerton) \$321,000	Northwest Kidney Centers Clinic (Port Angeles) \$900,000
Magnuson Park Hangar 2 (Seattle) \$1,130,000	Ocean Beach Medical Group - Ilwaco Clinic (Ilwaco) \$309,000
Main Street Phase 2 (Mountlake Terrace) \$1,200,000	Panther Lake Community Park (Kent) \$2,000,000
Mariner Community Campus (Everett) \$1,670,000	Patterson Park Preservation & Upgrade (Republic) \$300,000
Martin Luther King Center Improvements (Pasco) \$1,000,000	Pedestrian Overcrossing Replacement (Kalama) \$2,250,000
Mary's Place Shelter Renovation (Burien) \$352,000	Perfect Passage (Tonasket) \$1,698,000
Marysville Trail Connector (Marysville) \$515,000	Perry Technical Institute Auditorium Renovation (Yakima) \$1,550,000
Mason County Veterans Memorial Hall Refurbishment (Shelton) \$62,000	Peter Kirk Community Center Roof and Retrofitted Emerg (Kirkland) \$773,000
McKinney Center Renovations (Seattle) \$1,000,000	Phase 1 Master Plan - COVID Mitigation (Lake Stevens) \$103,000
Meadowglen Community Park (Spokane) \$77,000	Phase 1 of Trails Plan Improvements (Issaquah) \$251,000
Medical Examiner's Facility Upgrades (Spokane) \$600,000	Planning & Upgrades Edmonds Boys & Girls Club (Edmonds) \$200,000
Miller Park (Yakima) \$642,000	Point Hudson Breakwater (Port Townsend) \$1,000,000
MLK Community Center Roof Replacement (Spokane) \$1,380,000	Police Station Renovations - City of Duvall (Duvall) \$107,000
Moses Lake Business Incubator (Moses Lake) \$1,313,000	Port of Olympia Marine Center (Olympia) \$250,000
Mountain Rescue Center (North Bend) \$222,000	Port of Vancouver Waterfront T1 Building Demo/Deconst (Vancouver) \$1,000,000
Nelson Dam Removal Project (Naches) \$1,325,000	Port Susan Trail (Stanwood) \$742,000
New Ground Kirkland (Kirkland) \$258,000	Port Townsend Affordable Housing Development (Port Townsend) \$1,400,000
Next Chapter Morgan Shelter (Tacoma) \$16,000	
NJROTC/NNDCC Program Peninsula School District	

Proclaim Liberty Affordable Housing (Spokane) \$2,000,000	(Centralia) \$52,000
Project Chairlift: Lifting Up Washington State ((Chair ±)) (Mead) \$750,000	Sheffield Trail (Fife) \$1,030,000
Pts of Ilwaco/Chinook Nav Infrastructure (Ilwaco & Chinook) \$634,000	Shipley Senior Center (Sequim) \$463,000
Public Pavilion for Shoreline Park (Shoreline) \$361,000	Shoreline Parks Restrooms (Shoreline) \$412,000
Puyallup Recreation Center (Puyallup) \$1,030,000	SIHB Thunderbird Treatment Center (Seattle) \$309,000
Puyallup Valley Cultural Heritage Center (Puyallup) \$335,000	Silver Crest Park (Mill Creek) \$90,000
Rainier View Covered Court (Sumner) \$245,000	Skabob House Cultural Center Art Studio (Skokomish) \$500,000
Ramstead Regional Park (Everson) \$1,500,000	Skagit County Morgue (Mount Vernon) \$139,000
Redmond Senior and Community Center (Redmond) \$1,250,000	Sky Valley Teen Center (Sultan) \$773,000
Redondo Fishing Pier (Des Moines) \$900,000	<u>Sno-Isle Regional Inter-County Libraries</u>
Replacement Hospice House (Richland) \$900,000	(Lake Stevens) \$1,100,000
Resource Center Planning (Pasco) \$250,000	Snohomish County Food and Farming Center (Everett) \$2,550,000
Ridgefield I-5 Pedestrian Screen (Ridgefield) \$335,000	Snoqualmie Valley Youth Activity Center (North Bend) \$361,000
Ridgefield YMCA (Ridgefield) \$258,000	Soap Lake City Hall Reactivation (Soap Lake) \$157,000
Ridgetop DNR Trust Land Purchase (Silverdale) \$2,050,000	SoCo Park (Covington) \$1,300,000
Ritzville Downtown Improvements (Ritzville) \$105,000	South Bend School Multi-Use Field Upgrades (South Bend) \$361,000
Sargent Oyster House Restoration (Allyn) \$344,000	South Kitsap Community Events Center (Port Orchard) \$1,236,000
School Based Health Care Clinic (Tacoma) \$750,000	South Kitsap HS Phys Ed Support (Port Orchard) \$15,000
SE 168th St. Bike Lanes/Safe Crossings (Renton) \$500,000	Southwest Washington Grain Project (Chehalis) \$1,750,000
Seattle Aquarium Expansion (Seattle) \$2,000,000	Spokane Public Radio (Spokane) \$1,000,000
Seattle Kraken Multisport Courts (Seattle) \$103,000	Spokane Valley Boys & Girls Club (Spokane Valley) \$1,030,000
Selah-Moxee Irrigation District (Moxee) \$300,000	Spokane Valley Fairgrounds Exhibition Center (Spokane Valley) \$750,000
Seminary Hill Natural and Heritage Trail Project	Sprinker 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 ~~((Homes))~~ House Villages and
Cottages (Seattle) \$2,000,000

Together Center (Redmond)
\$1,030,000

Toppenish Junior Livestock Facility
Planning (Toppenish) \$21,000

Trails End Community Meeting Space
(Tumwater) \$155,000

Treatment Plant Remodel (Duvall)
\$742,000

Turf Field Lighting (Yakima)
\$500,000

Turning Pointe Youth Advocacy Addition
(Shelton) \$82,000

Twisp Civic Center (Twisp)
\$1,500,000

United Way of King County Building
Restoration
(Seattle) \$566,000

University Heights Center Renovation
(Seattle) \$595,000

Upper Kittitas County Medic One -
Station 99 (Cle Elum) \$784,000

Vaughn Library Hall Restoration
(Vaughn) \$103,000

Wards Lake Park Improvement Project
(Lakewood) \$258,000

Water Efficiency Improvements (Royal
City) \$193,000

Wenas Creek Screening, Passage
Engineering Design
(Selah) \$150,000

West Biddle Lake Dam Restoration
(Vancouver) \$1,881,000

Whatcom County Integrated Public
Safety Radio System
(Bellingham) \$400,000

Woodland Scott Hill Park & Sports
Complex (Woodland) \$600,000

Yakima County Fire Communications
Radio Repeaters
(Yakima) \$103,000

Yakima Valley Fair (Grandview)
\$235,000

Yelm Senior Center Repairs (Yelm)
\$36,000

Youth Resource Center (Federal Way)
\$82,000

(b) The funding for the Magnuson Park
Historic Hanger 2 (Seattle) project is
contingent on the contribution of at
least \$6,000,000 for the Magnuson Park
Center For Excellence. If the Magnuson
Park Center For Excellence has not
certified to the department of commerce
that the project has secured at least
\$6,000,000 in total funding for the
capital phase of the project by July 31,
2022, the funds in this subsection (8)(b)
shall lapse. The lapse date of July 31,
2022, must be extended to the same extent
that the city of Seattle grants an
extension, if any, beyond that date for
the same project, provided that no
further extension may be granted past
July 31, 2023. The Magnuson Park Center
For Excellence must ensure that the long-
term lease with Seattle Parks and
Recreation stipulates meaningful public
benefits that prioritize low-income,
black, indigenous, and people of color
youth and families of the Magnuson park
and neighborhood and Northeast Seattle.
The lease must include provisions to
proactively recruit and provide no-cost
access to the residents as well as the
creation of a scholarship fund dedicated
to the residents for the center's events

and programming. Additional public benefits to improve accessibility for Magnuson Park residents must be considered in the lease negotiations.

Appropriation:

State Building Construction Account—
State (~~(\$160,910,000)~~)

\$169,916,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$0

TOTAL (~~(\$160,910,000)~~)

\$169,916,000

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	Frontier Park Goat Barns (Graham) \$70,000
City Hall Preservation Phase II (Enumclaw) \$289,000	GenPride LGBTQ+ Senior Community Center (Seattle) \$530,000
City of Tenino Playground (Tenino) \$515,000	GH Senior Center Office/Education Container (Gig Harbor) \$61,000
City of Yelm Dog Park (Yelm) \$52,000	Goldsborough Switching Station (Shelton) \$103,000
Civil Air Patrol Hangar (Ephrata) \$1,200,000	Granger Historical Society New Museum Project (Granger) \$100,000
Columbia Basin Dive Rescue's New Boat (Richland) \$270,000	Harlequin Productions Theater Renovation (Olympia) \$250,000
Communication Devices for Football Officials (Olympia) \$36,000	Harper Estuary Restoration and Bridge Construction (Port Orchard) \$100,000
Community Boating Center for All - Magnuson Park (Seattle) \$100,000	Historic Neptune Theatre HVAC Upgrade (Seattle) \$100,000
Confluence Health Treatment Center (Moses Lake) \$1,236,000	Historic Newcastle Cemetery (Newcastle) \$75,000
Craft Beverage (Tumwater) \$200,000	Historic Paramount Theatre HVAC Upgrade (Seattle) \$198,000
Darrington Wood Innovation Center (Darrington) \$1,700,000	Howard Bowen Memorial Events Complex (Sumas) \$319,000
Edmonds Boys & Girls Club Feasibility Study (Edmonds) \$206,000	HVAC Upgrade with New System and Heat Pumps (Shelton) \$250,000
Electrical & Safety Upgrades at N Seattle Boys & Girls (Seattle) \$304,000	Illahee Preserve 'Homestead, Ph 1' Acquisition (Bremerton) \$196,000
Eli's Park Project (Seattle) \$200,000	Imagine Children's Museum (Everett) \$250,000
Elks 1450 Roof Replacement (Puyallup) \$381,000	Interfaith Family Shelter (Everett) \$800,000
Felts Field Gateway Project (Spokane) \$200,000	Island County Jail Intake Body Sensor (Coupeville) \$200,000
Ferndale Civic and Community Campus (Ferndale) \$1,500,000	Jim Kaemingk Sr. Trail Missing Link (Lynden) \$300,000
Field Arts and Events Hall \$250,000	Kitsap Humane Society (Silverdale) \$258,000
Fircrest Campus Master Plan (Shoreline) \$300,000	Kiwanis Park Playground Accessibility Upgrades (Bremerton) \$165,000
First Street Downtown Revitalization (Cle Elum) \$465,000	Klickitat County Animal Shelter (Goldendale) \$670,000
Flooring Replacement Kirkland Boys & Girls Club (Kirkland) \$53,000	La Conner Regional Library (La Conner) \$640,000
Foss Waterway Seaport Public Restrooms (Tacoma) \$258,000	Lake Boren Park Fishing Dock and Viewing Platform (Newcastle) \$62,000

Lake Wilderness Lodge Emergency Generator (Maple Valley) \$412,000	Northwest Kidney Centers - Port Angeles Clinic (Port
Lewis County Regional Tennis and Wrestling Facility (Chehalis) \$875,000	Angeles) \$235,000
Library Commons Project (Mount Vernon) \$4,000,000	ODMF Multicultural Village (Kent) \$450,000
Logistics Facility (Vancouver) \$160,000	Old Fort Lake Subarea (DuPont) \$400,000
Longview Senior Center Roof and Energy Upgrades (Longview) \$273,000	Pacific Co. Fair Three M Project (Raymond) \$412,000
Luther Burbank Pk Waterfront Activity Center (Mercer Island) \$85,000	Pattison Property Redevelopment (Federal Way) \$1,250,000
Marina View Building Renovation (Olympia) \$103,000	Pedestrian Boardwalk May Creek Trail (Renton) \$258,000
Marymount/Spana-Park Senior Center Roof (Spanaway) \$103,000	Peshastin Cross Over Siphon Pipe (Peshastin) \$309,000
Mason Co Housing Authority Roof & Electrical (Shelton) \$201,000	Pilchuck Glass School Ventilation (Stanwood) \$103,000
McKinney Center Minor Works (Seattle) \$560,000	Pipe Lake Water Quality Improvement Project (Covington) \$319,000
Mill Creek Library Project (Mill Creek) \$200,000	Planning Land Acquisition for Veteran Rites (Tacoma) \$46,000
Mill Creek Parks Master Plan (Mill Creek) \$206,000	Port Gamble Forest Restoration (Port Gamble) \$300,000
Mount Spokane Lodge Renovations (Mead) \$397,000	Port Marine Transportation Infrastructure (Friday Harbor) \$258,000
Mukai's Fruit Barreling Plant (Vashon, WA) \$50,000	Port of Mattawa Event Center (Mattawa) \$125,000
Naches Rearing Pond (Naches) \$50,000	Public Electric Vehicle Infrastructure (Lacey) \$103,000
New Beginnings Homes (Puyallup) \$201,000	Pump Station Modernization: Design and Permitting (Mount Vernon) \$100,000
Newman Lake Milfoil Wash Station (Newman Lake) \$100,000	Rejuvenation Community Day Center & Shower/Laundry (Bremerton) \$250,000
Non Destructive Weld Testing (Sunnyside) \$30,000	Ridgefield Splashpad (Ridgefield) \$258,000
Nooksack River Integrated Floodplain Mitigation (Whatcom County) \$2,000,000	Rimrock Grange Renovation (Washtucna) \$105,000
North Creek Trail (Bothell) \$500,000	Rister Stadium Elevator Lift (Kelso) \$33,000
North Trailhead Restroom & Covered Structure (Castle Rock) \$155,000	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	Center (Tukwila) \$258,000
Secure Parking for Shelton Police (Shelton) \$206,000	Urban League of Metropolitan Seattle Building (Seattle) \$500,000
Seismic Upgrade and Roof Replacement (Vancouver) \$309,000	Vandercook Park Restroom (Longview) \$309,000
Senior Resources Svc HUB Feasibility Study (Freeland) \$273,000	Veteran Housing at Stratford Apartments (Longview) \$206,000
Serving the Community Through Capital Improvements	VOA Veteran Transitional Housing Energy Efficiency
(Walla Walla) \$336,000	(Spokane) \$195,000
Skokomish Water Line Extension (Skokomish) \$50,000	Wa Na Wari Capital Improvements (Seattle) \$258,000
Smokey Point Park (Arlington) \$278,000	WA Soldiers Home Cemetery Road Pavement Project
Snohomish Teen Center Addition (Snohomish) \$515,000	(Orting) \$180,000
South Area Commercial Sewer Infrastructure Ext. (Airway Heights) \$300,000	Weld Collaborative Reintegration Resource (Seattle) \$775,000
South Sound Innovation and Education Center	Wenatchee City Pool Repairs (Wenatchee) \$550,000
(Federal Way) \$300,000	Wenatchee Valley YMCA (Wenatchee) \$515,000
South Whidbey Aquatic Wellness Center (Langley) \$400,000	West Plains Childcare Center (Airway Heights) \$191,000
Starbuck Rodeo Arena Remodel (Dayton) \$98,000	Westport Marina Gear Yard (Westport) \$412,000
Steilacoom Electrical Charging Station Project	WGC - Accessibility and Education Support (Waitsburg) \$42,000
(Steilacoom) \$50,000	Whelan Community Building (Pullman) \$153,000
Sultan-Monroe Commercial Kitchen (Monroe) \$134,000	White Center Food Bank Grow2Give Relocation (Seattle) \$200,000
The Tacoma Recovery Cafe Site Acquisition (Tacoma) \$500,000	Wilkeson Water Treatment System (Wilkeson) \$300,000
Titlow Park Bridge Replacement (Tacoma) \$350,000	Willows Road Pedestrian Safety Connection (Kirkland) \$206,000
Toppenish Hospital (Toppenish) \$2,000,000	Woodland Community Library Building Project (Woodland) \$515,000
Town Center to Burke-Gilman Trail Connector (Lake Forest Park) \$103,000	Yakima Canyon Interpretive Center (Ellensburg) \$150,000
Town of Naches Mobile Stage (Naches) \$250,000	Yakima Greenway Master Plan (Yakima) \$67,000
Transitions (Spokane) \$103,000	Yakima YMCA Park Development (Yakima) \$232,000
Tubman Health Clinic (Seattle) \$4,500,000	Youth Achievement Center (Seattle) \$500,000
Tukwila Teen Center and Senior Intergenerational	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 sess.

Reappropriation:

State Building Construction Account—
State (~~\$625,000~~)

\$750,000

Prior Biennia (Expenditures)
(~~\$35,369,000~~)

\$35,244,000

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 (~~\$6,000,000~~)

\$6,279,000

Prior Biennia (Expenditures)
(~~\$6,838,000~~)

\$6,559,000

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 ~~((\$15,000,000))~~

\$18,300,000

Subtotal Appropriation
~~((\$42,000,000))~~

\$45,300,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$0

TOTAL ~~((\$42,000,000))~~

\$45,300,000

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
- ~~((Belfair Water Reclamation Facility (Belfair) \$500,000))~~
- Boat Haven Stormwater Improvement (Port Townsend) \$2,050,000
- ~~((Centralia School District Gemini & LTE (Centralia) \$1,529,000))~~
- 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

~~((Malden) USDA Water (Malden)
\$247,000))~~

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

(10) \$25,832,000 of the capital
community assistance account—state
appropriation in this section is provided
solely for the following list of
projects:

223rd Green Street Planning (Des
Moines) \$309,000

4th St. NW Stormwater System Upgrade
(Puyallup) \$800,000

Alger I-5 Waterline Relocation
(Bellingham) \$250,000

Boulevard Park Sanitary Sewer
Extension (Burien) \$2,400,000

City of Brewster Canyon Well House
(Brewster) \$480,000

City of Brewster Sewer Upgrade
(Brewster) \$2,800,000

Curtin Creek Ph. 1 Septic Elimination
(Vancouver) \$800,000

East Blaine Water Pump Station
(Blaine) \$500,000

Lake Chelan EMS Design (Chelan)
\$191,000

Langley Infrastructure (Langley)
\$250,000

Lewis County Fire District #5
(Napavine) \$2,000,000

Lincoln County Fire District 1 Helipad
(Sprague) \$103,000

Port of Allyn Well & Water Pump
Facility (Allyn) \$400,000

Rustlewood Water System Upgrades
(Grapeview) \$550,000

Shelton Water Reclamation Facility
(Shelton) \$3,250,000

Swan Creek Bridge (Tacoma)
\$400,000

Town of Elmer City Fire Station
Improvements
(Elmer City) \$772,000

Wastewater Lift Stations
Improvements/Upgrades
(Concrete) \$550,000

Water System Improvement Project
(Morton) \$6,017,000

WCFD #8 Station 34 Replacement
(Bellingham) \$2,000,000

Western Ranchettes Water Distribution System

(Puyallup) \$1,000,000

Yakima County Fire District 12 (Yakima) \$10,000

(11) \$747,000 of the public works assistance account—state appropriation in this section is provided solely for the following list of projects:

Belfair Water Reclamation Facility (Belfair) \$500,000

Malden USDA Water (Malden) \$247,000

Appropriation:

State Building Construction Account—State \$12,795,000

Public Works Assistance Account—State \$747,000

Coronavirus State Fiscal Recovery Account—Federal ((~~\$112,997,000~~))
\$97,926,000

Capital Community Assistance Account—State \$25,832,000

Subtotal Appropriation \$137,300,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL ((~~\$112,997,000~~))

\$137,300,000

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:

Chelan Douglas Food Distribution Center (Malaga) \$1,030,000

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

Northwest Harvest (Yakima)
\$3,200,000

Port Angeles Food Bank (Port Angeles)
\$1,050,000

Puyallup Food Bank Capital Campaign
(Puyallup) \$257,000

Selah Naches Food Bank (Selah)
\$52,000

White Center Food Bank Relocation
(Seattle) \$1,030,000

Appropriation:

State Building Construction Account—
State (~~(\$8,304,000)~~)

\$12,586,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$0

TOTAL (~~(\$8,304,000)~~)

\$12,586,000

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

TOTAL \$200,000

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 (~~(\$6,318,000)~~)

\$4,818,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$0

TOTAL (~~(\$6,318,000)~~)

\$4,818,000

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:

Early Learning Classrooms at Logan Elementary

(Spokane) \$1,000,000

Laurel Forest Childcare Center (Bellingham) \$773,000

Learning to Grow (Elma) \$500,000

Monroe ECEAP Facility (Monroe)
~~(\$361,000)~~

\$876,000

Petah Villages Outdoor Preschool (Renton) \$370,000

Rainier Valley Early Learning Center (Seattle) \$4,000,000

Site Study and Predesign for Two ECEAP Classrooms

(Spokane) \$40,000

Walla Walla YMCA ECEAP (Walla Walla)
 \$75,000

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
Capital Community Assistance Account—	
State	\$30,000,000
Subtotal	Appropriation
	(\$32,500,000)
	<u>\$62,500,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(\$32,500,000)
	<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)
((~~\$31,088,000~~))

\$31,045,000

Future Biennia (Projected Costs)
\$0

TOTAL ((~~\$32,088,000~~))

\$32,045,000

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

Evergreen Recovery Residential Treatment (Everett) \$1,000,000

EvergreenHealth Monroe (Monroe)
\$4,275,000

NE Spokane Community Behavioral Health Center

(Spokane) \$700,000

Red Road Clean and Sober Housing (Renton) \$773,000

Seattle Clinic at Evergreen Treatment (Seattle) \$2,000,000

(b) \$8,116,000 of the state building construction account—state appropriation and \$17,575,000 of the capital community assistance account—state appropriation in this section ((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:

Cascade Hall (Seattle) \$6,000,000

Comprehensive Health Care - Goldendale Facility

(Goldendale) \$1,030,000

Jamestown S'Klallam (Sequim)
\$3,250,000

Lummi Nation Healing Wellness Center (Bellingham) \$1,250,000

Maplewood Enhanced Services Facility (Bellingham) \$1,500,000

SIHB Thunderbird Treatment Center (Seattle) \$3,000,000

Family Solutions (Vancouver)
\$2,050,000

Renovation Youth Evaluation & Treatment Facility (Bremerton) \$316,000

Sound Enhanced Services Facility (Auburn) \$3,000,000

Three Rivers Behavioral Health Recovery Center (Kennewick) (~~(\$2,750,000)~~)
\$4,295,000

(7) The department must notify all applicants that they may be required to have a construction review performed by the department of health.

(8) To accommodate the emergent need for behavioral health services, the department and the department of health, in collaboration with the health care authority and the department of social and health services, must establish a concurrent and expedited process to assist grant applicants in meeting any applicable regulatory requirements necessary to operate inpatient psychiatric beds, freestanding evaluation and treatment facilities, enhanced services facilities, triage facilities, crisis stabilization facilities, or secure detoxification/secure withdrawal management and stabilization facilities.

(9) The department must strive to allocate all of the amounts appropriated within subsection (5) of this section in the manner prescribed. However, if upon review of applications, the department determines, in consultation with the advisory group established in subsection (1) of this section, that there are not adequate suitable projects in a category of projects under subsection (5) of this section, the department may allocate funds to other behavioral health capacity project categories within subsection (5) of this section, prioritizing projects under subsections (5) (a), (g), and (i) of

this section. Underserved areas of the state may also be considered.

(10) The department must provide a progress report by November 1, 2022. The report must include:

(a) The total number of applications and amount of funding requested;

(b) A list and description of the projects approved for funding including state funding, total project cost, services anticipated to be provided, bed capacity, and anticipated completion date; and

(c) A status report of projects that received funding in prior funding rounds, including details about the project completion and the date the facility began providing services.

Appropriation:

State Building Construction Account—
State \$95,164,000

Capital Community Assistance Account—
State \$26,323,000

Subtotal Appropriation \$121,487,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$120,000,000

TOTAL ((~~\$215,164,000~~))

\$241,487,000

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

Appropriation:

Capital Community Assistance Account—
State \$2,000,000

Prior Biennia (Expenditures)
\$482,000

Future Biennia (Projected Costs)
\$0

TOTAL ((~~\$2,000,000~~))

\$4,000,000

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 (~~(\$50,000,000)~~)

\$50,258,000

Coronavirus State Fiscal Recovery

Account—Federal (~~(\$260,003,000)~~)

\$150,996,000

Coronavirus Capital Projects Account—
Federal (~~(\$16,000,000)~~)

\$124,749,000

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>	
<u>(Everson)</u>	<u>\$250,000</u>
<u>Foundation for Homeless & Poverty Management, Community</u>	
<u>Rejuvenation Center (Bremerton)</u>	<u>\$1,200,000</u>
<u>Northwest Native Canoe Center (Seattle)</u>	<u>\$800,000</u>

FAME/Equity Alliance Washington, FAME Plaza (Seattle) \$25,000

Lummi Stepping Stones/Lhaq'temish Foundation, Eagle

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

~~((Communities of Concern Commission (Seattle) \$3,000,000))~~

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

Martin Luther King Jr. Park Community Pool

(Yakima) \$1,000,000

North Seattle Social Services Hub (Seattle) \$300,000

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 (~~(\$13,150,000)~~)

\$14,450,000

State Taxable Building Construction Account—

State (~~(\$500,000)~~)

\$300,000

Subtotal Appropriation
(~~(\$13,650,000)~~)

\$14,750,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$0

TOTAL (~~(\$13,650,000)~~)

\$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
((\$10,000,000))	
<u>\$28,522,000</u>	
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	((\$10,000,000))
<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:

((Coronavirus Capital Projects Account—	
Federal	\$926,000)
<u>State Building Construction Account—</u>	<u>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:

(~~Coronavirus Capital Projects Account—~~

~~Federal \$8,500,000~~)

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 (~~(\$42,896,000)~~)

\$40,896,000

Prior Biennia (Expenditures)
\$87,441,000

Future Biennia (Projected Costs)
\$0

TOTAL (~~(\$130,337,000)~~)

\$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

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 (uncodified) 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 (uncodified) 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

Thurston County Capital Facilities—
State \$150,000

Subtotal Appropriation \$865,000

Prior Biennia (Expenditures)
\$4,165,000

Future Biennia (Projected Costs)
\$0

TOTAL ((~~\$6,699,000~~))

\$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)
((~~\$3,416,000~~))

\$2,983,000

Future Biennia (Projected Costs)
\$0

TOTAL ((~~\$3,586,000~~))

\$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))~~

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
~~((\$3,562,000))~~

\$4,349,000

State Building Construction Account—
State (~~(\$1,188,000)~~)

\$1,566,000

Subtotal Appropriation
~~((\$4,750,000))~~

\$5,915,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL ~~((\$4,750,000))~~

\$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

Appropriation:

General Fund—Federal \$3,551,000

State Building Construction Account—
State \$3,551,000

Subtotal Appropriation \$7,102,000

Prior Biennia (Expenditures)
~~((\$75,000))~~

\$74,000

Future Biennia (Projected Costs) \$0

TOTAL ~~((\$7,252,000))~~

\$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 (~~\$2,200,000~~)

\$2,243,000

Military Department Capital Account—State \$109,000

Subtotal Reappropriation (~~\$22,309,000~~)

\$22,352,000

Prior Biennia (Expenditures) (~~\$691,000~~)

\$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

TOTAL \$735,000

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 (~~\$425,000~~)

\$612,000

Medical Aid Account—State (~~\$425,000~~)

\$612,000

Subtotal Reappropriation (~~\$850,000~~)

\$1,224,000

Prior Biennia (Expenditures) (~~\$3,084,000~~)

\$2,710,000

Future Biennia (Projected Costs) \$0

TOTAL \$3,934,000

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 (~~\$2,358,000~~)

\$2,441,000

Prior Biennia (Expenditures) (~~\$27,832,000~~)

\$27,749,000

Future Biennia (Projected Costs) \$0

TOTAL \$30,190,000

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. Rucklshaus 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 ((~~\$2,285,000~~))

\$5,035,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$0

TOTAL ((~~\$2,285,000~~))

\$5,035,000

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**

Fircrest 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

Appropriation:

State Building Construction Account—
State (~~(\$37,700,000)~~)

\$38,125,000

Prior Biennia (Expenditures)
\$1,765,000

Future Biennia (Projected Costs)
\$0

TOTAL (~~(\$57,700,000)~~)

\$58,125,000

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)~~)

\$5,415,000

Prior Biennia (Expenditures)
\$585,000

Future Biennia (Projected Costs)
\$0

TOTAL (~~(\$5,700,000)~~)

\$6,000,000

Sec. 2015. 2021 c 332 s 2063 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

Public Health Lab South Laboratory
Addition (30000379)

Appropriation:

(~~(Coronavirus Capital Projects
Account—~~

~~Federal \$4,933,000)~~)

State Building Construction Account—
State \$4,933,000

Prior Biennia (Expenditures)
\$196,000

Future Biennia (Projected Costs)
\$66,519,000

TOTAL \$71,648,000

Sec. 2016. 2021 c 332 s 2065 (uncodified) 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)~~)

\$48,390,000

Prior Biennia (Expenditures)
(~~(\$69,609,000)~~)

\$69,610,000

Future Biennia (Projected Costs)
\$0

TOTAL (~~(\$108,138,000)~~)

\$118,000,000

Sec. 2017. 2021 c 332 s 2066 (uncodified) 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)~~)

\$1,462,000

Prior Biennia (Expenditures)
(~~(\$2,858,000)~~)

\$3,538,000

Future Biennia (Projected Costs)
\$0

TOTAL (~~(\$3,858,000)~~)

\$5,000,000

Sec. 2018. 2021 c 332 s 2068 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

2019-21 Drinking Water Assistance Program (40000025)

Reappropriation:

Drinking Water Assistance Account—
Federal (~~(\$31,000,000)~~)

\$33,697,000

Prior Biennia (Expenditures)
(~~(\$4,000,000)~~)

\$1,303,000

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 (~~(\$750,000)~~)

\$1,380,000

Prior Biennia (Expenditures)
(~~(\$21,000)~~)

\$120,000

Future Biennia (Projected Costs)
\$0

TOTAL (~~(\$771,000)~~)

\$1,500,000

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 (~~(\$743,000)~~)

\$20,806,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$0

TOTAL (~~(\$743,000)~~)

\$20,806,000

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:

~~((Coronavirus Capital Projects Account~~

~~Federal \$216,000))~~

~~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:

~~((Coronavirus Capital Projects Account~~

~~Federal \$1,894,000))~~

~~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 (~~(\$11,000,000)~~)

\$20,400,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$0

TOTAL (~~(\$11,000,000)~~)

\$20,400,000

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 (~~(\$250,000)~~)

\$441,000

Prior Biennia (Expenditures)
(~~(\$162,000)~~)

\$309,000

Future Biennia (Projected Costs)
\$0

TOTAL (~~(\$412,000)~~)

\$750,000

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 ~~(\$8,584,000)~~

\$10,884,000

Subtotal Appropriation
~~(\$33,099,000)~~

\$35,399,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$0

TOTAL ~~(\$33,099,000)~~

\$35,399,000

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 ~~(\$7,000,000)~~

\$9,174,000

Prior Biennia (Expenditures)
~~(\$2,600,000)~~

\$426,000

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

Appropriation:

State Building Construction Account—
State \$29,962,000

Prior Biennia (Expenditures)
~~(\$1,800,000)~~

\$1,619,000

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)
~~(\$2,250,000)~~

\$1,690,000

Future Biennia (Projected Costs)
\$0

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

\$2,440,000

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)~~)

\$1,856,000

Prior Biennia (Expenditures)
(~~(\$2,973,000)~~)

\$9,812,000

Future Biennia (Projected Costs)
\$0

TOTAL (~~(\$6,473,000)~~)

\$11,668,000

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:

~~((Coronavirus Capital Projects Account—~~

~~Federal \$4,646,000)~~

Coronavirus State Fiscal Recovery Fund—Federal \$4,646,000

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)~~)

\$720,000

Prior Biennia (Expenditures)
(~~(\$300,000)~~)

\$80,000

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)~~)

\$10,323,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$60,833,000

TOTAL (~~(\$72,633,000)~~)

\$71,156,000

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**

CBC: 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 (~~\$650,000~~)

\$786,000

Prior Biennia (Expenditures)
(~~(\$277,000)~~)

\$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)
(~~(\$46,000)~~)

\$99,000

Future Biennia (Projected Costs)
 \$0
 TOTAL ((~~\$1,296,000~~))
\$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 ((~~\$31,504,000~~))
\$31,542,000

Prior Biennia (Expenditures)
 ((~~\$8,496,000~~))
\$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 ((~~\$75,000,000~~))
\$108,000,000

Subtotal Appropriation
 ((~~\$300,000,000~~))
\$333,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
 \$1,200,000,000
 TOTAL ((~~\$1,500,000,000~~))

\$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 (~~(\$15,000,000)~~)

\$18,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$60,000,000

TOTAL (~~(\$75,000,000)~~)

\$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

State Drought Preparedness and Response

Account—State \$9,000,000

Subtotal Appropriation \$14,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$0

TOTAL ((~~\$5,000,000~~)

\$14,000,000

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-I5 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) ~~(\$4,137,000)~~
\$4,026,000

Future Biennia (Projected Costs) \$0

TOTAL ~~(\$4,337,000)~~
\$4,226,000

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) ~~(\$0)~~
\$1,035,000

TOTAL ~~(\$5,938,000)~~
\$9,043,000

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)~~
\$128,000

Future Biennia (Projected Costs) \$0

TOTAL ~~(\$1,080,000)~~
\$1,066,000

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)~~
\$191,000

Future Biennia (Projected Costs) \$0

TOTAL ~~(\$248,000)~~
\$246,000

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

Appropriation:

State Building Construction Account—State \$480,000

Prior Biennia (Expenditures) \$245,000

Future Biennia (Projected Costs) \$0

TOTAL ~~(\$1,268,000)~~

\$1,748,000

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)~~)

\$2,500,000

Prior Biennia (Expenditures)
\$2,245,000

Future Biennia (Projected Costs)
\$8,000,000

TOTAL (~~(\$12,245,000)~~)

\$12,745,000

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)
(~~(\$397,000)~~)

\$392,000

Future Biennia (Projected Costs)
\$0

TOTAL (~~(\$500,000)~~)

\$495,000

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 (~~(\$1,605,000)~~)

\$1,718,000

Prior Biennia (Expenditures)
(~~(\$300,000)~~)

\$187,000

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 (~~(\$1,139,000)~~)

\$1,196,000

Prior Biennia (Expenditures)
(~~(\$3,308,000)~~)

\$3,251,000

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

Appropriation:

State Building Construction Account—
State \$2,031,000

Prior Biennia (Expenditures)
\$171,000

Future Biennia (Projected Costs)
\$0

TOTAL (~~(\$250,000)~~)

\$2,281,000

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 (~~(\$2,199,000)~~)

\$2,524,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$0

TOTAL (~~(\$2,199,000)~~)

\$2,524,000

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 (~~(\$11,239,000)~~)

\$10,204,000

Prior Biennia (Expenditures)
\$19,761,000

Future Biennia (Projected Costs)
\$0

TOTAL (~~(\$31,000,000)~~)

\$29,965,000

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)~~)

\$40,250,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL (~~(\$39,500,000)~~)

\$40,250,000

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)~~)

\$785,000

Prior Biennia (Expenditures) (~~(\$41,363,000)~~)

\$41,215,000

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)~~)

\$843,000

Habitat Conservation Account—State (~~(\$132,000)~~)

\$464,000

Outdoor Recreation Account—State (~~(\$2,189,000)~~)

\$2,647,000

Riparian Protection Account—State (~~(\$470,000)~~)

\$494,000

Subtotal Reappropriation (~~(\$3,407,000)~~)

\$4,448,000

Prior Biennia (Expenditures) (~~(\$61,593,000)~~)

\$60,552,000

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 (~~(\$903,000)~~)

\$3,657,000

Prior Biennia (Expenditures) (~~(\$69,097,000)~~)

\$66,343,000

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 (~~(\$1,181,000)~~)

\$1,563,000

Habitat Conservation Account—State (~~(\$2,910,000)~~)

\$2,814,000

Outdoor Recreation Account—State (~~(\$3,268,000)~~)

\$3,085,000

Riparian Protection Account—State (~~(\$1,345,000)~~)

\$117,000

Subtotal Reappropriation (~~(\$8,704,000)~~)

\$7,579,000

Prior Biennia (Expenditures) (~~(\$46,619,000)~~)

\$47,744,000

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 (~~(\$49,000)~~)

\$137,000

Prior Biennia (Expenditures) (~~(\$14,161,000)~~)

\$14,073,000

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 (~~(\$82,000)~~)

\$670,000

Prior Biennia (Expenditures) (~~(\$7,918,000)~~)

\$7,330,000

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 (~~(\$160,000)~~)

\$204,000

Prior Biennia (Expenditures)
(~~(\$4,840,000)~~)

\$4,796,000

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 (~~(\$1,642,000)~~)

\$6,231,000

Subtotal Reappropriation
(~~(\$34,011,000)~~)

\$38,600,000

Prior Biennia (Expenditures)
(~~(\$32,202,000)~~)

\$27,613,000

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
(~~(\$5,860,000)~~)

\$5,002,000

Habitat Conservation Account—State
(~~(\$12,592,000)~~)

\$12,878,000

Outdoor Recreation Account—State
(~~(\$12,474,000)~~)

\$14,248,000

Subtotal Reappropriation
(~~(\$30,926,000)~~)

\$32,128,000

Prior Biennia (Expenditures)
(~~(\$49,074,000)~~)

\$47,872,000

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
(~~(\$895,000)~~)

\$2,991,000

Prior Biennia (Expenditures)
(~~(\$12,300,000)~~)

\$10,204,000

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 (~~(\$1,302,000)~~)

\$1,522,000

Prior Biennia (Expenditures)
(~~(\$2,775,000)~~)

\$2,555,000

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 (~~(\$2,732,000)~~)

\$4,013,000

Subtotal Reappropriation
(~~(\$3,616,000)~~)

\$4,897,000

Prior Biennia (Expenditures)
(~~(\$8,669,000)~~)

\$7,388,000

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 (~~(\$16,640,000)~~)

\$20,763,000

Prior Biennia (Expenditures)
(~~(\$23,360,000)~~)

\$19,237,000

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 (~~(\$5,769,000)~~)

\$5,790,000

Prior Biennia (Expenditures)
(~~(\$6,731,000)~~)

\$6,710,000

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
(~~(\$6,880,000)~~)

\$6,687,000

Habitat Conservation Account—State
(~~(\$20,349,000)~~)

\$25,791,000

Outdoor Recreation Account—State
 ((~~\$28,025,000~~))
\$24,390,000
 Subtotal Reappropriation
 ((~~\$55,254,000~~))
\$56,868,000
 Prior Biennia (Expenditures)
 ((~~\$29,746,000~~))
\$28,132,000
 Future Biennia (Projected Costs)
 \$0
 TOTAL \$85,000,000

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 ((~~\$7,597,000~~))
\$7,833,000

Prior Biennia (Expenditures)
 ((~~\$4,403,000~~))
\$4,167,000

Future Biennia (Projected Costs)
 \$0
 TOTAL \$12,000,000

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
 ((~~\$50,000,000~~))
\$65,000,000

State Building Construction Account—State \$30,000,000

Subtotal Appropriation
 ((~~\$80,000,000~~))
\$95,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
 \$400,000,000

TOTAL ((~~\$480,000,000~~))
\$495,000,000

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~~))

\$622,000

Prior Biennia (Expenditures)
((~~\$11,033,000~~))

\$10,563,000

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

Appropriation:

State Building Construction Account—
State ((~~\$1,000,000~~))

\$2,000,000

Prior Biennia (Expenditures)
\$641,000

Future Biennia (Projected Costs)
\$0

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

\$4,000,000

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)~~)

\$497,000

State Building Construction Account—
State (~~(\$5,859,000)~~)

\$8,050,000

Subtotal Reappropriation
(~~(\$5,991,000)~~)

\$8,547,000

Prior Biennia (Expenditures)
(~~(\$28,790,000)~~)

\$26,234,000

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 (~~(\$350,000)~~)
\$270,000

Prior Biennia (Expenditures)
\$50,000

Future Biennia (Projected Costs)
\$0

TOTAL (~~(\$400,000)~~)
\$320,000

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

Appropriation:
State Building Construction Account—
State \$2,200,000

Prior Biennia (Expenditures)
~~(\$13,108,000)~~
\$13,191,000

Future Biennia (Projected Costs)
~~(\$36,000,000)~~
\$48,616,000

TOTAL (~~(\$51,495,000)~~)
\$66,394,000

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 ~~((3,906,000))~~

\$3,402,000

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 ~~((6,371,000))~~

\$2,066,000

Appropriation:

State Building Construction Account—
State \$239,000

Prior Biennia (Expenditures) \$404,000

Future Biennia (Projected Costs) \$4,312,000

TOTAL (~~(\$11,326,000)~~)
\$7,021,000

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) (~~(\$520,000)~~)
\$519,000

Future Biennia (Projected Costs) \$0

TOTAL (~~(\$680,000)~~)
\$679,000

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

TOTAL \$500,000

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

TOTAL \$65,000

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

Subtotal Appropriation \$3,300,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$10,000,000

TOTAL ~~(((\$11,050,000))~~

\$13,300,000

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 ~~(((\$107,000))~~

\$108,000

Prior Biennia (Expenditures)
~~(((\$1,000))~~

\$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 (~~(\$1,675,000)~~)

\$1,696,000

Prior Biennia (Expenditures) (~~(\$4,725,000)~~)

\$4,704,000

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

Teanaway (40000038)

Reappropriation:

State Building Construction Account—State (~~(\$1,220,000)~~)

\$1,305,000

Prior Biennia (Expenditures) (~~(\$636,000)~~)

\$551,000

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 (~~(\$295,000)~~)

\$527,000

Prior Biennia (Expenditures) (~~(\$1,705,000)~~)

\$1,473,000

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 (~~(\$3,210,000)~~)

\$3,217,000

Appropriation:

State Building Construction Account—State \$1,730,000

Prior Biennia (Expenditures) (~~(\$35,000)~~)

\$28,000

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 (~~(\$2,183,000)~~)

\$3,122,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL ((~~\$2,183,000~~))

\$3,122,000

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:

~~((Coronavirus Capital Projects Account~~

~~Federal \$2,000,000))~~

State Building Construction Account—
State \$2,000,000

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 (~~\$900,000~~)

\$970,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$0

TOTAL (~~(\$900,000)~~)

\$970,000

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

TOTAL \$333,000

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)
~~(\$385,701,000)~~

\$385,645,000

Future Biennia (Projected Costs)
 \$0
 TOTAL ((~~\$387,230,000~~)
\$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

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 (~~(\$702,657,000)~~)

\$505,306,000

Common School Construction Account—
State (~~(\$24,959,000)~~)

\$29,374,000

Common School Construction Account—
Federal (~~(\$3,000,000)~~)

\$6,000,000

Subtotal Appropriation
(~~(\$730,616,000)~~)

\$540,680,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$3,899,490,000

TOTAL (~~(\$4,630,106,000)~~)

\$4,440,170,000

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)~~)

\$42,113,000

(~~(Coronavirus Capital Projects Account—~~

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)~~)

\$3,388,000

~~((Coronavirus Capital Projects Account—~~

~~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:

~~((Coronavirus Capital Projects Account—~~

~~Federal \$1,193,000))~~

Common School Construction Account—
State \$1,930,000

State Building Construction Account—
State ~~((\$4,070,000))~~

\$6,963,000

Subtotal Appropriation
~~((\$7,193,000))~~

\$8,893,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$52,000,000

TOTAL ~~((\$59,193,000))~~

\$60,893,000

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 (~~(\$8,712,000)~~)

\$30,420,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$0

TOTAL (~~(\$8,712,000)~~)

\$30,420,000

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

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

Appropriation:

University of Washington Building
Account—State \$8,000,000

State Building Construction Account—
State \$2,000,000

Subtotal Appropriation \$10,000,000

Prior Biennia (Expenditures)
 \$25,500,000
 Future Biennia (Projected Costs)
 (~~(\$34,300,000)~~)
\$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

Appropriation:

State Building Construction Account—State \$200,750,000

Capital Community Assistance Account—State \$10,000,000

Subtotal Appropriation \$210,750,000

Prior Biennia (Expenditures)
 \$27,250,000

Future Biennia (Projected Costs)
 \$0

TOTAL (~~(\$234,000,000)~~)

\$244,000,000

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 \$7,500,000

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 (~~(\$15,000,000)~~)

\$15,076,000

Prior Biennia (Expenditures)
 (~~(\$13,988,000)~~)

\$13,912,000

Future Biennia (Projected Costs)
 \$0

TOTAL \$28,988,000

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 (~~(\$600,000)~~)

\$1,142,000

Appropriation:

Model Toxics Control Capital Account—State \$2,000,000

Prior Biennia (Expenditures)
 (~~(\$7,658,000)~~)

\$7,116,000

Future Biennia (Projected Costs)
 \$8,000,000

TOTAL \$18,258,000

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)
(~~(\$69,200,000)~~)

\$66,690,000

Future Biennia (Projected Costs)
\$0

TOTAL (~~(\$72,200,000)~~)

\$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

Appropriation:

State Building Construction Account—
State (~~(\$55,505,000)~~)

\$57,205,000

Prior Biennia (Expenditures)
\$3,200,000

Future Biennia (Projected Costs)
\$0

TOTAL (~~(\$60,505,000)~~)

\$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

Subtotal Reappropriation
\$1,007,000

Prior Biennia (Expenditures)
((~~\$4,966,000~~))

\$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

Appropriation:

State Building Construction Account—
State \$51,000,000

Western Washington University Capital Projects

Account—State \$1,500,000

Subtotal Appropriation \$52,500,000

Prior Biennia (Expenditures)
\$1,500,000

Future Biennia (Projected Costs)
\$0

TOTAL (~~(\$53,000,000)~~)

\$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

Subtotal Appropriation \$1,557,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$7,000,000

TOTAL (~~(\$8,000,000)~~)

\$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 (~~(\$2,500,000)~~)

\$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

\$32,587,000
 Future Biennia (Projected Costs) \$0
 TOTAL ((~~\$38,527,000~~))
\$38,040,000

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) ((~~\$33,074,000~~))

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, ~~(, 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."

Correct the title.

Representatives Tharinger and Steele spoke in favor of the adoption of the striking amendment.

Striking amendment (1374) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Tharinger, Abbarno, Callan, McEntire, Steele and Hackney spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5651, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5651, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody,

Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE SENATE BILL NO. 5651, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5488, by Senate Committee on Transportation (originally sponsored by Randall, Rolfes, Billig, Dhingra, Nobles, Van De Wege and Wilson, C.)

Completing outstanding financial obligations regarding the Tacoma Narrows toll bridge project. Revised for 1st Substitute: Concerning state contributions in support of the Tacoma Narrows toll bridge.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Transportation was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 57, March 7, 2022).

Representative Young moved the adoption of amendment (1375) to the committee striking amendment:

On page 1, line 20 of the striking amendment, after "bridge;" strike "and"

On page 1, line 25 of the striking amendment, after "subsection" strike "is \$130,000,000" and insert "(f) is \$130,000,000; and"

(g) By the last day of July 2027, the state treasurer shall transfer \$57,593,000 from the general fund as an additional contribution to the account"

On page 4, after line 6 of the striking amendment, insert the following:

"NEW SECTION. Sec. 3. In the 2027-2029 biennium, the legislature shall appropriate \$57,593,000, or as much thereof as may be necessary, from the Tacoma Narrows toll bridge account to the department of transportation for the purpose of making full payment of deferred sales taxes under RCW 47.46.060 regarding construction of the Tacoma

Narrows public-private initiative project under chapter 47.46 RCW.

NEW SECTION. **Sec. 4.** (1) The legislature recognizes the following facts with respect to making additional contributions for the payment of deferred sales taxes pursuant to section 2 of this act regarding the Tacoma Narrows toll bridge project under RCW 47.56.165:

(a) Washington state sales tax may not be forgiven due to federal rules and must therefore be paid;

(b) Though the Tacoma Narrows toll bridge project may not be paid off early due to its unique financing structure, including noncallable bonds, the state portion of the deferred sales taxes may be paid off early without penalty;

(c) While the state is, in effect, both taxing itself in transportation budget appropriations and paying itself in the omnibus operating appropriations act, should the omnibus operating appropriations act transfer money back to the Tacoma Narrows toll bridge account following payment of the deferred sales tax through transportation budget appropriations, the following would be achieved:

- (i) Satisfaction of federal rules;
- (ii) Forgiveness of the deferred sales tax; and
- (iii) Imposition of a net zero fiscal impact to the state.

(2) The legislature finds that by planning the transaction beyond the budgetary cumulative forecast required under RCW 43.88A.020, the transaction is secured with a more technically accurate fiscal impact of zero cost, that:

(a) Directs taxes generated by transportation projects toward funding transportation projects; and

(b) Directs Tacoma Narrows toll bridge revenue toward Tacoma Narrows toll bridge payments for debt service.

(3) The legislature also finds that paying the state portion of the deferred sales taxes earlier than required under RCW 47.46.060 brings another level of equity to a toll payer project that received no upfront state investments, unlike other state tolling projects that received substantial state support of approximately 30 percent of project costs, and therefore:

(a) Makes an additional contribution to correct a wrong; and

(b) Prudently pays off the deferred sales tax toll debt earlier than scheduled."

Renumber the remaining section consecutively and correct any internal references accordingly.

Representative Young spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Fey spoke against the adoption of the amendment to the committee striking amendment.

Amendment (1375) to the committee striking amendment was not adopted.

Representative Young moved the adoption of amendment (1372) to the committee striking amendment:

On page 3, line 30 of the striking amendment, after "47.46.100" insert "with the intended goal of maintaining two-axle toll rates at no more than 75 cents lower than the toll rates in effect as of January 1, 2020"

On page 3, line 33 of the striking amendment, after "repaid." insert "The legislature acknowledges that the fiscal year 2022 increase in rates by 25 cents would diminish the relief otherwise intended, and so a true 75 cent reduction recognizes the toll rate prior to the fiscal year 2022 increase. In addition, the intent in this subsection shall not be construed to mean that toll rates for vehicles with three or more axles should be reduced."

On page 4, beginning on line 13 of the striking amendment, after "maintain" strike all material through "~~maintaining~~)" on line 15 and insert "~~((tolls))~~ toll rates at no more than ~~((twenty five cents higher than the toll rates effective at the fiscal year 2018 level))~~ the amount in effect as of October 1, 2022, while also maintaining"

On page 4, beginning on line 23 of the striking amendment, after "loans" strike all material through "~~level))~~" on line 25 and insert "while maintaining ~~((tolls))~~ toll rates at no more than ~~((twenty five cents higher than the toll rates effective at the fiscal year 2018 level))~~ the amount in effect as of October 1, 2022"

Representative Young and Young (again) spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Fey spoke against the adoption of the amendment to the committee striking amendment.

Amendment (1372) to the committee striking amendment was not adopted.

Representative Young moved the adoption of amendment (1373) to the committee striking amendment:

On page 3, line 30 of the striking amendment, after "47.46.100" insert "with the requirement that two-axle toll rates be no more than 75 cents lower than the toll rates in effect as of October 1, 2021"

On page 3, line 33 of the striking amendment, after "repaid." insert "The intent in this subsection shall not be construed to mean that toll rates for vehicles with three or more axles should be reduced."

On page 4, beginning on line 13 of the striking amendment, after "maintain" strike all material through "~~maintaining~~)" on line 15 and insert "~~((tolls))~~ toll rates at no more than ~~((twenty-five cents higher than the toll rates effective at the fiscal year 2018 level))~~ the amount in effect as of October 1, 2022, while also maintaining"

On page 4, beginning on line 23 of the striking amendment, after "loans" strike all material through "~~level))~~" on line 25 and insert "while maintaining ~~((tolls))~~ toll rates at no more than ~~((twenty-five cents higher than the toll rates effective at the fiscal year 2018 level))~~ the amount in effect as of October 1, 2022"

Representative Young and Young (again) spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Fey spoke against the adoption of the amendment to the committee striking amendment.

Amendment (1373) to the committee striking amendment was not adopted.

The committee striking amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Bronoske, Caldier and Young spoke in favor of the passage of the bill.

Representative Barkis spoke against the passage of the bill.

MOTION

On motion of Representative Griffey, Representative Klippert was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5488, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5488, and the bill passed the House by the following vote: Yeas, 58; Nays, 39; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chapman, Chopp, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Frame, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Ryu, Santos, Sells, Senn, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Chambers, Chandler, Chase, Cody, Corry, Dent, Dufault, Dye, Eslick, Fitzgibbon, Gilday, Goehner, Graham, Harris, Hoff, Jacobsen, Klicker, Kraft, Kretz, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rule, Schmick, Shewmake, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox and Ybarra.

Excused: Representative Klippert.

SUBSTITUTE SENATE BILL NO. 5488, as amended by the House, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 5085, by Senate Committee on Transportation (originally sponsored by Rolfes and Lovelett)

Modifying certain alternative fuel vehicles fees. Revised for 2nd Substitute: Modifying the alternative fuel vehicle fee for electric motorcycles.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fey and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5085.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5085, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault, Kraft and McCaslin.

Excused: Representative Klippert.

SECOND SUBSTITUTE SENATE BILL NO. 5085, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5898, by Senators Lias, King and Saldaña

Concerning the use of vehicle-related fees to fulfill certain state general obligation bonds.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fey and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5898.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5898, and the bill passed the House by the following vote: Yeas, 73; Nays, 24; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chandler, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goodman, Graham, Gregerson, Hackney, Hansen, Harris-

Talley, Hoff, J. Johnson, Kirby, Klicker, Kloba, Leavitt, Lekanoff, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Abbarno, Boehnke, Caldier, Chambers, Chase, Corry, Dent, Dufault, Goehner, Griffey, Harris, Jacobsen, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Steele, Sutherland, Vick and Walsh.

Excused: Representative Klippert.

SENATE BILL NO. 5898, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5741, by Senate Committee on Transportation (originally sponsored by Lovick, Pedersen, Conway, Nobles, Saldaña, Wellman and Wilson, C.)

Creating Patches pal special license plates.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Transportation was adopted. (For Committee amendment, see Journal, Day 48, February 26, 2022).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Fey and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5741, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5741, as amended by the House, and the bill passed the House by the following vote: Yeas, 86; Nays, 11; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Boehnke, Dent, MacEwen, McCaslin, Robertson, Rude, Steele, Stokesbary, Sutherland, Volz and Young.

Excused: Representative Klippert.

SUBSTITUTE SENATE BILL NO. 5741, as amended by the House, having received the necessary constitutional majority, was declared passed.

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

THIRD READING

MESSAGE FROM THE SENATE

February 25, 2022

Madame Speaker:

The Senate has passed HOUSE BILL NO. 1430 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 79.13.060 and 2016 c 109 s 3 are each amended to read as follows:

(1) State lands may be leased not to exceed ten years with the following exceptions:

(a) The lands may be leased for agricultural purposes not to exceed twenty-five years, except:

(i) Leases that authorize tree fruit or grape production may be for up to fifty-five years;

(ii) Share crop leases may not exceed ten years;

(b) The lands may be leased for commercial, industrial, business, or recreational purposes not to exceed fifty-five years, except:

(i) Leases for commercial, industrial, or business purposes may extend to 99 years;

(ii) All leases for commercial, industrial, or business purposes that extend beyond 55 years must provide for periodic rental reevaluation and adjustment, except leases with rentals based on a percentage of income;

(iii) All leases for commercial, industrial, or business purposes that extend terms beyond 55 years must be reported to the office of financial management and the appropriate committees of the legislature within 30

days of the date of execution of the lease. The report must include a financial analysis that justifies the financial benefit for the added term and the schedule for periodic rental adjustments;

(c) The lands may be leased for public school, college, or university purposes not to exceed seventy-five years;

(d) The lands may be leased for residential purposes not to exceed ninety-nine years; and

(e) The lands and development rights on state lands held for the benefit of the common schools may be leased to public agencies, as defined in RCW 79.17.200, not to exceed ninety-nine years. The leases may include provisions for renewal of lease terms.

(2) No lessee of state lands may remain in possession of the land after the termination or expiration of the lease without the written consent of the department.

(a) The department may authorize a lease extension for a specific period beyond the term of the lease for cropping improvements for the purpose of crop rotation. These improvements shall be deemed authorized improvements under RCW 79.13.030.

(b) Upon expiration of the lease term, the department may allow the lessee to continue to hold the land for a period not exceeding one year upon such rent, terms, and conditions as the department may prescribe, if the leased land is not otherwise utilized.

(c) Upon expiration of the one-year lease extension, the department may issue a temporary permit to the lessee upon terms and conditions it prescribes if the department has not yet determined the disposition of the land for other purposes.

(d) The temporary permit shall not extend beyond a five-year period.

(3) If during the term of the lease of any state lands for agricultural, grazing, commercial, residential, business, or recreational purposes, in the opinion of the department it is in the best interest of the state so to do, the department may, on the application of the lessee and in agreement with the lessee, alter and amend the terms and conditions of the lease. The sum total of the original lease term and any extension

thereof shall not exceed the limits provided in this section.

(4) The department must include in the text of any grazing leases language that explains the right of access, and associated assumption of liability, created in RCW 76.04.021."

On page 1, line 2 of the title, after "resources;" strike the remainder of the title and insert "and amending RCW 79.13.060."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1430 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Kloba and Chandler spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1430, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1430, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

Excused: Representative Klippert.

HOUSE BILL NO. 1430, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 2, 2022

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1655 with the following amendment:

Strike everything after the enacting clause and insert the following:

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

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

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

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

(2) The department may initiate a strategic planning process that addresses the maintenance, operation, and safety of its owned and operated safety rest areas. At a minimum, this plan shall evaluate operations, maintenance, safety, and commercial motor vehicle parking at safety rest areas. The department must engage members

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

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

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

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1655 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Griffey and Wicks spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1655, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1655, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye,

Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Klippert.

SUBSTITUTE HOUSE BILL NO. 1655, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 3, 2022

Madame Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1691 with the following amendment:

On page 9, line 8, after "exceed" strike "five" and insert "15"

On page 9, line 18, after "exceed" strike "15" and insert "25"

On page 10, line 4, after "certificate." insert "It is in the interest of the state to issue and manage certificates of financial responsibility in a manner that does not create or contribute to delays in commerce for vessels and facilities subject to the requirements of this chapter. The department is directed to adopt rules to implement this chapter accordingly."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1691 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Fitzgibbon and Dye spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1691, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1691, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 84; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris-Talley, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wilcox, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Dent, Harris, Hoff, Kraft, McCaslin, McEntire, Orcutt, Robertson, Sutherland, Vick, Volz, Walsh and Ybarra.

Excused: Representative Klippert.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1691, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

February 25, 2022

Madame Speaker:

The Senate has passed HOUSE BILL NO. 1748 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 74.04.805 and 2020 c 322 s 1 are each amended to read as follows:

(1) The department is responsible for determining eligibility for referral for essential needs and housing support under RCW 43.185C.220. Persons eligible are persons who:

(a) Have been determined to be eligible for the pregnant women assistance program under RCW 74.62.030 or are incapacitated from gainful employment by reason of bodily or mental infirmity that will likely continue for a minimum of ninety days. The standard for incapacity in this subsection, as

evidenced by the ninety-day duration standard, is not intended to be as stringent as federal supplemental security income disability standards;

(b) Are citizens or aliens lawfully admitted for permanent residence or otherwise residing in the United States under color of law, or are victims of human trafficking as defined in RCW 74.04.005;

(c) (i) Have furnished the department with their social security number. If the social security number cannot be furnished because it has not been issued or is not known, an application for a number must be made prior to authorization of benefits, and the social security number must be provided to the department upon receipt;

(ii) This requirement does not apply to victims of human trafficking as defined in RCW 74.04.005 if they have not been issued a social security number;

(d) (i) Have countable income as described in RCW 74.04.005 at or below four hundred twenty-eight dollars for a married couple or at or below three hundred thirty-nine dollars for a single individual; or

(ii) Have income that meets the standard established by the department, who are eligible for the pregnant women assistance program;

(e) Do not have countable resources in excess of those described in RCW 74.04.005; and

(f) Are not eligible for federal aid assistance, other than basic food benefits transferred electronically and medical assistance.

(2) Recipients of aged, blind, or disabled assistance program benefits who meet other eligibility requirements in this section are eligible for a referral for essential needs and housing support services within funds appropriated for the department of commerce.

(3) Recipients of pregnant women assistance program benefits who meet other eligibility requirements in this section are eligible for referral for essential needs and housing support services, within funds appropriated for the department of commerce, for twenty-four consecutive months from the date the department determines pregnant women assistance program eligibility.

(4) The following persons are not eligible for a referral for essential needs and housing support:

(a) Persons who refuse or fail to cooperate in obtaining federal aid assistance, without good cause;

(b) Persons who refuse or fail without good cause to participate in ~~((drug or alcohol))~~ substance use treatment if an assessment by a certified ~~((chemical dependency counselor))~~ substance use disorder professional indicates a need for such treatment. Good cause must be found to exist when a person's physical or mental condition, as determined by the department, prevents the person from participating in ~~((drug or alcohol dependency))~~ substance use treatment, when needed outpatient ~~((drug or alcohol))~~ treatment is not available to the person in the county of ~~((his or her))~~ their residence or when needed inpatient treatment is not available in a location that is reasonably accessible for the person; and

(c) Persons who are fleeing to avoid prosecution of, or to avoid custody or confinement for conviction of, a felony, or an attempt to commit a felony, under the laws of the state of Washington or the place from which the person flees; or who are violating a condition of probation, community supervision, or parole imposed under federal or state law for a felony or gross misdemeanor conviction.

(5) For purposes of determining whether a person is incapacitated from gainful employment under subsection (1) of this section:

(a) The department shall adopt by rule medical criteria for incapacity determinations to ensure that eligibility decisions are consistent with statutory requirements and are based on clear, objective medical information; and

(b) The process implementing the medical criteria must involve consideration of opinions of the treating or consulting physicians or health care professionals regarding incapacity, and any eligibility decision which rejects uncontroverted medical opinion must set forth clear and convincing reasons for doing so.

(6) For purposes of reviewing a person's continuing eligibility and in order to remain eligible for the program,

persons who have been found to have an incapacity from gainful employment must demonstrate that there has been no material improvement in their medical or mental health condition. The department may discontinue benefits when there was specific error in the prior determination that found the person eligible by reason of incapacitation.

(7) The department must review the cases of all persons who have received benefits under the essential needs and housing support program for twelve consecutive months, and at least annually after the first review, to determine whether they are eligible for the aged, blind, or disabled assistance program.

Sec. 2. RCW 74.62.030 and 2018 c 48 s 2 are each amended to read as follows:

(1)(a) The aged, blind, or disabled assistance program shall provide financial grants to persons in need who:

(i) Are not eligible to receive federal aid assistance, other than basic food benefits transferred electronically and medical assistance;

(ii) Meet the eligibility requirements of subsection (3) of this section; and

(iii) Are aged, blind, or disabled. For purposes of determining eligibility for assistance for the aged, blind, or disabled assistance program, the following definitions apply:

(A) "Aged" means age sixty-five or older.

(B) "Blind" means statutorily blind as defined for the purpose of determining eligibility for the federal supplemental security income program.

(C) "Disabled" means likely to meet the federal supplemental security income disability standard. In making this determination, the department should give full consideration to the cumulative impact of an applicant's multiple impairments, an applicant's age, and vocational and educational history.

In determining whether a person is disabled, the department may rely on, but is not limited to, the following:

(I) A previous disability determination by the social security administration or the disability determination service entity within the department; or

(II) A determination that an individual is eligible to receive optional categorically needy medicaid as a disabled person under the federal regulations at 42 C.F.R. Parts 435, Secs. 201(a)(3) and 210.

(b) The following persons are not eligible for the aged, blind, or disabled assistance program:

(i) Persons who are not able to engage in gainful employment due primarily to ((alcohol or drug addiction)) a substance use disorder. These persons shall be referred to appropriate assessment, treatment, or shelter ((, or supplemental security income referral services as authorized under chapter 74.50 RCW)) services. Referrals shall be made at the time of application or at the time of eligibility review. This subsection may not be construed to prohibit the department from granting aged, blind, or disabled assistance benefits to ((alcoholics and drug addicts)) persons with a substance use disorder who are incapacitated due to other physical or mental conditions that meet the eligibility criteria for the aged, blind, or disabled assistance program; or

(ii) Persons for whom there has been a final determination of ineligibility based on age, blindness, or disability for federal supplemental security income benefits.

(c) Persons may receive aged, blind, or disabled assistance benefits and essential needs and housing program support under RCW 43.185C.220 concurrently while pending application for federal supplemental security income benefits. The monetary value of any aged, blind, or disabled assistance benefit that is subsequently duplicated by the person's receipt of supplemental security income for the same period shall be considered a debt due the state and shall by operation of law be subject to recovery through all available legal remedies.

(2) The pregnant women assistance program shall provide financial grants to persons who:

(a) Are not eligible to receive federal aid assistance other than basic food benefits or medical assistance; and

(b) Are pregnant and in need, based upon the current income and resource standards of the federal temporary assistance for needy families program,

but are ineligible for federal temporary assistance for needy families benefits for a reason other than failure to cooperate in program requirements; and

(c) Meet the eligibility requirements of subsection (3) of this section.

(3) To be eligible for the aged, blind, or disabled assistance program under subsection (1) of this section or the pregnant women assistance program under subsection (2) of this section, a person must:

(a) Be a citizen or alien lawfully admitted for permanent residence or otherwise residing in the United States under color of law, or be a victim of human trafficking as defined in RCW 74.04.005;

(b) Meet the income and resource standards described in RCW 74.04.805(1)(d) and (e);

(c) (i) Have furnished the department ((his or her)) with their social security number. If the social security number cannot be furnished because it has not been issued or is not known, an application for a number shall be made prior to authorization of benefits, and the social security number shall be provided to the department upon receipt;

(ii) This requirement does not apply to victims of human trafficking as defined in RCW 74.04.005 if they have not been issued a social security number;

(d) Not have refused or failed without good cause to participate in ((drug or alcohol)) substance use treatment if an assessment by a certified ((chemical dependency counselor)) substance use disorder professional indicates a need for such treatment. Good cause must be found to exist when a person's physical or mental condition, as determined by the department, prevents the person from participating in ((drug or alcohol dependency)) substance use treatment, when needed outpatient ((drug or alcohol)) treatment is not available to the person in the county of ((his or her)) their residence or when needed inpatient treatment is not available in a location that is reasonably accessible for the person; and

(e) Not have refused or failed to cooperate in obtaining federal aid assistance, without good cause.

(4) Referrals for essential needs and housing support under RCW 43.185C.220

shall be provided to persons found eligible under RCW 74.04.805.

(5) No person may be considered an eligible individual for benefits under this section with respect to any month if during that month the person:

(a) Is fleeing to avoid prosecution of, or to avoid custody or confinement for conviction of, a felony, or an attempt to commit a felony, under the laws of the state of Washington or the place from which the person flees; or

(b) Is violating a condition of probation, community supervision, or parole imposed under federal or state law for a felony or gross misdemeanor conviction.

(6) The department must share client data for individuals eligible for essential needs and housing support with the department of commerce and designated essential needs and housing support entities as required under RCW 43.185C.230.

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

On page 1, line 2 of the title, after "trafficking;" strike the remainder of the title and insert "amending RCW 74.04.805 and 74.62.030; and providing an effective date."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1748 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Entenman and Gilday spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1748, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1748, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Klippert.

HOUSE BILL NO. 1748, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 3, 2022

Madame Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1751 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28B.10.900 and 1993 c 514 s 1 are each amended to read as follows:

As used in RCW 28B.10.901 and 28B.10.902, "hazing" includes any ~~((method of))~~ act committed as part of a person's recruitment, initiation ((into)), pledging, admission into, or affiliation with a student organization, athletic team, or living group, or any pastime or amusement engaged in with respect to such an organization, athletic team, or living group that causes, or is likely to cause, bodily danger or physical harm, or serious ((mental)) psychological or emotional harm, to any student or other person attending a public or private institution of higher education or other postsecondary educational institution in this state, including causing, directing, coercing, or forcing a person to consume any food, liquid, alcohol, drug, or other substance which subjects the person to risk of such harm, regardless of the person's willingness to participate. "Hazing" does not include customary athletic

events or other similar contests or competitions.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28B.10 RCW to read as follows:

(1) Each public and private institution of higher education shall prohibit in its code of conduct hazing off campus as well as on campus.

(2) Beginning with the 2022 fall term, each public and private institution of higher education shall provide students with an educational program on hazing and the dangers of and prohibition on hazing, which shall include information regarding hazing awareness, prevention, intervention, and the institution's policy on hazing. The educational program may be offered in person or electronically. The institution must incorporate the educational program as part of new student orientation sessions. The educational program must be posted on each institution's public website for parents, legal guardians, and volunteers to view.

(3) Institutional materials on student rights and responsibilities given to student organizations, athletic teams, or living groups, either electronically or in hard copy form, shall include a statement on the institution's antihazing policy and on the dangers of hazing.

NEW SECTION. **Sec. 3.** A new section is added to chapter 28B.10 RCW to read as follows:

Each public institution of higher education shall establish a hazing prevention committee to promote and address hazing prevention. The committee shall have a minimum of six members including a designated chair appointed by the president of the institution. Fifty percent of the committee positions shall include students currently attending the higher education institution with at least one position filled by a student from a student organization, athletic team, or living group. The other fifty percent of the committee positions shall include at least one faculty or staff member and one parent or legal guardian of a student currently enrolled at the institution. Student input shall be considered for committee membership. A student who is a member of a student organization, athletic team, or living group that was affiliated with a finding of a hazing violation within the last

twelve months may not participate in or be a member of the hazing prevention committee.

NEW SECTION. **Sec. 4.** A new section is added to chapter 28B.10 RCW to read as follows:

(1) Beginning with the 2022-23 academic year, each public and private institution of higher education shall maintain and publicly report actual findings of violations by any student organization, athletic team, or living group of the public or private institution of higher education's code of conduct, antihazing policies, or state or federal laws relating to hazing or offenses related to alcohol, drugs, sexual assault, or physical assault.

(2) The report shall include the following:

(a) The name of the student organization, athletic team, or living group;

(b) The date the investigation was initiated;

(c) The date on which the investigation ended with a finding that a violation occurred;

(d) A description of the incident or incidents, including the date of the initial violation, and the violations, findings, and sanctions placed on the student organization, athletic team, or living group;

(e) The details of the sanction or sanctions imposed, including the beginning and end dates of the sanction or sanctions; and

(f) The date the student organization, athletic team, or living group was charged with a violation.

(3) Investigations that do not result in a finding of formal violations of the student code of conduct or state or federal law shall not be included in the report. The report shall not include any personal or identifying information of individual student members and shall be subject to the requirements of the federal family education rights and privacy act of 1974, 20 U.S.C. Sec. 1232g.

(4) Public and private institutions of higher education shall make reports under this section available on their websites in a prominent location clearly labeled

and easily accessible from the institution's website.

(5) Each public and private institution of higher education shall maintain reports as they are updated for five years and shall post them on their respective websites at least 45 calendar days before the start of each fall academic term and at least 10 days before the start of all other academic terms.

NEW SECTION. **Sec. 5.** A new section is added to chapter 28B.10 RCW to read as follows:

(1) Beginning in the 2022 fall academic term, each public and private institution of higher education shall provide hazing prevention education on the signs and dangers of hazing as well as the institution's prohibition on hazing to employees, including student employees, either in person or electronically. The prevention education shall be provided to employees at the beginning of each academic year and for new employees at the beginning of each academic term.

(2) If, as a result of observations or information received in the course of employment or volunteer service, any employee, including a student employee, or volunteer at a public or private institution of higher education has reasonable cause to believe that hazing has occurred, the employee or volunteer shall report the incident, or cause a report to be made, to a designated authority at the institution. The employee or volunteer shall make the report at the first opportunity to do so.

(3) "Reasonable cause" means a person who witnesses hazing or receives a credible written or oral report alleging hazing or potential or planned hazing activity.

(4) A person who witnesses hazing or has reasonable cause to believe hazing has occurred or will occur and makes a report in good faith may not be sanctioned or punished for the violation of hazing unless the person is directly engaged in the planning, directing, or act of hazing reported.

(5) Nothing in this section shall preclude a person from independently reporting hazing or suspected hazing activity to law enforcement.

(6) As used in this section, "employee" means a person who is

receiving wages from the institution of higher education and is in a position with direct ongoing contact with students in a supervisory role or position of authority. "Employee" does not include a person employed as medical staff or with an affiliated organization, entity, or extension of a postsecondary educational institution, unless the employee has a supervisory role or position of authority over students. "Employee" does not include confidential employees.

NEW SECTION. **Sec. 6.** A new section is added to chapter 28B.10 RCW to read as follows:

(1) Social fraternity and sorority organizations shall notify the public or private institution of higher education before chartering, rechartering, opening, or reopening a local chapter or operating at the public or private institution of higher education.

(2) Social fraternity and sorority organizations shall notify the public or private institution of higher education when the organization instigates an investigation of a local chapter at the public or private institution of higher education for hazing or other activity that includes an element of hazing, such as furnishing alcohol to minors. The organization shall provide the results of such investigation and a copy of the full findings report to the public or private institution of higher education's student conduct office.

(3) Beginning in the 2022 fall academic term, any local social fraternity or sorority chapter seeking to obtain or maintain registration with any public or private institution of higher education in the state must certify in writing and provide weblinks to that institution showing that the landing pages of all websites owned or maintained by the local chapter contain a full list for the previous five years of all findings of violations of antihazing policies, state or federal laws relating to hazing, alcohol, drugs, sexual assault, or physical assault, or the institution's code of conduct against the local chapter.

(4) Failure of a social fraternity or sorority organization to comply with subsections (1) through (3) of this section shall result in automatic loss of recognition until such time that the organization comes into compliance with those subsections.

NEW SECTION. **Sec. 7.** This act may be known and cited as the Sam's law act.

NEW SECTION. **Sec. 8.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28B.10.900; adding new sections to chapter 28B.10 RCW; and creating new sections."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1751 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Leavitt and Chambers spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1751, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1751, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Klippert.

SECOND SUBSTITUTE HOUSE BILL NO. 1751, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 3, 2022

Madame Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1799 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that landfills are a significant source of emissions of methane, a potent greenhouse gas. Among other economic and environmental benefits, the diversion of organic materials to productive uses will reduce methane emissions.

(2) In order to reduce methane emissions associated with organic materials, the legislature finds that it will be beneficial to improve a variety of aspects of how organic materials and organic material wastes are reduced, managed, incentivized, and regulated under state law. Therefore, it is the intent of the legislature to support the diversion of organic materials from landfills through a variety of interventions to support productive uses of organic material wastes, including by:

(a) Requiring some local governments to begin providing separated organic material collection services within their jurisdictions in order to increase volumes of organic materials collected and delivered to composting and other organic material management facilities and reduce the volumes of organic materials collected in conjunction with other solid waste and delivered to landfills;

(b) Requiring local governments to consider state organic material management goals and requirements in the development of their local solid waste plans;

(c) Requiring some businesses to manage their organic material wastes in a manner that does not involve landfilling them, in order to address one significant source of organic materials that currently frequently end up in landfills;

(d) Reducing legal liability risk barriers to the donation of edible food in order to encourage the recovery of foods that might otherwise be landfilled;

(e) Establishing the Washington center for sustainable food management within the department of ecology in order to coordinate and improve statewide food waste reduction and diversion efforts;

(f) Establishing various new funding and financial incentives intended to increase composting and other forms of productive organic materials management, helping to make the responsible management of organic materials more cost-competitive with landfilling of organic material wastes;

(g) Facilitating the siting of organic material management facilities in order to ensure that adequate capacity exists to process organic materials at the volumes necessary to achieve state organic material diversion goals;

(h) Encouraging cities and counties to procure more of the compost and finished products created from their organic material wastes in order to support the economic viability of processes to turn organic materials into finished products, and increasing the likelihood that composting and other responsible organic material management options are economically viable; and

(i) Amending standards related to the labeling of plastic and compostable products in order to reduce contamination of the waste streams handled by compost and organic material management facilities and improve the economic viability of those responsible organic material management options.

PART 1

State Targets and Organic Material Waste Collection Requirements

NEW SECTION. Sec. 101. A new section is added to chapter 70A.205 RCW to read as follows:

(1)(a) The state establishes a goal for the landfill disposal of organic materials at a level representing a 75 percent reduction by 2030 in the statewide disposal of organic material waste, relative to 2015 levels.

(b) The state establishes a goal that no less than 20 percent of the volume of edible food that was disposed of as of

2015 be recovered for human consumption by 2025.

(2) The provisions of subsection (1) of this section are in addition to the food waste reduction goals of RCW 70A.205.715(1).

NEW SECTION. Sec. 102. A new section is added to chapter 70A.205 RCW to read as follows:

(1) Beginning January 1, 2027, in each jurisdiction that implements a local solid waste plan under RCW 70A.205.040:

(a) Source-separated organic solid waste collection services must be provided at least every other week or at least 26 weeks annually to:

(i) All residents; and

(ii) Nonresidential customers that generate more than .25 cubic yard per week of organic materials for management; and

(b) All organic solid waste collected from residents and businesses under (a) of this subsection must be managed through organic materials management.

(2) A jurisdiction may charge and collect fees or rates for the services provided under subsection (1) of this section, consistent with the jurisdiction's authority to impose fees and rates under chapters 35.21, 35A.21, 36.58, and 36.58A RCW.

(3)(a) Except as provided in (d) of this subsection, the requirements of this section do not apply in a jurisdiction if the department determines that the following apply:

(i) The jurisdiction disposed of less than 5,000 tons of solid waste in the most recent year for which data is available;

(ii) The jurisdiction has a total population of less than 25,000 people; or

(iii) The jurisdiction has a total population between 25,000 and 50,000 people and curbside organic solid waste collection services are not offered in any area within the jurisdiction, as of July 1, 2022.

(b) The requirements of this section do not apply:

(i) In census tracts that have a population density of less than 75 people per square mile that are serviced by the jurisdiction and located in

unincorporated portions of a county, as determined by the department, in counties not planning under chapter 36.70A RCW; and

(ii) Outside of urban growth areas designated pursuant to RCW 36.70A.110 in unincorporated portions of a county planning under chapter 36.70A RCW.

(c) In addition to the exemptions in (a) and (b) of this subsection, the department may issue a renewable waiver to jurisdictions or portions of a jurisdiction under this subsection for up to five years, based on consideration of factors including the distance to organic materials management facilities, the sufficiency of the capacity to manage organic materials at facilities to which organic materials could feasibly and economically be delivered from the jurisdiction, and restrictions in the transport of organic materials under chapter 17.24 RCW. The department may adopt rules to specify the type of information that a waiver applicant must submit to the department and to specify the department's process for reviewing and approving waiver applications.

(d) Beginning January 1, 2030, the department may adopt a rule to require that the provisions of this section apply in the jurisdictions identified in (b) and (c) of this subsection, but only if the department determines that the goals established in section 101(1) of this act have not or will not be achieved.

(4) Any city that newly begins implementing an independent solid waste plan under RCW 70A.205.040 after July 1, 2022, must meet the requirements of subsection (1) of this section.

Sec. 103. RCW 70A.205.040 and 2010 c 154 s 2 are each amended to read as follows:

(1) Each county within the state, in cooperation with the various cities located within such county, shall prepare a coordinated, comprehensive solid waste management plan. Such plan may cover two or more counties. The purpose is to plan for solid waste and materials reduction, collection, and handling and management services and programs throughout the state, as designed to meet the unique needs of each county and city in the state. When updating a solid waste management plan developed under this chapter, after June 10, 2010, local comprehensive plans must consider and

plan for the following handling methods or services:

(a) Source separation of recyclable materials and products, organic materials, and wastes by generators;

(b) Collection of source separated materials;

(c) Handling and proper preparation of materials for reuse or recycling;

(d) Handling and proper preparation of organic materials for ((~~composting or anaerobic digestion~~) organic materials management; and

(e) Handling and proper disposal of nonrecyclable wastes.

(2) When updating a solid waste management plan developed under this chapter, after June 10, 2010, each local comprehensive plan must, at a minimum, consider methods that will be used to address the following:

(a) Construction and demolition waste for recycling or reuse;

(b) Organic material including yard debris, food waste, and food contaminated paper products for ((~~composting or anaerobic digestion~~) organic materials management;

(c) Recoverable paper products for recycling;

(d) Metals, glass, and plastics for recycling; and

(e) Waste reduction strategies.

(3)(a) When newly developing, updating, or amending a comprehensive solid waste management plan developed under this chapter, after July 1, 2024, each local comprehensive solid waste management plan must consider the transition to the requirements of section 102 of this act, and each comprehensive solid waste management plan implemented by a county must identify:

(i) The priority areas within the county for the establishment of organic materials management facilities. Priority areas must be in industrial zones, agricultural zones, or rural zones, and may not be located in overburdened communities identified by the department of ecology under chapter 70A.02 RCW. Priority areas should be designated with an attempt to minimize incompatible uses and potential impacts on residential areas; and

(ii) Organic materials management facility volumetric capacity required to manage the county's organic materials in a manner consistent with the goals of section 101 of this act.

(b) When newly developing, updating, or amending a comprehensive solid waste management plan developed under this chapter, after January 1, 2027, each local comprehensive solid waste management plan must be consistent with the requirements of section 102 of this act.

(c)(i) Notwithstanding (a) and (b) of this subsection, and except as provided in (c)(ii) of this subsection, a jurisdiction implementing a local comprehensive solid waste management plan under this chapter may not site the increase or expansion of any existing organic materials management facility that processed more than 200,000 tons of material, relative to 2019 levels.

(ii) The limitation in (c)(i) of this subsection does not apply to the siting of any anaerobic digester or anaerobic digestion facility.

(4) Each city shall:

(a) Prepare and deliver to the county auditor of the county in which it is located its plan for its own solid waste management for integration into the comprehensive county plan;

(b) Enter into an agreement with the county pursuant to which the city shall participate in preparing a joint city-county plan for solid waste management; or

(c) Authorize the county to prepare a plan for the city's solid waste management for inclusion in the comprehensive county plan.

~~((4))~~ (5) Two or more cities may prepare a plan for inclusion in the county plan. With prior notification of its home county of its intent, a city in one county may enter into an agreement with a city in an adjoining county, or with an adjoining county, or both, to prepare a joint plan for solid waste management to become part of the comprehensive plan of both counties.

~~((5))~~ (6) After consultation with representatives of the cities and counties, the department shall establish a schedule for the development of the comprehensive plans for solid waste management. In preparing such a schedule,

the department shall take into account the probable cost of such plans to the cities and counties.

~~((6))~~ (7) Local governments shall not be required to include a hazardous waste element in their solid waste management plans.

NEW SECTION. Sec. 104. (1) The department of ecology must contract with a third-party consultant to conduct a study of the adequacy of local government solid waste management funding, including options and recommendations to provide funding for solid waste programs in the future if significant statewide policy changes are enacted. The department must include the Washington association of county solid waste managers, the association of Washington cities, an association that represents the private sector solid waste industry, and other stakeholders in scoping the study and reviewing the consultant's findings and recommendations prior to submittal to the legislature.

(2) The study must include:

(a) Consideration for jurisdictional type, location, size, service level, and other relevant differences between cities and counties;

(b) A review and update of current funding types and levels available, and their rate of adoption;

(c) The funding needs to implement the solid waste core services model developed by the Washington association of county solid waste managers;

(d) Alternative funding models utilized by other publicly managed solid waste programs in other states or countries that may be relevant to Washington; and

(e) An evaluation of the impacts on solid waste funding resources available to cities and counties from statewide solid waste management policy proposals considered by the legislature or enacted in the last four years, including proposals to:

(i) Reduce the quantity of organic waste to landfills;

(ii) Manage products through product stewardship or extended producer responsibility programs;

(iii) Improve or install new or updated methane capture systems;

(iv) Increase postconsumer content requirements for materials collected in solid waste programs; and

(v) Other related proposals that may impact solid waste funding resources.

(3) The study must evaluate a range of forecasted fiscal impacts for each type of policy change on local government solid waste management programs, including:

(a) The level of service provided by local government;

(b) Costs to the local government;

(c) Existing revenue levels; and

(d) The need for additional revenue.

(4) The department must submit the report, including findings and any recommendations, to the appropriate committees of the legislature by July 1, 2023.

Sec. 105. RCW 70A.205.015 and 2020 c 20 s 1161 are each amended to read as follows:

~~((As used in this chapter, unless the context indicates otherwise:))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "City" means every incorporated city and town.

(2) "Commission" means the utilities and transportation commission.

(3) "Composted material" means organic solid waste that has been subjected to controlled aerobic degradation at a solid waste facility in compliance with the requirements of this chapter. Natural decay of organic solid waste under uncontrolled conditions does not result in composted material.

(4) "Department" means the department of ecology.

(5) "Director" means the director of the department of ecology.

(6) "Disposal site" means the location where any final treatment, utilization, processing, or deposit of solid waste occurs.

(7) "Energy recovery" means a process operating under federal and state environmental laws and regulations for converting solid waste into usable energy and for reducing the volume of solid waste.

(8) "Functional standards" means criteria for solid waste handling expressed in terms of expected performance or solid waste handling functions.

(9) "Incineration" means a process of reducing the volume of solid waste operating under federal and state environmental laws and regulations by use of an enclosed device using controlled flame combustion.

(10) "Inert waste landfill" means a landfill that receives only inert waste, as determined under RCW 70A.205.030, and includes facilities that use inert wastes as a component of fill.

(11) "Jurisdictional health department" means city, county, city-county, or district public health department.

(12) "Landfill" means a disposal facility or part of a facility at which solid waste is placed in or on land and which is not a land treatment facility.

(13) "Local government" means a city, town, or county.

(14) "Modify" means to substantially change the design or operational plans including, but not limited to, removal of a design element previously set forth in a permit application or the addition of a disposal or processing activity that is not approved in the permit.

(15) "Multiple-family residence" means any structure housing two or more dwelling units.

(16) "Person" means individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.

(17) "Recyclable materials" means those solid wastes that are separated for recycling or reuse, such as papers, metals, and glass, that are identified as recyclable material pursuant to a local comprehensive solid waste plan. Prior to the adoption of the local comprehensive solid waste plan, adopted pursuant to RCW 70A.205.075(2), local governments may identify recyclable materials by ordinance from July 23, 1989.

(18) "Recycling" means transforming or remanufacturing waste materials into usable or marketable materials for use

other than landfill disposal or incineration.

(19) "Residence" means the regular dwelling place of an individual or individuals.

(20) "Sewage sludge" means a semisolid substance consisting of settled sewage solids combined with varying amounts of water and dissolved materials, generated from a wastewater treatment system, that does not meet the requirements of chapter 70A.226 RCW.

(21) "Soil amendment" means any substance that is intended to improve the physical characteristics of the soil, except composted material, commercial fertilizers, agricultural liming agents, unmanipulated animal manures, unmanipulated vegetable manures, food wastes, food processing wastes, and materials exempted by rule of the department, such as biosolids as defined in chapter 70A.226 RCW and wastewater as regulated in chapter 90.48 RCW.

(22) "Solid waste" or "wastes" means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, and recyclable materials.

(23) "Solid waste handling" means the management, storage, collection, transportation, treatment, utilization, processing, and final disposal of solid wastes, including the recovery and recycling of materials from solid wastes, the recovery of energy resources from solid wastes or the conversion of the energy in solid wastes to more useful forms or combinations thereof.

(24) "Source separation" means the separation of different kinds of solid waste at the place where the waste originates.

(25) "Vehicle" includes every device physically capable of being moved upon a public or private highway, road, street, or watercourse and in, upon, or by which any person or property is or may be transported or drawn upon a public or private highway, road, street, or watercourse, except devices moved by human or animal power or used exclusively upon stationary rails or tracks.

(26) "Waste-derived soil amendment" means any soil amendment as defined in

this chapter that is derived from solid waste as defined in this section, but does not include biosolids or biosolids products regulated under chapter 70A.226 RCW or wastewaters regulated under chapter 90.48 RCW.

(27) "Waste reduction" means reducing the amount or toxicity of waste generated or reusing materials.

(28) "Yard debris" means plant material commonly created in the course of maintaining yards and gardens, and through horticulture, gardening, landscaping, or similar activities. Yard debris includes but is not limited to grass clippings, leaves, branches, brush, weeds, flowers, roots, windfall fruit, vegetable garden debris, holiday trees, and tree prunings four inches or less in diameter.

(29) (a) (i) "Organic materials" means any solid waste that is a biological substance of plant or animal origin capable of microbial degradation.

(ii) Organic materials include, but are not limited to, manure, yard debris, food waste, food processing waste, wood waste, and garden waste.

(b) "Organic materials" does not include any materials contaminated by herbicides, pesticides, pests, or other sources of chemical or biological contamination that would render a finished product of an organic material management process unsuitable for general public or agricultural use.

(30) "Organic materials management" means management of organic materials through composting, anaerobic digestion, vermiculture, black soldier fly, or similar technologies.

PART 2

Requirements for Organics Management by Businesses

NEW SECTION. Sec. 201. A new section is added to chapter 70A.205 RCW to read as follows:

(1) (a) Beginning July 1, 2023, and each July 1st thereafter, the department must determine which counties and any cities preparing independent solid waste management plans:

(i) Provide for businesses to be serviced by providers that collect food waste and organic material waste for delivery to solid waste facilities that provide for the organic materials

management of organic material waste and food waste; and

(ii) Are serviced by solid waste facilities that provide for the organic materials management of organic material waste and food waste and have capacity to accept increased volumes of organic materials deliveries.

(b)(i) The department must determine and designate that the restrictions of this section apply to businesses in a jurisdiction unless the department determines that the businesses in some or all portions of the city or county have:

(A) No available businesses that collect and deliver organic materials to solid waste facilities that provide for the organic materials management of organic material waste and food waste; or

(B) No available capacity at the solid waste facilities to which businesses that collect and deliver organic materials could feasibly and economically deliver organic materials from the jurisdiction.

(ii)(A) In the event that a county or city provides written notification to the department indicating that the criteria of (b)(i)(A) of this subsection are met, then the restrictions of this section apply only in those portions of the jurisdiction that have available service-providing businesses.

(B) In the event that a county or city provides written notification to the department indicating that the criteria of (b)(i)(B) of this subsection are met, then the restrictions of this section do not apply to the jurisdiction.

(c) The department must make the result of the annual determinations required under this section available on its website.

(d) The requirements of this section may be enforced by jurisdictional health departments consistent with this chapter, except that:

(i) A jurisdictional health department may not charge a fee to permit holders to cover the costs of the jurisdictional health department's administration or enforcement of the requirements of this section; and

(ii) Prior to issuing a penalty under this section, a jurisdictional health department must provide at least two written notices of noncompliance with the requirements of this section to the owner

or operator of a business subject to the requirements of this section.

(2)(a)(i) Beginning January 1, 2024, a business that generates at least eight cubic yards of organic material waste per week must arrange for organic materials management services specifically for organic material waste;

(ii) Beginning January 1, 2025, a business that generates at least four cubic yards of organic material waste per week must arrange for organic materials management services specifically for organic material waste; and

(iii) Beginning January 1, 2026, a business that generates at least four cubic yards of solid waste per week shall arrange for organic materials management services specifically for organic material waste, unless the department determines, by rule, that additional reductions in the landfilling of organic materials would be more appropriately and effectively achieved, at reasonable cost to regulated businesses, through the establishment of a different volumetric threshold of solid waste or organic material waste than the threshold of four cubic yards of solid waste per week.

(b) The following wastes do not count for purposes of determining waste volumes in (a) of this subsection:

(i) Wastes that are managed on-site by the generating business;

(ii) Wastes generated from the growth and harvest of food or fiber that are managed off-site by another business engaged in the growth and harvest of food or fiber;

(iii) Wastes that are managed by a business that enters into a voluntary agreement to sell or donate organic materials to another business for off-site use; and

(iv) Wastes generated in exceptional volumes as a result of a natural disaster or other infrequent and unpreventable event.

(3) A business may fulfill the requirements of this section by:

(a) Source separating organic material waste from other waste, subscribing to a service that includes organic material waste collection and organic materials management, and using such a service for organic material waste generated by the business;

(b) Managing its organic material waste on-site or self-hauling its own organic material waste for organic materials management;

(c) Qualifying for exclusion from the requirements of this section consistent with subsection (1)(b) of this section; or

(d) For a business engaged in the growth, harvest, or processing of food or fiber, entering into a voluntary agreement to sell or donate organic materials to another business for off-site use.

(4)(a) A business generating organic material waste shall arrange for any services required by this section in a manner that is consistent with state and local laws and requirements applicable to the collection, handling, or recycling of solid and organic material waste.

(b) Nothing in this section requires a business to dispose of materials in a manner that conflicts with federal or state public health or safety requirements. Nothing in this section requires businesses to dispose of wastes generated in exceptional volumes as a result of a natural disaster or other infrequent and unpreventable event through the options established in subsection (3) of this section.

(5) When arranging for gardening or landscaping services, the contract or work agreement between a business subject to this section and a gardening or landscaping service must require that the organic material waste generated by those services be managed in compliance with this chapter.

(6)(a) This section does not limit the authority of a local governmental agency to adopt, implement, or enforce a local organic material waste recycling requirement, or a condition imposed upon a self-hauler, that is more stringent or comprehensive than the requirements of this chapter.

(b) This section does not modify, limit, or abrogate in any manner any of the following:

(i) A franchise granted or extended by a city, county, city and county, or other local governmental agency;

(ii) A contract, license, certificate, or permit to collect solid waste previously granted or extended by a city,

county, city and county, or other local governmental agency;

(iii) The right of a business to sell or donate its organic materials; and

(iv) A certificate of convenience and necessity issued to a solid waste collection company under chapter 81.77 RCW.

(c) Nothing in this section modifies, limits, or abrogates the authority of a local jurisdiction with respect to land use, zoning, or facility siting decisions by or within that local jurisdiction.

(d) Nothing in this section changes or limits the authority of the Washington utilities and transportation commission to regulate collection of solid waste, including curbside collection of residential recyclable materials, nor does this section change or limit the authority of a city or town to provide the service itself or by contract under RCW 81.77.020.

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

(a)(i) "Business" means a commercial or public entity including, but not limited to, a firm, partnership, proprietorship, joint stock company, corporation, or association that is organized as a for-profit or nonprofit entity.

(ii) "Business" does not include a multifamily residential entity.

(b) "Food waste" has the same meaning as defined in RCW 70A.205.715.

PART 3

Updates to the Washington Good Samaritan Act

Sec. 301. RCW 69.80.031 and 1994 c 299 s 36 are each amended to read as follows:

(1) This section may be cited as the "good samaritan food donation act."

(2) ~~((As used in this section))~~ The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Apparently fit grocery product" means a grocery product that meets ~~((all quality and))~~ safety and safety-related labeling standards imposed by federal, state, and local laws and regulations even though the product may not be

readily marketable due to appearance, age, freshness, grade, size, surplus, passage of a date on a date label other than a safety or safety-related labeling of a date, or other conditions.

(b) "Apparently wholesome food" means food that meets ~~((all quality and))~~ safety and safety-related labeling standards imposed by federal, state, and local laws and regulations even though the food may not be readily marketable due to appearance, age, freshness, grade, size, surplus, passage of a date on a date label other than a safety or safety-related labeling of a date, or other conditions.

(c) "Donate" means to give without requiring anything of monetary value from the recipient, except that the term shall include giving by a nonprofit organization to another nonprofit organization, notwithstanding that the donor organization has charged a nominal fee to the donee organization, if the ultimate recipient or user is not required to give anything of monetary value.

(d) "Food" means a raw, cooked, processed, or prepared edible substance, ice, beverage, or ingredient used or intended for use in whole or in part for human consumption.

(e) "Gleaner" means a person who harvests for free distribution to the needy, or for donation to a nonprofit organization for ultimate distribution to the needy, an agricultural crop that has been donated by the owner.

(f) "Grocery product" means a nonfood grocery product, including a disposable paper or plastic product, household cleaning product, laundry detergent, cleaning product, or miscellaneous household item.

(g) "Gross negligence" means voluntary and conscious conduct by a person with knowledge, at the time of the conduct, that the conduct is likely to be harmful to the health or well-being of another person.

(h) "Intentional misconduct" means conduct by a person with knowledge, at the time of the conduct, that the conduct is harmful to the health or well-being of another person.

(i) "Nonprofit organization" means an incorporated or unincorporated entity that:

(i) Is operating for religious, charitable, or educational purposes; and

(ii) Does not provide net earnings to, or operate in any other manner that inures to the benefit of, any officer, employee, or shareholder of the entity.

(j) "Person" means an individual, corporation, partnership, organization, association, or governmental entity, including a retail grocer, wholesaler, hotel, motel, manufacturer, restaurant, caterer, farmer, and nonprofit food distributor or hospital. In the case of a corporation, partnership, organization, association, or governmental entity, the term includes an officer, director, partner, deacon, trustee, councilmember, or other elected or appointed individual responsible for the governance of the entity.

(k) "Qualified direct donor" means any person required to obtain a food establishment permit under chapter 246-215 WAC, as it existed as of January 1, 2022, including a retail grocer, wholesaler, agricultural producer, restaurant, caterer, school food authority, or institution of higher education as defined in RCW 28B.10.016.

(1)(i) "Safety and safety-related labeling" means a marking intended to communicate information to a consumer related to a food product's safety. "Safety and safety-related labeling" includes any marking that federal or state law requires to be affixed to a food product including, but not limited to, markings placed on infant formula consistent with 21 C.F.R. Sec. 107.20, as that regulation existed as of January 1, 2021.

(ii) "Safety and safety-related labeling" does not include a pull date required to be placed on perishable packaged food under RCW 15.130.300 or a "best by," "best if used by," "use by," or "sell by" date or similarly phrased date intended to communicate information to a consumer regarding the freshness or quality of a food product.

(3)(a) A person or gleaner is not subject to civil or criminal liability arising from the nature, age, packaging, or condition of apparently wholesome food or an apparently fit grocery product that the person or gleaner donates in good faith to a nonprofit organization for ultimate distribution to needy individuals, except that this subsection does not apply to an injury to or death

of an ultimate user or recipient of the food or grocery product that results from an act or omission of the donor constituting gross negligence or intentional misconduct.

(b) A qualified direct donor may donate food directly to end recipients for consumption. A qualified direct donor is not subject to civil or criminal liability arising from the nature, age, packaging, or condition of apparently wholesome food or an apparently fit grocery product that the qualified direct donor donates in good faith to a needy individual. The donation of nonperishable food that is fit for human consumption, but that has exceeded the labeled shelf-life date recommended by the manufacturer, is an activity covered by the exclusion from civil or criminal liability under this section.

(c) The donation of perishable food that is fit for human consumption, but that has exceeded the labeled shelf-life date recommended by the manufacturer, is an activity covered by the exclusion from civil or criminal liability under this section if the person that distributes the food to the end recipient makes a good faith evaluation that the food to be donated is wholesome.

(4) A person who allows the collection or gleaning of donations on property owned or occupied by the person by gleaners, or paid or unpaid representatives of a nonprofit organization, for ultimate distribution to needy individuals is not subject to civil or criminal liability that arises due to the injury or death of the gleaner or representative, except that this subsection does not apply to an injury or death that results from an act or omission of the person constituting gross negligence or intentional misconduct.

(5) If some or all of the donated food and grocery products do not meet ~~((all~~ safety and safety-related labeling standards imposed by federal, state, and local laws and regulations, the person or gleaner who donates the food and grocery products is not subject to civil or criminal liability in accordance with this section if the nonprofit organization or other end recipient that receives the donated food or grocery products:

(a) Is informed by the donor of the distressed or defective condition of the donated food or grocery products;

(b) Agrees to recondition the donated food or grocery products to comply with all the ~~((quality and))~~ safety and safety-related labeling standards prior to distribution; and

(c) Is knowledgeable of the standards to properly recondition the donated food or grocery product.

(6) This section may not be construed to create liability.

PART 4

Washington Center for Sustainable Food Management

NEW SECTION. **Sec. 401.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Center" means the Washington center for sustainable food management.

(2) "Department" means the department of ecology.

(3) "Organic material" has the same definition as provided in RCW 70A.205.015.

(4) "Plan" means the use food well Washington plan developed under RCW 70A.205.715.

NEW SECTION. **Sec. 402.** (1) The Washington center for sustainable food management is established within the department, to begin operations by January 1, 2024.

(2) The purpose of the center is to help coordinate statewide food waste reduction.

(3) The center may perform the following activities:

(a) Coordinate the implementation of the plan;

(b) Draft plan updates and measure progress towards actions, strategies, and the statewide goals established in section 101 of this act and RCW 70A.205.715(1);

(c) Maintain a website with current food waste reduction information and guidance for food service establishments, consumers, food processors, hunger relief organizations, and other sources of food waste;

(d) Provide staff support to multistate food waste reduction initiatives in which the state is participating;

(e) Maintain the consistency of the plan and other food waste reduction activities with the work of the Washington state conservation commission's food policy forum;

(f) Facilitate and coordinate public-private and nonprofit partnerships focused on food waste reduction, including through voluntary working groups;

(g) Collaborate with federal, state, and local government partners on food waste reduction initiatives;

(h) Develop and maintain maps or lists of locations of the food systems of Washington that identify food flows, where waste occurs, and opportunities to prevent food waste;

(i)(i) Collect and maintain data on food waste and wasted food in a manner that is generally consistent with the methods of collecting and maintaining such data used by federal agencies or in other jurisdictions, or both, to the greatest extent practicable;

(ii) Develop measurement methodologies and tools to uniformly track food donation data, food waste prevention data, and associated climate impacts resultant from food waste reduction efforts;

(j) Research and develop emerging organic materials and food waste reduction markets;

(k)(i) Develop and maintain statewide food waste reduction and food waste contamination reduction campaigns, in consultation with other state agencies and other stakeholders, including the development of waste prevention and food waste recovery promotional materials for distribution. These promotional materials may include online information, newsletters, bulletins, or handouts that inform food service establishment operators about the protections from civil and criminal liability under federal law and under RCW 69.80.031 when donating food; and

(ii) Develop guidance to support the distribution of promotional materials, including distribution by:

(A) Local health officers, at no cost to regulated food service establishments, including as part of normal, routine inspections of food service establishments; and

(B) State agencies, including the department of health and the department of agriculture, in conjunction with their statutory roles and responsibilities in regulating, monitoring, and supporting safe food supply chains and systems;

(1) Distribute and monitor grants dedicated to food waste prevention, rescue, and recovery; and

(m) Research and provide education, outreach, and technical assistance to local governments in support of the adoption of solid waste ordinances or policies that establish a financial disincentive for the generation of organic waste and for the ultimate disposal of organic materials in landfills.

(4) The department may enter into an interagency agreement with the department of health, the department of agriculture, or other state agencies as necessary to fulfill the responsibilities of the center.

(5) The department may adopt any rules necessary to implement this chapter including, but not limited to, measures for the center's performance.

NEW SECTION. **Sec. 403.** A new section is added to chapter 70A.205 RCW to read as follows:

(1) In order to obtain data as necessary to support the goals of the Washington center for sustainable food management created in section 402 of this act and to achieve the goals of RCW 70A.205.715(1), the department may establish a voluntary reporting protocol for the receipt of reports by businesses that donate food under RCW 69.80.031 and recipients of the donated food, and may encourage the use of this voluntary reporting protocol by the businesses and recipients. The department may also request that a donating business or recipient of donated food provide information to the department regarding the volumes, types, and timing of food managed by the donating facility or business, and food waste and wasted food generated by the donating facility or business. To the extent practicable, the department must seek to obtain information under this section in a manner compatible with any information reported to the department of agriculture under RCW 43.23.290, and in a manner that minimizes the reporting and information-provision burdens of donating businesses and recipients.

(2) For the purposes of this subsection, "food waste" and "wasted food" have the same meaning as defined in RCW 70A.205.715.

Sec. 404. RCW 69.80.040 and 1983 c 241 s 4 are each amended to read as follows:

The department of agriculture shall maintain an information and referral service for persons and organizations that have notified the department of their desire to participate in the food donation program under this chapter. The department must coordinate with the department of ecology to ensure that the information and referral service required under this section is implemented in a manner consistent with the activities of sections 402 and 403 of this act.

NEW SECTION. Sec. 405. (1) By January 1, 2025, and in consultation with the office of the attorney general, the department must research and adopt several model ordinances for optional use by counties and cities that provide for model mechanisms for commercial solid waste collection and disposal that are designed, in part, to establish a financial disincentive or other disincentives for the generation of organic waste and for the ultimate disposal of organic materials in landfills. The model ordinances must be designed to provide options that might be preferred by jurisdictions of different sizes and consider other key criteria applicable to local solid waste management circumstances.

(2)(a) The department must review the model ordinances created in this section under the provisions of chapter 43.21C RCW.

(b) A county or city that adopts a model ordinance created by the department under this section and that has been reviewed by the department under the provisions of chapter 43.21C RCW is not required to review the ordinance under the provisions of chapter 43.21C RCW.

(3) No city, town, or county is required to adopt the model ordinances created in this section.

NEW SECTION. Sec. 406. A new section is added to chapter 43.21C RCW to read as follows:

Amendments to regulations and other nonproject actions taken by a city or

county to adopt or implement the model ordinance created by the department under section 405 of this act is not subject to the requirements of this chapter.

PART 5

Funding and Incentives for Methane Emissions Reduction Activities Associated with Organic Materials Management

Sec. 501. RCW 89.08.615 and 2020 c 351 s 3 are each amended to read as follows:

(1) The commission shall develop a sustainable farms and fields grant program in consultation with the department of agriculture, Washington State University, and the United States department of agriculture natural resources conservation service.

(2) As funding allows, the commission shall distribute funds, as appropriate, to conservation districts and other public entities to help implement the projects approved by the commission.

(3) No more than (~~fifteen~~) 15 percent of the funds may be used by the commission to develop, or to consult or contract with private or public entities, such as universities or conservation districts, to develop:

(a) An educational public awareness campaign and outreach about the sustainable farm and field program; or

(b) The grant program, including the production of analytical tools, measurement estimation and verification methods, cost-benefit measurements, and public reporting methods.

(4) No more than five percent of the funds may be used by the commission to cover the administrative costs of the program.

(5) No more than (~~twenty~~) 20 percent of the funds may be awarded to any single grant applicant.

(6) Allowable uses of grant funds include:

(a) Annual payments to enrolled participants for successfully delivered carbon storage or reduction;

(b) Up-front payments for contracted carbon storage;

(c) Down payments on equipment;

(d) Purchases of equipment;

(e) Purchase of seed, seedlings, spores, animal feed, and amendments;

(f) Services to landowners, such as the development of site-specific conservation plans to increase soil organic levels or to increase usage of precision agricultural practices, or design and implementation of best management practices to reduce livestock emissions; ~~(and)~~

(g) The purchase of compost spreading equipment, or financial assistance to farmers to purchase compost spreading equipment, for the annual use for at least three years of volumes of compost determined by the commission to be significant from materials composted at a site that is not owned or operated by the farmer;

(h) Scientific studies to evaluate and quantify the greenhouse gas emissions avoided as a result of using crop residues as a biofuel feedstock or to identify management practices that increase the greenhouse gas emissions avoided as a result of using crop residues as a biofuel feedstock;

(i) Efforts to support the farm use of anaerobic digester digestate, including scientific studies, education and outreach to farmers, and the purchase or lease of digestate spreading equipment; and

(j) Other equipment purchases or financial assistance deemed appropriate by the commission to fulfill the intent of RCW 89.08.610 through 89.08.635.

(7) Grant applications are eligible for costs associated with technical assistance.

(8) Conservation districts and other public entities may apply for a single grant from the commission that serves multiple farmers.

(9) Grant applicants may apply to share equipment purchased with grant funds. Applicants for equipment purchase grants issued under this grant program may be farm, ranch, or aquaculture operations coordinating as individual businesses or as formal cooperative ventures serving farm, ranch, or aquaculture operations. Conservation districts, separately or jointly, may also apply for grant funds to operate an equipment sharing program.

(10) No contract for carbon storage or changes to management practices may

exceed ~~((twenty-five))~~ 25 years. Grant contracts that include up-front payments for future benefits must be conditioned to include penalties for default due to negligence on the part of the recipient.

(11) The commission shall attempt to achieve a geographically fair distribution of funds across a broad group of crop types, soil management practices, and farm sizes.

(12) Any applications involving state lands leased from the department of natural resources must include the department's approval.

NEW SECTION. Sec. 502. A new section is added to chapter 15.04 RCW to read as follows:

(1) (a) Subject to the availability of amounts appropriated for this specific purpose, the department must establish and implement a compost reimbursement program to reimburse farming operations in the state for purchasing and using compost products that were not generated by the farming operation, including transportation, spreading equipment, labor, fuel, and maintenance costs associated with spreading equipment. The grant reimbursements under the program begin July 1, 2023.

(b) For the purposes of this program, "farming operation" means: A commercial agricultural, silvicultural, or aquacultural facility or pursuit, including the care and production of livestock and livestock products, poultry and poultry products, apiary products, and plant and animal production for nonfood uses; the planting, cultivating, harvesting, and processing of crops; and the farming or ranching of any plant or animal species in a controlled salt, brackish, or freshwater environment.

(2) To be eligible to participate in the reimbursement program, a farming operation must complete an eligibility review with the department prior to transporting or applying any compost products for which reimbursement is sought under this section. The purpose of the review is for the department to ensure that the proposed transport and application of compost products is consistent with the department's agricultural pest control rules established under chapter 17.24 RCW. A farming operation must also verify that it will allow soil sampling to be conducted by the department upon request

before compost application and until at least 10 years after the last grant funding is used by the farming operation, as necessary to establish a baseline of soil quality and carbon storage and for subsequent department evaluations to assist the department's reporting requirements under subsection (8) of this section.

(3) The department must create a form for eligible farming operations to apply for cost reimbursement for costs from purchasing and using compost from facilities with solid waste handling permits, including transportation, equipment, spreading, and labor costs. All applications for cost reimbursement must be submitted on the form along with invoices, receipts, or other documentation acceptable to the department of the costs of purchasing and using compost products for which the applicant is requesting reimbursement, as well as a brief description of what each purchased item will be used for. The department may request that an applicant provide information to verify the source, size, sale weight, or amount of compost products purchased and the cost of transportation, equipment, spreading, and labor. The applicant must also declare that it is not seeking reimbursement for purchase or labor costs for:

(a) Its own compost products; or

(b) Compost products that it has transferred, or intends to transfer, to another individual or entity, whether or not for compensation.

(4) A farming operation may submit only one application per fiscal year in which the program is in effect for purchases made and usage costs incurred during the fiscal year that begins on July 1st and ends on June 30th. Applications for reimbursement must be filed before the end of the fiscal year in which purchases were made and usage costs incurred.

(5) The department must distribute reimbursement funds, subject to the following limitations:

(a) A farming operation is not eligible to receive reimbursement if the farming operation's application was not found eligible for reimbursement by the department under subsection (2) of this section prior to the transport or use of compost;

(b) A farming operation is not eligible to receive reimbursement for more than 50 percent of the costs it incurs each fiscal year for the purchase and use of compost products, including transportation, equipment, spreading, and labor costs;

(c) A farming operation is not eligible to receive more than \$10,000 per fiscal year;

(d) A farming operation is not eligible to receive reimbursement for its own compost products or compost products that it has transferred, or intends to transfer, to another individual or entity, whether or not for compensation; and

(e) A farming operation is not eligible to receive reimbursement for compost products that were not purchased from a facility with a solid waste handling permit.

(6) The applicant shall indemnify and hold harmless the state and its officers, agents, and employees from all claims arising out of or resulting from the compost products purchased that are subject to the compost reimbursement program under this section.

(7) There is established within the department a compost reimbursement program manager position. The compost reimbursement program manager must possess knowledge and expertise in the area of program management necessary to carry out the duties of the position, which are to:

(a) Facilitate the division and distribution of available costs for reimbursement; and

(b) Manage the day-to-day coordination of the compost reimbursement program.

(8) In compliance with RCW 43.01.036, the department must submit an annual report to the appropriate committees of the legislature by January 15th of each year of the program in which grants have been issued or completed. The report must include:

(a) The amount of compost for which reimbursement was sought under the program;

(b) The qualitative or quantitative effects of the program on soil quality and carbon storage; and

(c) A periodically updated evaluation of the benefits and costs to the state of

expanding or furthering the strategies promoted in the program.

Sec. 503. RCW 43.155.020 and 2017 3rd sp.s. c 10 s 2 are each amended to read as follows:

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

(1) "Board" means the public works board created in RCW 43.155.030.

(2) "Capital facility plan" means a capital facility plan required by the growth management act under chapter 36.70A RCW or, for local governments not fully planning under the growth management act, a plan required by the public works board.

(3) "Department" means the department of commerce.

(4) "Financing guarantees" means the pledge of money in the public works assistance account, or money to be received by the public works assistance account, to the repayment of all or a portion of the principal of or interest on obligations issued by local governments to finance public works projects.

(5) "Local governments" means cities, towns, counties, special purpose districts, and any other municipal corporations or quasi-municipal corporations in the state excluding school districts and port districts.

(6) "Public works project" means a project of a local government for the planning, acquisition, construction, repair, reconstruction, replacement, rehabilitation, or improvement of streets and roads, bridges, water systems, or storm and sanitary sewage systems, lead remediation of drinking water systems, and solid waste facilities, including recycling facilities and composting and other organic materials management facilities. A planning project may include the compilation of biological, hydrological, or other data on a county, drainage basin, or region necessary to develop a base of information for a capital facility plan.

(7) "Solid waste or recycling project" means remedial actions necessary to bring abandoned or closed landfills into compliance with regulatory requirements and the repair, restoration, and replacement of existing solid waste

transfer, recycling facilities, and landfill projects limited to the opening of landfill cells that are in existing and permitted landfills.

(8) "Technical assistance" means training and other services provided to local governments to: (a) Help such local governments plan, apply, and qualify for loans, grants, and financing guarantees from the board, and (b) help local governments improve their ability to plan for, finance, acquire, construct, repair, replace, rehabilitate, and maintain public facilities.

(9) "Value planning" means a uniform approach to assist in decision making through systematic evaluation of potential alternatives to solving an identified problem.

PART 6

Organic Materials Management Facility Siting

Sec. 601. RCW 36.70.330 and 1985 c 126 s 3 are each amended to read as follows:

The comprehensive plan shall consist of a map or maps, and descriptive text covering objectives, principles and standards used to develop it, and shall include each of the following elements:

(1) A land use element which designates the proposed general distribution and general location and extent of the uses of land for agriculture, housing, commerce, industry, recreation, education, public buildings and lands, and other categories of public and private use of land, including a statement of the standards of population density and building intensity recommended for the various areas in the jurisdiction and estimates of future population growth in the area covered by the comprehensive plan, all correlated with the land use element of the comprehensive plan. The land use element shall also provide for protection of the quality and quantity of groundwater used for public water supplies and shall review drainage, flooding, and stormwater runoff in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute Puget Sound or waters entering Puget Sound. Development regulations to implement comprehensive plans under this chapter that are newly developed, updated, or amended after January 1,

2025, must allow for the siting of organic materials management facilities in the areas identified in RCW 70A.205.040(3)(a)(i) to the extent necessary to provide for the establishment of the organic materials management volumetric capacity identified under RCW 70A.205.040(3)(a)(ii);

(2) A circulation element consisting of the general location, alignment and extent of major thoroughfares, major transportation routes, trunk utility lines, and major terminal facilities, all of which shall be correlated with the land use element of the comprehensive plan;

(3) Any supporting maps, diagrams, charts, descriptive material and reports necessary to explain and supplement the above elements.

NEW SECTION. Sec. 602. A new section is added to chapter 36.70A RCW to read as follows:

Development regulations to implement comprehensive plans under this chapter that are newly developed, updated, or amended after January 1, 2025, must allow for the siting of organic materials management facilities in the areas identified in RCW 70A.205.040(3)(a)(i) to the extent necessary to provide for the establishment of the organic materials management volumetric capacity identified under RCW 70A.205.040(3)(a)(ii).

NEW SECTION. Sec. 603. A new section is added to chapter 35.63 RCW to read as follows:

For cities not planning under RCW 36.70A.040, development regulations to implement comprehensive plans under RCW 35.63.100 that are newly developed, updated, or amended after January 1, 2025, must allow for the siting of organic materials management facilities in the areas identified by the county in which the city is located under RCW 70A.205.040(3)(a)(i) to the extent necessary to provide for the establishment of the organic materials management volumetric capacity identified under RCW 70A.205.040(3)(a)(ii).

NEW SECTION. Sec. 604. A new section is added to chapter 35A.63 RCW to read as follows:

For cities not planning under RCW 36.70A.040, development regulations to implement comprehensive plans required under RCW 35A.63.060 that are newly developed, updated, or amended after January 1, 2025, must allow for the siting of organic materials management facilities in the areas identified by the county in which the city is located under RCW 70A.205.040(3)(a)(i) to the extent necessary to provide for the establishment of the organic materials management volumetric capacity identified under RCW 70A.205.040(3)(a)(ii).

PART 7

Organic Materials Procurement

NEW SECTION. Sec. 701. A new section is added to chapter 43.19A RCW to read as follows:

(1) By January 1, 2023, the following cities or counties shall adopt a compost procurement ordinance to implement RCW 43.19A.120:

(a) Each city or county with a population greater than 25,000 residents as measured by the office of financial management using the most recent population data available; and

(b) Each city or county in which organic material collection services are provided under chapter 70A.205 RCW.

(2) A city or county that newly exceeds a population of 25,000 residents after January 1, 2023, as measured by the office of financial management, must adopt an ordinance under this subsection no later than 12 months after the office of financial management's determination that the local government's population has exceeded 25,000.

(3) In developing a compost procurement ordinance, each city and county shall plan for the use of compost in the following categories:

(a) Landscaping projects;

(b) Construction and postconstruction soil amendments;

(c) Applications to prevent erosion, filter stormwater runoff, promote vegetation growth, or improve the stability and longevity of roadways; and

(d) Low-impact development and green infrastructure to filter pollutants or keep water on-site, or both.

(4) Each city or county that adopts an ordinance under subsection (1) or (2) of this section must develop strategies to inform residents about the value of compost and how the jurisdiction uses compost in its operations in the jurisdiction's comprehensive solid waste management plan pursuant to RCW 70A.205.045.

(5) By December 31, 2024, and each December 31st of even-numbered years thereafter, each city or county that adopts an ordinance under subsection (1) or (2) of this section must submit a report covering the previous year's compost procurement activities to the department of ecology that contains the following information:

(a) The total tons of organic material diverted throughout the year;

(b) The volume and cost of compost purchased throughout the year; and

(c) The source or sources of the compost.

(6) Cities and counties that are required to adopt an ordinance under subsection (1) or (2) of this section shall give priority to purchasing compost products from companies that produce compost products locally, are certified by a nationally recognized organization, and produce compost products that are derived from municipal solid waste compost programs and meet quality standards comparable to standards adopted by the department of transportation or adopted by rule by the department of ecology.

(7) Cities and counties may enter into collective purchasing agreements if doing so is more cost-effective or efficient.

(8) Nothing in this section requires a compost processor to:

(a) Enter into a purchasing agreement with a city or county;

(b) Sell finished compost to meet this requirement; or

(c) Accept or process food waste or compostable products.

Sec. 702. RCW 39.30.040 and 2013 c 24 s 1 are each amended to read as follows:

(1) Whenever a unit of local government is required to make purchases from the lowest bidder or from the supplier offering the lowest price for

the items desired to be purchased, the unit of local government may, at its option when awarding a purchase contract, take into consideration tax revenue it would receive from purchasing the supplies, materials, or equipment from a supplier located within its boundaries. The unit of local government must award the purchase contract to the lowest bidder after such tax revenue has been considered. However, any local government may allow for preferential purchase of products made from recycled materials or products that may be recycled or reused. Any local government may allow for preferential purchase of compost to meet the requirements of RCW 43.19A.120. Any unit of local government which considers tax revenue it would receive from the imposition of taxes upon a supplier located within its boundaries must also consider tax revenue it would receive from taxes it imposes upon a supplier located outside its boundaries.

(2) A unit of local government may award a contract to a bidder submitting the lowest bid before taxes are applied. The unit of local government must provide notice of its intent to award a contract based on this method prior to bids being submitted. For the purposes of this subsection (2), "taxes" means only those taxes that are included in "tax revenue" as defined in this section.

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

(a) "Tax revenue" means sales taxes that units of local government impose upon the sale of supplies, materials, or equipment from the supplier to units of local government, and business and occupation taxes that units of local government impose upon the supplier that are measured by the gross receipts of the supplier from the sale.

(b) "Unit of local government" means any county, city, town, metropolitan municipal corporation, public transit benefit area, county transportation authority, or other municipal or quasi-municipal corporation authorized to impose sales and use taxes or business and occupation taxes.

NEW SECTION. **Sec. 703.** A new section is added to chapter 43.19A RCW to read as follows:

A contract by a local government or state agency must require the use of compost products to the maximum extent

economically feasible to meet the requirements established in RCW 43.19A.120.

PART 8

Product Degradability Labeling

Sec. 801. RCW 70A.455.010 and 2019 c 265 s 1 are each amended to read as follows:

(1) The legislature finds and declares that it is the public policy of the state that:

(a) Environmental marketing claims for plastic products, whether implicit or implied, should adhere to uniform and recognized standards for "compostability" and "biodegradability," since misleading, confusing, and deceptive labeling can negatively impact local composting programs and compost processors. Plastic products marketed as being "compostable" should be readily and easily identifiable as meeting these standards;

(b) Legitimate and responsible packaging and plastic product manufacturers are already properly labeling their compostable products, but many manufacturers are not. Not all compost facilities and their associated processing technologies accept or are required to accept compostable packaging as feedstocks. However, implementing a standardized system and test methods may create the ability for them to take these products in the future.

(2) Therefore, it is the intent of the legislature to authorize the ~~((state's attorney general and local governments))~~ department of ecology, cities, and counties to pursue false or misleading environmental claims and "greenwashing" for plastic products claiming to be "compostable" or "biodegradable" when in fact they are not.

Sec. 802. RCW 70A.455.020 and 2019 c 265 s 2 are each amended to read as follows:

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

(1) "ASTM" means the American society for testing and materials.

(2) "Biodegradable mulch film" means film plastic used as a technical tool in commercial farming applications that biodegrades in soil after being used, and:

(a) The film product fulfills plant growth and regulated metals requirements of ASTM D6400; and

(b)(i) Meets the requirements of Vincotte's "OK Biodegradable Soil" certification scheme, as that certification existed as of January 1, 2019;

(ii) At ambient temperatures and in soil, shows at least ~~((ninety))~~ 90 percent biodegradation absolute or relative to microcrystalline cellulose in less than two years' time, tested according to ISO 17556 or ASTM 5988 standard test methods, as those test methods existed as of January 1, 2019; or

(iii) Meets the requirements of EN 17033 "plastics-biodegradable mulch films for use in agriculture and horticulture" as it existed on January 1, 2019.

(3) "Federal trade commission guides" means the United States federal trade commission's guides for the use of environmental marketing claims (Part 260, commencing at section 260.1), compostability claims, including section 260.8, and degradation claims (subchapter B of chapter I of Title 16 of the Code of Federal Regulations), as those guides existed as of January 1, 2019.

(4) "Film product" means a bag, sack, wrap, or other sheet film product.

(5) "Food service product" ~~((means a product including, but not limited to, containers, plates, bowls, cups, lids, meat trays, straws, deli rounds, cocktail picks, splash sticks, condiment packaging, clam shells and other hinged or lidded containers, sandwich wrap, utensils, sachets, portion cups, and other food service products that are intended for one-time use and used for food or drink offered for sale or use))~~ has the same meaning as defined in RCW 70A.245.010.

~~((("Manufacturer" means a person, firm, association, partnership, or corporation that produces a product.~~

~~(-7-))~~ "Person" means individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.

~~((+9))~~ (7) "Plastic food packaging and food service products" means food

packaging and food service products that is composed of:

(a) Plastic; or

(b) Fiber or paper with a plastic coating, window, component, or additive.

~~((9))~~ (8) "Plastic product" means a product made of plastic, whether alone or in combination with another material including, but not limited to, paperboard. A plastic product includes, but is not limited to, any of the following:

(a) A product or part of a product that is used, bought, or leased for use by a person for any purpose;

(b) A package or a packaging component including, but not limited to, packaging peanuts;

(c) A film product; or

(d) Plastic food packaging and food service products.

~~((10))~~ (9) "Standard specification" means either:

(a) ASTM D6400 - standard specification labeling of plastics designed to be aerobically composted in municipal or industrial facilities, as it existed as of January 1, 2019; or

(b) ASTM D6868 - standard specification for labeling of end items that incorporate plastics and polymers as coatings or additives with paper and other substrates designed to be aerobically composted in municipal or industrial facilities, as it existed as of January 1, 2019.

~~((11) (a) "Supplier" means a person, firm, association, partnership, company, or corporation that sells, offers for sale, offers for promotional purposes, or takes title to a product.~~

~~(b) "Supplier" does not include a person, firm, association, partnership, company, or corporation that sells products to end users as a retailer.~~

~~((12))~~ (10) "Utensil" means a product designed to be used by a consumer to facilitate the consumption of food or beverages, including knives, forks, spoons, cocktail picks, chopsticks, splash sticks, and stirrers.

(11) "Department" means the department of ecology.

(12) "Producer" means the following person responsible for compliance under this chapter for a product sold, offered for sale, or distributed in or into this state:

(a) If the product is sold under the manufacturer's own brand or lacks identification of a brand, the producer is the person who manufactures the product;

(b) If the product is manufactured by a person other than the brand owner, the producer is the person that is the licensee of a brand or trademark under which a product is used in a commercial enterprise, sold, offered for sale, or distributed in or into this state, whether or not the trademark is registered in this state, unless the manufacturer or brand owner of the product has agreed to accept responsibility under this chapter; or

(c) If there is no person described in (a) and (b) of this subsection over whom the state can constitutionally exercise jurisdiction, the producer is the person who imports or distributes the product in or into the state.

Sec. 803. RCW 70A.455.040 and 2019 c 265 s 4 are each amended to read as follows:

(1) ~~((a))~~ A product labeled as "compostable" that is sold, offered for sale, or distributed for use in Washington by a ~~((supplier or manufacturer))~~ producer must:

~~((i))~~ (a) Meet ASTM standard specification D6400;

~~((ii))~~ (b) Meet ASTM standard specification D6868; or

~~((iii))~~ (c) Be comprised of wood, which includes renewable wood, or fiber-based substrate only;

~~((b))~~ (2) A product described in ~~((a) (i) or (ii) of this))~~ subsection (1) (a) or (b) of this section must:

~~((i))~~ (a) Meet labeling requirements established under the United States federal trade commission's guides; and

~~((ii))~~ (b) Feature labeling that:

~~((A))~~ (i) Meets industry standards for being distinguishable upon quick inspection in both public sorting areas and in processing facilities;

~~((B))~~ (ii) Uses a logo indicating the product has been certified by a recognized third-party independent verification body as meeting the ASTM standard specification; ~~(and~~

~~(C))~~ (iii) Displays the word "compostable," where possible, indicating the product has been tested by a recognized third-party independent body and meets the ASTM standard specification; and

(iv) Uses green, beige, or brown labeling, color striping, or other green, beige, or brown symbols, colors, tinting, marks, or design patterns that help differentiate compostable items from noncompostable items.

~~((2) A compostable product described in subsection (1)(a)(i) or (ii) of this section must be considered compliant with the requirements of this section if it:~~

~~(a) Has green or brown labeling;~~

~~(b) Is labeled as compostable; and~~

~~(c) Uses distinctive color schemes, green or brown color striping, or other adopted symbols, colors, marks, or design patterns that help differentiate compostable items from noncompostable materials.)~~

Sec. 804. RCW 70A.455.050 and 2019 c 265 s 5 are each amended to read as follows:

(1) A ~~((manufacturer or supplier))~~ producer of a film bag that meets ASTM standard specification D6400 and is distributed or sold by retailers must ensure that the film bag is readily and easily identifiable from other film bags in a manner that is consistent with the federal trade commission guides.

(2) For purposes of this section, "readily and easily identifiable" products must meet the following requirements:

(a) Be labeled with a certification logo indicating the bag meets the ASTM D6400 standard specification if the bag has been certified as meeting that standard by a recognized third-party independent verification body;

(b) Be labeled in accordance with one of the following:

(i) The bag is tinted or made of a uniform color of green, beige, or brown and labeled with the word "compostable"

on one side of the bag and the label must be at least one inch in height; or

(ii) Be labeled with the word "compostable" on both sides of the bag and the label must be one of the following:

(A) Green, beige, or brown color lettering at least one inch in height; or

(B) Within a contrasting green, beige, or brown color band of at least one inch in height on both sides of the bag with color contrasting lettering of at least one-half inch in height; and

(c) Meet industry standards for being distinguishable upon quick inspection in both public sorting areas and in processing facilities.

(3) If a bag is smaller than ~~((fourteen))~~ 14 inches by ~~((fourteen))~~ 14 inches, the lettering and stripe required under subsection (2)(b)(ii) of this section must be in proportion to the size of the bag.

(4) A film bag that meets ASTM standard specification D6400 that is sold or distributed in this state may not display a chasing arrow resin identification code or recycling type of symbol in any form.

(5) A ~~((manufacturer or supplier))~~ producer is required to comply with this section only to the extent that the labeling requirements do not conflict with the federal trade commission guides.

Sec. 805. RCW 70A.455.060 and 2020 c 20 s 1446 are each amended to read as follows:

(1)(a) A ~~((manufacturer or supplier))~~ producer of plastic food service products or film products that meet ASTM standard specification D6400 or ASTM standard specification D6868 must ensure that the items are readily and easily identifiable from other plastic food service products or plastic film products in a manner that is consistent with the federal trade commission guides.

(b) Film bags are exempt from the requirements of this section, and are instead subject to the requirements of RCW 70A.455.050.

(2) For the purposes of this section, "readily and easily identifiable" products must:

(a) Be labeled with a logo indicating the product has been certified by a recognized third-party independent

verification body as meeting the ASTM standard specification;

(b) Be labeled with the word "compostable," where possible, indicating the food packaging or film product has been tested by a recognized third-party independent body and meets the ASTM standard specification; ~~((and))~~

(c) Meet industry standards for being distinguishable upon quick inspection in both public sorting areas and in processing facilities;

(d) If the product is a plastic food service product or food contact film product, be at least partially colored or partially tinted green, beige, or brown, or have a green, beige, or brown stripe or band at least .25 inches wide; and

(e) If the product is a nonfood contact film product, be at least partially colored or partially tinted green or have a green stripe or band at least .25 inches wide and display the word "compostable".

~~(3) ((A compostable product described in subsection (1) of this section must be considered compliant with the requirements of this section if it:~~

~~(a) Has green or brown labeling;~~

~~(b) Is labeled as compostable; and~~

~~(c) Uses distinctive color schemes, green or brown color striping, or other adopted symbols, colors, marks, or design patterns that help differentiate compostable items from noncompostable materials.~~

~~(4)) It is encouraged that each product described in subsection (1) of this section(+~~

~~(a) Display)) display labeling language via printing, embossing, or compostable adhesive stickers using, when possible, either the colors green, beige, or brown that contrast with background product color for easy identification(~~(+or~~~~

~~(b) Be tinted green or brown)).~~

~~((5)) (4) Graphic elements are encouraged to increase legibility of the word "compostable" and overall product distinction that may include text boxes, stripes, bands, or a green, beige, or brown tint of the product.~~

~~((6)) (5) A ((manufacturer or supplier)) producer is required to comply~~

with this section only to the extent that the labeling requirements do not conflict with the federal trade commission guides.

Sec. 806. RCW 70A.455.070 and 2020 c 20 s 1447 are each amended to read as follows:

(1) A ((~~manufacturer or supplier of film products or food service products~~)) producer of plastic film bags sold, offered for sale, or distributed for use in Washington that does not meet the applicable ASTM standard specifications provided in RCW 70A.455.050 ~~((and 70A.455.060))~~ is:

~~((1)) (a) Prohibited from using tinting, color schemes, labeling, ~~((and))~~ or terms that are required of products that meet the applicable ASTM standard specifications under RCW 70A.455.050 ~~((and 70A.455.060))~~;~~

~~((2)) (b) Discouraged from using ~~((coloration,))~~ labeling, images, and terms that may reasonably be anticipated to confuse consumers into believing that noncompostable ~~((bags and food service packaging))~~ products are compostable; and~~

~~((3)) (c) Encouraged to use ~~((coloration,))~~ labeling, images, and terms to help consumers identify noncompostable bags ~~((and food service packaging))~~ as either: ~~((a)) (i)~~ Suitable for recycling; or ~~((b)) (ii)~~ necessary to dispose as waste.~~

(2) A producer of food service products, or plastic film products other than plastic film bags subject to subsection (1) of this section, sold, offered for sale, or distributed for use in Washington that does not meet the applicable ASTM standard specifications provided in RCW 70A.455.060 is:

(a) Prohibited from using labeling, or terms that are required of products that meet the applicable ASTM standard specifications under RCW 70A.455.060;

(b) Discouraged from using labeling, images, and terms that may reasonably be anticipated to confuse consumers into believing that noncompostable products are compostable; and

(c) Encouraged to use tinting, coloration, labeling, images, and terms to help consumers identify film products and food service packaging as either: (i) Suitable for recycling; or (ii) necessary to dispose as waste.

Sec. 807. RCW 70A.455.080 and 2019 c 265 s 8 are each amended to read as follows:

(1) Upon the request by a person, including the department, a ~~((manufacturer or supplier))~~ producer shall submit to that person or the department, within ~~((ninety))~~ 90 days of the request, nonconfidential business information and documentation demonstrating compliance with this chapter, in a format that is easy to understand and scientifically accurate.

(2) Upon request by a commercial compost processing facility, ~~((manufacturers))~~ producers of compostable products are encouraged to provide the facility with information regarding the technical aspects of a commercial composting environment, such as heat or moisture, in which the ~~((manufacturer's))~~ producer's product has been field tested and found to degrade.

Sec. 808. RCW 70A.455.090 and 2020 c 20 s 1448 are each amended to read as follows:

(1) ~~(a) The ((state, acting through the attorney general,))~~ department and cities and counties have concurrent authority to enforce this chapter and to issue and collect civil penalties for a violation of this chapter, subject to the conditions in this section and RCW 70A.455.100. An enforcing government entity may impose a civil penalty in the amount of up to ~~((two thousand dollars))~~ \$2,000 for the first violation of this chapter, up to ~~((five thousand dollars))~~ \$5,000 for the second violation of this chapter, and up to ~~((ten thousand dollars))~~ \$10,000 for the third and any subsequent violation of this chapter. If a ~~((manufacturer or supplier))~~ producer has paid a prior penalty for the same violation to a different government entity with enforcement authority under this subsection, the penalty imposed by a government entity is reduced by the amount of the payment.

~~(b) The enforcement of this chapter must be based primarily on complaints filed with the department and cities and counties. The department must establish a forum for the filing of complaints. Cities, counties, or any person may file complaints with the department using the forum, and cities and counties may review complaints filed with the department via the forum. The forum established by the~~

~~department may include a complaint form on the department's website, a telephone hotline, or a public outreach strategy relying upon electronic social media to receive complaints that allege violations. The department, in collaboration with the cities and counties, must provide education and outreach activities to inform retail establishments, consumers, and producers about the requirements of this chapter.~~

~~(2) ((Any civil penalties collected pursuant to this section must be paid to the office of the city attorney, city prosecutor, district attorney, or attorney general, whichever office brought the action. Penalties collected by the attorney general on behalf of the state must be deposited in the compostable products revolving account created in RCW 70A.455.110)) Penalties issued by the department are appealable to the pollution control hearings board established in chapter 43.21B RCW.~~

(3) The remedies provided by this section are not exclusive and are in addition to the remedies that may be available pursuant to chapter 19.86 RCW or other consumer protection laws, if applicable.

(4) In addition to penalties recovered under this section, the enforcing ~~((government entity))~~ city or county may recover reasonable enforcement costs and attorneys' fees from the liable ~~((manufacturer or supplier))~~ producer.

Sec. 809. RCW 70A.455.100 and 2020 c 20 s 1449 are each amended to read as follows:

~~((Manufacturers and suppliers)) (1) Producers who violate the requirements of this chapter are subject to civil penalties described in RCW 70A.455.090. A specific violation is deemed to have occurred upon the sale of noncompliant product by stock-keeping unit number or unique item number. The repeated sale of the same noncompliant product by stock-keeping unit number or unique item number is considered a single violation. ((A city, county, or the state))~~

~~(2) (a) A city or county enforcing a requirement of this chapter must send a written notice and a copy of the requirements to a noncompliant ((manufacturer or supplier)) producer of an alleged violation, who will have ((ninety)) 90 days to become compliant. ((A city, county, or the state may assess a first penalty if the manufacturer or~~

~~supplier has not met the requirements ninety days following the date the notification was sent. A city, county, or the state)~~

(b) A city or county enforcing a requirement of this chapter may assess a first penalty if the producer has not met the requirements 90 days following the date the notification was sent. A city or county may impose second, third, and subsequent penalties on a ((manufacturer or supplier)) producer that remains noncompliant with the requirements of this chapter for every month of noncompliance.

(3) The department may only impose penalties under this chapter consistent with the standards established in RCW 43.21B.300.

NEW SECTION. Sec. 810. A new section is added to chapter 70A.455 RCW to read as follows:

(1) The department may adopt rules as necessary for the purpose of implementing, administering, and enforcing this chapter.

(2) Producers of a product subject to RCW 70A.455.040, 70A.455.050, or 70A.455.060 must submit, under penalty of perjury, a declaration that the product meets the standards established under those sections of this chapter for the product. This declaration must be submitted to the department:

(a) By January 1, 2024, for a product that is or will be sold or distributed into Washington beginning January 1, 2024;

(b) Prior to the sale or distribution of a product newly sold or distributed into Washington after January 1, 2024; and

(c) Prior to the sale or distribution of a product whose method of compliance with the standards established in RCW 70A.455.040, 70A.455.050, or 70A.455.060 is materially changed from the method of compliance used at the last declaration submission under this section.

(3) The department must begin enforcing the requirements of this chapter by July 1, 2024.

Sec. 811. RCW 70A.455.030 and 2019 c 265 s 3 are each amended to read as follows:

(1) Except as provided in this chapter, no ((manufacturer or supplier))

producer may sell, offer for sale, or distribute for use in this state a plastic product that is labeled with the term "biodegradable," "degradable," "decomposable," "oxo-degradable," or any similar form of those terms, or in any way imply that the plastic product will break down, fragment, biodegrade, or decompose in a landfill or other environment.

(2) This section does not apply to biodegradable mulch film that meets the required testing and has the appropriate third-party certifications.

Sec. 812. RCW 43.21B.110 and 2021 c 316 s 41 and 2021 c 313 s 16 are each reenacted and amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, the air pollution control boards or authorities as established pursuant to chapter 70A.15 RCW, local health departments, the department of natural resources, the department of fish and wildlife, the parks and recreation commission, and authorized public entities described in chapter 79.100 RCW:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70A.15.3160, 70A.300.090, 70A.20.050, 70A.530.040, 70A.350.070, 70A.515.060, 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080, 70A.65.200, 70A.455.090, 76.09.170, 77.55.440, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70A.15.2520, 70A.15.3010, 70A.300.120, 70A.350.070, 70A.245.020, 70A.65.200, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70A.205.260.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70A.205 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70A.226.090.

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70A.205.145.

(g) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(h) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(i) Decisions of the department of natural resources, the department of fish and wildlife, and the department that are reviewable under chapter 76.09 RCW, and the department of natural resources' appeals of county, city, or town objections under RCW 76.09.050(7).

(j) Forest health hazard orders issued by the commissioner of public lands under RCW 76.06.180.

(k) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit under chapter 77.55 RCW, to issue a stop work order, to issue a notice to comply, to issue a civil penalty, or to issue a notice of intent to disapprove applications.

(l) Decisions of the department of natural resources that are reviewable under RCW 78.44.270.

(m) Decisions of an authorized public entity under RCW 79.100.010 to take temporary possession or custody of a vessel or to contest the amount of reimbursement owed that are reviewable by the hearings board under RCW 79.100.120.

(n) Decisions of the department of ecology that are appealable under RCW 70A.245.020 to set recycled minimum postconsumer content for covered products or to temporarily exclude types of covered products in plastic containers from minimum postconsumer recycled content requirements.

(o) Orders by the department of ecology under RCW 70A.455.080.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70A.15.3010, 70A.15.3070, 70A.15.3080, 70A.15.3090, 70A.15.3100, 70A.15.3110, and 90.44.180.

(c) Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

Sec. 813. RCW 43.21B.300 and 2021 c 316 s 42 and 2021 c 313 s 17 are each reenacted and amended to read as follows:

(1) Any civil penalty provided in RCW 18.104.155, 70A.15.3160, 70A.205.280, 70A.300.090, 70A.20.050, 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080, 70A.65.200, 70A.455.090, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102 and chapter 70A.355 RCW shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the penalty from the department or the local air authority, describing the violation with reasonable particularity. For penalties issued by local air authorities, within ~~((thirty))~~ 30 days after the notice is received, the person incurring the penalty may apply in writing to the authority for the remission or mitigation of the penalty. Upon receipt of the application, the authority may remit or mitigate the penalty upon whatever terms the authority in its discretion deems proper. The authority may ascertain the facts

regarding all such applications in such reasonable manner and under such rules as it may deem proper and shall remit or mitigate the penalty only upon a demonstration of extraordinary circumstances such as the presence of information or factors not considered in setting the original penalty.

(2) Any penalty imposed under this section may be appealed to the pollution control hearings board in accordance with this chapter if the appeal is filed with the hearings board and served on the department or authority (~~(thirty)~~) 30 days after the date of receipt by the person penalized of the notice imposing the penalty or (~~(thirty)~~) 30 days after the date of receipt of the notice of disposition by a local air authority of the application for relief from penalty.

(3) A penalty shall become due and payable on the later of:

(a) Thirty days after receipt of the notice imposing the penalty;

(b) Thirty days after receipt of the notice of disposition by a local air authority on application for relief from penalty, if such an application is made; or

(c) Thirty days after receipt of the notice of decision of the hearings board if the penalty is appealed.

(4) If the amount of any penalty is not paid to the department within (~~(thirty)~~) 30 days after it becomes due and payable, the attorney general, upon request of the department, shall bring an action in the name of the state of Washington in the superior court of Thurston county, or of any county in which the violator does business, to recover the penalty. If the amount of the penalty is not paid to the authority within (~~(thirty)~~) 30 days after it becomes due and payable, the authority may bring an action to recover the penalty in the superior court of the county of the authority's main office or of any county in which the violator does business. In these actions, the procedures and rules of evidence shall be the same as in an ordinary civil action.

(5) All penalties recovered shall be paid into the state treasury and credited to the general fund except those penalties imposed pursuant to RCW 18.104.155, which shall be credited to the reclamation account as provided in RCW 18.104.155(7), RCW 70A.15.3160, the

disposition of which shall be governed by that provision, RCW 70A.245.040 and 70A.245.050, which shall be credited to the recycling enhancement account created in RCW 70A.245.100, RCW 70A.300.090, which shall be credited to the model toxics control operating account created in RCW 70A.305.180, RCW 70A.65.200, which shall be credited to the climate investment account created in RCW 70A.65.250, RCW 90.56.330, which shall be credited to the coastal protection fund created by RCW 90.48.390, and RCW 70A.355.070, which shall be credited to the underground storage tank account created by RCW 70A.355.090.

PART 9

Miscellaneous

NEW SECTION. **Sec. 901.** Sections 401, 402, and 405 of this act constitute a new chapter in Title 70A RCW.

NEW SECTION. **Sec. 902.** Nothing in this act changes or limits the authority of the Washington utilities and transportation commission to regulate the collection of solid waste, including curbside collection of residential recyclable materials, nor does this section change or limit the authority of a city or town to provide the service itself or by contract under RCW 81.77.020.

NEW SECTION. **Sec. 903.** The following acts or parts of acts are each repealed:

(1) RCW 70A.455.110 (Compostable products revolving account) and 2020 c 20 s 1450 & 2019 c 265 s 11; and

(2) RCW 70A.455.900 (Effective date— 2019 c 265) and 2019 c 265 s 13.

NEW SECTION. **Sec. 904.** 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. 905.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

On page 1, line 1 of the title, after "management;" strike the remainder of the title and insert "amending RCW 70A.205.040, 70A.205.015, 69.80.031, 69.80.040, 89.08.615, 43.155.020, 36.70.330, 39.30.040, 70A.455.010,

70A.455.020, 70A.455.040, 70A.455.050, 70A.455.060, 70A.455.070, 70A.455.080, 70A.455.090, 70A.455.100, and 70A.455.030; reenacting and amending RCW 43.21B.110 and 43.21B.300; adding new sections to chapter 70A.205 RCW; adding a new section to chapter 43.21C RCW; adding a new section to chapter 15.04 RCW; adding a new section to chapter 36.70A RCW; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding new sections to chapter 43.19A RCW; adding a new section to chapter 70A.455 RCW; adding a new chapter to Title 70A RCW; creating new sections; repealing RCW 70A.455.110 and 70A.455.900; and prescribing penalties."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1799 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Fitzgibbon spoke in favor of the passage of the bill.

Representative Dye spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1799, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1799, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Kraft, Kretz, MacEwen,

Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Klippert.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1799, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 3, 2022

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1800 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 71.34 RCW to read as follows:

The authority shall dedicate at least one full-time employee to:

(1) Connecting families, behavioral health providers, educators, and other stakeholders with current information about law and policy related to behavioral health services for minors;

(2) Creating shareable content appropriate for communicating policy and resources related to behavioral health services for minors;

(3) Designing and maintaining a communications plan related to behavioral health services for minors involving social media and other forms of direct outreach to providers, families, and youth; and

(4) Monitoring the health care authority website to make sure that the information included on the website is accurate and designed in a manner that is accessible to families.

NEW SECTION. **Sec. 2.** A new section is added to chapter 71.34 RCW to read as follows:

(1) The authority shall convene stakeholders to design, further define, and implement a parent portal. The authority shall work with stakeholders including Washington state community connectors and consider the website prototype already under development by that organization. The stakeholders convened must additionally include other

parents and young adults with relevant lived experience.

(2) As used in this section, "parent portal" means a method for connecting families to their community's service and education infrastructure related to behavioral health services for minors, including services supported or provided by:

(a) A behavioral health provider as defined in RCW 71.24.025 that provides services to minors;

(b) A licensed or certified behavioral health agency as defined in RCW 71.24.025 that provides behavioral health services to minors;

(c) A long-term care facility as defined in RCW 43.190.020 in which minors with behavioral health conditions reside;

(d) The child study and treatment center as identified in RCW 71.34.380;

(e) A facility or agency that receives state funding to provide behavioral health treatment services to minors with a behavioral health condition;

(f) The department of children, youth, and families;

(g) The office of the superintendent of public instruction; and

(h) The department.

(3) By November 1, 2022, the authority shall provide a report to the governor and the appropriate committees of the legislature detailing:

(a) The stakeholder engagement conducted under this section;

(b) The design and further definition of the parent portal; and

(c) Other relevant information about successfully implementing the parent portal, including needed legislative changes or support.

Sec. 3. RCW 71.34.3871 and 2019 c 381 s 24 are each amended to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the authority must conduct ~~((an annual survey of a sample group of))~~ stakeholder engagement efforts with parents, youth, and behavioral health providers to measure the impacts of implementing policies resulting from chapter 381, Laws of 2019 during the

first three years of implementation and sections 1 and 2 of this act. The stakeholder engagement efforts required under this subsection must include live events soliciting feedback from stakeholders and alternative methods for stakeholders to submit feedback. The first ~~((survey))~~ stakeholder engagement efforts must be complete by ~~((July 1, 2020))~~ October 1, 2022, followed by subsequent annual ~~((surveys))~~ stakeholder engagement efforts completed by July 1, ~~((2021))~~ 2023, and by July 1, ~~((2022))~~ 2024. The authority must report on the results of the ~~((surveys))~~ stakeholder engagement efforts annually to the governor and the legislature beginning November 1, ~~((2020))~~ 2022. The final report is due November 1, ~~((2022))~~ 2024, and must include any recommendations for statutory changes identified as needed based on ~~((survey))~~ stakeholder engagement efforts results.

(2) This section expires December 31, ~~((2022))~~ 2024.

Sec. 4. RCW 71.40.040 and 2021 c 202 s 4 are each amended to read as follows:

The state office of behavioral health consumer advocacy shall assure performance of the following activities, as authorized in contract:

(1) Selection of a name for the contracting advocacy organization to use for the advocacy program that it operates pursuant to contract with the office. The name must be selected by the statewide advisory council established in this section and must be separate and distinguishable from that of the office;

(2) Certification of behavioral health consumer advocates by October 1, 2022, and coordination of the activities of the behavioral health consumer advocates throughout the state according to standards adopted by the office;

(3) Provision of training regarding appropriate access by behavioral health consumer advocates to behavioral health providers or facilities according to standards adopted by the office;

(4) Establishment of a toll-free telephone number, website, and other appropriate technology to facilitate access to contracting advocacy organization services for patients, residents, and clients of behavioral health providers or facilities;

(5) Establishment of a statewide uniform reporting system to collect and analyze data relating to complaints and conditions provided by behavioral health providers or facilities for the purpose of identifying and resolving significant problems, with permission to submit the data to all appropriate state agencies on a regular basis;

(6) Establishment of procedures consistent with the standards adopted by the office to protect the confidentiality of the office's records, including the records of patients, residents, clients, providers, and complainants;

(7) Establishment of a statewide advisory council, a majority of which must be composed of people with lived experience, that shall include:

(a) Individuals with a history of mental illness including one or more members from the black community, the indigenous community, or a community of color;

(b) Individuals with a history of substance use disorder including one or more members from the black community, the indigenous community, or a community of color;

(c) Family members of individuals with behavioral health needs including one or more members from the black community, the indigenous community, or a community of color;

(d) One or more representatives of an organization representing consumers of behavioral health services;

(e) Representatives of behavioral health providers and facilities, including representatives of facilities offering inpatient and residential behavioral health services;

(f) One or more certified peer specialists;

(g) One or more medical clinicians serving individuals with behavioral health needs;

(h) One or more nonmedical providers serving individuals with behavioral health needs;

(i) One representative from a behavioral health administrative services organization;

(j) Two parents or caregivers of a child who received behavioral health services, including one parent or

caregiver of a child who received complex, multisystem behavioral health services, one parent or caregiver of a child ages one through 12, or one parent or caregiver of a child ages 13 through 17;

(k) Two representatives of medicaid managed care organizations, one of which must provide managed care to children and youth receiving child welfare services;

(l) Other community representatives, as determined by the office; and

~~((k))~~ (m) One representative from a labor union representing workers who work in settings serving individuals with behavioral health conditions;

(8) Monitoring the development of and recommend improvements in the implementation of federal, state, and local laws, rules, regulations, and policies with respect to the provision of behavioral health services in the state and advocate for consumers;

(9) Development and delivery of educational programs and information statewide to patients, residents, and clients of behavioral health providers or facilities, and their families on topics including, but not limited to, the execution of mental health advance directives, wellness recovery action plans, crisis services and contacts, peer services and supports, family advocacy and rights, family-initiated treatment and other behavioral health service options for minors, and involuntary treatment; and

(10) Reporting to the office, the legislature, and all appropriate public agencies regarding the quality of services, complaints, problems for individuals receiving services from behavioral health providers or facilities, and any recommendations for improved services for behavioral health consumers.

Sec. 5. RCW 71.40.090 and 2021 c 202 s 9 are each amended to read as follows:

The contracting advocacy organization shall develop and submit, for approval by the office, a process to train and certify all behavioral health consumer advocates, whether paid or volunteer, authorized by this chapter as follows:

(1) Certified behavioral health consumer advocates must have training or experience in the following areas:

(a) Behavioral health and other related social services programs, including behavioral health services for minors;

(b) The legal system, including differences in state or federal law between voluntary and involuntary patients, residents, or clients;

(c) Advocacy and supporting self-advocacy;

(d) Dispute or problem resolution techniques, including investigation, mediation, and negotiation; and

(e) All applicable patient, resident, and client rights established by either state or federal law.

(2) A certified behavioral health consumer advocate may not have been employed by any behavioral health provider or facility within the previous twelve months, except as a certified peer specialist or where prior to July 25, 2021, the person has been employed by a regional behavioral health consumer advocate.

(3) No certified behavioral health consumer advocate or any member of a certified behavioral health consumer advocate's family may have, or have had, within the previous twelve months, any significant ownership or financial interest in the provision of behavioral health services."

On page 1, line 2 of the title, after "miners;" strike the remainder of the title and insert "amending RCW 71.34.3871, 71.40.040, and 71.40.090; adding new sections to chapter 71.34 RCW; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1800 and advanced the bill, as amended by the Senate, to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Eslick and Senn spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1800, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1800, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Dufault, Kraft, McCaslin and Young.

Excused: Representative Klippert.

SUBSTITUTE HOUSE BILL NO. 1800, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 4, 2022

Madame Speaker:

The Senate has passed HOUSE BILL NO. 1805 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.145.010 and 2021 c 133 s 2 are each amended to read as follows:

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

(1) "Board" means the opportunity scholarship board.

(2) "Council" means the student achievement council.

(3) "Eligible advanced degree program" means a health professional degree program beyond the baccalaureate level and includes graduate and professional degree programs.

(4) "Eligible county" has the same meaning as "rural county" as defined in RCW 82.14.370 and also includes any county that shares a common border with Canada and has a population of over (~~one hundred twenty-five thousand~~) 125,000.

(5) "Eligible education programs" means high employer demand and other programs of study as determined by the board.

(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 as determined by the program administrator in consultation with the council and the state board for community and technical colleges.

(7) "Eligible school district" means a school district of the second class as identified in RCW 28A.300.065(2).

(8)(a) "Eligible student" means a resident student who:

~~((a))~~ (i) (A) Received his or her high school diploma or high school equivalency certificate as provided in RCW 28B.50.536 in Washington and has been accepted at a four-year institution of higher education into an eligible education program leading to a baccalaureate degree;

~~((ii))~~ (B) Received his or her high school diploma or high school equivalency certificate as provided in RCW 28B.50.536 in Washington and will attend a two-year institution of higher education and intends to transfer to an eligible education program at a four-year institution of higher education;

~~((iii))~~ (C) Received his or her high school diploma or equivalent and has been accepted at an institution of higher education into a professional-technical certificate or degree program in an eligible education program; or

~~((iv))~~ (D) Has been accepted at an institution of higher education into an eligible advanced degree program that leads to credentials in health professions;

~~((b))~~ (ii) Declares an intention to obtain a professional-technical certificate, professional-technical degree, baccalaureate degree, or an advanced degree; and

~~((e))~~ (iii) Has a family income at or below (~~one hundred twenty-five~~) 125 percent of the state median family income at the time the student applies for an opportunity scholarship. For the advanced degree program, family income may be greater than 125 percent if the eligible student can demonstrate financial need through other factors such as a history of prior household income, income loss caused by entering the advanced degree program, level of student debt at application and annually thereafter, or other factors determined by the program.

(b) To remain eligible for scholarship funds under the opportunity scholarship program the student must meet satisfactory academic progress toward completion of an eligible program as determined by the office of student financial assistance in the Washington college grant program under chapter 28B.92 RCW.

(9) "Gift aid" means financial aid received from the federal Pell grant, the Washington college grant program in chapter 28B.92 RCW, the college bound scholarship program in chapter 28B.118 RCW, the opportunity grant program in chapter 28B.50 RCW, or any other state grant, scholarship, or worker retraining program that provides funds for educational purposes with no obligation of repayment. "Gift aid" does not include student loans, work-study programs, the basic food employment and training program administered by the department of social and health services, or other employment assistance programs that provide job readiness opportunities and support beyond the costs of tuition, books, and fees.

(10) "High employer demand program of study" has the same meaning as provided in RCW 28B.50.030.

(11) "Participant" means an eligible student who has received a scholarship under the opportunity scholarship program.

(12) "Private sources," "private funds," "private contributions," or "private sector contributions" means donations from private organizations, corporations, federally recognized Indian tribes, municipalities, counties, and other sources, but excludes state dollars.

(13) "Professional-technical certificate" means a program as approved

by the state board for community and technical colleges under RCW 28B.50.090(7)(c), that is offered by an institution of higher education or an eligible registered apprenticeship program under chapter 28B.92 RCW.

(14) "Professional-technical degree" means a program as approved by the state board for community and technical colleges under RCW 28B.50.090(7)(c), that is offered by an institution of higher education or an eligible registered apprenticeship program under chapter 28B.92 RCW.

(15) "Program administrator" means a private nonprofit corporation registered under Title 24 RCW and qualified as a tax-exempt entity under section 501(c)(3) of the federal internal revenue code.

(16) "Resident student" (~~(has the same meaning as provided in RCW 28B.15.012)~~) means a student meeting the requirements under RCW 28B.92.200(5)(c) as defined in the Washington college grant program.

(17) "Rural jobs program" means the rural county high employer demand jobs program created in this chapter.

Sec. 2. RCW 28B.145.030 and 2021 c 170 s 5 are each amended to read as follows:

(1) The program administrator shall provide administrative support to execute the duties and responsibilities provided in this chapter, including but not limited to publicizing the program, selecting participants for the opportunity scholarship award, distributing opportunity scholarship awards, and achieving the maximum possible rate of return on investment of the accounts in subsection (2) of this section, while ensuring transparency in the investment decisions and processes. Duties, exercised jointly with the board, include soliciting funds and setting annual fund-raising goals. The program administrator shall be paid an administrative fee as determined by the board.

(2) With respect to the opportunity scholarship program, the program administrator shall:

(a) Establish and manage the specified accounts created in (b) of this subsection, into which to receive grants and contributions from private sources as well as state matching funds, and from

which to disburse scholarship funds to participants;

(b) Solicit and accept grants and contributions from private sources, via direct payment, pledge agreement, or escrow account, of private sources for deposit into any of the specified accounts created in this subsection (2)(b) upon the direction of the donor and in accordance with this subsection (2)(b):

(i) The "scholarship account," whose principal may be invaded, and from which scholarships must be disbursed for baccalaureate programs beginning no later than December 1, 2011, if, by that date, state matching funds in the amount of five million dollars or more have been received. Thereafter, scholarships shall be disbursed on an annual basis beginning no later than May 1, 2012, and every October 1st thereafter;

(ii) The "student support pathways account," whose principal may be invaded, and from which scholarships may be disbursed for professional-technical certificate or degree programs in the fiscal year following appropriations of state matching funds. Thereafter, scholarships shall be disbursed on an annual basis;

(iii) The "advanced degrees pathways account," whose principal may be invaded, and from which scholarships may be disbursed for eligible advanced degree programs in the fiscal year following appropriations of state matching funds. Thereafter, scholarships shall be disbursed on an annual basis;

(iv) The "endowment account," from which scholarship moneys may be disbursed for baccalaureate programs from earnings only in years when:

(A) The state match has been made into both the scholarship and the endowment account; and

(B) The state appropriations for the Washington college grant program under chapter 28B.92 RCW meet or exceed state appropriations for the state need grant made in the 2011-2013 biennium, adjusted for inflation, and eligibility for Washington college grant recipients is at least seventy percent of state median family income;

(v) An amount equal to at least fifty percent of all grants and contributions must be deposited into the scholarship

account until such time as twenty million dollars have been deposited into the scholarship account, after which time the private donors may designate whether their contributions must be deposited to the scholarship account, the student support pathways account, the advanced degrees pathways account, or the endowment account. The board and the program administrator must work to maximize private sector contributions to these accounts to maintain a robust scholarship program while simultaneously building the endowment, and to determine the division between the accounts in the case of undesignated grants and contributions, taking into account the need for a long-term funding mechanism and the short-term needs of families and students in Washington. The first five million dollars in state match, as provided in RCW 28B.145.040, shall be deposited into the scholarship account and thereafter the state match shall be deposited into the specified accounts created in this subsection (2)(b) in equal proportion to the private funds deposited in each account, except that no more than \$5,000,000 in state match shall be deposited into the advanced degrees pathways account in a single fiscal biennium; and

(vi) Once moneys in the opportunity scholarship match transfer account are subject to an agreement under RCW 28B.145.050(5) and are deposited in the scholarship account, the student support pathways account, the advanced degrees pathways account, or the endowment account under this section, the state acts in a fiduciary rather than ownership capacity with regard to those assets. Assets in the scholarship account, the student support pathways account, the advanced degrees pathways account, and the endowment account are not considered state money, common cash, or revenue to the state;

(c) Provide proof of receipt of grants and contributions from private sources to the council, identifying the amounts received by name of private source and date, and whether the amounts received were deposited into the scholarship account, the student support pathways account, the advanced degrees pathways account, or the endowment account;

(d) In consultation with the council and the state board for community and technical colleges, make an assessment of the reasonable annual eligible expenses

associated with eligible education programs and eligible advanced degree programs identified by the board;

(e) Determine the dollar difference between tuition fees charged by institutions of higher education in the 2008-09 academic year and the academic year for which an opportunity scholarship is being distributed;

(f) Develop and implement an application, selection, and notification process for awarding opportunity scholarships;

(g) Ensure that if the private source is from a federally recognized Indian tribe, municipality, or county, an amount at least equal to the value of the private source plus the state match is awarded to participants within that federally recognized Indian tribe, municipality, or county according to the federally recognized Indian tribe's, municipality's, or county's program rules;

(h) Determine the annual amount of the opportunity scholarship for each selected participant. The annual amount shall be at least one thousand dollars or the amount determined under (e) of this subsection, but may be increased on an income-based, sliding scale basis up to the amount necessary to cover all reasonable annual eligible expenses as assessed pursuant to (d) of this subsection, or to encourage participation in professional-technical certificate programs, professional-technical degree programs, baccalaureate degree programs, or eligible advanced degree programs identified by the board;

(i) Distribute scholarship funds to selected participants. Once awarded, and to the extent funds are available for distribution, an opportunity scholarship shall be automatically renewed as long as the participant annually submits documentation of filing both a free application for federal student aid (FAFSA) and for available federal education tax credits including, but not limited to, the American opportunity tax credit, or if ineligible to apply for federal student aid, the participant annually submits documentation of filing a state financial aid application as approved by the office of student financial assistance; and until the participant withdraws from or is no longer attending the program, completes the program, or has (~~taken the credit or~~

~~clock hour equivalent of one hundred twenty five percent of the published length of time of the participant's program, whichever occurs first))~~ extended beyond five years or 125 percent of the published program length of the program in which the student is enrolled or the credit or clock-hour equivalent as defined in the Washington college grant program;

(j) Notify institutions of scholarship recipients who will attend their institutions and inform them of the terms of the students' eligibility; and

(k) For participants enrolled in an eligible advanced degree program, document each participant's employment following graduation.

(3) With respect to the opportunity expansion program, the program administrator shall:

(a) Assist the board in developing and implementing an application, selection, and notification process for making opportunity expansion awards; and

(b) Solicit and accept grants and contributions from private sources for opportunity expansion awards.

Sec. 3. RCW 28B.145.100 and 2021 c 133 s 3 are each amended to read as follows:

(1)(a) The rural county high employer demand jobs program is created to meet the workforce needs of business and industry in rural counties by assisting students in earning certificates, associate degrees, or other industry-recognized credentials necessary for employment in high employer demand fields.

(b) Subject to the requirements of this section, the rural jobs program provides selected students scholarship funds and support services, as determined by the board, to help students meet their eligible expenses when they enroll in a community or technical college program that prepares them for high employer demand fields.

(c) The source of funds for the rural jobs program shall be a combination of private donations, grants, and contributions and state matching funds.

(d) The state match must be based on donations and pledges received as of the date each official state caseload forecast is submitted by the caseload

forecast council to the legislative fiscal committees as provided under RCW 43.88C.020. The purpose of this subsection (1)(d) is to ensure the predictable treatment of the program in the budget process by clarifying the calculation process of the state match required by this section and to ensure the program is budgeted at maintenance level.

(2) The program administrator has the duties and responsibilities provided under this section, including but not limited to:

(a) Publicize the rural jobs program and conducting outreach to eligible counties;

(b) In consultation with the state board for community and technical colleges, any interested community or technical college located in an eligible county, and the county's workforce development council, identify high employer demand fields within the eligible counties. When identifying high employer demand fields, the board must consider:

(i) County-specific employer demand reports issued by the employment security department or the list of statewide high-demand programs for secondary career and technical education established under RCW 28A.700.020; and

(ii) The ability and capacity of the community and technical college to meet the needs of qualifying students and industry in the eligible county;

(c) Develop and implement an application, selection, and notification process for awarding rural jobs program scholarship funds. In making determinations on scholarship recipients, the board shall use county-specific employer high-demand data;

(d) Determine the annual scholarship fund amounts to be awarded to selected students;

(e) Distribute funds to selected students;

(f) Notify institutions of higher education of the rural jobs program recipients who will attend their institutions of higher education and inform them of the scholarship fund amounts and terms of the awards; and

(g) Establish and manage an account as provided under RCW 28B.145.110 to receive

donations, grants, contributions from private sources, and state matching funds, and from which to disburse scholarship funds to selected students.

(3) To be eligible for scholarship funds under the rural jobs program, a student must:

(a) Either:

(i) Be a resident of an eligible county ~~((and be enrolled in a community or technical college established under chapter 28B.50 RCW; or))~~;

(ii) Have attended and graduated from a school in an eligible school district ~~((and be))~~; or

(iii) Be enrolled in either a community or technical college established under chapter 28B.50 RCW ~~((that is))~~ located in an eligible county or participating in an eligible registered apprenticeship program under chapter 28B.92 RCW in an eligible county;

(b) Be a resident student as defined ~~((in RCW 28B.15.012;~~

~~(e))~~ in the Washington college grant program in RCW 28B.92.200(5)(c);

(c) Be in a certificate, degree, or other industry-recognized credential or training program that has been identified by the board as a program that prepares students for a high employer demand field;

(d) Have a family income that does not exceed seventy percent of the state median family income adjusted for family size; and

(e) Demonstrate financial need according to the free application for federal student aid or the Washington application for state financial aid.

(4) To remain eligible for scholarship funds under the rural jobs program, the student must ~~((maintain a cumulative grade point average of 2.0))~~ meet satisfactory academic progress toward completion of an eligible program as established by the program. Rural jobs program eligibility may not extend beyond five years or 125 percent of the published length of the program in which the student is enrolled or the credit or clock-hour equivalent.

(5) A scholarship award under the rural jobs program may not result in a reduction of any gift aid. Nothing in

this section creates any right or entitlement."

On page 1, line 1 of the title, after "program;" strike the remainder of the title and insert "and amending RCW 28B.145.010, 28B.145.030, and 28B.145.100."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1805 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Paul and Chambers spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1805, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1805, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 92; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chase, Dufault, Kraft, McCaslin and Young.

Excused: Representative Klippert.

HOUSE BILL NO. 1805, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 4, 2022

Madame Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1815 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that rates of catalytic converter theft have rapidly increased statewide and nationwide, due in part to existing challenges with accurately identifying stolen catalytic converters. The legislature further finds that victims of catalytic converter theft often incur costs that far exceed the monetary value of the catalytic converters themselves. The legislature further finds that catalytic converter theft is a multifaceted issue that requires collaborative effort between law enforcement agencies, insurance companies, scrap metal dealers, and other involved parties to identify comprehensive solutions.

Therefore, the legislature intends to carefully examine the catalytic converter theft issues in Washington state and conduct a study to make a variety of recommendations to the legislature, including recommendations for a potential pilot program, to reduce the occurrence of catalytic converter theft. The legislature further intends to provide funding for a grant program focused on metal theft and unlawfully obtained metal.

NEW SECTION. Sec. 2. (1) The Washington State University shall convene a catalytic converter theft work group to study and provide options and recommendations related to reducing catalytic converter theft in Washington state.

(2) The work group shall consist of, but is not limited to, members representing the following:

(a) One member representing the Washington state patrol;

(b) One member representing the Washington association of sheriffs and police chiefs;

(c) One member representing the Washington association of prosecuting attorneys;

(d) One member representing the office of public defense;

(e) One member representing the superior court judges' association;

(f) One member representing the district and municipal court judges' association;

(g) One member representing the association of Washington cities;

(h) One member representing the office of the attorney general;

(i) One member representing the property and casualty insurance industry;

(j) One member representing the scrap metal recycling industry;

(k) One member representing the auto dealer industry;

(l) One member representing the auto manufacturer industry;

(m) One member representing the catalytic converter manufacturer industry;

(n) One member representing the towing and recovery association of Washington;

(o) One member representing the Washington state independent auto dealers association;

(p) One member representing the Washington independent business association;

(q) One member representing the Washington organized retail crime association; and

(r) Two members representing individuals with lived experience being charged with, or convicted of, organized theft.

(3) The work group's study shall include, but is not limited to, the following:

(a) A review of state laws related to catalytic converter theft;

(b) A review of national efforts to address catalytic converter theft to determine whether there are best practices from other jurisdictions on how to effectively deter and end catalytic converter theft;

(c) Data collection and analysis of catalytic converter theft incidents across the state;

(d) Options to deter and end catalytic converter theft, including marking of catalytic converters;

(e) Options and opportunities to reduce costs to victims of catalytic converter theft; and

(f) A review of the effectiveness of the grant and training program created under RCW 36.28A.240.

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

(a) Changes to state law to reduce catalytic converter theft;

(b) A potential pilot program that could be implemented to decrease catalytic converter theft, including by prioritizing communities with the highest incidence of catalytic converter theft or communities experiencing the most financial impact due to catalytic converter theft; and

(c) Cost estimates for the pilot program and recommendations on evaluation criteria and metrics to determine the efficacy and benefits of the pilot program.

(5) The work group shall provide a preliminary report and recommendations to the transportation and public safety committees of the legislature by November 1, 2022. The work group shall provide a final report and recommendations, including recommendations on a potential pilot program, to the transportation and public safety committees of the legislature by January 1, 2023.

Sec. 3. RCW 19.290.020 and 2013 c 322 s 5 are each amended to read as follows:

(1) At the time of a transaction, every scrap metal business doing business in this state shall produce wherever that business is conducted an accurate and legible record of each transaction involving private metal property or nonferrous metal property. This record must be written in the English language, documented on a standardized form or in electronic form, and contain the following information:

(a) The signature of the person with whom the transaction is made;

(b) The time, date, location, and value of the transaction;

(c) The name of the employee representing the scrap metal business in the transaction;

(d) The name, street address, and telephone number of the person with whom the transaction is made;

(e) The license plate number and state of issuance of the license plate on the motor vehicle used to deliver the private metal property or nonferrous metal property subject to the transaction;

(f) A description of the motor vehicle used to deliver the private metal property or nonferrous metal property subject to the transaction;

(g) The current driver's license number or other government-issued picture identification card number of the seller or a copy of the seller's government-issued picture identification card; (~~and~~)

(h) A description of the predominant types of private metal property or nonferrous metal property subject to the transaction, utilizing the institute of scrap recycling industries' generally accepted terminology, and including weight, quantity, or volume; and

(i) For every transaction specifically involving a catalytic converter that has been removed from a vehicle, documentation indicating that the private metal property in the seller's possession is the result of the seller replacing private metal property from a vehicle registered in the seller's name.

(2) For every transaction that involves private metal property or nonferrous metal property, every scrap metal business doing business in the state shall require the person with whom a transaction is being made to sign a declaration. The declaration may be included as part of the transactional record required under subsection (1) of this section, or on a receipt for the transaction. The declaration must state substantially the following:

"I, the undersigned, affirm under penalty of law that the property that is subject to this transaction is not to the best of my knowledge stolen property."

The declaration must be signed and dated by the person with whom the transaction is being made. An employee of the scrap metal business must witness the signing and dating of the declaration and

sign the declaration accordingly before any transaction may be consummated.

(3) The record and declaration required under this section must be open to the inspection of any commissioned law enforcement officer of the state or any of its political subdivisions at all times during the ordinary hours of business, or at reasonable times if ordinary hours of business are not kept, and must be maintained wherever that business is conducted for five years following the date of the transaction.

Sec. 4. RCW 19.290.030 and 2013 c 322 s 6 are each amended to read as follows:

(1) No scrap metal business may enter into a transaction to purchase or receive private metal property or nonferrous metal property from any person who cannot produce at least one piece of current government-issued picture identification, including a valid driver's license or identification card issued by any state.

(2) No scrap metal business may purchase or receive private metal property or commercial metal property unless the seller: (a) Has a commercial account with the scrap metal business; (b) can prove ownership of the property by producing written documentation that the seller is the owner of the property; or (c) can produce written documentation that the seller is an employee or agent authorized to sell the property on behalf of a commercial enterprise.

(3) No scrap metal business may enter into a transaction to purchase or receive metallic wire that was burned in whole or in part to remove insulation unless the seller can produce written proof to the scrap metal business that the wire was lawfully burned.

(4)(a) No transaction involving private metal property or nonferrous metal property may be made in cash or with any person who does not provide a street address and photographic identification under the requirements of RCW 19.290.020(1) (d) and (g) except as described in (b) and (c) of this subsection. The person with whom the transaction is being made may only be paid by a nontransferable check, mailed by the scrap metal business to a street address provided under RCW 19.290.020, no earlier than three days after the transaction was made. A transaction occurs on the date provided in the record required under RCW 19.290.020.

(b) A scrap metal business that is in compliance with this chapter ((that)) may pay up to a maximum of \$30 in cash, stored value device, or electronic funds transfer for nonferrous metal property. The balance of the value of the transaction may be made by nontransferable check, stored value device, or electronic funds transfer at the time the transaction is made if the scrap metal business digitally captures:

(i) A copy of one piece of current government-issued picture identification, including a current driver's license or identification card issued by any state; and

((either)) Either a picture or video of either the material subject to the transaction in the form received or the material subject to the transaction within the vehicle which the material was transported to the scrap metal business (~~, may pay up to a maximum of thirty dollars in cash, stored value device, or electronic funds transfer. The balance of the value of the transaction may be made by nontransferable check, stored value device, or electronic funds transfer at the time the transaction is made. A scrap metal business's usage of video surveillance shall be sufficient to comply with this subsection (4)(b)(ii) as long as the video captures the material subject to the transaction. A digital image or picture taken under this subsection must be available for two years from the date of transaction, while a video recording must be available for thirty days~~)).

(c) Payment to individual sellers of private metal property as defined in this chapter may not be made at the time of the transaction and shall not be paid earlier than three business days after the transaction was made. Records of payment for private metal property as defined in this chapter must be kept in the same file or record as all records collected under this subsection and retained and be available for review for two years from the date of the transaction.

(5)(a) A scrap metal business's usage of video surveillance shall be sufficient to comply with subsection (4)(b)(ii) of this section so long as the video captures the material subject to the transaction.

(b) A digital image or picture taken under this section must be available for

two years from the date of transaction, while a video recording must be available for 30 days.

(6) No scrap metal business may purchase or receive beer kegs from anyone except a manufacturer of beer kegs or licensed brewery.

Sec. 5. RCW 19.290.070 and 2013 c 322 s 10 are each amended to read as follows:

(1) It is a gross misdemeanor under chapter 9A.20 RCW for:

~~((1))~~ (a) Any person to deliberately remove, alter, or obliterate any manufacturer's make, model, or serial number, personal identification number, or identifying marks engraved or etched upon an item of private metal property, nonferrous metal property, or commercial metal property in order to deceive a scrap metal business;

~~((2))~~ (b) Any scrap metal business to enter into a transaction to purchase or receive any private metal property, nonferrous metal property, or commercial metal property where the manufacturer's make, model, or serial number, personal identification number, or identifying marks engraved or etched upon the property have been deliberately and conspicuously removed, altered, or obliterated;

~~((3))~~ (c) Any person to knowingly make, cause, or allow to be made any false entry or misstatement of any material matter in any book, record, or writing required to be kept under this chapter;

~~((4))~~ (d) Any scrap metal business to enter into a transaction to purchase or receive private metal property, nonferrous metal property, or commercial metal property from any person under the age of ~~((eighteen))~~ 18 years or any person who is discernibly under the influence of intoxicating liquor or drugs;

~~((5))~~ (e) Any scrap metal business to enter into a transaction to purchase or receive private metal property, nonferrous metal property, or commercial metal property with anyone whom the scrap metal business has been informed by a law enforcement agency to have been convicted of a crime involving drugs, burglary, robbery, theft, or possession of or receiving stolen property, manufacturing, delivering, or possessing with intent to deliver methamphetamine,

or possession of ephedrine or any of its salts or isomers or salts of isomers, pseudoephedrine or any of its salts or isomers or salts of isomers, or anhydrous ammonia with intent to manufacture methamphetamine within the past four years whether the person is acting in his or her own behalf or as the agent of another;

~~((6))~~ (f) Any person to sign the declaration required under RCW 19.290.020 knowing that the private metal property or nonferrous metal property subject to the transaction is stolen. The signature of a person on the declaration required under RCW 19.290.020 constitutes evidence of intent to defraud a scrap metal business if that person is found to have known that the private metal property or nonferrous metal property subject to the transaction was stolen;

~~((7))~~ (g) Any scrap metal business to possess private metal property or commercial metal property that was not lawfully purchased or received under the requirements of this chapter;

~~((8))~~ (h) Any scrap metal business to engage in a series of transactions valued at less than ~~((thirty dollars))~~ \$30 with the same seller for the purposes of avoiding the requirements of RCW 19.290.030(4); or

~~((9))~~ (i) Any person to knowingly make a false or fictitious oral or written statement or to furnish or exhibit any false, fictitious, or misrepresented identification, with the intent to deceive a scrap metal business as to the actual seller of the scrap metal.

(2) Notwithstanding any fines imposed as part of the sentence under this section, each offense is punishable by a \$1,000 fine per catalytic converter, 10 percent of which shall be directed to the no-buy list database program in RCW 43.43.885, and the remainder shall be directed to the Washington association of sheriffs and police chiefs solely for grants issued under RCW 36.28A.240.

(3) (a) Facilitating the offer of used catalytic converters for sale without first verifying proof of ownership of the catalytic converter, or failing to retain verified records of ownership of used catalytic converters offered for sale for at least two years, is an unfair or deceptive act or practice or unfair method of competition in the conduct of

trade or commerce for purposes of the consumer protection act, chapter 19.86 RCW.

(b) All damages awarded to the state of Washington under chapter 19.86 RCW shall be distributed as follows:

(i) Ninety percent to the grant and training program in RCW 36.28A.240; and

(ii) Ten percent to the no-buy list database program in RCW 43.43.885.

NEW SECTION. Sec. 6. A new section is added to chapter 46.80 RCW to read as follows:

Payment to individual sellers of private metal property as defined in RCW 19.290.010 may not be made at the time of the transaction and shall not be paid earlier than three business days after the transaction was made.

No transaction involving catalytic converters may be made in cash or with any person who does not provide a street address and photographic identification. The person with whom the transaction is being made may only be paid by a nontransferable check, mailed by the licensed auto wrecker to a street address recorded according to RCW 46.80.080, no earlier than three days after the transaction was made. A transaction occurs on the date provided in the record required under RCW 46.80.080.

Sec. 7. RCW 46.80.080 and 1999 c 278 s 2 are each amended to read as follows:

(1) Every vehicle wrecker shall maintain books or files in which the wrecker shall keep a record and a description of:

(a) Every vehicle wrecked, dismantled, disassembled, or substantially altered by the wrecker; and

(b) Every major component part, including catalytic converters, acquired by the wrecker; together with a bill of sale signed by a seller whose identity has been verified and the name and address of the person, firm, or corporation from whom the wrecker purchased the vehicle or part. Major component parts other than cores shall be further identified by the vehicle identification number of the vehicle from which the part came.

(2) The record shall also contain the following data regarding the wrecked or acquired vehicle or vehicle that is the source of a major component part,

including catalytic converters, other than a core:

(a) The certificate of title number (if previously titled in this or any other state);

(b) Name of state where last registered;

(c) Number of the last license number plate issued;

(d) Name of vehicle;

(e) Motor or identification number and serial number of the vehicle;

(f) Date purchased;

(g) Disposition of the motor and chassis;

(h) Yard number assigned by the licensee to the vehicle or major component part, which shall also appear on the identified vehicle or part; and

(i) Such other information as the department may require.

(3) The records shall also contain a bill of sale signed by the seller for other minor component parts, including catalytic converters, acquired by the licensee, identifying the seller by name, address, and date of sale.

(4) The records shall be maintained by the licensee at his or her established place of business for a period of three years from the date of acquisition.

(5) The record is subject to inspection at all times during regular business hours by members of the police department, sheriff's office, members of the Washington state patrol, or officers or employees of the department.

(6) A vehicle wrecker shall also maintain a similar record of all disabled vehicles that have been towed or transported to the vehicle wrecker's place of business or to other places designated by the owner of the vehicle or his or her representative. This record shall specify the name and description of the vehicle, name of owner, number of license plate, condition of the vehicle and place to which it was towed or transported.

(7) Failure to comply with this section is a gross misdemeanor.

Sec. 8. RCW 36.28A.240 and 2013 c 322 s 24 are each amended to read as follows:

(1) ~~((When funded))~~ To the extent funds are appropriated, the Washington association of sheriffs and police chiefs shall ~~((establish))~~ develop a comprehensive state law enforcement strategy targeting metal theft in consultation with the criminal justice training commission, including:

(a) Development of best practices for targeting illegal purchasers and sellers involved in metal theft, with specific enforcement focus on catalytic converter theft;

(b) Strategies for development and maintenance of relationships between local law enforcement agencies and licensed scrap metal recyclers, including recommendations for scheduled or regular interactions, with a focus on deterring unlawful purchases and identifying individuals suspected of involvement in unlawful metal theft and individuals who attempt to conduct a transaction while under the influence of controlled substances; and

(c) Establishment of a grant and training program to assist local law enforcement agencies in the support of special enforcement ~~((emphasis))~~ targeting metal theft. Grant applications shall be reviewed ~~((and awarded through peer review panels))~~ by the Washington association of sheriffs and police chiefs in consultation with other appropriate entities, such as those involved in enforcement against metal theft. Grant applicants with a demonstrated increase in metal theft over the previous 24 months are encouraged to ~~((utilize multijurisdictional efforts))~~ focus solely on metal theft and unlawful purchasing and selling of unlawfully obtained metal in their jurisdiction, but may coordinate with other jurisdictions.

(2) Each grant applicant shall:

(a) Show a significant metal theft problem in the jurisdiction or jurisdictions receiving the grant;

~~(b) ~~((Verify that grant awards are sufficient to cover increased investigation, prosecution, and jail costs;~~~~

~~(c) ~~Design))~~ Propose an enforcement program that best suits the specific metal theft problem in the jurisdiction ~~((or jurisdictions receiving the grant)), including the number of enforcement stings to be conducted under the program;~~~~

~~((d))~~ (c) Demonstrate community coordination focusing on prevention, intervention, and suppression; and

~~((e))~~ (d) Collect data on performance, including the number of enforcement stings to be conducted.

~~(3) ~~((The cost of administering the grants shall not exceed sixty thousand dollars, or three percent of appropriated funding, whichever is greater.~~~~

~~(4))~~ Grant awards may not be used to supplant preexisting funding sources for special enforcement targeting metal theft.

Sec. 9. RCW 43.43.885 and 2013 c 322 s 31 are each amended to read as follows:

(1) Beginning on July 1, 2014, ~~((when funded))~~ to the extent funds are appropriated, the Washington association of sheriffs and police chiefs shall implement and operate an ongoing electronic statewide no-buy list database program.

(2) The database must be made available on a secured network or website.

(3) The no-buy list database program shall allow for any scrap metal business to enter a customer's name and date of birth into the database. The database must determine if the customer pursuing the transaction with the scrap metal business has been convicted in Washington of any crime involving burglary, robbery, theft, or possession of or receiving stolen property within the past four years.

(4) If the customer has been convicted of any crime involving burglary, robbery, theft, or possession of or receiving stolen property within the past four years despite whether the person was acting in his or her own behalf or as the agent of another then, at a minimum, the no-buy list database program must immediately send an alert to the scrap metal business stating: (a) That the customer is listed on a current no-buy list, (b) the four-year expiration period for the customer's most recent crime listed, and (c) a notification that entering into a transaction with the customer is prohibited under RCW 19.290.070 (as recodified by this act).

(5) The database shall also include individuals who have attempted to purchase or sell unlawfully obtained metals at licensed scrap metal recyclers

and individuals who attempt to conduct a transaction while under the influence of controlled substances.

(6) Local jurisdictions applying for grants under RCW 36.28A.240 must provide updates to the no-buy list database annually and 120 days after a grant is distributed.

NEW SECTION. Sec. 10. RCW 19.290.070 is recodified as a section in chapter 9A.56 RCW.

NEW SECTION. Sec. 11. Section 4 of 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 May 1, 2022.

NEW SECTION. Sec. 12. Except for sections 4 through 7 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. Sec. 13. Sections 5 through 7 of this act take effect July 1, 2022."

On page 1, line 1 of the title, after "theft;" strike the remainder of the title and insert "amending RCW 19.290.020, 19.290.030, 19.290.070, 46.80.080, 36.28A.240, and 43.43.885; adding a new section to chapter 46.80 RCW; adding a new section to chapter 9A.56 RCW; creating new sections; recodifying RCW 19.290.070; prescribing penalties; providing effective dates; and declaring an emergency."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1815 and advanced the bill, as amended by the Senate, to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Ryu and Mosbrucker spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1815, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1815, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Klippert.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1815, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 4, 2022

Madame Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1835 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that, in 2020, Washington ranked 49th nationally for completion of the free application for federal student aid among high school seniors. The free application for federal student aid is the form that prospective and current postsecondary education students use to receive federal and state financial aid, such as the federal Pell grant, the Washington college grant, the college bound scholarship, the opportunity scholarship, federal student loans, and many other financial resources for college. For students who cannot file a free application for federal student aid, the state has an alternative financial

aid application called the Washington application for state financial aid. The free application for federal student aid is a strong indicator for college enrollment. Ninety-two percent of high school seniors who completed the free application for federal student aid enrolled in a postsecondary institution by the November following graduation versus 51 percent of students who did not complete a free application for federal student aid. In addition, the legislature recognizes that the pandemic has exacerbated equity gaps in college access as colleges and universities are experiencing decreases in enrollments among low-income students, despite having one of the largest and most generous need-based financial aid programs in the country. The legislature recognizes that the Washington college grant program established in chapter 28B.92 RCW, which education trust called "the most equity-focused free college program in the country" is a critical tool to address these equity gaps and help students enter college and apprenticeships. Therefore, it is the legislature's intent to establish an outreach initiative for the Washington college grant and an outreach and completion initiative for the free application for federal student aid and Washington application for state financial aid to help students succeed.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28B.77 RCW to read as follows:

Subject to availability of amounts appropriated for this specific purpose, the student achievement council shall conduct a statewide marketing campaign to increase awareness of the Washington college grant program established in chapter 28B.92 RCW. The student achievement council shall issue a request for proposal for hiring a marketing firm that will produce high quality advertisements to promote the state's largest financial aid program. Advertisements should be marketed towards potential postsecondary students and their parents with the goal of increasing awareness of the Washington college grant program to further the state's educational attainment goals. The advertisements may include television commercials, billboards, advertisements on public transit, paid internet search advertisements, and social media marketing.

NEW SECTION. **Sec. 3.** A new section is added to chapter 28B.50 RCW to read as follows:

Subject to availability of amounts appropriated for this specific purpose, the college board shall administer a free application for federal student aid and Washington application for state financial aid outreach and completion initiative pilot program.

(1) The college board shall select community or technical colleges to participate in the pilot program. The colleges selected to participate must each be located within educational service districts that are in the bottom two for free application for federal student aid completion rates when combining their respective school districts' free application for federal student aid completion rates over the past three completed academic years prior to the effective date of this section. Colleges selected to participate shall employ outreach specialists to work directly with the high schools located in the corresponding educational service district. It is the legislature's intent that the outreach specialists be employed at a ratio of one to 600 high school seniors within the corresponding educational service district. The outreach specialists shall make significant contact with high school students and their families for the purpose of increasing free application for federal student aid and Washington application for state financial aid completion rates. The outreach specialists shall use the free application for federal student aid and Washington application for state financial aid data maintained by the student achievement council to conduct targeted outreach and free application for federal student aid and Washington application for state financial aid completion assistance to high school seniors. The outreach specialists shall also provide information on how to access private scholarships. The outreach specialists shall conduct other outreach as appropriate, including virtual or in-person presentations with students and families, announcements on school intercoms and social media channels, outreach to recent high school graduates as peer messengers, and events at school college or career fairs.

(2) The college board shall report annually to the appropriate committees of

the legislature in accordance with RCW 43.01.036 beginning December 1, 2023, on the free application for federal student aid and Washington application for state financial aid outreach and completion initiative pilot program. The report must include details on how the colleges selected used the funding and how the initiatives worked to increase free application for federal student aid and Washington application for state financial aid completion rates. The report must also include before and after free application for federal student aid and Washington application for state financial aid completion data and specific details about the number of high school students assisted in completing the free application for federal student aid and Washington application for state financial aid.

NEW SECTION. Sec. 4. (1) Subject to availability of amounts appropriated for this specific purpose, the state library shall administer a grant pilot program with the purpose of increasing free application for federal student aid and Washington application for state financial aid completion rates.

(2) The state library shall administer grants to local public libraries located within educational service districts that are in the bottom two for free application for federal student aid completion rates when combining their respective school districts' free application for federal student aid completion rates over the past three completed academic years prior to the effective date of this section. The state library shall, as a condition of the grant pilot program, require local public libraries to partner with community-based organizations including, where appropriate, organizations with proven track records of working with historically underrepresented populations, to increase free application for federal student aid and Washington application for state financial aid completion. The organization or organizations selected shall:

(a) Be embedded in their respective community and have a strong foundation of trust among members of the community; and

(b) Be committed to working directly with individual members of their community to assist with one-on-one free application for federal student aid and Washington application for state

financial aid completion and to provide information on how to access private scholarships.

(3) The state library shall report annually to the appropriate committees of the legislature in accordance with RCW 43.01.036 beginning December 1, 2023, on the progress of the library outreach pilot project to boost free application for federal student aid and Washington application for state financial aid completion rates. The report must include the specific number of students that were assisted through the grant pilot program.

Sec. 5. RCW 28B.92.200 and 2019 c 406 s 19 are each amended to read as follows:

(1) The Washington college grant program is created to provide a statewide free college program for eligible participants and greater access to postsecondary education for Washington residents. The Washington college grant program is intended to increase the number of high school graduates and adults that can attain a postsecondary credential and provide them with the qualifications needed to compete for job opportunities in Washington.

(2) The office shall implement and administer the Washington college grant program and is authorized to establish rules necessary for implementation of the program.

(3) The legislature shall appropriate funding for the Washington college grant program. Allocations must be made on the basis of estimated eligible participants enrolled in eligible institutions of higher education or apprenticeship programs. All eligible students are entitled to a Washington college grant beginning in academic year 2020-21.

(4) The office shall award Washington college grants to all eligible students beginning in academic year 2020-21.

(5) To be eligible for the Washington college grant, students must meet the following requirements:

(a) (i) Demonstrate financial need under RCW 28B.92.205;

(ii) Receive one of the following types of public assistance:

(A) Aged, blind, or disabled assistance benefits under chapter 74.62 RCW;

(B) Essential needs and housing support program benefits under RCW 43.185C.220; or

(C) Pregnant women assistance program financial grants under RCW 74.62.030; or

(iii) Be a Washington high school student in the 10th, 11th, or 12th grade whose parent or legal guardian is receiving one of the types of public assistance listed in (a)(ii) of this subsection and have received a certificate confirming eligibility from the office in accordance with section 6 of this act;

(b)(i) Be enrolled or accepted for enrollment for at least three quarter credits or the equivalent semester credits at an institution of higher education in Washington as defined in RCW 28B.92.030; or

(ii) Be enrolled in a registered apprenticeship program approved under chapter 49.04 RCW;

(c) Be a resident student as defined in RCW 28B.15.012(2) (a) through (e);

(d) File an annual application for financial aid as approved by the office; and

(e) Must not have earned a baccalaureate degree or higher from a postsecondary institution.

(6) Washington college grant eligibility may not extend beyond five years or one hundred twenty-five percent of the published length of the program in which the student is enrolled or the credit or clock-hour equivalent.

(7) Institutional aid administrators shall determine whether a student eligible for the Washington college grant in a given academic year may remain eligible for the ensuing year if the student's family income increases by no more than three percent.

(8) Qualifications for receipt and renewal include maintaining satisfactory academic progress toward completion of an eligible program as determined by the office and established in rule.

(9) Should a recipient terminate his or her enrollment for any reason during the academic year, the unused portion of the grant shall be returned to the state educational grant fund by the institution of higher education according to the institution of higher education's policy

for issuing refunds, except as provided in RCW 28B.92.070.

(10) An eligible student enrolled on a part-time basis shall receive a prorated portion of the Washington college grant for any academic period in which he or she is enrolled on a part-time basis.

(11) The Washington college grant is intended to be used to meet the costs of postsecondary education for students with financial need. The student shall be awarded all need-based financial aid for which the student qualifies as determined by the institution.

(12) Students and participating institutions of higher education shall comply with all the rules adopted by the council for the administration of this chapter.

NEW SECTION. Sec. 6. A new section is added to chapter 28B.92 RCW to read as follows:

(1) The office shall enter into a data-sharing agreement with the department of social and health services to facilitate the sharing of individual-level data. The department of social and health services shall send the office a list of all individuals receiving benefits under the public assistance programs listed under RCW 28B.92.200(5) on at least an annual basis. The office shall use the list to confirm students' eligibility for the Washington college grant program, without requiring the student to fill out a separate financial aid form. The office may also use the information to conduct outreach promoting the Washington college grant.

(2) For high school students in 10th, 11th, and 12th grades whose families are receiving benefits under one of the public assistance programs listed under RCW 28B.92.200(5), the office shall issue a certificate to the student that validates the student's financial need eligibility for the Washington college grant program. The certificate is good for one year after high school graduation and may be used upon enrollment in an eligible institution of higher education, provided the student meets the other Washington college grant eligibility requirements. The office shall track and maintain records of students who were issued certificates under this section in order to confirm a student's financial need eligibility with an institution of higher education. A student does not need to produce the

certificate to receive the Washington college grant.

NEW SECTION. Sec. 7. A new section is added to chapter 28B.92 RCW to read as follows:

The office shall collaborate with the department of social and health services to facilitate individual-level outreach to individuals receiving benefits under the public assistance programs listed under RCW 28B.92.200(5), temporary assistance for needy families under chapter 74.08 RCW, the state family assistance program provided for in rule, and the basic food program to inform these individuals of their eligibility for the Washington college grant program.

Sec. 8. RCW 74.04.060 and 2017 3rd sp.s. c 6 s 817 are each amended to read as follows:

(1)(a) For the protection of applicants and recipients, the department, the authority, and the county offices and their respective officers and employees are prohibited, except as hereinafter provided, from disclosing the contents of any records, files, papers and communications, except for purposes directly connected with the administration of the programs of this title. In any judicial proceeding, except such proceeding as is directly concerned with the administration of these programs, such records, files, papers and communications, and their contents, shall be deemed privileged communications and except for the right of any individual to inquire of the office whether a named individual is a recipient of welfare assistance and such person shall be entitled to an affirmative or negative answer.

(b) Unless prohibited by federal law, for the purpose of investigating and preventing child abuse and neglect and providing for the health care coordination and well-being of children in foster care, the department and the authority shall disclose to the department of children, youth, and families the following information: developmental disabilities administration client records; home and community services client records; long-term care facility or certified community residential supports records; health care information; child support information; food assistance information; and public assistance information. Disclosure under this

subsection (1)(b) is mandatory for the purposes of the federal health insurance portability and accountability act.

(c) Upon written request of a parent who has been awarded visitation rights in an action for divorce or separation or any parent with legal custody of the child, the department shall disclose to him or her the last known address and location of his or her natural or adopted children. The secretary shall adopt rules which establish procedures for disclosing the address of the children and providing, when appropriate, for prior notice to the custodian of the children. The notice shall state that a request for disclosure has been received and will be complied with by the department unless the department receives a copy of a court order which enjoins the disclosure of the information or restricts or limits the requesting party's right to contact or visit the other party or the child. Information supplied to a parent by the department shall be used only for purposes directly related to the enforcement of the visitation and custody provisions of the court order of separation or decree of divorce. No parent shall disclose such information to any other person except for the purpose of enforcing visitation provisions of the said order or decree.

(d) Unless prohibited by federal law, the department is permitted to release individual-level data of state-funded public assistance programs listed under RCW 28B.92.200 to the student achievement council under chapter 28B.77 RCW for the purposes of section 6 of this act.

(e) The department shall review methods to improve the protection and confidentiality of information for recipients of welfare assistance who have disclosed to the department that they are past or current victims of domestic violence or stalking.

(2) The county offices shall maintain monthly at their offices a report showing the names and addresses of all recipients in the county receiving public assistance under this title, together with the amount paid to each during the preceding month.

(3) The provisions of this section shall not apply to duly designated representatives of approved private welfare agencies, public officials, members of legislative interim committees and advisory committees when

performing duties directly connected with the administration of this title, such as regulation and investigation directly connected therewith: PROVIDED, HOWEVER, That any information so obtained by such persons or groups shall be treated with such degree of confidentiality as is required by the federal social security law.

(4) It shall be unlawful, except as provided in this section, for any person, body, association, firm, corporation or other agency to solicit, publish, disclose, receive, make use of, or to authorize, knowingly permit, participate in or acquiesce in the use of any lists or names for commercial or political purposes of any nature. The violation of this section shall be a gross misdemeanor.

NEW SECTION. **Sec. 9.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "enrollment;" strike the remainder of the title and insert "amending RCW 28B.92.200 and 74.04.060; adding a new section to chapter 28B.77 RCW; adding a new section to chapter 28B.50 RCW; adding new sections to chapter 28B.92 RCW; and creating new sections."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1835 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Hansen and Chambers spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1835, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1835, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 83; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Boehnke, Chandler, Chase, Dufault, Graham, Hoff, Kraft, McCaslin, McEntire, Schmick, Sutherland, Vick, Walsh and Young.

Excused: Representative Klippert.

SECOND SUBSTITUTE HOUSE BILL NO. 1835, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 3, 2022

Madame Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1860 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that social determinants of health, particularly housing, are highly correlated with long-term recovery from behavioral health conditions. Seeking inpatient treatment for a mental health or substance use challenge is an act of valor. Upon discharge from care, these individuals deserve a safe, stable place from which to launch their recovery. It is far easier and more cost-effective to help maintain a person's recovery after treatment than to discharge them into homelessness and begin the process anew amid another crisis. Sometimes, there may not be another chance.

(2) Therefore, it is the intent of the legislature to seize the incredible opportunity presented by a person seeking inpatient behavioral health care by ensuring that these courageous

individuals are discharged to appropriate housing.

Sec. 2. RCW 70.320.020 and 2021 c 267 s 2 are each amended to read as follows:

(1) The authority and the department shall base contract performance measures developed under RCW 70.320.030 on the following outcomes when contracting with service contracting entities: Improvements in client health status and wellness; increases in client participation in meaningful activities; reductions in client involvement with criminal justice systems; reductions in avoidable costs in hospitals, emergency rooms, crisis services, and jails and prisons; increases in stable housing in the community; improvements in client satisfaction with quality of life; and reductions in population-level health disparities.

(2) The performance measures must demonstrate the manner in which the following principles are achieved within each of the outcomes under subsection (1) of this section:

(a) Maximization of the use of evidence-based practices will be given priority over the use of research-based and promising practices, and research-based practices will be given priority over the use of promising practices. The agencies will develop strategies to identify programs that are effective with ethnically diverse clients and to consult with tribal governments, experts within ethnically diverse communities and community organizations that serve diverse communities;

(b) The maximization of the client's independence, recovery, and employment;

(c) The maximization of the client's participation in treatment decisions; and

(d) The collaboration between consumer-based support programs in providing services to the client.

(3) In developing performance measures under RCW 70.320.030, the authority and the department shall consider expected outcomes relevant to the general populations that each agency serves. The authority and the department may adapt the outcomes to account for the unique needs and characteristics of discrete subcategories of populations receiving services, including ethnically diverse communities.

(4) The authority and the department shall coordinate the establishment of the expected outcomes and the performance measures between each agency as well as each program to identify expected outcomes and performance measures that are common to the clients enrolled in multiple programs and to eliminate conflicting standards among the agencies and programs.

(5) (a) The authority and the department shall establish timelines and mechanisms for service contracting entities to report data related to performance measures and outcomes, including phased implementation of public reporting of outcome and performance measures in a form that allows for comparison of performance measures and levels of improvement between geographic regions of Washington.

(b) The authority and the department may not release any public reports of client outcomes unless the data has been deidentified and aggregated in such a way that the identity of individual clients cannot be determined through directly identifiable data or the combination of multiple data elements.

(6) (a) The performance measures coordinating committee must establish: (i) A performance measure to be integrated into the statewide common measure set which tracks effective integration practices of behavioral health services in primary care settings; ~~((and))~~ (ii) performance measures which track rates of criminal justice system involvement among ~~((public health system))~~ medical assistance clients with an identified behavioral health need including, but not limited to, rates of arrest and incarceration; and (iii) performance measures which track rates of homelessness and housing instability among medical assistance clients. The authority must set improvement targets related to these measures.

(b) The performance measures coordinating committee must report to the governor and appropriate committees of the legislature regarding the implementation of this subsection by July 1, 2022.

(c) For purposes of establishing performance measures as specified in (a) (ii) of this subsection, the performance measures coordinating committee shall convene a work group of

stakeholders including the authority, medicaid managed care organizations, the department of corrections, and others with expertise in criminal justice and behavioral health. The work group shall review current performance measures that have been adopted in other states or nationally to inform this effort.

(d) For purposes of establishing performance measures as specified in (a)(iii) of this subsection, the performance measures coordinating committee shall convene a work group of stakeholders including the authority, medicaid managed care organizations, and others with expertise in housing for low-income populations and with experience understanding the impacts of homelessness and housing instability on health. The work group shall review current performance measures that have been adopted in other states or nationally from organizations with experience in similar measures to inform this effort.

(7) The authority must report to the governor and appropriate committees of the legislature ~~((by))~~:

(a) By October 1, 2022, regarding options and recommendations for integrating value-based purchasing terms and a performance improvement project into managed health care contracts relating to the criminal justice outcomes specified under subsection (1) of this section;

(b) By July 1, 2024, regarding options and recommendations for integrating value-based purchasing terms and to integrate a collective performance improvement project into managed health care contracts related to increasing stable housing in the community outcomes specified under subsection (1) of this section. The authority shall review the performance measures and information from the work group established in subsection (6)(d) of this section.

NEW SECTION. Sec. 3. A new section is added to chapter 71.24 RCW to read as follows:

By January 1, 2023, the authority shall require that any contract with a managed care organization include a requirement to provide housing-related care coordination services for enrollees who need such services upon being discharged from inpatient behavioral health settings as allowed by the centers for medicare and medicaid services.

NEW SECTION. Sec. 4. A new section is added to chapter 71.12 RCW to read as follows:

With respect to a person enrolled in medical assistance under chapter 74.09 RCW, a psychiatric hospital shall make every effort to:

(1) Inform the medicaid managed care organization in which the person is enrolled of the person's discharge or change in care plan on the following timelines:

(a) For an anticipated discharge, no later than 24 hours prior to the known discharge date; or

(b) For all other discharges, including if the person leaves against medical advice, no later than the date of discharge or departure from the facility; and

(2) Engage with medicaid managed care organizations in discharge planning, which includes informing and connecting patients to care management resources at the appropriate managed care organization.

NEW SECTION. Sec. 5. A new section is added to chapter 74.09 RCW to read as follows:

To improve health outcomes and address health inequities, the authority shall evaluate incentive approaches and recommend funding options to increase the collection of Z codes on individual medicaid claims, in accordance with standard billing guidance and regulations."

On page 1, line 2 of the title, after "settings;" strike the remainder of the title and insert "amending RCW 70.320.020; adding a new section to chapter 71.24 RCW; adding a new section to chapter 71.12 RCW; adding a new section to chapter 74.09 RCW; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1860 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL

AS SENATE AMENDED

Representatives Davis and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1860, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1860, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 90; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Dufault, Kraft, McCaslin, McEntire, Sutherland, Walsh and Young.

Excused: Representative Klippert.

SECOND SUBSTITUTE HOUSE BILL NO. 1860, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 3, 2022

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1901 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 7.105.010 and 2021 c 215 s 2 are each amended to read as follows:

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

(1) "Abandonment" means action or inaction by a person or entity with a duty of care for a vulnerable adult that leaves the vulnerable adult without the

means or ability to obtain necessary food, clothing, shelter, or health care.

(2) "Abuse," for the purposes of a vulnerable adult protection order, means intentional, willful, or reckless action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment on a vulnerable adult. In instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish. "Abuse" includes sexual abuse, mental abuse, physical abuse, personal exploitation, and improper use of restraint against a vulnerable adult, which have the following meanings:

(a) "Improper use of restraint" means the inappropriate use of chemical, physical, or mechanical restraints for convenience or discipline, or in a manner that: (i) Is inconsistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW; (ii) is not medically authorized; or (iii) otherwise constitutes abuse under this section.

(b) "Mental abuse" means an intentional, willful, or reckless verbal or nonverbal action that threatens, humiliates, harasses, coerces, intimidates, isolates, unreasonably confines, or punishes a vulnerable adult. "Mental abuse" may include ridiculing, yelling, swearing, or withholding or tampering with prescribed medications or their dosage.

(c) "Personal exploitation" means an act of forcing, compelling, or exerting undue influence over a vulnerable adult causing the vulnerable adult to act in a way that is inconsistent with relevant past behavior, or causing the vulnerable adult to perform services for the benefit of another.

(d) "Physical abuse" means the intentional, willful, or reckless action of inflicting bodily injury or physical mistreatment. "Physical abuse" includes, but is not limited to, striking with or without an object, slapping, pinching, strangulation, suffocation, kicking, shoving, or prodding.

(e) "Sexual abuse" means any form of nonconsensual sexual conduct including, but not limited to, unwanted or inappropriate touching, rape, molestation, indecent liberties, sexual

coercion, sexually explicit photographing or recording, voyeurism, indecent exposure, and sexual harassment. "Sexual abuse" also includes any sexual conduct between a staff person, who is not also a resident or client, of a facility or a staff person of a program authorized under chapter 71A.12 RCW, and a vulnerable adult living in that facility or receiving service from a program authorized under chapter 71A.12 RCW, whether or not the sexual conduct is consensual.

(3) "Chemical restraint" means the administration of any drug to manage a vulnerable adult's behavior in a way that reduces the safety risk to the vulnerable adult or others, has the temporary effect of restricting the vulnerable adult's freedom of movement, and is not standard treatment for the vulnerable adult's medical or psychiatric condition.

(4) "Consent" in the context of sexual acts means that at the time of sexual contact, there are actual words or conduct indicating freely given agreement to that sexual contact. Consent must be ongoing and may be revoked at any time. Conduct short of voluntary agreement does not constitute consent as a matter of law. Consent cannot be freely given when a person does not have capacity due to disability, intoxication, or age. Consent cannot be freely given when the other party has authority or control over the care or custody of a person incarcerated or detained.

(5)(a) "Course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. "Course of conduct" includes any form of communication, contact, or conduct, including the sending of an electronic communication, but does not include constitutionally protected free speech. Constitutionally protected activity is not included within the meaning of "course of conduct."

(b) In determining whether the course of conduct serves any legitimate or lawful purpose, a court should consider whether:

(i) Any current contact between the parties was initiated by the respondent only or was initiated by both parties;

(ii) The respondent has been given clear notice that all further contact with the petitioner is unwanted;

(iii) The respondent's course of conduct appears designed to alarm, annoy, or harass the petitioner;

(iv) The respondent is acting pursuant to any statutory authority including, but not limited to, acts which are reasonably necessary to:

(A) Protect property or liberty interests;

(B) Enforce the law; or

(C) Meet specific statutory duties or requirements;

(v) The respondent's course of conduct has the purpose or effect of unreasonably interfering with the petitioner's privacy or the purpose or effect of creating an intimidating, hostile, or offensive living environment for the petitioner; or

(vi) Contact by the respondent with the petitioner or the petitioner's family has been limited in any manner by any previous court order.

(6) "Court clerk" means court administrators in courts of limited jurisdiction and elected court clerks.

(7) "Dating relationship" means a social relationship of a romantic nature. Factors that the court may consider in making this determination include: (a) The length of time the relationship has existed; (b) the nature of the relationship; and (c) the frequency of interaction between the parties.

(8) "Domestic violence" means:

(a) Physical harm, bodily injury, assault, or the infliction of fear of physical harm, bodily injury, or assault; nonconsensual sexual conduct or nonconsensual sexual penetration; coercive control; unlawful harassment; or stalking of one intimate partner by another intimate partner; or

(b) Physical harm, bodily injury, assault, or the infliction of fear of physical harm, bodily injury, or assault; nonconsensual sexual conduct or nonconsensual sexual penetration; coercive control; unlawful harassment; or stalking of one family or household member by another family or household member.

(9) "Electronic monitoring" has the same meaning as in RCW 9.94A.030.

(10) "Essential personal effects" means those items necessary for a person's immediate health, welfare, and livelihood. "Essential personal effects" includes, but is not limited to, clothing, cribs, bedding, medications, personal hygiene items, cellular phones and other electronic devices, and documents, including immigration, health care, financial, travel, and identity documents.

(11) "Facility" means a residence licensed or required to be licensed under chapter 18.20 RCW, assisted living facilities; chapter 18.51 RCW, nursing homes; chapter 70.128 RCW, adult family homes; chapter 72.36 RCW, soldiers' homes; chapter 71A.20 RCW, residential habilitation centers; or any other facility licensed or certified by the department of social and health services.

(12) "Family or household members" means: (a) Persons related by blood, marriage, domestic partnership, or adoption; (b) persons who currently or formerly resided together; (c) persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren, or a parent's intimate partner and children; and (d) a person who is acting or has acted as a legal guardian.

(13) "Financial exploitation" means the illegal or improper use of, control over, or withholding of, the property, income, resources, or trust funds of the vulnerable adult by any person or entity for any person's or entity's profit or advantage other than for the vulnerable adult's profit or advantage. "Financial exploitation" includes, but is not limited to:

(a) The use of deception, intimidation, or undue influence by a person or entity in a position of trust and confidence with a vulnerable adult to obtain or use the property, income, resources, government benefits, health insurance benefits, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult;

(b) The breach of a fiduciary duty, including, but not limited to, the misuse of a power of attorney, trust, or a guardianship or conservatorship appointment, that results in the unauthorized appropriation, sale, or transfer of the property, income,

resources, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult; or

(c) Obtaining or using a vulnerable adult's property, income, resources, or trust funds without lawful authority, by a person or entity who knows or clearly should know that the vulnerable adult lacks the capacity to consent to the release or use of the vulnerable adult's property, income, resources, or trust funds.

(14) "Firearm" means a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder. "Firearm" does not include a flare gun or other pyrotechnic visual distress signaling device, or a powder-actuated tool or other device designed solely to be used for construction purposes. "Firearm" also includes parts that can be assembled to make a firearm.

(15) "Full hearing" means a hearing where the court determines whether to issue a full protection order.

(16) "Full protection order" means a protection order that is issued by the court after notice to the respondent and where the parties had the opportunity for a full hearing by the court. "Full protection order" includes a protection order entered by the court by agreement of the parties to resolve the petition for a protection order without a full hearing.

(17) "Hospital" means a facility licensed under chapter 70.41 or 71.12 RCW or a state hospital defined in chapter 72.23 RCW and any employee, agent, officer, director, or independent contractor thereof.

(18) "Interested person" means a person who demonstrates to the court's satisfaction that the person is interested in the welfare of a vulnerable adult, that the person has a good faith belief that the court's intervention is necessary, and that the vulnerable adult is unable, due to incapacity, undue influence, or duress at the time the petition is filed, to protect his or her own interests.

(19) "Intimate partner" means: (a) Spouses or domestic partners; (b) former spouses or former domestic partners; (c) persons who have a child in common regardless of whether they have been

married or have lived together at any time, unless the child is conceived through sexual assault; or (d) persons who have or have had a dating relationship where both persons are at least 13 years of age or older.

(20) (a) "Isolate" or "isolation" means to restrict a person's ability to communicate, visit, interact, or otherwise associate with persons of his or her choosing. Isolation may be evidenced by acts including, but not limited to:

(i) Acts that prevent a person from sending, making, or receiving his or her personal mail, electronic communications, or telephone calls; or

(ii) Acts that prevent or obstruct a person from meeting with others, such as telling a prospective visitor or caller that the person is not present or does not wish contact, where the statement is contrary to the express wishes of the person.

(b) The term "isolate" or "isolation" may not be construed in a manner that prevents a guardian or limited guardian from performing his or her fiduciary obligations under chapter 11.92 RCW or prevents a hospital or facility from providing treatment consistent with the standard of care for delivery of health services.

(21) "Judicial day" means days of the week other than Saturdays, Sundays, or legal holidays.

(22) "Mechanical restraint" means any device attached or adjacent to a vulnerable adult's body that the vulnerable adult cannot easily remove that restricts freedom of movement or normal access to the vulnerable adult's body. "Mechanical restraint" does not include the use of devices, materials, or equipment that are (a) medically authorized, as required, and (b) used in a manner that is consistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW.

(23) "Minor" means a person who is under 18 years of age.

(24) "Neglect" means: (a) A pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that maintain the physical or mental health of a vulnerable

adult, or that fails to avoid or prevent physical or mental harm or pain to a vulnerable adult; or (b) an act or omission by a person or entity with a duty of care that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the vulnerable adult's health, welfare, or safety including, but not limited to, conduct prohibited under RCW 9A.42.100.

(25) "Nonconsensual" means a lack of freely given consent.

(26) "Nonphysical contact" includes, but is not limited to, written notes, mail, telephone calls, email, text messages, contact through social media applications, contact through other technologies, ~~((and))~~ or contact through third parties.

(27) "Petitioner" means any named petitioner or any other person identified in the petition on whose behalf the petition is brought.

(28) "Physical restraint" means the application of physical force without the use of any device, for the purpose of restraining the free movement of a vulnerable adult's body. "Physical restraint" does not include (a) briefly holding, without undue force, a vulnerable adult in order to calm or comfort him or her, or (b) holding a vulnerable adult's hand to safely escort him or her from one area to another.

(29) "Possession" means having an item in one's custody or control. Possession may be either actual or constructive. Actual possession occurs when the item is in the actual physical custody of the person charged with possession. Constructive possession occurs when there is no actual physical possession, but there is dominion and control over the item.

(30) "Respondent" means the person who is identified as the respondent in a petition filed under this chapter.

(31) "Sexual conduct" means any of the following:

(a) Any intentional or knowing touching or fondling of the genitals, anus, or breasts, directly or indirectly, including through clothing;

(b) Any intentional or knowing display of the genitals, anus, or breasts for the purposes of arousal or sexual gratification of the respondent;

(c) Any intentional or knowing touching or fondling of the genitals, anus, or breasts, directly or indirectly, including through clothing, that the petitioner is forced to perform by another person or the respondent;

(d) Any forced display of the petitioner's genitals, anus, or breasts for the purposes of arousal or sexual gratification of the respondent or others;

(e) Any intentional or knowing touching of the clothed or unclothed body of a child under the age of 16, if done for the purpose of sexual gratification or arousal of the respondent or others; or

(f) Any coerced or forced touching or fondling by a child under the age of 16, directly or indirectly, including through clothing, of the genitals, anus, or breasts of the respondent or others.

(32) "Sexual penetration" means any contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth, or anus of another person, or any intrusion, however slight, of any part of the body of one person or of any animal or object into the sex organ or anus of another person including, but not limited to, cunnilingus, fellatio, or anal penetration. Evidence of emission of semen is not required to prove sexual penetration.

(33) "Stalking" means any of the following:

(a) Any act of stalking as defined under RCW 9A.46.110;

(b) Any act of cyberstalking as defined under RCW 9.61.260; or

(c) Any course of conduct involving repeated or continuing contacts, attempts to contact, monitoring, tracking, surveillance, keeping under observation, disrupting activities in a harassing manner, or following of another person that:

(i) Would cause a reasonable person to feel intimidated, frightened, under duress, significantly disrupted, or threatened and that actually causes such a feeling;

(ii) Serves no lawful purpose; and

(iii) The respondent knows, or reasonably should know, threatens, frightens, or intimidates the person,

even if the respondent did not intend to intimidate, frighten, or threaten the person.

(34) "Temporary protection order" means a protection order that is issued before the court has decided whether to issue a full protection order. "Temporary protection order" includes ex parte temporary protection orders, as well as temporary protection orders that are reissued by the court pending the completion of a full hearing to decide whether to issue a full protection order. An "ex parte temporary protection order" means a temporary protection order that is issued without prior notice to the respondent.

(35) "Unlawful harassment" means:

(a) A knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, harasses, or is detrimental to such person, and that serves no legitimate or lawful purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the petitioner; or

(b) A single act of violence or threat of violence directed at a specific person that seriously alarms, annoys, harasses, or is detrimental to such person, and that serves no legitimate or lawful purpose, which would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the petitioner. A single threat of violence must include: (i) A malicious and intentional threat as described in RCW 9A.36.080(1)(c); or (ii) the presence of a firearm or other weapon.

(36) "Vulnerable adult" includes a person:

(a) Sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself; or

(b) Subject to a guardianship under RCW 11.130.265 or adult subject to conservatorship under RCW 11.130.360; or

(c) Who has a developmental disability as defined under RCW 71A.10.020; or

(d) Admitted to any facility; or

(e) Receiving services from home health, hospice, or home care agencies

licensed or required to be licensed under chapter 70.127 RCW; or

(f) Receiving services from a person under contract with the department of social and health services to provide services in the home under chapter 74.09 or 74.39A RCW; or

(g) Who self-directs his or her own care and receives services from a personal aide under chapter 74.39 RCW.

(37) (a) "Coercive control" means a pattern of behavior that is used to cause another to suffer physical, emotional, or psychological harm, and in purpose or effect unreasonably interferes with a person's free will and personal liberty. In determining whether the interference is unreasonable, the court shall consider the context and impact of the pattern of behavior from the perspective of a similarly situated person. Examples of coercive control include, but are not limited to, engaging in any of the following:

(i) Intimidation or controlling or compelling conduct by:

(A) Damaging, destroying, or threatening to damage or destroy, or forcing the other party to relinquish, goods, property, or items of special value;

(B) Using technology to threaten, humiliate, harass, stalk, intimidate, exert undue influence over, or abuse the other party, including by engaging in cyberstalking, monitoring, surveillance, impersonation, manipulation of electronic media, or distribution of or threats to distribute actual or fabricated intimate images;

(C) Carrying, exhibiting, displaying, drawing, or threatening to use, any firearm or any other weapon apparently capable of producing bodily harm, in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate the other party or that warrants alarm by the other party for their safety or the safety of other persons;

(D) Driving recklessly with the other party or minor children in the vehicle;

(E) Communicating, directly or indirectly, the intent to:

(I) Harm the other party's children, family members, friends, or pets,

including by use of physical forms of violence;

(II) Harm the other party's career;

(III) Attempt suicide or other acts of self-harm; or

(IV) Contact local or federal agencies based on actual or suspected immigration status;

(F) Exerting control over the other party's identity documents;

(G) Making, or threatening to make, private information public, including the other party's sexual orientation or gender identity, medical or behavioral health information, or other confidential information that jeopardizes safety; or

(H) Engaging in sexual or reproductive coercion;

(ii) Causing dependence, confinement, or isolation of the other party from friends, relatives, or other sources of support, including schooling and employment, or subjecting the other party to physical confinement or restraint;

(iii) Depriving the other party of basic necessities or committing other forms of financial exploitation;

(iv) Controlling, exerting undue influence over, interfering with, regulating, or monitoring the other party's movements, communications, daily behavior, finances, economic resources, or employment, including but not limited to interference with or attempting to limit access to services for children of the other party, such as health care, medication, child care, or school-based extracurricular activities;

(v) Engaging in vexatious litigation or abusive litigation as defined in RCW 26.51.020 against the other party to harass, coerce, or control the other party, to diminish or exhaust the other party's financial resources, or to compromise the other party's employment or housing; or

(vi) Engaging in psychological aggression, including inflicting fear, humiliating, degrading, or punishing the other party.

(b) "Coercive control" does not include protective actions taken by a party in good faith for the legitimate and lawful purpose of protecting

themselves or children from the risk of harm posed by the other party.

Sec. 2. RCW 7.105.050 and 2021 c 215 s 4 are each amended to read as follows:

(1) The superior(~~(T)~~) and district(~~(T)~~ and ~~municipal~~) courts have jurisdiction over domestic violence protection order proceedings (~~and~~), sexual assault protection order proceedings, stalking protection order proceedings, and antiharassment protection order proceedings under this chapter(~~(T)~~ ~~The jurisdiction of district and municipal courts is limited to enforcement of RCW 7.105.450(1), or the equivalent municipal ordinance, and the issuance and enforcement of temporary orders for protection provided for in RCW 7.105.305~~ ~~if~~), except that such proceedings must be transferred from district court to superior court when:

(a) A superior court has exercised or is exercising jurisdiction over a proceeding involving the parties;

(b) (~~The petition for relief under this chapter presents issues of the residential schedule of, and contact with, children of the parties; or~~

(c) The petition for relief under this chapter requests the court to exclude a party from the dwelling which the parties share)) The action would have the effect of interfering with a respondent's care, control, or custody of the respondent's minor child;

(c) The action would affect the use or enjoyment of real property for which the respondent has a cognizable claim or would exclude a party from a shared dwelling;

(d) The petitioner, victim, or respondent to the petition is under 18 years of age; or

(e) The district court is unable to verify whether there are potentially conflicting or related orders involving the parties as required by RCW 7.105.105 or 7.105.555.

(2)(a) When the jurisdiction of a district (~~or municipal~~) court is limited to the issuance and enforcement of a temporary protection order, the district (~~or municipal~~) court shall set the full hearing in superior court and transfer the case, indicating in the transfer order the circumstances and findings supporting transfer to the superior court.

(b) If the notice and order are not served on the respondent in time for the full hearing, the issuing court shall have concurrent jurisdiction with the superior court to extend the temporary protection order. The superior court to which the case is being transferred shall determine whether to grant any request for a continuance.

(3) Transfer procedures, court calendars, and judicial officer assignment must further the goals of this chapter to: Minimize delay; make the system less complex; provide sufficient victim support, consistency, safety, timeliness, and procedural fairness; enable comprehensive use of electronic filing, case tracking, and records management systems; provide for judicial officers with expertise and training in protection orders and trauma-informed practices and continuity of judicial officers at each hearing so the judicial officer will have greater familiarity with the parties, history, and allegations; and help ensure that there is compliance with timely and comprehensive firearms relinquishment to reduce risk of harm. Courts shall make publicly available in print and online information about their transfer procedures, court calendars, and judicial officer assignment.

Sec. 3. RCW 7.105.070 and 2021 c 215 s 8 are each amended to read as follows:

The superior courts have jurisdiction over extreme risk protection order proceedings under this chapter. The juvenile court may hear an extreme risk protection order proceeding under this chapter if the respondent is under the age of 18 years. Additionally, district (~~and municipal~~) courts have limited jurisdiction over the issuance and enforcement of temporary extreme risk protection orders issued under RCW 7.105.330. The district (~~or municipal~~) court shall set the full hearing in superior court and transfer the case. If the notice and order are not served on the respondent in time for the full hearing, the issuing court has concurrent jurisdiction with the superior court to extend the temporary extreme risk protection order. The superior court to which the case is being transferred shall determine whether to grant any request for a continuance.

Sec. 4. RCW 7.105.075 and 2021 c 215 s 9 are each amended to read as follows:

An action for a protection order should be filed in the county (~~or municipality~~) where the petitioner resides. The petitioner may also file in:

(1) The county (~~or municipality~~) where an act giving rise to the petition for a protection order occurred;

(2) The county (~~or municipality~~) where a child to be protected by the order primarily resides;

(3) The county (~~or municipality~~) where the petitioner resided prior to relocating if relocation was due to the respondent's conduct; or

(4) The court nearest to the petitioner's residence or former residence under subsection (3) of this section.

Sec. 5. RCW 7.105.100 and 2021 c 215 s 13 are each amended to read as follows:

(1) There exists an action known as a petition for a protection order. The following types of petitions for a protection order may be filed:

(a) A petition for a domestic violence protection order, which must allege the existence of domestic violence committed against the petitioner or petitioners by an intimate partner or a family or household member. The petitioner may petition for relief on behalf of himself or herself and on behalf of family or household members who are minors or vulnerable adults. A petition for a domestic violence protection order must specify whether the petitioner and the respondent are intimate partners or family or household members. A petitioner who has been sexually assaulted or stalked by an intimate partner or a family or household member should, but is not required to, seek a domestic violence protection order, rather than a sexual assault protection order or a stalking protection order.

(b) A petition for a sexual assault protection order, which must allege the existence of nonconsensual sexual conduct or nonconsensual sexual penetration that was committed against the petitioner by the respondent. A petitioner who has been sexually assaulted by an intimate partner or a family or household member should, but is not required to, seek a domestic violence protection order, rather than a sexual assault protection order. A single incident of nonconsensual sexual conduct

or nonconsensual sexual penetration is sufficient grounds for a petition for a sexual assault protection order. The petitioner may petition for a sexual assault protection order on behalf of:

(i) Himself or herself;

(ii) A minor child, where the petitioner is the parent, legal guardian, or custodian;

(iii) A vulnerable adult, where the petitioner is an interested person; or

(iv) Any other adult for whom the petitioner demonstrates to the court's satisfaction that the petitioner is interested in the adult's well-being, the court's intervention is necessary, and the adult cannot file the petition because of age, disability, health, or inaccessibility.

(c) A petition for a stalking protection order, which must allege the existence of stalking committed against the petitioner or petitioners by the respondent. A petitioner who has been stalked by an intimate partner or a family or household member should, but is not required to, seek a domestic violence protection order, rather than a stalking protection order. The petitioner may petition for a stalking protection order on behalf of:

(i) Himself or herself;

(ii) A minor child, where the petitioner is the parent, legal guardian, or custodian;

(iii) A vulnerable adult, where the petitioner is an interested person; or

(iv) Any other adult for whom the petitioner demonstrates to the court's satisfaction that the petitioner is interested in the adult's well-being, the court's intervention is necessary, and the adult cannot file the petition because of age, disability, health, or inaccessibility.

(d) A petition for a vulnerable adult protection order, which must allege that the petitioner, or person on whose behalf the petition is brought, is a vulnerable adult and that the petitioner, or person on whose behalf the petition is brought, has been abandoned, abused, financially exploited, or neglected, or is threatened with abandonment, abuse, financial exploitation, or neglect, by the respondent. (~~If the petition is filed by an interested person, the affidavit or~~

~~declaration must also include a statement of why the petitioner qualifies as an interested person.)~~)

(e) A petition for an extreme risk protection order, which must allege that the respondent poses a significant danger of causing personal injury to self or others by having in the respondent's custody or control, purchasing, possessing, accessing, receiving, or attempting to purchase or receive, a firearm. The petition must also identify information the petitioner is able to provide about the firearms, such as the number, types, and locations of any firearms the petitioner believes to be in the respondent's current ownership, possession, custody, access, or control. A petition for an extreme risk protection order may be filed by (i) an intimate partner or a family or household member of the respondent; or (ii) a law enforcement agency.

(f) A petition for an antiharassment protection order, which must allege the existence of unlawful harassment committed against the petitioner or petitioners by the respondent. If a petitioner is seeking relief based on domestic violence, nonconsensual sexual conduct, nonconsensual sexual penetration, or stalking, the petitioner may, but is not required to, seek a domestic violence, sexual assault, or stalking protection order, rather than an antiharassment order. The petitioner may petition for an antiharassment protection order on behalf of:

(i) Himself or herself;

(ii) A minor child, where the petitioner is the parent, legal guardian, or custodian;

(iii) A vulnerable adult, where the petitioner is an interested person; or

(iv) Any other adult for whom the petitioner demonstrates to the court's satisfaction that the petitioner is interested in the adult's well-being, the court's intervention is necessary, and the adult cannot file the petition because of age, disability, health, or inaccessibility.

(2) With the exception of vulnerable adult protection orders, a person under 18 years of age who is 15 years of age or older may seek relief under this chapter as a petitioner and is not required to seek relief through a petition filed on his or her behalf. He or she may also

petition on behalf of a family or household member who is a minor if chosen by the minor and capable of pursuing the minor's stated interest in the action.

(3) A person under 15 years of age who is seeking relief under this chapter is required to seek relief by a person authorized as a petitioner under this section.

(4) If a petition for a protection order is filed by an interested person, the affidavit or declaration must also include a statement of why the petitioner qualifies as an interested person.

(5) A petition for any type of protection order must not be dismissed or denied on the basis that the conduct alleged by the petitioner would meet the criteria for the issuance of another type of protection order. If a petition meets the criteria for a different type of protection order other than the one sought by the petitioner, the court shall consider the petitioner's preference, and enter a temporary protection order or set the matter for a hearing as appropriate under the law. The court's decision on the appropriate type of order shall not be premised on alleviating any potential stigma on the respondent.

~~((5))~~ (6) The protection order petition must contain a section where the petitioner, regardless of petition type, may request specific relief provided for in RCW 7.105.310 that the petitioner seeks for himself or herself or for family or household members who are minors. The totality of selected relief, and any other relief the court deems appropriate for the petitioner, or family or household members who are minors, must be considered at the time of entry of temporary protection orders and at the time of entry of full protection orders.

~~((6))~~ (7) If a court reviewing the petition for a protection order or a request for a temporary protection order determines that the petition was not filed in the correct court, the court shall enter findings establishing the correct court, and direct the clerk to transfer the petition to the correct court and to provide notice of the transfer to all parties who have appeared.

~~((7))~~ (8) Upon filing a petition for a protection order, the petitioner may request that the court enter an ex parte temporary protection order and an order to surrender and prohibit weapons without

notice until a hearing on a full protection order may be held. When requested, there shall be a rebuttable presumption to include the petitioner's minor children as protected parties in the ex parte temporary domestic violence protection order until the full hearing to reduce the risk of harm to children during periods of heightened risk, unless there is good cause not to include the minor children. If the court denies the petitioner's request to include the minor children, the court shall make written findings why the children should not be included, pending the full hearing. An ex parte temporary protection order shall be effective for a fixed period of time and shall be issued initially for a period not to exceed 14 days, which may be extended for good cause.

~~((§) The court may, at its discretion, issue a temporary order on the petition with or without a hearing. If an order is not signed upon presentation, the court shall set a hearing for a full protection order not later than 14 days from the date of the filing of the petition for a protection order, if the petition for a protection order is filed before close of business on a judicial day. If a petition for a protection order is filed after close of business on a judicial day or is filed on a nonjudicial day, the court shall set a hearing for a full protection order not later than 14 days from the first judicial day after the petition is filed.))~~

Sec. 6. RCW 7.105.105 and 2021 c 215 s 14 are each amended to read as follows:

The following apply to all petitions for protection orders under this chapter.

(1)(a) By January 1, 2023, county clerks on behalf of all superior courts and, by January 1, 2026, all courts of limited jurisdiction, must permit petitions for protection orders and all other filings in connection with the petition to be submitted as preferred by the petitioner either: (i) In person; (ii) remotely through an electronic submission process; or (iii) by mail for persons who are incarcerated or who are otherwise unable to file in person or remotely through an electronic system. The court or clerk must make ~~((all electronically filed court documents available for electronic access by))~~ available electronically to judicial officers ((statewide)) any protection orders filed within the state. Judicial

officers may not be charged for access to such documents. The electronic ((filing)) submission system must allow for petitions for protection orders and supportive documents to be ((filed)) submitted at any time of the day. When a petition and supporting documents for a protection order are submitted to the clerk after business hours, they must be processed as soon as possible on the next judicial day. Petitioners and respondents should not ((be charged)) incur additional charges for electronic ((filing)) submission for petitions and documents filed pursuant to this section.

(b) By January 1, 2023, all superior courts' systems and, by January 1, 2026, all limited jurisdiction courts' systems, should allow for the petitioner to electronically track the progress of the petition for a protection order. Notification may be provided by text messaging or email, and should provide reminders of court appearances and alert the petitioner when the following occur: (i) The petition has been processed and is under review by a judicial officer; (ii) the order has been signed; (iii) the order has been transmitted to law enforcement for entry into the Washington crime information center system; (iv) ~~((return))~~ proof of service upon the respondent has been filed with the court or clerk; ((and)) (v) a receipt for the surrender of firearms has been filed with the court or clerk; and (vi) the respondent has filed a motion for the release of surrendered firearms. Respondents, once served, should be able to sign up for similar electronic notification. Petitioners and respondents should not be charged for electronic notification.

(2) The petition must be accompanied by a confidential document to be used by the courts and law enforcement to fully identify the parties and serve the respondent. This record will be exempt from public disclosure at all times, and restricted access to this form is governed by general rule 22 provisions governing access to the confidential information form. The petitioner is required to fill out the confidential party information form to the petitioner's fullest ability. The respondent ~~((must))~~ should be ((served with)) provided a blank confidential party information form at the time of service, and when the respondent first appears, the respondent must confirm with the court the respondent's identifying

and current contact information, including electronic means of contact, and file this with the court.

(3) A petition must be accompanied by a declaration signed under penalty of perjury stating the specific facts and circumstances for which relief is sought. Parties, attorneys, and witnesses may electronically sign sworn statements in all filings.

(4) The petitioner and the respondent must disclose the existence of any other litigation or of any other restraining, protection, or no-contact orders between the parties, to the extent that such information is known by the petitioner and the respondent. To the extent possible, the court shall take judicial notice of any existing restraining, protection, or no-contact orders between the parties before entering a protection order. The court shall not include provisions in a protection order that would allow the respondent to engage in conduct that is prohibited by another restraining, protection, or no-contact order between the parties that was entered in a different proceeding. The obligation to disclose the existence of any other litigation includes, but is not limited to, the existence of any other litigation concerning the custody or residential placement of a child of the parties as set forth in RCW 26.27.281. The court administrator shall verify for the court the terms of any existing protection order governing the parties.

(5) The petition may be made regardless of whether or not there is a pending lawsuit, complaint, petition, or other action between the parties, except in cases where the court has realigned the parties in accordance with RCW 7.105.210.

(6) Relief under this chapter must not be denied or delayed on the grounds that the relief is available in another action. The court shall not defer acting on a petition for a protection order nor grant a petitioner less than the full relief that the petitioner is otherwise entitled to under this chapter because there is, or could be, another proceeding involving the parties including, but not limited to, any potential or pending family law matter or criminal matter.

(7) A person's right to petition for relief under this chapter is not affected by the person leaving his or her residence or household.

(8) A petitioner is not required to post a bond to obtain relief in any proceeding for a protection order.

(9) (a) No fees for service of process may be charged by a court or any public agency to petitioners seeking relief under this chapter. Except as provided in (b) of this subsection, courts may not charge petitioners any fees or surcharges the payment of which is a condition precedent to the petitioner's ability to secure access to relief under this chapter. Petitioners shall be provided the necessary number of certified copies, forms, and instructional brochures free of charge, including a copy of the service packet that consists of all documents that are being served on the respondent. A respondent who is served electronically with a protection order shall be provided a certified copy of the order free of charge upon request.

(b) A filing fee may be charged for a petition for an antiharassment protection order except as follows:

(i) No filing fee may be charged to a petitioner seeking an antiharassment protection order against a person who has engaged in acts of stalking as defined in RCW 9A.46.110, a hate crime under RCW 9A.36.080(1)(c), or a single act of violence or threat of violence under RCW 7.105.010(35)(b), or from a person who has engaged in nonconsensual sexual conduct or penetration or conduct that would constitute a sex offense as defined in RCW 9A.44.128, or from a person who is a family or household member or intimate partner who has engaged in conduct that would constitute domestic violence; and

(ii) The court shall waive the filing fee if the court determines the petitioner is not able to pay the costs of filing.

(10) If the petition states that disclosure of the petitioner's address or other identifying location information would risk harm to the petitioner or any member of the petitioner's family or household, that address may be omitted from all documents filed with the court. If the petitioner has not disclosed an address under this subsection, the petitioner shall designate an alternative address or email address at which the respondent may serve the petitioner.

(11) Subject to the availability of amounts appropriated for this specific purpose, or as provided through

alternative sources including, but not limited to, grants, local funding, or pro bono means, if the court deems it necessary, the court may appoint a guardian ad litem for a petitioner or a respondent who is under 18 years of age and who is not represented by counsel. If a guardian ad litem is appointed by the court for either or both parties, neither the petitioner nor the respondent shall be required by the court to pay any costs associated with the appointment.

~~(12) ((Minor children must only be referred to in the petition and in all other publicly available filed documents by their initials and date of birth. Any orders issued by the court for entry into a law enforcement database must show the minor's full name for purposes of identification, but be redacted to only display initials and date of birth for purposes of public access.~~

~~(13))~~ If a petitioner has requested an ex parte temporary protection order, because these are often emergent situations, the court shall prioritize review, either entering an order without a hearing or scheduling and holding an ex parte hearing in person, by telephone, by video, or by other electronic means on the day the petition is filed if possible. Otherwise, it must be heard no later than the following judicial day. The clerk shall ensure that the request for an ex parte temporary protection order is presented timely to a judicial officer, and signed orders will be returned promptly to the clerk for entry and to the petitioner as specified in this section.

~~((14))~~ (13) Courts shall not require a petitioner to file duplicative forms.

~~((15))~~ (14) The Indian child welfare act applies in the following manner.

(a) In a proceeding under this chapter where the petitioner seeks to protect a minor and the petitioner is not the minor's parent as defined by RCW 13.38.040, the petition must contain a statement alleging whether the minor is or may be an Indian child as defined in RCW 13.38.040. If the minor is an Indian child, chapter 13.38 RCW and the federal Indian child welfare act, 25 U.S.C. Sec. 1901 et seq., shall apply. A party should allege in the petition if these laws have been satisfied in a prior proceeding and identify the proceeding.

(b) Every order entered in any proceeding under this chapter where the

petitioner is not a parent of the minor or minors protected by the order must contain a finding that the federal Indian child welfare act or chapter 13.38 RCW does or does not apply, or if there is insufficient information to make a determination, the court must make a finding that a determination must be made before a full protection order may be entered. If there is reason to know the child is an Indian child, but the court does not have sufficient evidence to determine that the child is or is not an Indian child, 25 C.F.R. Sec. 23.107(b) applies. Where there is a finding that the federal Indian child welfare act or chapter 13.38 RCW does apply, the order must also contain a finding that all notice, evidentiary requirements, and placement preferences under the federal Indian child welfare act and chapter 13.38 RCW have been satisfied, or a finding that removal or placement of the child is necessary to prevent imminent physical damage or harm to the child pursuant to 25 U.S.C. Sec. 1922 and RCW 13.38.140. Where there is a finding that the federal Indian child welfare act or chapter 13.38 RCW does not apply, the order must also contain a finding as to why there is no reason to know the child may be an Indian child.

Sec. 7. RCW 7.105.115 and 2021 c 215 s 16 are each amended to read as follows:

(1) By ~~((June))~~ December 30, 2022, the administrative office of the courts shall:

(a) Develop and distribute standard forms for petitions and orders issued under this chapter, and facilitate the use of online forms for electronic filings.

(i) For all protection orders except extreme risk protection orders, the protection order must include, in a conspicuous location, a notice of criminal penalties resulting from a violation of the order, and the following statement: "You can be arrested even if the protected person or persons invite or allow you to violate the order. You alone are responsible for following the order. Only the court may change the order. Requests for changes must be made in writing."

(ii) For extreme risk protection orders, the protection order must include, in a conspicuous location, a notice of criminal penalties resulting from a violation of the order, and the

following statement: "You have the sole responsibility to avoid or refrain from violating this order's provisions. Only the court may change the order. Requests for changes must be made in writing.";

(b) Develop and distribute instructions and informational brochures regarding protection orders and a court staff handbook on the protection order process, which shall be made available online to view and download at no cost. Developing additional methods to inform the public about protection orders in understandable terms and in languages other than English through videos and social media should also be considered. The instructions, brochures, forms, and handbook must be prepared in consultation with civil legal aid, culturally specific advocacy programs, and domestic violence and sexual assault advocacy programs. The instructions must be designed to assist petitioners in completing the petition, and must include a sample of standard petition and protection order forms. The instructions and standard petition must include a means for the petitioner to identify, with only lay knowledge, the firearms the respondent may own, possess, receive, have access to, or have in the respondent's custody or control. The instructions must provide pictures of types of firearms that the petitioner may choose from to identify the relevant firearms, or an equivalent means to allow petitioners to identify firearms without requiring specific or technical knowledge regarding the firearms. The court staff handbook must allow for the addition of a community resource list by the court clerk. The informational brochure must describe the use of, and the process for, obtaining, renewing, modifying, terminating, and enforcing protection orders as provided under this chapter, as well as the process for obtaining, modifying, terminating, and enforcing an antiharassment no-contact order as provided under chapter 9A.46 RCW, a domestic violence no-contact order as provided under chapter 10.99 RCW, a restraining order as provided under chapters 26.09, 26.26A, 26.26B, and 26.44 RCW, a foreign protection order as defined in chapter 26.52 RCW, and a Canadian domestic violence protection order as defined in RCW 26.55.010;

(c) Determine the significant non-English-speaking or limited English-speaking populations in the state. The administrative office of the courts shall then arrange for translation of the

instructions and informational brochures required by this section, which must contain a sample of the standard petition and protection order forms, into the languages spoken by at least the top five significant non-English-speaking populations, and shall distribute a master copy of the translated instructions and informational brochures to all court clerks and to the Washington supreme court's interpreter commission, minority and justice commission, and gender and justice commission (~~by July 25, 2021~~). Such materials must be updated and distributed if needed due to relevant changes in the law;

(d) (i) Distribute a master copy of the petition and order forms, instructions, and informational brochures to all court clerks, and distribute a master copy of the petition and order forms to all superior, district, and municipal courts;

(ii) In collaboration with civil legal aid attorneys, domestic violence advocates, sexual assault advocates, elder abuse advocates, clerks, and judicial officers, develop and distribute a single petition form that a petitioner may use to file for any type of protection order authorized by this chapter, with the exception of extreme risk protection orders;

(iii) For extreme risk protection orders, develop and prepare:

(A) A standard petition and order form for an extreme risk protection order, as well as a standard petition and order form for an extreme risk protection order sought against a respondent under 18 years of age, titled "Extreme Risk Protection Order - Respondent Under 18 Years";

(B) Pattern forms to assist in streamlining the process for those persons who are eligible to seal records relating to an order under (d)(i) of this subsection, including:

(I) A petition and declaration the respondent can complete to ensure that requirements for public sealing have been met; and

(II) An order sealing the court records relating to that order; and

(C) An informational brochure to be served on any respondent who is subject to a temporary or full protection order under (d)(iii)(A) of this subsection;

(e) Create a new confidential party information form to satisfy the purposes of the confidential information form and the law enforcement information sheet that will serve both the court's and law enforcement's data entry needs without requiring a redundant effort for the petitioner, and ensure the petitioner's confidential information is protected for the purpose of safety. The form should be created with the presumption that it will also be used by the respondent to provide all current contact information needed by the court and law enforcement, and full identifying information for improved data entry. The form should also prompt the petitioner to disclose on the form whether the person who the petitioner is seeking to restrain has a disability, brain injury, or impairment requiring special assistance; and

(f) Update the instructions, brochures, standard petition and order for protection forms, and court staff handbook when changes in the law make an update necessary.

(2) ~~((The))~~ By July 1, 2022, the administrative office of the courts, through the gender and justice commission of the Washington state supreme court, and with the support of the Washington state women's commission, shall work with representatives of superior, district, and municipal court judicial officers, court clerks, and administrators, including those with experience in protection order proceedings, as well as advocates and practitioners with expertise in each type of protection order, and others with relevant expertise, to develop for the courts:

(a) Standards for filing evidence in protection order proceedings in a manner that protects victim safety and privacy, including evidence in the form of text messages, social media messages, voice mails, and other recordings, and the development of a sealed cover sheet for explicit or intimate images and recordings; and

(b) Requirements for private vendors who provide services related to filing systems for protection orders, as well as what data should be collected.

Sec. 8. RCW 7.105.120 and 2021 c 215 s 17 are each amended to read as follows:

(1) All court clerks' offices shall make available the standardized forms, instructions, and informational

brochures required by this chapter, and shall ~~((fill in and))~~ keep current specific program names and telephone numbers for community resources, including civil legal aid and volunteer lawyer programs. Any assistance or information provided by clerks under this chapter, or any assistance or information provided by any person, including court clerks, employees of the department of social and health services, and other court facilitators, to complete the forms provided by the court, does not constitute the practice of law, and clerks are not responsible for incorrect information contained in a petition.

(2) All court clerks shall ~~((obtain))~~ accept and provide community resource lists as described in (a) and (b) of this subsection, which the court shall make available as part of, or in addition to, the informational brochures described in RCW 7.105.115.

(a) The court clerk shall ~~((obtain a))~~ accept an appropriate community resource list from a domestic violence program and from a sexual assault program serving the county in which the court is located. The community resource list must include the names, telephone numbers, and, as available, website links of domestic violence programs, sexual assault programs, and elder abuse programs serving the community in which the court is located, including law enforcement agencies, domestic violence agencies, sexual assault agencies, civil legal aid programs, elder abuse programs, interpreters, multicultural programs, and batterers' treatment programs. The list must be made available in print and online.

(b) The court clerk may create a community resource list of crisis intervention, behavioral health, interpreter, counseling, and other relevant resources serving the county in which the court is located. The clerk may also create a community resource list for respondents to include suicide prevention, treatment options, and resources for when children are involved in protection order cases. Any list ~~((shall))~~ must be made available in print and online.

(c) Courts may make the community resource lists specified in (a) and (b) of this subsection available as part of, or in addition to, the informational brochures described in subsection (1) of this section, and should ~~((translate))~~

accept from the programs that provided the resource lists translations of them into the languages spoken by the county's top five significant non-English-speaking populations.

(3) Court clerks should not make an assessment of the merits of a petitioner's petition for a protection order or refuse to accept for filing any petition that meets the basic procedural requirements.

Sec. 9. RCW 7.105.150 and 2021 c 215 s 18 are each amended to read as follows:

(1) To minimize delays and the need for more hearings, which can hinder access to justice and undermine judicial economy, to lessen costs, to guarantee actual notice to the respondent, and to simplify and modernize processes for petitioners, respondents, law enforcement, and the courts, the following methods of service are authorized for protection order proceedings, including petitions, temporary protection orders, reissuances of temporary protection orders, full protection orders, motions to renew protection orders, and motions to modify or terminate protection orders.

(a) ~~((Personal))~~ (i) Except as provided in (a)(iii) and (b)(i) of this subsection, personal service, consistent with court rules for civil proceedings, ((must be made by law enforcement to mitigate risks, increase safety, and ensure swift recovery of firearms in cases)) is required in: (A) Cases requiring the surrender of firearms, such as extreme risk protection orders and protection orders with orders to surrender and prohibit weapons; (B) cases that involve transferring the custody of a child or children from the respondent to the petitioner; ((or)) (C) cases involving vacating the respondent from the parties' shared residence((-Personal service should also be used in)); (D) cases involving a respondent who is incarcerated; and (E) cases where a petition for a vulnerable adult protection order is filed by someone other than the vulnerable adult.

(ii) Personal service in cases specified in (a)(i)(A) through (D) of this subsection must be made by law enforcement including, at a minimum, two timely attempts at personal service. To reduce risk of harm for cases requiring personal service, law enforcement should continue to attempt personal service up

to the hearing date. Personal service for cases specified in (a)(i)(E) of this subsection and when used for other protection order cases must ((otherwise)) be made by law enforcement unless the petitioner elects to have the respondent served by a third party who is not a party to the action ((and)), is ((over)) 18 years of age or older and competent to be a witness, and can provide sworn proof of service to the court as required.

(iii) In cases where personal service is required under this subsection, after two unsuccessful attempts at personal service, service shall be permitted by electronic means in accordance with (b) of this subsection.

(b)(i) Service by electronic means, including service by email, text message, social media applications, or other technologies, must be prioritized for all orders at the time of the issuance of temporary protection orders, ~~((with the exception of the following cases, for which personal service must be prioritized: (A) Cases requiring the surrender of firearms, such as extreme risk protection orders and protection orders with orders to surrender weapons; (B) cases that involve transferring the custody of a child or children from the respondent to the petitioner; (C) cases involving vacating the respondent from the parties' shared residence; or (D) cases involving a respondent who is incarcerated)) except in cases where personal service is required under (a) of this subsection. ((Once)) For cases specified in (a)(i)(A) through (D) of this subsection, once firearms and concealed pistol licenses have been surrendered and verified by the court, or there is evidence the respondent does not possess firearms, the restrained party has been vacated from the shared residence, or the custody of the child or children has been transferred, per court order, or the respondent is no longer incarcerated, then subsequent motions and orders may be served electronically.~~

(ii) Service by electronic means must be ~~((effected))~~ made by a law enforcement agency, unless the petitioner elects to have the respondent served by any person who is not a party to the action, is ~~((over))~~ 18 years of age or older and competent to be a witness, and can provide sworn proof of service to the court as required. Court authorization permitting electronic service is not

required except in cases specified in (a) (i) (A) through (D) of this subsection. In those cases, either request of the petitioner, or good cause for granting an order for electronic service, such as two failed attempts at personal service, are required to authorize service by electronic means. No formal motion is necessary.

(iii) The respondent's email address, number for text messaging, and username or other identification on social media applications and other technologies, if known or available, must be provided by the petitioner to law enforcement in the confidential information form, and attested to by the petitioner as being the legitimate, current, or last known contact information for the respondent.

(iv) Electronic service must be effected by transmitting copies of the petition and any supporting materials filed with the petition, notice of hearing, and any orders, or relevant materials for motions, to the respondent at the respondent's electronic address or the respondent's electronic account associated with email, text messaging, social media applications, or other technologies. Verification of ~~((receipt))~~ notice is required and may be accomplished through read-receipt mechanisms, a response, a sworn statement from the person who effected service verifying transmission and any follow-up communications such as email or telephone contact used to further verify, or an appearance by the respondent at a hearing. Sworn proof of service must be filed with the court by the person who effected service. ~~((Service by electronic means is complete upon transmission when made prior to 5:00 p.m. on a judicial day. Service made on a Saturday, Sunday, legal holiday, or after 5:00 p.m. on any other day shall be deemed complete at 9:00 a.m. on the first judicial day thereafter.))~~

(c) Service by mail is permitted when: (i) Personal service was required, there have been two unsuccessful attempts at personal service, and electronic service is not possible ~~((, and there have been two unsuccessful attempts at personal service or when the petitioner requests it in lieu of electronic service or personal service where personal service is not otherwise required))~~; or (ii) personal service is not required and there have been two unsuccessful attempts at personal or electronic service. If

electronic service and personal service are not successful, the court shall affirmatively order service by mail without requiring additional motions to be filed by the petitioner. Service by mail must be made by any person who is not a party to the action and is ~~((over))~~ 18 years of age or older and competent to be a witness, by mailing copies of the materials to be served to the party to be served at the party's last known address or any other address determined by the court to be appropriate. Two copies must be mailed, postage prepaid, one by ordinary first-class mail and the other by a form of mail requiring a tracking or certified information showing when and where it was delivered. The envelopes must bear the return address ~~((of the sender))~~ where the petitioner may receive legal mail. Service is complete ~~((upon))~~ 10 calendar days after the mailing of two copies as prescribed in this section. Where service by mail is provided by a third party, the clerk shall forward proof of service by mail to the law enforcement agency in the county or municipality where the respondent resides.

(d) Service by publication is permitted only in those cases where all other means of service have been unsuccessful or are not possible due to lack of any known physical or electronic address of the respondent. Publication must be made in a newspaper of general circulation in the county where the petition was brought and in the county of the last known address of the respondent once a week for three consecutive weeks. The newspaper selected must be one of the three most widely circulated papers in the county. The publication of summons must not be made until the court orders service by publication under this section. Service of the summons is considered complete on the date of the third publication when ~~((the))~~ publication has been made for three consecutive weeks. The summons must be signed by the petitioner. The summons must contain the date of the first publication, and shall require the respondent upon whom service by publication is desired to appear and answer the petition on the date set for the hearing. The summons must also contain a brief statement of the reason for the petition and a summary of the provisions under the temporary protection order. The summons must be essentially in the following form:

In the court of the state of Washington for the county of

, Petitioner

vs. No.

, Respondent

The state of Washington to (respondent):

You are hereby summoned to appear on the day of, (year), at a.m./p.m., and respond to the petition. If you fail to respond, a protection order will be issued against you pursuant to the provisions of chapter 7.105 RCW, for a minimum of one year from the date you are required to appear. A temporary protection order has been issued against you, restraining you from the following: (Insert a brief statement of the provisions of the temporary protection order). A copy of the petition, notice of hearing, and temporary protection order has been filed with the clerk of this court.

Petitioner

(2) The court may authorize multiple methods of service permitted by this section and may consider use of any address determined by the court to be appropriate in order to authorize service that is reasonably probable to provide actual notice. The court shall favor speedy and cost-effective methods of service to promote prompt and accessible resolution of the merits of the petition.

(3) To promote judicial economy and reduce delays, for respondents who are able to be served electronically, the respondent, or the parent or guardian of the respondent for respondents under the age of 18 or the guardian or conservator of an adult respondent, shall be required to provide his or her electronic address or electronic account associated with an email, text messaging, social media application, or other technology by filing the confidential party information form referred to in RCW 7.105.115(1). This must occur at the earliest point at which the respondent, parent, guardian, or conservator is in contact with the court so that electronic service can be effected for all subsequent motions, orders, and hearings.

(4) If an order entered by the court recites that the respondent appeared before the court, either in person or remotely, the necessity for further service is waived and proof of service of that order is not necessary, including in cases where the respondent leaves the hearing before a final ruling is issued or signed. The court's order, entered after a hearing, need not be served on a respondent who fails to appear before the court for the hearing, if material terms of the order have not changed from those contained in the temporary order, and it is shown to the court's satisfaction that the respondent has previously been served with the temporary order.

(5) When the respondent for a protection order is under the age of 18 or is an individual subject to a guardianship or conservatorship under Title 11 RCW:

(a) When the respondent is a minor, service of a petition for a protection order, modification, or renewal, shall be completed, as defined in this chapter, upon both the respondent and the respondent's parent or legal guardian.

(b) A copy of the protection order must be served on a parent, guardian, or conservator of the respondent at any address where the respondent resides, or the department of children, youth, and families in the case where the respondent is the subject of a dependency or court approved out-of-home placement. A minor respondent shall not be served at the minor respondent's school unless no other address for service is known.

(c) For extreme risk protection orders, the court shall also provide a parent, guardian, or conservator of the respondent with written notice of the legal obligation to safely secure any firearm on the premises and the potential for criminal prosecution if a prohibited person were to obtain access to any firearm. This notice may be provided at the time the parent, guardian, or conservator of the respondent appears in court or may be served along with a copy of the order, whichever occurs first.

(6) When a petition for a vulnerable adult protection order is filed by someone other than the vulnerable adult, notice of the petition and hearing must be personally served upon the vulnerable adult. In addition to copies of all pleadings filed by the petitioner, the petitioner shall provide a written notice

to the vulnerable adult using a standard notice form developed by the administrative office of the courts. The standard notice form must be designed to explain to the vulnerable adult in clear, plain language the purpose and nature of the petition and that the vulnerable adult has the right to participate in the hearing and to either support or object to the petition.

(7) The court shall not dismiss, over the objection of a petitioner, a petition for a protection order or a motion to renew a protection order based on the inability of law enforcement or the petitioner to serve the respondent, unless the court determines that all available methods of service have been attempted unsuccessfully or are not possible.

Sec. 10. RCW 7.105.155 and 2021 c 215 s 19 are each amended to read as follows:

When service is to be completed under this chapter by a law enforcement officer:

(1) The clerk of the court shall have a copy of any order issued under this chapter, the confidential information form, as well as the petition for a protection order and any supporting materials, electronically forwarded on or before the next judicial day to the law enforcement agency in the county or municipality where the respondent resides, as specified in the order, for service upon the respondent. If the respondent has moved from that county or municipality and personal service is not required, the law enforcement agency specified in the order may serve the order;

(2) Service of an order issued under this chapter must take precedence over the service of other documents by law enforcement unless they are of a similar emergency nature;

(3) Where personal service is required, the first attempt at service must occur within 24 hours of receiving the order from the court whenever practicable, but not more than five days after receiving the order. If the first attempt is not successful, no fewer than two additional attempts should be made to serve the order, particularly for respondents who present heightened risk of lethality or other risk of physical harm to the petitioner or petitioner's family or household members. ~~((Law enforcement shall document all))~~ All

attempts at service must be documented on a ~~((return))~~ proof of service form and ~~((submit it))~~ submitted to the court in a timely manner;

(4) If service cannot be completed within 10 calendar days, the law enforcement officer shall notify the petitioner. The petitioner shall provide information sufficient to permit notification. Law enforcement shall continue to attempt to complete service unless otherwise directed by the court. In the event that the petitioner does not provide a service address for the respondent or there is evidence that the respondent is evading service, the law enforcement officer shall use law enforcement databases to assist in locating the respondent;

(5) If the respondent is in a protected person's presence at the time of contact for service, the law enforcement officer should take reasonable steps to separate the parties when possible prior to completing the service or inquiring about or collecting firearms. When the order requires the respondent to vacate the parties' shared residence, law enforcement shall take reasonable steps to ensure that the respondent has left the premises and is on notice that his or her return is a violation of the terms of the order. The law enforcement officer shall provide the respondent with copies of all forms with the exception of the ~~((law enforcement information sheet))~~ confidential information form completed by the protected party and the ~~((return))~~ proof of service form;

(6) Any law enforcement officer who serves a protection order on a respondent with the knowledge that the respondent requires special assistance due to a disability, brain injury, or impairment shall make a reasonable effort to accommodate the needs of the respondent to the extent practicable without compromise to the safety of the petitioner;

(7) Proof of service must be submitted to the court on the ~~((return))~~ proof of service form. The form must include the date and time of service and each document that was served in order for the service to be complete, along with any details such as conduct at the time of service, threats, or avoidance of service, as well as statements regarding possession of firearms, including any denials of ownership despite positive purchase history, active concealed

pistol license, or sworn statements in the petition that allege the respondent's access to, or possession of, firearms; or

(8) If attempts at service were not successful, the ~~((return))~~ proof of service form or the form letter showing that the order was not served, and stating the reason it was not served, must be returned to the court by the next judicial day following the last unsuccessful attempt at service. Each attempt at service must be noted and reflected in computer aided dispatch records, with the date, time, address, and reason service was not completed.

Sec. 11. RCW 7.105.165 and 2021 c 215 s 21 are each amended to read as follows:

~~((Service))~~ (1) Unless waived by the nonmoving party, service must be completed on the nonmoving party not less than five judicial days before the hearing date~~((, unless waived by the nonmoving party))~~. If service cannot be made, the court shall set a new hearing date and shall either require an additional attempt at obtaining service or permit service by other means authorized in this chapter. The court shall not require more than two attempts at obtaining service before permitting service by other means authorized in this chapter unless the moving party requests additional time to attempt service.

(2) Service is completed on the day the respondent is served personally, on the date of transmission for electronic service, on the 10th calendar day after mailing for service by mail, or on the date of the third publication when publication has been made for three consecutive weeks for service by publication.

(3) If the nonmoving party was served before the hearing, but less than five judicial days before the hearing, it is not necessary to re-serve materials that the nonmoving party already received, but any new notice of hearing and reissued order must be served on the nonmoving party. ~~((The court shall not require more than two attempts at obtaining service before permitting service by other means authorized in this chapter unless the moving party requests additional time to attempt service. If the court permits service by mail or by publication, the court shall set the hearing date not later than 24 days from the date of the order authorizing such service.))~~ This additional service may be made by mail as

an alternative to other authorized methods of service under this chapter. If done by mail, this additional service is considered completed on the third calendar day after mailing.

(4) Where electronic service was not complete because there was no verification of notice, and service by mail or publication has been authorized, copies must also be sent by electronic means to any known electronic addresses.

Sec. 12. RCW 7.105.200 and 2021 c 215 s 24 are each amended to read as follows:

In hearings under this chapter, the following apply:

(1) Hearings under this chapter are special proceedings. The procedures established under this chapter for protection order hearings supersede inconsistent civil court rules. Courts should evaluate the needs and procedures best suited to individual hearings based on consideration of the totality of the circumstances, including disparities that may be apparent in the parties' resources and representation by counsel.

(2) (a) Courts shall prioritize hearings on petitions for ex parte temporary protection orders over less emergent proceedings.

(b) For extreme risk protection order hearings where a law enforcement agency is the petitioner, the court shall prioritize scheduling because of the importance of immediate temporary removal of firearms in situations of extreme risk and the goal of minimizing the time law enforcement must otherwise wait for a particular case to be called, which can hinder their other patrol and supervisory duties. Courts also may allow a law enforcement petitioner to participate ~~((telephonically))~~ remotely, or allow another representative from that law enforcement agency or the prosecutor's office to present the information to the court if personal presence of the petitioning officer is not required for testimonial purposes.

(3) ~~((A hearing on a petition for a protection order must be set by the court even if the court has denied a request for a temporary protection order in the proceeding where the petition is not dismissed or continued pursuant to subsection (11) of this section.~~

~~((4))~~ If the respondent does not appear ~~((, or the petitioner informs the~~

~~court that the respondent has not been served at least five judicial days before the hearing date and the petitioner desires to pursue service, or the parties have informed the court of an agreed date of continuance for the hearing,)) for the full hearing and there is no proof of timely and proper service on the respondent, the court shall reissue any temporary protection order previously issued(~~(, cancel the scheduled hearing,))~~) and reset the hearing date. If a temporary protection order is reissued, the court shall reset the hearing date not later than 14 days from the reissue date. If a temporary protection order is reissued and the court permits service by mail or by publication, the court shall reset the hearing date not later than 30 days from the date of the order authorizing such service. These time frames may be extended for good cause.~~

~~((5))~~ (4) When considering any request to stay, continue, or delay a hearing under this chapter because of the pendency of a parallel criminal investigation or prosecution of the respondent, courts shall apply a rebuttable presumption against such delay and give due recognition to the purpose of this chapter to provide victims quick and effective relief. Courts must consider on the record the following factors:

(a) The extent to which a defendant's Fifth Amendment rights are or are not implicated, given the special nature of protection order proceedings, which burden a defendant's Fifth Amendment privilege substantially less than do other civil proceedings;

(b) Similarities between the civil and criminal cases;

(c) Status of the criminal case;

(d) The interests of the petitioners in proceeding expeditiously with litigation and the potential prejudice and risk to petitioners of a delay;

(e) The burden that any particular aspect of the proceeding may impose on respondents;

(f) The convenience of the court in the management of its cases and the efficient use of judicial resources;

(g) The interests of persons not parties to the civil litigation; and

(h) The interest of the public in the pending civil and criminal litigation.

~~((6))~~ (5) Hearings (~~must~~) may be conducted upon ~~((live testimony of the parties and sworn declarations))~~ the information provided in the sworn petition, live testimony of the parties should they choose to testify, and any additional sworn declarations. Live testimony of witnesses other than the parties may be requested by a party, but shall not be permitted unless the court finds that live testimony of witnesses other than the parties is necessary and material. If either party requests a continuance to allow for proper notice of witnesses or to afford a party time to seek counsel, the court (~~should~~) may continue the hearing. In considering the request, the court should consider the rebuttable presumption against delay and the purpose of this chapter to provide victims quick and effective relief.

(6) If the court continues (~~the~~) a hearing for any reason, the court shall reissue any temporary orders, including orders to surrender and prohibit weapons, issued with or without notice.

(7) Prehearing discovery under the civil court rules, including, but not limited to, depositions, requests for production, or requests for admission, is disfavored and only permitted if specifically authorized by the court for good cause shown upon written motion of a party filed six judicial days prior to the hearing and served prior to the hearing.

(8) The rules of evidence need not be applied, other than with respect to privileges, the requirements of the rape shield statute under RCW 9A.44.020, and evidence rules 412 and 413.

(9)(a) The prior sexual activity or the reputation of the petitioner is inadmissible except:

(i) As evidence concerning the past sexual conduct of the petitioner with the respondent when this evidence is offered by the respondent upon the issue of whether the petitioner consented to the sexual conduct alleged for the purpose of a protection order; or

(ii) When constitutionally required to be admitted.

(b) To determine admissibility, a written motion must be made six judicial days prior to the protection order hearing. The motion must include an offer of proof of the relevancy of the proposed evidence and reasonably specific

information as to the date, time, and place of the past sexual conduct between the petitioner and the respondent. If the court finds that the offer of proof is relevant to the issue of the victim's consent, the court shall conduct a hearing in camera. The court may not admit evidence under this subsection unless it determines at the hearing that the evidence is relevant and the probative value of the evidence outweighs the danger of unfair prejudice. The evidence shall be admissible at the hearing to the extent an order made by the court specifies the evidence that may be admitted. If the court finds that the motion and related documents should be sealed pursuant to court rule and governing law, it may enter an order sealing the documents.

(10) When a petitioner has alleged incapacity to consent to sexual conduct or sexual penetration due to intoxicants, alcohol, or other condition, the court must determine on the record whether the petitioner had the capacity to consent.

~~(11) ((If, prior to a full hearing, the court finds that the petition for a protection order does not contain sufficient allegations as a matter of law to support the issuance of a protection order, the court shall permit the petitioner 14 days to prepare and file an amended petition, provided the petitioner states an intent to do so and the court does not find that amendment would be futile. If the amended petition is not filed within 14 days, the case must be administratively dismissed by the clerk's office.~~

~~(12))~~ Courts shall not require parties to submit duplicate or working copies of pleadings or other materials filed with the court, unless the document or documents cannot be scanned or are illegible.

~~((13))~~ (12) Courts shall, if possible, have petitioners and respondents in protection order proceedings gather in separate locations and enter and depart the court room at staggered times. Where the option is available, for safety purposes, the court should arrange for petitioners to leave the court premises first and to have court security escort petitioners to their vehicles or transportation.

Sec. 13. RCW 7.105.205 and 2021 c 215 s 25 are each amended to read as follows:

(1) Hearings on protection orders, including hearings concerning temporary protection orders, full protection orders, compliance, reissuance, renewal, modification, or termination, may be conducted in person or remotely in order to enhance access for all parties.

(2) In the court's discretion, parties ~~((and)),~~ witnesses, and others authorized by this chapter to participate in protection order proceedings may attend a hearing on a petition for a protection order, or any hearings conducted pursuant to this chapter, in person or remotely, including by telephone, video, or other electronic means where possible. No later than three judicial days before the hearing, the parties may request to appear at the hearing, with witnesses, remotely by telephone, video, or other electronic means. The court shall grant any request for a remote appearance unless the court finds good cause to require in-person attendance or attendance through a specific means.

(3) Courts shall require assurances of the identity of persons who appear by telephone, video, or other electronic means. Courts may not charge fees for remote appearances.

(4) Courts shall not post or stream proceedings or recordings of protection order hearings online unless (a) a waiver has been received from all parties, or (b) the hearing is being conducted online and members of the public do not have in-person access to observe or listen to the hearing. Unless the court orders a hearing to be closed to the public consistent with the requirements of Washington law, courts should provide access to members of the public who wish to observe or listen to a hearing conducted by telephone, video, or other electronic means.

(5) If a hearing is held with any parties or witnesses appearing remotely, the following apply:

(a) Courts should include directions to access a hearing remotely in the order setting the hearing and in any order granting a party's request for a remote appearance. Such orders shall also include directions to request an interpreter and accommodations for disabilities;

(b) Courts should endeavor to give a party or witness appearing by telephone no more than a one-hour waiting time by

the court for the hearing to begin. For remote hearings, if the court anticipates the parties or witnesses will need to wait longer than one hour to be called or connected, the court should endeavor to inform them of the estimated start time of the hearing;

(c) Courts should inform the parties before the hearing begins that the hearing is being recorded by the court, in what manner the public is able to view the hearing, how a party may obtain a copy of the recording of the hearing, and that recording or broadcasting any portion of the hearing by any means other than the court record is strictly prohibited without prior court approval;

(d) To minimize trauma, while allowing remote hearings to be observed by the public, courts should take appropriate measures to prevent members of the public or the parties from harassing or intimidating any party or witness to a case. Such practices may include, but are not limited to, disallowing members of the public from communicating with the parties or with the court during the hearing, ensuring court controls over microphone and viewing settings, and announcing limitations on allowing others to record the hearing;

(e) Courts shall use technology that accommodates American sign language and other languages;

(f) To help ensure that remote access does not undermine personal safety or privacy, or introduce other risks, courts should protect the privacy of telephone numbers, emails, and other contact information for parties ~~((and)),~~ witnesses, and others authorized by this chapter to participate in protection order proceedings, and inform ~~((parties and witnesses))~~ them of these safety considerations. Materials available to ~~((parties and witnesses))~~ persons appearing remotely should include warnings not to state their addresses or telephone numbers at the hearing, and that they ~~((may use virtual backgrounds to help ensure that their backgrounds do not reveal their location))~~ should ensure that background surroundings do not reveal their location;

(g) Courts should provide the parties, in orders setting the hearing, with a telephone number and an email address for the court, which the parties may use to inform the court if they have been unable to appear remotely for a hearing. Before

dismissing or granting a petition due to the petitioner or respondent not appearing for a remote hearing, or the court not being able to reach the party via telephone or video, the court shall check for any notifications to the court regarding issues with remote access or other technological difficulties. If any party has provided such notification to the court, the court shall not dismiss or grant the petition, but shall reset the hearing by continuing it and reissuing any temporary order in place. If a party was unable to provide the notification regarding issues with remote access or other technological difficulties on the day of the hearing prior to the court's ruling, that party may seek relief via a motion for reconsideration; and

(h) A party attending a hearing remotely who is unable to participate in the hearing outside the presence of others who reside with the party, but who are not part of the proceeding including, but not limited to, children, and who asserts that the presence of those individuals may hinder the party's testimony or the party's ability to fully and meaningfully participate in the hearing, may request ~~((, and shall be granted, one))~~ a continuance on that basis. ~~((Subsequent))~~ Such requests may be granted in the court's discretion. In considering the request, the court may consider the rebuttable presumption against delay and the purpose of this chapter to provide victims quick and effective relief.

Sec. 14. RCW 7.105.250 and 2021 c 215 s 34 are each amended to read as follows:

(1) Whether or not the petitioner has retained an attorney, a sexual assault or domestic violence advocate, as defined in RCW 5.60.060, shall be allowed to accompany the petitioner, or appear remotely with the petitioner, and confer with the petitioner during court proceedings. The sexual assault or domestic violence advocate shall not provide legal representation nor interpretation services. Court administrators shall allow sexual assault and domestic violence advocates to assist petitioners with their protection orders. Sexual assault and domestic violence advocates are not engaged in the unauthorized practice of law when providing assistance of the types specified in this section. Unless the sexual assault or domestic violence advocate seeks to speak directly to the

court, advocates shall not be required to be identified on the record beyond stating their role as a sexual assault or domestic violence advocate and identifying the program for which they work or volunteer for. Communications between the petitioner and a sexual assault and domestic violence advocate are protected as provided by RCW 5.60.060.

(2) Whether or not the petitioner has retained an attorney, a protection order advocate must be allowed to accompany the petitioner to any legal proceeding including, but not limited to, sitting or standing next to the petitioner, appearing remotely with the petitioner, and conferring with the petitioner during court proceedings, or addressing the court when invited to do so.

(a) For purposes of this section, "protection order advocate" means any employee or volunteer from a program that provides, as some part of its services, information, advocacy, counseling, or support to persons seeking protection orders.

(b) The protection order advocate shall not provide legal representation nor interpretation services.

(c) Unless a protection order advocate seeks to speak directly to the court, protection order advocates shall not be required to be identified on the record beyond stating his or her role as a protection order advocate and identifying the program for which he or she works or volunteers.

(d) A protection order advocate who is not employed by, or under the direct supervision of, a law enforcement agency, a prosecutor's office, the child protective services section of the department of children, youth, and families as defined in RCW 26.44.020, or other governmental entity, has the same privileges, rights, and responsibilities as a sexual assault advocate and domestic violence advocate under RCW 5.60.060.

(3) Whether or not the petitioner has retained an attorney (~~(, if a petitioner does not have)~~) or has an advocate, the petitioner shall be allowed a support person to accompany the petitioner to any legal proceeding including, but not limited to, sitting or standing next to the petitioner, appearing remotely with the petitioner, and conferring with the petitioner during court proceedings. The support person may be any third party of

the petitioner's choosing, provided that:

(a) The support person shall not provide legal representation nor interpretation services; and

(b) A support person who is not employed by, or under the direct supervision of, a law enforcement agency, a prosecutor's office, the child protective services section of the department of children, youth, and families as defined in RCW 26.44.020, or other government entity, may not, without the consent of the petitioner, be examined as to any communication between the petitioner and the support person regarding the petition.

Sec. 15. RCW 7.105.255 and 2021 c 215 s 35 are each amended to read as follows:

To help ensure familiarity with the unique nature of protection order proceedings, and an understanding of trauma-informed practices and best practices in the use of new technologies for remote hearings, judicial officers, including persons who serve as judicial officers pro tempore, should receive evidence-based training on procedural justice, trauma-informed practices, gender-based violence dynamics, coercive control, elder abuse, juvenile sex offending, teen dating violence, and requirements for the surrender of weapons before presiding over protection order hearings. Trainings should be provided on an ongoing basis as best practices, research on trauma, and legislation continue to evolve. As a method of continuous training, court commissioners, including pro tempore commissioners, shall be notified by the presiding judge or court administrator upon revision of any decision made under this chapter.

Sec. 16. RCW 7.105.305 and 2021 c 215 s 38 are each amended to read as follows:

(1) Where it appears from the petition and any additional evidence that the respondent has engaged in conduct against the petitioner that serves as a basis for a protection order under this chapter, and the petitioner alleges that serious immediate harm or irreparable injury could result if an order is not issued immediately without prior notice to the respondent, the court may grant an ex parte temporary protection order, pending a full hearing. The court has broad discretion to grant such relief as the court deems proper, including the

forms of relief listed in RCW 7.105.310, provided that the court shall not order a form of relief listed in RCW 7.105.310 if it would not be feasible or appropriate for the respondent to comply with such a requirement before a full hearing may be held on the petition for a protection order. If the court does not order all the relief requested by the petitioner in an ex parte temporary protection order, the court shall still consider ordering such relief at the full hearing on the petition for a protection order. In issuing the order, the court shall consider the provisions of RCW 9.41.800, and order the respondent to surrender, and prohibit the respondent from accessing, having in his or her custody or control, possessing, purchasing, attempting to purchase or receive, or receiving, all firearms, dangerous weapons, and any concealed pistol license, as required in RCW 9.41.800.

(2) Any order issued under this section must contain the date, time of issuance, and expiration date.

(3) The court may issue an ex parte temporary protection order on the petition with or without a hearing. If an ex parte temporary protection order is denied, the court shall still set a full hearing unless the court determines the petition does not contain prima facie allegations to support the issuance of any type of protection order. If the court declines to issue an ex parte temporary protection order as requested or declines to set a hearing, the court shall state the ((particular)) reasons ((for the court's denial)) in writing. The court's denial of a motion for an ex parte temporary protection order shall be filed with the court. ((If an ex parte temporary protection order is denied, the court shall still set a full hearing on the petition for a protection order.))

(4) If a full hearing is set on a petition that is filed before close of business on a judicial day, the hearing must be set not later than 14 days from the date of the filing of the petition. If a full hearing is set on a petition that is submitted after close of business on a judicial day or is submitted on a nonjudicial day, the hearing must be set not later than 14 days from the first judicial day after the petition is filed, which may be extended for good cause.

(5) If the court does not set a full hearing, the petitioner may file an

amended petition within 14 days of the court's denial. If the court determines the amended petition does not contain prima facie allegations to support the issuance of any type of protection order or if the petitioner fails to file an amended petition within the required time, the court may enter an order dismissing the petition.

(6) A petitioner may not obtain an ex parte temporary antiharassment protection order against a respondent if the petitioner has previously obtained two such ex parte orders against the same respondent, but has failed to obtain the issuance of a civil antiharassment protection order, unless good cause for such failure can be shown.

Sec. 17. RCW 7.105.310 and 2021 c 215 s 39 are each amended to read as follows:

(1) In issuing any type of protection order, other than an ex parte temporary antiharassment protection order as limited by subsection (2) of this section, and other than an extreme risk protection order, the court shall have broad discretion to grant such relief as the court deems proper, including an order that provides relief as follows:

(a) Restrain the respondent from committing any of the following acts against the petitioner and other persons protected by the order: Domestic violence; nonconsensual sexual conduct or nonconsensual sexual penetration; sexual abuse; stalking; acts of abandonment, abuse, neglect, or financial exploitation against a vulnerable adult; and unlawful harassment;

(b) Restrain the respondent from making any attempts to have contact, including nonphysical contact, with the petitioner or the petitioner's family or household members who are minors or other members of the petitioner's household, either directly, indirectly, or through third parties regardless of whether those third parties know of the order;

(c) Exclude the respondent from the ~~((dwelling))~~ residence that the parties share;

(d) Exclude the respondent from the residence, workplace, or school of the petitioner; or from the day care or school of a minor child;

~~((d))~~ (e) Restrain the respondent from knowingly coming within, or

knowingly remaining within, a specified distance from a specified location including, but not limited to, a residence, school, day care, workplace, the protected party's person, and the protected party's vehicle. The specified distance shall presumptively be at least 1,000 feet, unless the court for good cause finds that a shorter specified distance is appropriate;

~~((e))~~ (f) If the parties have children in common, make residential provisions with regard to their minor children on the same basis as is provided in chapter 26.09 RCW. However, parenting plans as specified in chapter 26.09 RCW must not be required under this chapter. The court may not delay or defer relief under this chapter on the grounds that the parties could seek a parenting plan or modification to a parenting plan in a different action. A protection order must not be denied on the grounds that the parties have an existing parenting plan in effect. A protection order may suspend the respondent's contact with the parties' children under an existing parenting plan, subject to further orders in a family law proceeding;

~~((f))~~ (g) Order the respondent to participate in a state-certified domestic violence perpetrator treatment program approved under RCW 43.20A.735 or a state-certified sex offender treatment program approved under RCW 18.155.070;

~~((g))~~ (h) Order the respondent to obtain a mental health or chemical dependency evaluation. If the court determines that a mental health evaluation is necessary, the court shall clearly document the reason for this determination and provide a specific question or questions to be answered by the mental health professional. The court shall consider the ability of the respondent to pay for an evaluation. Minors are presumed to be unable to pay. The parent or legal guardian is responsible for costs unless the parent or legal guardian demonstrates inability to pay;

~~((h))~~ (i) In cases where the petitioner and the respondent are students who attend the same public or private elementary, middle, or high school, the court, when issuing a protection order and providing relief, shall consider, among the other facts of the case, the severity of the act, any continuing physical danger, emotional distress, or educational disruption to

the petitioner, and the financial difficulty and educational disruption that would be caused by a transfer of the respondent to another school. The court may order that the respondent not attend the public or private elementary, middle, or high school attended by the petitioner. If a minor respondent is prohibited attendance at the minor's assigned public school, the school district must provide the student comparable educational services in another setting. In such a case, the district shall provide transportation at no cost to the respondent if the respondent's parent or legal guardian is unable to pay for transportation. The district shall put in place any needed supports to ensure successful transition to the new school environment. The court shall send notice of the restriction on attending the same school as the petitioner to the public or private school the respondent will attend and to the school the petitioner attends;

~~((i))~~ (j) Require the respondent to pay the administrative court costs and service fees, as established by the county or municipality incurring the expense, and to reimburse the petitioner for costs incurred in bringing the action, including reasonable attorneys' fees or limited license legal technician fees when such fees are incurred by a person licensed and practicing in accordance with state supreme court admission and practice rule 28, the limited practice rule for limited license legal technicians. Minors are presumed to be unable to pay. The parent or legal guardian is responsible for costs unless the parent or legal guardian demonstrates inability to pay;

~~((j))~~ (k) Restrain the respondent from harassing, following, monitoring, keeping under physical or electronic surveillance, cyberstalking as defined in RCW 9.61.260, and using telephonic, audiovisual, or other electronic means to monitor the actions, location, or communication of the petitioner or the petitioner's family or household members who are minors or other members of the petitioner's household. For the purposes of this subsection, "communication" includes both "wire communication" and "electronic communication" as defined in RCW 9.73.260;

~~((k))~~ (l) Other than for respondents who are minors, require the respondent to submit to electronic monitoring. The

order must specify who shall provide the electronic monitoring services and the terms under which the monitoring must be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the respondent to pay for electronic monitoring;

~~((1))~~ (m) Consider the provisions of RCW 9.41.800, and order the respondent to surrender, and prohibit the respondent from accessing, having in his or her custody or control, possessing, purchasing, attempting to purchase or receive, or receiving, all firearms, dangerous weapons, and any concealed pistol license, as required in RCW 9.41.800;

~~((m))~~ (n) Order possession and use of essential personal effects. The court shall list the essential personal effects with sufficient specificity to make it clear which property is included. Personal effects may include pets. The court may order that a petitioner be granted the exclusive custody or control of any pet owned, possessed, leased, kept, or held by the petitioner, respondent, or minor child residing with either the petitioner or respondent, and may prohibit the respondent from interfering with the petitioner's efforts to obtain the pet. The court may also prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance of specified locations where the pet is regularly found;

~~((n))~~ (o) Order use of a vehicle;

~~((o))~~ (p) Enter an order restricting the respondent from engaging in abusive litigation as set forth in chapter 26.51 RCW or in frivolous filings against the petitioner, making harassing or libelous communications about the petitioner to third parties, or making false reports to investigative agencies. A petitioner may request this relief in the petition or by separate motion. A petitioner may request this relief by separate motion at any time within five years of the date the protection order is entered even if the order has since expired. A stand-alone motion for an order restricting abusive litigation may be brought by a party who meets the requirements of chapter 26.51 RCW regardless of whether the party has previously sought a protection order under this chapter, provided the motion is made within five years of the date the order that made a finding of domestic

violence was entered. In cases where a finding of domestic violence was entered pursuant to an order under chapter 26.09, 26.26, or 26.26A RCW, a motion for an order restricting abusive litigation may be brought under the family law case or as a stand-alone action filed under this chapter, when it is not reasonable or practical to file under the family law case;

~~((p))~~ (q) Restrain the respondent from committing acts of abandonment, abuse, neglect, or financial exploitation against a vulnerable adult;

~~((q))~~ (r) Require an accounting by the respondent of the disposition of the vulnerable adult's income or other resources;

~~((r))~~ (s) Restrain the transfer of either the respondent's or vulnerable adult's property, or both, for a specified period not exceeding 90 days;

~~((s))~~ (t) Order financial relief and restrain the transfer of jointly owned assets;

~~((t))~~ (u) Restrain the respondent from possessing or distributing intimate images, as defined in RCW 9A.86.010, depicting the petitioner including, but not limited to, requiring the respondent to: Take down and delete all intimate images and recordings of the petitioner in the respondent's possession or control; and cease any and all disclosure of those intimate images. The court may also inform the respondent that it would be appropriate to ask third parties in possession or control of the intimate images of this protection order to take down and delete the intimate images so that the order may not inadvertently be violated; or

~~((u))~~ (v) Order other relief as it deems necessary for the protection of the petitioner and other family or household members who are minors or vulnerable adults for whom the petitioner has sought protection, including orders or directives to a law enforcement officer, as allowed under this chapter.

(2) In an antiharassment protection order proceeding, the court may grant the relief specified in subsection (1)(c), (f), and (t) of this section only as part of a full antiharassment protection order.

(3) The court in granting a temporary antiharassment protection order or a

civil antiharassment protection order shall not prohibit the respondent from exercising constitutionally protected free speech. Nothing in this section prohibits the petitioner from utilizing other civil or criminal remedies to restrain conduct or communications not otherwise constitutionally protected.

~~((3))~~ (4) The court shall not take any of the following actions in issuing a protection order.

(a) The court may not order the petitioner to obtain services including, but not limited to, drug testing, victim support services, a mental health assessment, or a psychological evaluation.

~~(b) ((The court may not order the petitioner to pay the respondent's attorneys' fees or other costs.~~

~~(c))~~ The court shall not issue a full protection order to any party except upon notice to the respondent and the opportunity for a hearing pursuant to a petition or counter-petition filed and served by the party seeking relief in accordance with this chapter. Except as provided in RCW 7.105.210, the court shall not issue a temporary protection order to any party unless the party has filed a petition or counter-petition for a protection order seeking relief in accordance with this chapter.

~~((d))~~ (c) Under no circumstances shall the court deny the petitioner the type of protection order sought in the petition on the grounds that the court finds that a different type of protection order would have a less severe impact on the respondent.

~~((4))~~ (5) The order shall specify the date the order expires, if any. For permanent orders, the court shall set the date to expire 99 years from the issuance date. The order shall also state whether the court issued the protection order following personal service, service by electronic means, service by mail, or service by publication, and whether the court has approved service by mail or publication of an order issued under this section.

Sec. 18. RCW 7.105.320 and 2021 c 215 s 41 are each amended to read as follows:

(1) When an order is issued under this chapter upon request of the petitioner, the court may order a law enforcement officer to accompany the petitioner and

assist in placing the petitioner in possession of those items indicated in the order or to otherwise assist in the execution of the order of protection. The order must list all items that are to be included with sufficient specificity to make it clear which property is included. Orders issued under this chapter must include a designation of the appropriate law enforcement agency to execute, serve, or enforce the order. Any appropriate law enforcement agency should act where assistance is needed, even if the agency is not specifically named in the order, including assisting with the recovery of firearms as ordered.

(2) Upon order of a court, a law enforcement officer shall accompany the petitioner and assist in placing the petitioner in possession of all items listed in the order and to otherwise assist in the execution of the order.

(3) When the respondent is ordered to vacate the residence or other shared property, the respondent may be permitted by the court to remove personal clothing, personal items needed during the duration of the order, and any other items specified by the court, while a law enforcement officer is present.

(4) Where orders involve surrender of firearms, dangerous weapons, and concealed pistol licenses, those items must be secured and accounted for in a manner that prioritizes safety and compliance with court orders.

Sec. 19. RCW 7.105.340 and 2021 c 215 s 45 are each amended to read as follows:

(1) Upon the issuance of any extreme risk protection order under this chapter, including a temporary extreme risk protection order, the court shall:

(a) Order the respondent to surrender to the local law enforcement agency all firearms in the respondent's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070; and

(b) Other than for ex parte temporary protection orders, direct law enforcement to revoke any concealed pistol license issued to the respondent.

(2) The law enforcement officer serving any extreme risk protection order under this chapter, including a temporary extreme risk protection order, shall request that the respondent immediately surrender all firearms in his or her

custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070, and conduct any search permitted by law for such firearms. The law enforcement officer shall take possession of all firearms belonging to the respondent that are surrendered, in plain sight, or discovered pursuant to a lawful search. ~~((The order must be personally served upon the respondent or defendant if))~~ If the order is entered in open court ((in the presence of)) and the respondent ((or defendant. The respondent or defendant shall acknowledge receipt and service)) appears in person, the respondent must be provided a copy and further service is not required. If the respondent ((or defendant)) refuses ((service)) to accept a copy, an agent of the court may indicate on the record that the respondent ((or defendant)) refused ((service)) to accept a copy of the order. If the respondent appears remotely for the hearing, or leaves the hearing before a final ruling is issued or order signed, and the court believes the respondent has sufficient notice such that additional service is not necessary, the order must recite that the respondent appeared before the court, has actual notice of the order, the necessity for further service is waived, and proof of service of the order is not necessary. The court shall enter the service and receipt into the record. A copy of the order and service must be transmitted immediately to law enforcement. The respondent must immediately surrender all firearms and any concealed pistol license, not previously surrendered, in a safe manner to the control of the local law enforcement agency on the day of the hearing at which the respondent was present in person or remotely. If the respondent is in custody, arrangements to recover the firearms must be made prior to release. Alternatively, if personal service by a law enforcement officer is not possible, and the respondent did not appear in person or remotely at the hearing, the respondent shall surrender the firearms in a safe manner to the control of the local law enforcement agency within 24 hours of being served with the order by alternate service.

(3) At the time of surrender, a law enforcement officer taking possession of a firearm or concealed pistol license shall issue a receipt identifying all firearms that have been surrendered and provide a copy of the receipt to the

respondent. Within 72 hours after service of the order, the officer serving the order shall file the original receipt with the court and shall ensure that his or her law enforcement agency retains a copy of the receipt.

(4) Upon the sworn statement or testimony of the petitioner or of any law enforcement officer alleging that the respondent has failed to comply with the surrender of firearms as required by an order issued under this chapter, the court shall determine whether probable cause exists to believe that the respondent has failed to surrender all firearms in his or her possession, custody, or control. If probable cause for a violation of the order exists, the court shall issue a warrant describing the firearms and authorizing a search of the locations where the firearms are reasonably believed to be and the seizure of any firearms discovered pursuant to such search.

(5) If a person other than the respondent claims title to any firearms surrendered pursuant to this section, and that person is determined by the law enforcement agency to be the lawful owner of the firearm, the firearm must be returned to that person, provided that:

(a) The firearm is removed from the respondent's custody, control, or possession, and the lawful owner provides written verification to the court regarding how the lawful owner will safely store the firearm in a manner such that the respondent does not have access to, or control of, the firearm for the duration of the order;

(b) The court advises the lawful owner of the penalty for failure to do so; and

(c) The firearm is not otherwise unlawfully possessed by the owner.

(6) Upon the issuance of a one-year extreme risk protection order, the court shall order a new compliance review hearing date and require the respondent to appear not later than three judicial days from the issuance of the order. The court shall require a showing that the respondent has surrendered any firearms in the respondent's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070 to a law enforcement agency. The compliance review hearing is not required upon a satisfactory showing on which the court can otherwise enter findings on the record that the respondent has timely and

completely surrendered all firearms in the respondent's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070 to a law enforcement agency, and is in compliance with the order. If the court does not have a sufficient record before it on which to make such a finding, the court must set a review hearing to occur as soon as possible, at which the respondent must be present and provide proof of compliance with the court's order.

(7)(a) If a court finds at the compliance review hearing, or any other hearing where compliance with the order is addressed, that there is probable cause to believe the respondent was aware of, and failed to fully comply with, the order, failed to appear at the compliance review hearing, or violated the order after the court entered findings of compliance, pursuant to its authority under chapter 7.21 RCW, the court may initiate a contempt proceeding on its own motion, or upon the motion of the prosecutor, city attorney, or the petitioner's counsel, to impose remedial sanctions, and issue an order requiring the respondent to appear, provide proof of compliance with the order, and show cause why the respondent should not be held in contempt of court.

(b) If the respondent is not present in court at the compliance review hearing or if the court issues an order to appear and show cause after a compliance review hearing, the clerk of the court shall electronically transmit a copy of the order to show cause to the law enforcement agency where the respondent resides for personal service or service in the manner provided in the civil rules of superior court or applicable statute.

(c) The order to show cause served upon the respondent shall state the date, time, and location of the hearing, and shall include a warning that the respondent may be held in contempt of court if the respondent fails to promptly comply with the terms of the extreme risk protection order and a warning that an arrest warrant could be issued if the respondent fails to appear on the date and time provided in the order to show cause.

(d)(i) At the show cause hearing, the respondent must be present and provide proof of compliance with the extreme risk protection order and demonstrate why the relief requested should not be granted.

(ii) The court shall take judicial notice of the receipt filed with the court by the law enforcement agency pursuant to subsection (3) of this section. The court shall also provide sufficient notice to the law enforcement agency of the hearing. Upon receiving notice pursuant to this subsection, a law enforcement agency must:

(A) Provide the court with a complete list of firearms surrendered by the respondent or otherwise belonging to the respondent that are in the possession of the law enforcement agency; and

(B) Provide the court with verification that any concealed pistol license issued to the respondent has been surrendered and that a law enforcement agency with authority to revoke the license has been notified.

(iii) If the law enforcement agency has a reasonable suspicion that the respondent is not in full compliance with the terms of the order, the law enforcement agency must submit the basis for its belief to the court, and may do so through the filing of an affidavit.

(e) If the court finds the respondent in contempt, the court may impose remedial sanctions designed to ensure swift compliance with the order to surrender and prohibit weapons.

(f) The court may order a respondent found in contempt of the order to pay for any losses incurred by a party in connection with the contempt proceeding, including reasonable attorneys' fees, service fees, and other costs. The costs of the proceeding must not be borne by the petitioner.

(8)(a) To help ensure that accurate and comprehensive information about firearms compliance is provided to judicial officers, a representative from either the prosecuting attorney's office or city attorney's office, or both, from the relevant jurisdiction may appear and be heard at any hearing that concerns compliance with an extreme risk protection order.

(b) Either the prosecuting attorney's office or city attorney's office, or both, from the relevant jurisdiction may designate an advocate or a staff person from their office who is not an attorney to appear on behalf of their office. Such appearance does not constitute the unauthorized practice of law.

(9)(a) An extreme risk protection order must state that the act of voluntarily surrendering firearms, or providing testimony relating to the surrender of firearms, pursuant to such an order, may not be used against the respondent (~~(or defendant)~~) in any criminal prosecution under this chapter, chapter 9.41 RCW, or RCW 9A.56.310.

(b) To provide relevant information to the court to determine compliance with the order, the court may allow the prosecuting attorney or city attorney to question the respondent regarding compliance.

(10) All law enforcement agencies must develop and implement policies and procedures regarding the acceptance, storage, and return of firearms required to be surrendered under this chapter. Any surrendered firearms must be handled and stored properly to prevent damage or degradation in appearance or function, and the condition of the surrendered firearms documented, including by digital photograph. A law enforcement agency holding any surrendered firearm or concealed pistol license shall comply with the provisions of RCW 9.41.340 and 9.41.345 before the return of the firearm or concealed pistol license to the owner or individual from whom it was obtained.

Sec. 20. RCW 7.105.400 and 2021 c 215 s 53 are each amended to read as follows:

(1) A temporary protection order issued under this chapter may be reissued for the following reasons:

(a) Agreement of the parties;

(b) To provide additional time to effect service of the temporary protection order on the respondent; or

(c) If the court, in writing, finds good cause to reissue the order.

(2) Any temporary orders to surrender and prohibit weapons must also be automatically reissued with the temporary protection order.

(3) To ensure that a petitioner is not delayed in receiving a hearing on a petition for a protection order, there is a rebuttable presumption that a temporary protection order should not be reissued more than once or for more than 30 days at the request of the respondent, absent agreement of the parties, good cause, or the need to provide additional time to effect service.

(4) When considering any request to stay, continue, or delay a hearing under this chapter because of the pendency of a parallel criminal investigation or prosecution of the respondent, courts shall apply a rebuttable presumption against such delay and give due recognition to the purpose of this chapter to provide victims quick and effective relief. Courts must consider on the record the following factors:

(a) The extent to which a defendant's Fifth Amendment rights are or are not implicated, given the special nature of protection order proceedings which burden a defendant's Fifth Amendment privilege substantially less than do other civil proceedings;

(b) Similarities between the civil and criminal cases;

(c) Status of the criminal case;

(d) The interests of the petitioners in proceeding expeditiously with litigation and the potential prejudice and risk to petitioners of a delay;

(e) The burden that any particular aspect of the proceeding may impose on respondents;

(f) The convenience of the court in the management of its cases and the efficient use of judicial resources;

(g) The interests of persons not parties to the civil litigation; and

(h) The interest of the public in the pending civil and criminal litigation.

(5) Courts shall not require a petitioner to complete a new (~~law enforcement information sheet~~) confidential information form when a temporary protection order is reissued or when a full order for a fixed time period is entered, unless the petitioner indicates that the information needs to be updated or amended. The clerk shall transmit the order to the law enforcement agency identified in the order for service, along with a copy of the confidential party information form received from the respondent, if available, or the petitioner's confidential party information form to assist law enforcement in serving the order.

Sec. 21. RCW 7.105.450 and 2021 c 215 s 56 are each amended to read as follows:

(1)(a) Whenever a domestic violence protection order, a sexual assault

protection order, a stalking protection order, or a vulnerable adult protection order is granted under this chapter, or an order is granted under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or there is a valid foreign protection order as defined in RCW 26.52.020, or there is a Canadian domestic violence protection order as defined in RCW 26.55.010, and the respondent or person to be restrained knows of the order, a violation of any of the following provisions of the order is a gross misdemeanor, except as provided in subsections (4) and (5) of this section:

(i) The restraint provisions prohibiting acts or threats of violence against, or stalking of, a protected party, or the restraint provisions prohibiting contact with a protected party;

(ii) A provision excluding the person from a residence, workplace, school, or day care;

(iii) A provision prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle;

(iv) A provision prohibiting interfering with the protected party's efforts to remove a pet owned, possessed, leased, kept, or held by the petitioner, the respondent, or a minor child residing with either the petitioner or the respondent; or

(v) A provision of a foreign protection order or a Canadian domestic violence protection order specifically indicating that a violation will be a crime.

(b) Upon conviction, and in addition to any other penalties provided by law, the court:

(i) May require that the respondent submit to electronic monitoring. The court shall specify who must provide the electronic monitoring services and the terms under which the monitoring must be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the convicted person to pay for electronic monitoring; and

(ii) Shall impose a fine of \$15, in addition to any penalty or fine imposed, for a violation of a domestic violence protection order issued under this chapter. Revenue from the \$15 fine must be remitted monthly to the state treasury for deposit in the domestic violence prevention account.

(2) A law enforcement officer shall arrest without a warrant and take into custody a person whom the law enforcement officer has probable cause to believe has violated a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or an order issued under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic violence protection order as defined in RCW 26.55.010, that restrains the person or excludes the person from a residence, workplace, school, or day care, or prohibits the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle, if the person restrained knows of the order. Presence of the order in the law enforcement computer-based criminal intelligence information system is not the only means of establishing knowledge of the order.

(3) A violation of a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or an order issued under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic violence protection order as defined in RCW 26.55.010, shall also constitute contempt of court, and is subject to the penalties prescribed by law.

(4) Any assault that is a violation of a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or an order issued under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic violence protection order as defined in RCW 26.55.010, and that does not amount

to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and any conduct in violation of such an order that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony.

(5) A violation of a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or a court order issued under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic violence protection order as defined in RCW 26.55.010, is a class C felony if the offender has at least two previous convictions for violating the provisions of a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or an order issued under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic violence protection order as defined in RCW 26.55.010. The previous convictions may involve the same victim or other victims specifically protected by the orders the offender violated.

(6)(a) A defendant arrested for violating a domestic violence protection order, sexual assault protection order, stalking protection order, or vulnerable adult protection order, or an order granted under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic violence protection order as defined in RCW 26.55.010, is required to appear in person before a magistrate within one judicial day after the arrest. At the time of the appearance, the court shall determine the necessity of imposing a no-contact order or other conditions of pretrial release.

(b) A defendant who is charged by citation, complaint, or information with violating any protection order identified in (a) of this subsection and not arrested shall appear in court for arraignment in person as soon as practicable, but in no event later than 14 days after the next day on which court

is in session following the issuance of the citation or the filing of the complaint or information.

(7) Upon the filing of an affidavit by the petitioner or any law enforcement officer alleging that the respondent has violated a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or an order granted under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic violence protection order as defined in RCW 26.55.010, the court may issue an order to the respondent, requiring the respondent to appear and show cause within 14 days as to why the respondent should not be found in contempt of court and punished accordingly. The hearing may be held in the court of any county or municipality in which the petitioner or respondent temporarily or permanently resides at the time of the alleged violation.

(8) Appearances required under this section are mandatory and cannot be waived.

Sec. 22. RCW 7.105.460 and 2021 c 215 s 58 are each amended to read as follows:

(1) Any person who files a petition for an extreme risk protection order knowing the information in such petition to be materially false, or with the intent to harass the respondent, is guilty of a gross misdemeanor.

(2) ~~((Any))~~ (a) Except as provided in (b) of this subsection, any person who has in his or her custody or control, accesses, purchases, possesses, or receives, or attempts to purchase or receive, a firearm with knowledge that he or she is prohibited from doing so by an extreme risk protection order is guilty of a gross misdemeanor, and further is prohibited from having in his or her custody or control, accessing, purchasing, possessing, or receiving, or attempting to purchase or receive, a firearm for a period of five years from the date the existing order expires. ~~((However, such))~~

(b) A person is guilty of a class C felony for a violation under (a) of this subsection if the person has two or more previous convictions for violating an order issued under this chapter.

Sec. 23. RCW 7.105.500 and 2021 c 215 s 61 are each amended to read as follows:

This section applies to modification or termination of domestic violence protection orders, sexual assault protection orders, stalking protection orders, and antiharassment protection orders.

(1) Upon a motion with notice to all parties and after a hearing, the court may modify the terms of an existing protection order or terminate an existing order.

(2) A respondent's motion to modify or terminate an existing protection order must include a declaration setting forth facts supporting the requested order for modification or termination. The nonmoving parties to the proceeding may file opposing declarations. All motions to modify or terminate shall be based on the written materials and evidence submitted to the court. The court shall set a hearing only if the court finds that adequate cause is established. If the court finds that the respondent established adequate cause, the court shall set a date for hearing the respondent's motion, which must be at least 14 days from the date the court finds adequate cause.

(3) Upon the motion of a respondent, the court may not modify or terminate an existing protection order unless the respondent proves by a preponderance of the evidence that there has been a substantial change in circumstances such that the respondent will not resume, engage in, or attempt to engage in, the following acts against the petitioner or those persons protected by the protection order if the order is terminated or modified:

(a) Acts of domestic violence, in cases involving domestic violence protection orders;

(b) Physical or nonphysical contact, in cases involving sexual assault protection orders;

(c) Acts of stalking, in cases involving stalking protection orders; or

(d) Acts of unlawful harassment, in cases involving antiharassment protection orders.

The petitioner bears no burden of proving that he or she has a current reasonable fear of harm by the respondent.

(4) In determining whether there has been a substantial change in circumstances, the court may consider the following unweighted factors, and no inference is to be drawn from the order in which the factors are listed:

(a) Whether the respondent has committed or threatened sexual assault, domestic violence, stalking, or other harmful acts against the petitioner or any other person since the protection order was entered;

(b) Whether the respondent has violated the terms of the protection order and the time that has passed since the entry of the order;

(c) Whether the respondent has exhibited suicidal ideation or attempts since the protection order was entered;

(d) Whether the respondent has been convicted of criminal activity since the protection order was entered;

(e) Whether the respondent has either acknowledged responsibility for acts of sexual assault, domestic violence, stalking, or behavior that resulted in the entry of the protection order, or successfully completed state-certified perpetrator treatment or counseling since the protection order was entered;

(f) Whether the respondent has a continuing involvement with drug or alcohol abuse, if such abuse was a factor in the protection order;

(g) Whether the petitioner consents to terminating the protection order, provided that consent is given voluntarily and knowingly; or

(h) Other factors relating to a substantial change in circumstances.

(5) In determining whether there has been a substantial change in circumstances, the court may not base its determination on the fact that time has passed without a violation of the order.

(6) Regardless of whether there is a substantial change in circumstances, the court may decline to terminate a protection order if it finds that the acts of domestic violence, sexual assault, stalking, unlawful harassment, and other harmful acts that resulted in the issuance of the protection order were of such severity that the order should not be terminated.

(7) A respondent may file a motion to modify or terminate an order no more than

once in every 12-month period that the order is in effect, starting from the date of the order and continuing through any renewal period.

(8) If a person who is protected by a protection order has a child or adopts a child after a protection order has been issued, but before the protection order has expired, the petitioner may seek to include the new child in the order of protection on an ex parte basis if the child is already in the physical custody of the petitioner. If the restrained person is the legal or biological parent of the child, a hearing must be set and notice given to the restrained person prior to final modification of the full protection order.

(9) A court may require the respondent to pay the petitioner for costs incurred in responding to a motion to modify or terminate a protection order, including reasonable attorneys' fees.

Sec. 24. RCW 7.105.510 and 2021 c 215 s 63 are each amended to read as follows:

This section applies to the modification or termination of vulnerable adult protection orders.

(1) Any vulnerable adult who is not subject to ~~((a limited guardianship, limited conservatorship, or other protective arrangement))~~ an order under chapter 11.130 RCW may, at any time subsequent to the entry of a permanent protection order under this chapter, file a motion to modify or terminate the protection order. Where a vulnerable adult is subject to an order under chapter 11.130 RCW, the vulnerable adult, or the vulnerable adult's guardian, conservator, or person acting on behalf of the vulnerable adult under a protective arrangement under chapter 11.130 RCW, may, ((at any time subsequent to the entry of a permanent protection order under this chapter,)) if within the person's authority under the guardianship, conservatorship, or protective arrangement, file a motion to modify or terminate the protection order at any time subsequent to the entry of a permanent protection order under this chapter.

(2) In a hearing on a motion to modify or terminate the protection order, the court shall grant such relief consistent with RCW 7.105.310 as it deems necessary for the protection of the vulnerable adult, including modification or termination of the protection order.

Sec. 25. RCW 7.105.555 and 2021 c 215 s 66 are each amended to read as follows:

(1) To prevent the issuance of competing protection orders in different courts and to give courts needed information for the issuance of orders, the judicial information system or alternative databases must be available in each district, municipal, and superior court, and must include a database containing the following information:

~~((1))~~ (a) The names of the parties and the cause number for every order of protection issued under this chapter, protection orders provided by military and tribal courts, every criminal no-contact order issued under chapters 9A.46 and 10.99 RCW, every dissolution action under chapter 26.09 RCW, every parentage action under chapter 26.26A or 26.26B RCW, every restraining order issued on behalf of an abused child or adult dependent person under chapter 26.44 RCW, every foreign protection order filed under chapter 26.52 RCW, and every Canadian domestic violence protection order filed under chapter 26.55 RCW. When a guardian or the department of social and health services or department of children, youth, and families has petitioned for relief on behalf of an abused child, adult dependent person, or vulnerable adult, the name of the person on whose behalf relief was sought must be included in the database as a party rather than the guardian or appropriate department;

~~((2))~~ (b) A complete criminal history of the parties; and

~~((3))~~ (c) Other relevant information necessary to assist courts in issuing orders under this chapter as determined by the judicial information system committee.

(2) Information within the database must be easily accessible and accurately updated as soon as possible but no later than within one judicial day.

(3) A document viewing system must be available as part of the judicial information system or other databases used by the court, so that in addition to having access to the summary information in subsection (1) of this section, the court is able to view any protection order filed within the state.

Sec. 26. RCW 7.105.902 and 2021 c 215 s 36 are each amended to read as follows:

(1) The administrative office of the courts, through the gender and justice commission of the Washington state supreme court, and with the support of the Washington state women's commission, shall work with representatives of superior, district, and municipal court judicial officers, court clerks, and administrators, including those with experience in protection order proceedings, as well as advocates and practitioners with expertise in each type of protection order, and others with relevant expertise, to consider and develop recommendations regarding:

(a) Uses of technology to reduce administrative burdens in protection order proceedings;

(b) Improving access to unrepresented parties in protection order proceedings, including promoting access for pro bono attorneys for remote protection order proceedings, in consultation with the Washington state bar association;

(c) Developing best practices for courts when there are civil protection order and criminal proceedings that concern the same alleged conduct;

(d) Developing best practices in data collection and sharing, including demographic information, in order to promote research and study on protection orders and transparency of protection order data for the public, in partnership with the Washington state center for court research, the Washington state institute for public policy, the University of Washington, and the urban Indian health institute;

(e) Developing best practices, including proposed training and necessary forms, in partnership with the Washington tribal state court consortium, to address how:

(i) Washington state court judges of all levels can see the existence of, and parties to, tribal court, military, and other jurisdiction protection orders, in comity with similar state court orders;

(ii) Tribal courts can enter their protection orders into the judicial information system used by courts to check for conflicting orders and history; and

(iii) State courts can query the national crime information center to check for tribal, military, and other

jurisdictions' protection orders prior to issuing protection orders;

(f) Developing best practices for minor respondents and petitioners in civil protection order proceedings, including what sanctions should be provided for in law, with input from legal advocates for children and youth, juvenile public defense, juvenile prosecutors, adolescent behavioral health experts, youth development experts, educators, judicial officers, victim advocates, restorative-informed or trauma-informed professionals, child advocacy centers, and professionals experienced in evidenced-based modalities for the treatment of trauma; and

(g) Assessing how the civil protection order law can more effectively address the type of abuse known as "coercive control" so that survivors can seek earlier protective intervention before abuse further escalates.

(2) The gender and justice commission may hire a consultant to assist with the requirements of this section with funds as appropriated.

(3) The gender and justice commission shall provide a brief report of its recommendations to the legislature for subsection (1)(e) through (g) of this section by December 1, 2021, and, for subsection (1)(a) through (d) of this section, provide recommendations to the courts by July 1, 2022.

(4) This section expires October 1, 2022.

NEW SECTION. Sec. 27. (1) The gender and justice commission, through its E2SHB 1320 stakeholder work groups, and in consultation with the Washington state center for court research, shall include in their 2022 work consideration of a study regarding how the inclusion of coercive control under this act helps to further realize the legislative intent of the law to increase safety for victims by obtaining effective legal protection apart from, or in addition to, the criminal legal system. The possible parameters for such a study would be as follows:

(a) The center for court research may engage or partner with other researchers with expertise in intimate partner violence, coercive control, civil protection order processes, and related research to conduct the study or help

with study design, duration, methods, measurements, data collection, and analysis.

(b) The administrative office of the courts and superior and district courts shall provide the center for court research with necessary data to conduct the study, as requested by the center for court research.

(c) The study may include, if determined by the gender and justice commission's E2SHB 1320 stakeholder work groups and the center for court research to be empirically useful and readily measurable through available data, measurements such as:

(i) The ability of survivors to obtain protection orders that fully address the nature of the harm or threat of harm they are experiencing;

(ii) The frequency of inclusion of coercive control in protection order petitions and the nature of the harm or threatened harm articulated;

(iii) Whether the orders were granted and if so, the relief ordered by the court;

(iv) Whether the orders were denied, and if so, the reason for the denial; and

(v) In proceedings involving domestic violence where coercive control is part of the harm alleged:

(A) The frequency of conflicting protection orders, cross-petitions (where each party files a petition against the other), or re-aligned orders (where the court finds that the original petitioner is the abuser and the original respondent is the victim);

(B) Enforcement of protection order violations;

(C) Other legal proceedings involving either party, such as family, dependency, or criminal matters; and

(D) Whether the parties had legal representation or legal advocates in the protection order proceedings.

(d) The study shall also assess judicial officer training regarding protection orders, and coercive control in particular, and whether additional judicial officers are required to hear protection order proceedings.

(e) To the extent feasible, and considered best practice by the center

for court research, the evaluation should also: Gather qualitative information from survivors of domestic violence, legal counsel, protection order advocates and court navigators, court clerks, and judicial officers; and include analysis of any disproportionate impact on survivors by race, immigration status, language, gender, sexual orientation, or disability.

(f) At the conclusion of any study conducted under this section, the center for court research shall report its findings to the legislature in compliance with RCW 43.01.036.

(2) By July 1, 2022, the gender and justice commission through its E2SHB 1320 work groups and the center for court research shall advise the chairs of the relevant policy committees of the legislature of their recommendations regarding need, timing, and design for such a study.

(3) This section expires January 1, 2028.

Sec. 28. RCW 9.41.040 and 2021 c 215 s 72 are each amended to read as follows:

(1)(a) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm in the first degree, if the person owns, has in his or her possession, or has in his or her control any firearm after having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of any serious offense as defined in this chapter.

(b) Unlawful possession of a firearm in the first degree is a class B felony punishable according to chapter 9A.20 RCW.

(2)(a) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm in the second degree, if the person does not qualify under subsection (1) of this section for the crime of unlawful possession of a firearm in the first degree and the person owns, has in his or her possession, or has in his or her control any firearm:

(i) After having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of any felony not specifically listed as prohibiting firearm possession under subsection (1) of this section, or any of the following crimes when committed by

one family or household member against another or by one intimate partner against another, as those terms are defined by the statutes in effect at the time of the commission of the crime, committed on or after July 1, 1993: Assault in the fourth degree, coercion, stalking, reckless endangerment, criminal trespass in the first degree, or violation of the provisions of a (~~domestic violence~~) protection order or no-contact order restraining the person or excluding the person from a residence (~~(chapter 7.105 RCW)~~) RCW 10.99.040(~~(7)~~) or any of the former RCW 26.50.060, 26.50.070, and 26.50.130);

(ii) After having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of harassment when committed by one family or household member against another or by one intimate partner against another, committed on or after June 7, 2018;

(iii) After having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of a violation of the provisions of a protection order under chapter 7.105 RCW restraining the person or excluding the person from a residence, when committed by one family or household member against another or by one intimate partner against another, committed on or after July 1, 2022;

(iv) During any period of time that the person is subject to a court order issued under chapter 7.105, 9A.46, 10.99, 26.09, 26.26A, or 26.26B RCW or any of the former chapters 7.90, 7.92, 10.14, and 26.50 RCW that:

(A) Was issued after a hearing for which the person received actual notice, and at which the person had an opportunity to participate, whether the court then issues a full order or reissues a temporary order. If the court enters an agreed order by the parties without a hearing, such an order meets the requirements of this subsection;

(B) Restrains the person from harassing, stalking, or threatening the person protected under the order or child of the person or protected person, or engaging in other conduct that would place the protected person in reasonable fear of bodily injury to the protected person or child; and

(C) (I) Includes a finding that the person represents a credible threat to the physical safety of the protected

person or child (~~and~~) or by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against the protected person or child that would reasonably be expected to cause bodily injury; or

(II) Includes an order under RCW 9.41.800 requiring the person to surrender all firearms and prohibiting the person from accessing, having in his or her custody or control, possessing, purchasing, receiving, or attempting to purchase or receive, firearms;

(~~(iv)~~) (v) After having previously been involuntarily committed based on a mental disorder under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, chapter 10.77 RCW, or equivalent statutes of another jurisdiction, unless his or her right to possess a firearm has been restored as provided in RCW 9.41.047;

(~~(v)~~) (vi) After dismissal of criminal charges based on incompetency to stand trial under RCW 10.77.088 when the court has made a finding indicating that the defendant has a history of one or more violent acts, unless his or her right to possess a firearm has been restored as provided in RCW 9.41.047;

(~~(vi)~~) (vii) If the person is under 18 years of age, except as provided in RCW 9.41.042; and/or

(~~(vii)~~) (viii) If the person is free on bond or personal recognizance pending trial, appeal, or sentencing for a serious offense as defined in RCW 9.41.010.

(b) Unlawful possession of a firearm in the second degree is a class C felony punishable according to chapter 9A.20 RCW.

(3) Notwithstanding RCW 9.41.047 or any other provisions of law, as used in this chapter, a person has been "convicted," whether in an adult court or adjudicated in a juvenile court, at such time as a plea of guilty has been accepted or a verdict of guilty has been filed, notwithstanding the pendency of any future proceedings including, but not limited to, sentencing or disposition, post-trial or post-fact-finding motions, and appeals. Conviction includes a dismissal entered after a period of probation, suspension, or deferral of sentence, and also includes equivalent dispositions by courts in jurisdictions other than Washington state. A person shall not be precluded from possession of

a firearm if the conviction has been the subject of a pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted or the conviction or disposition has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence. Where no record of the court's disposition of the charges can be found, there shall be a rebuttable presumption that the person was not convicted of the charge.

(4) (a) Notwithstanding subsection (1) or (2) of this section, a person convicted or found not guilty by reason of insanity of an offense prohibiting the possession of a firearm under this section other than murder, manslaughter, robbery, rape, indecent liberties, arson, assault, kidnapping, extortion, burglary, or violations with respect to controlled substances under RCW 69.50.401 and 69.50.410, who received a probationary sentence under RCW 9.95.200, and who received a dismissal of the charge under RCW 9.95.240, shall not be precluded from possession of a firearm as a result of the conviction or finding of not guilty by reason of insanity. Notwithstanding any other provisions of this section, if a person is prohibited from possession of a firearm under subsection (1) or (2) of this section and has not previously been convicted or found not guilty by reason of insanity of a sex offense prohibiting firearm ownership under subsection (1) or (2) of this section and/or any felony defined under any law as a class A felony or with a maximum sentence of at least 20 years, or both, the individual may petition a court of record to have his or her right to possess a firearm restored:

(i) Under RCW 9.41.047; and/or

(ii) (A) If the conviction or finding of not guilty by reason of insanity was for a felony offense, after five or more consecutive years in the community without being convicted or found not guilty by reason of insanity or currently charged with any felony, gross misdemeanor, or misdemeanor crimes, if the individual has no prior felony convictions that prohibit the possession of a firearm counted as part of the offender score under RCW 9.94A.525; or

(B) If the conviction or finding of not guilty by reason of insanity was for a nonfelony offense, after three or more

consecutive years in the community without being convicted or found not guilty by reason of insanity or currently charged with any felony, gross misdemeanor, or misdemeanor crimes, if the individual has no prior felony convictions that prohibit the possession of a firearm counted as part of the offender score under RCW 9.94A.525 and the individual has completed all conditions of the sentence.

(b) An individual may petition a court of record to have his or her right to possess a firearm restored under (a) of this subsection only at:

(i) The court of record that ordered the petitioner's prohibition on possession of a firearm; or

(ii) The superior court in the county in which the petitioner resides.

(5) In addition to any other penalty provided for by law, if a person under the age of 18 years is found by a court to have possessed a firearm in a vehicle in violation of subsection (1) or (2) of this section or to have committed an offense while armed with a firearm during which offense a motor vehicle served an integral function, the court shall notify the department of licensing within 24 hours and the person's privilege to drive shall be revoked under RCW 46.20.265, unless the offense is the juvenile's first offense in violation of this section and has not committed an offense while armed with a firearm, an unlawful possession of a firearm offense, or an offense in violation of chapter 66.44, 69.52, 69.41, or 69.50 RCW.

(6) Nothing in chapter 129, Laws of 1995 shall ever be construed or interpreted as preventing an offender from being charged and subsequently convicted for the separate felony crimes of theft of a firearm or possession of a stolen firearm, or both, in addition to being charged and subsequently convicted under this section for unlawful possession of a firearm in the first or second degree. Notwithstanding any other law, if the offender is convicted under this section for unlawful possession of a firearm in the first or second degree and for the felony crimes of theft of a firearm or possession of a stolen firearm, or both, then the offender shall serve consecutive sentences for each of the felony crimes of conviction listed in this subsection.

(7) Each firearm unlawfully possessed under this section shall be a separate offense.

Sec. 29. RCW 9.41.800 and 2021 c 215 s 74 are each amended to read as follows:

(1) Any court when entering an order authorized under chapter 7.105 RCW, RCW 9A.46.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.26B.020, or 26.26A.470 shall, upon a showing by a preponderance of the evidence, that a party has: Used, displayed, or threatened to use a firearm or other dangerous weapon in a felony, or is ineligible to possess a firearm under the provisions of RCW 9.41.040:

(a) Require that the party immediately surrender all firearms and other dangerous weapons;

(b) Require that the party immediately surrender any concealed pistol license issued under RCW 9.41.070;

(c) Prohibit the party from accessing, having in his or her custody or control, possessing, purchasing, receiving, or attempting to purchase or receive, any firearms or other dangerous weapons;

(d) Prohibit the party from obtaining or possessing a concealed pistol license;

(e) Other than for ex parte temporary protection orders, unless the ex parte temporary protection order was reissued after the party received notice and had an opportunity to be heard, direct law enforcement to revoke any concealed pistol license issued to the party.

(2) During any period of time that the party is subject to a court order issued under chapter 7.105, 9A.46, 10.99, 26.09, 26.26A, or 26.26B RCW that:

(a) Was issued after a hearing of which the party received actual notice, and at which the party had an opportunity to participate, whether the court then issues a full order or reissues a temporary order. If the court enters an agreed order by the parties without a hearing, such an order meets the requirements of this subsection;

(b) Restrains the party from harassing, stalking, or threatening an intimate partner of the party, the protected person, or child of the intimate partner, party, or protected person, or engaging in other conduct that would place an intimate partner or protected person in reasonable fear of

bodily injury to the intimate partner, protected person, or child; and

(c)(i) Includes a finding that the party represents a credible threat to the physical safety of the intimate partner, protected person, or child; (~~and~~) or

(ii) By its terms, explicitly prohibits the use, attempted use, or threatened use of physical force against the intimate partner, protected person, or child that would reasonably be expected to cause bodily injury, the court shall:

(A) Require that the party immediately surrender all firearms and other dangerous weapons;

(B) Require that the party immediately surrender a concealed pistol license issued under RCW 9.41.070;

(C) Prohibit the party from accessing, having in his or her custody or control, possessing, purchasing, receiving, or attempting to purchase or receive, any firearms or other dangerous weapons; and

(D) Prohibit the party from obtaining or possessing a concealed pistol license.

(3) The court may order temporary surrender and prohibit the purchase of all firearms and other dangerous weapons, and any concealed pistol license, without notice to the other party if it finds, on the basis of the moving affidavit or other evidence, that irreparable injury could result if an order is not issued until the time for response has elapsed.

(4) In addition to the provisions of subsections (1) and (3) of this section, the court may enter an order requiring a party to comply with the provisions in subsection (1) of this section if it finds that the possession of a firearm or other dangerous weapon by any party presents a serious and imminent threat to public health or safety, or to the health or safety of any individual.

(5) The requirements of subsections (1) and (4) of this section may be for a period of time less than the duration of the order.

(6) The court shall require the party to surrender all firearms and other dangerous weapons in his or her immediate possession or control or subject to his or her immediate possession or control, and any concealed pistol license issued under RCW 9.41.070, to the local law enforcement agency. Law enforcement

officers shall use law enforcement databases to assist in locating the party in situations where the protected person does not know where the party lives or where there is evidence that the party is trying to evade service.

(7) If the court enters a protection order, restraining order, or no-contact order that includes an order to surrender firearms, dangerous weapons, and any concealed pistol license under this section:

(a) The order must be served by a law enforcement officer; and

(b) Law enforcement must immediately ensure entry of the order to surrender and prohibit weapons and the revocation of any concealed pistol license is made into the appropriate databases making the party ineligible to possess firearms and a concealed pistol license.

Sec. 30. RCW 9.41.801 and 2021 c 215 s 75 are each amended to read as follows:

(1) Because of the heightened risk of lethality to petitioners when respondents to protection orders become aware of court involvement and continue to have access to firearms, and the frequency of noncompliance with court orders prohibiting possession of firearms, law enforcement and judicial processes must emphasize swift and certain compliance with court orders prohibiting access, possession, and ownership of all firearms.

(2) A law enforcement officer serving a protection order, no-contact order, or restraining order that includes an order to surrender all firearms, dangerous weapons, and a concealed pistol license under RCW 9.41.800 shall inform the respondent that the order is effective upon service and the respondent must immediately surrender all firearms and dangerous weapons in the respondent's custody, control, or possession and any concealed pistol license issued under RCW 9.41.070, and conduct any search permitted by law for such firearms, dangerous weapons, and concealed pistol license. The law enforcement officer shall take possession of all firearms, dangerous weapons, and any concealed pistol license belonging to the respondent that are surrendered, in plain sight, or discovered pursuant to a lawful search. ~~((The order must be personally served upon the respondent or defendant if))~~ If the order is entered in open court ((in the presence of)) and the

respondent ((or defendant)) appears in person, the respondent shall be provided a copy and further service is not required. ((The respondent or defendant shall acknowledge receipt and service.)) If the respondent ~~((or defendant))~~ refuses ((service)) to receive a copy, an agent of the court may indicate on the record that the respondent ((or defendant)) refused ((service)) to receive a copy of the order. If the respondent appears remotely for the hearing, or leaves the hearing before a final ruling is issued or order signed, and the court believes the respondent has sufficient notice such that additional service is not necessary, the order must recite that the respondent appeared before the court, has actual notice of the order, the necessity for further service is waived, and proof of service of the order is not necessary. The court shall enter the service and receipt into the record. A copy of the order and service shall be transmitted immediately to law enforcement. The respondent must immediately surrender all firearms, dangerous weapons, and any concealed pistol license in a safe manner to the control of the local law enforcement agency on the day of the hearing at which the respondent was present in person or remotely. Alternatively, if personal service by a law enforcement officer is not possible, and the respondent did not appear in person or remotely at the hearing, the respondent shall surrender the firearms in a safe manner to the control of the local law enforcement agency within 24 hours of being served with the order by alternate service.

(3) At the time of surrender, a law enforcement officer taking possession of firearms, dangerous weapons, and any concealed pistol license shall issue a receipt identifying all firearms, dangerous weapons, and any concealed pistol license that have been surrendered and provide a copy of the receipt to the respondent. The law enforcement agency shall file the original receipt with the court within 24 hours after service of the order and retain a copy of the receipt, electronically whenever electronic filing is available.

(4) Upon the sworn statement or testimony of the petitioner or of any law enforcement officer alleging that the respondent has failed to comply with the surrender of firearms or dangerous weapons as required by an order issued under RCW 9.41.800, the court shall

determine whether probable cause exists to believe that the respondent has failed to surrender all firearms and dangerous weapons in their possession, custody, or control. If probable cause exists that a crime occurred, the court shall issue a warrant describing the firearms or dangerous weapons and authorizing a search of the locations where the firearms and dangerous weapons are reasonably believed to be and the seizure of all firearms and dangerous weapons discovered pursuant to such search.

(5) If a person other than the respondent claims title to any firearms or dangerous weapons surrendered pursuant to this section, and the person is determined by the law enforcement agency to be the lawful owner of the firearm or dangerous weapon, the firearm or dangerous weapon shall be returned to the lawful owner, provided that:

(a) The firearm or dangerous weapon is removed from the respondent's access, custody, control, or possession and the lawful owner agrees by written document signed under penalty of perjury to store the firearm or dangerous weapon in a manner such that the respondent does not have access to or control of the firearm or dangerous weapon;

(b) The firearm or dangerous weapon is not otherwise unlawfully possessed by the owner; and

(c) The requirements of RCW 9.41.345 are met.

(6) Courts shall develop procedures to verify timely and complete compliance with orders to surrender and prohibit weapons under RCW 9.41.800, including compliance review hearings to be held as soon as possible upon receipt from law enforcement of proof of service. A compliance review hearing is not required if the court can otherwise enter findings on the record or enter written findings that the proof of surrender or declaration of nonsurrender attested to by the person subject to the order, along with verification from law enforcement and any other relevant evidence, makes a sufficient showing that the person has timely and completely surrendered all firearms and dangerous weapons in the person's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070, to a law enforcement agency. If the court does not have a sufficient record before it on which to make such a finding, the court

must set a review hearing to occur as soon as possible at which the respondent must be present and provide proof of compliance with the court's order. Courts shall make available forms that petitioners may complete and submit to the court in response to a respondent's declaration of whether the respondent has surrendered weapons.

(7) (a) If a court finds at the compliance review hearing, or any other hearing where compliance with the order to surrender and prohibit weapons is addressed, that there is probable cause to believe the respondent was aware of and failed to fully comply with the order, failed to appear at the compliance review hearing, or violated the order after the court entered findings of compliance, pursuant to its authority under chapter 7.21 RCW, the court may initiate a contempt proceeding to impose remedial sanctions on its own motion, or upon the motion of the prosecutor, city attorney, or the petitioner's counsel, and issue an order requiring the respondent to appear, provide proof of compliance with the order, and show cause why the respondent should not be held in contempt of court.

(b) If the respondent is not present in court at the compliance review hearing or if the court issues an order to appear and show cause after a compliance review hearing, the clerk of the court shall electronically transmit a copy of the order to show cause to the law enforcement agency where the respondent resides for personal service or service in the manner provided in the civil rules of superior court or applicable statute. Law enforcement shall also serve a copy of the order to show cause on the petitioner, either electronically or in person, at no cost.

(c) The order to show cause served upon the respondent shall state the date, time, and location of the hearing and shall include a warning that the respondent may be held in contempt of court if the respondent fails to promptly comply with the terms of the order to surrender and prohibit weapons and a warning that an arrest warrant could be issued if the respondent fails to appear on the date and time provided in the order.

(d) (i) At the show cause hearing, the respondent must be present and provide proof of compliance with the underlying court order to surrender and prohibit

weapons and demonstrate why the relief requested should not be granted.

(ii) The court shall take judicial notice of the receipt filed with the court by the law enforcement agency pursuant to subsection (3) of this section. The court shall also provide sufficient notice to the law enforcement agency of the hearing. Upon receiving notice pursuant to this subsection, a law enforcement agency must:

(A) Provide the court with a complete list of firearms and other dangerous weapons surrendered by the respondent or otherwise belonging to the respondent that are in the possession of the law enforcement agency; and

(B) Provide the court with verification that any concealed pistol license issued to the respondent has been surrendered and the agency with authority to revoke the license has been notified.

(iii) If the law enforcement agency has a reasonable suspicion that the respondent is not in full compliance with the terms of the order, the law enforcement agency must submit the basis for its belief to the court, and may do so through the filing of a declaration.

(e) If the court finds the respondent in contempt, the court may impose remedial sanctions designed to ensure swift compliance with the order to surrender and prohibit weapons.

(f) The court may order a respondent found in contempt of the order to surrender and prohibit weapons to pay for any losses incurred by a party in connection with the contempt proceeding, including reasonable attorneys' fees, service fees, and other costs. The costs of the proceeding shall not be borne by the petitioner.

(8)(a) To help ensure that accurate and comprehensive information about firearms compliance is provided to judicial officers, a representative from either the prosecuting attorney's office or city attorney's office, or both, from the relevant jurisdiction may appear and be heard at any hearing that concerns compliance with an order to surrender and prohibit weapons issued in connection with another type of protection order.

(b) Either the prosecuting attorney's office or city attorney's office, or both, from the relevant jurisdiction may designate an advocate or a staff person

from their office who is not an attorney to appear on behalf of their office. Such appearance does not constitute the unauthorized practice of law.

(9)(a) An order to surrender and prohibit weapons issued pursuant to RCW 9.41.800 must state that the act of voluntarily surrendering firearms or weapons, or providing testimony relating to the surrender of firearms or weapons, pursuant to such an order, may not be used against the respondent (~~or defendant~~) in any criminal prosecution under this chapter, chapter (~~9.41~~ ~~{7.105}~~) 7.105 RCW, or RCW 9A.56.310.

(b) To provide relevant information to the court to determine compliance with the order, the court may allow the prosecuting attorney or city attorney to question the respondent regarding compliance.

(10) All law enforcement agencies must have policies and procedures to provide for the acceptance, storage, and return of firearms, dangerous weapons, and concealed pistol licenses that a court requires must be surrendered under RCW 9.41.800. A law enforcement agency holding any firearm or concealed pistol license that has been surrendered under RCW 9.41.800 shall comply with the provisions of RCW 9.41.340 and 9.41.345 before the return of the firearm or concealed pistol license to the owner or individual from whom it was obtained.

(11) The administrative office of the courts shall create a statewide pattern form to assist the courts in ensuring timely and complete compliance in a consistent manner with orders issued under this chapter. The administrative office of the courts shall report annually on the number of orders issued under this chapter by each court, the degree of compliance, and the number of firearms obtained, and may make recommendations regarding additional procedures to enhance compliance and victim safety.

Sec. 31. RCW 42.56.240 and 2019 c 300 s 1 are each amended to read as follows:

The following investigative, law enforcement, and crime victim information is exempt from public inspection and copying under this chapter:

(1) Specific intelligence information and specific investigative records compiled by investigative, law

enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy;

(2) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim, or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath;

(3) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b);

(4) License applications under RCW 9.41.070(~~+~~), except that copies of license applications or information on the applications may be released to law enforcement or corrections agencies or to persons and entities as authorized under RCW 9.41.815;

(5) Information revealing the specific details that describe an alleged or proven child victim of sexual assault under age eighteen, or the identity or contact information of an alleged or proven child victim of sexual assault who is under age eighteen. Identifying information includes the child victim's name, addresses, location, photograph, and in cases in which the child victim is a relative, stepchild, or stepsibling of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator. Contact information includes phone numbers, email addresses, social media profiles, and user names and passwords;

(6) Information contained in a local or regionally maintained gang database as well as the statewide gang database referenced in RCW 43.43.762;

(7) Data from the electronic sales tracking system established in RCW 69.43.165;

(8) Information submitted to the statewide unified sex offender notification and registration program under RCW 36.28A.040(6) by a person for the purpose of receiving notification regarding a registered sex offender, including the person's name, residential address, and email address;

(9) Personally identifying information collected by law enforcement agencies pursuant to local security alarm system programs and vacation crime watch programs. Nothing in this subsection shall be interpreted so as to prohibit the legal owner of a residence or business from accessing information regarding his or her residence or business;

(10) The felony firearm offense conviction database of felony firearm offenders established in RCW 43.43.822;

(11) The identity of a state employee or officer who has in good faith filed a complaint with an ethics board, as provided in RCW 42.52.410, or who has in good faith reported improper governmental action, as defined in RCW 42.40.020, to the auditor or other public official, as defined in RCW 42.40.020;

(12) The following security threat group information collected and maintained by the department of corrections pursuant to RCW 72.09.745: (a) Information that could lead to the identification of a person's security threat group status, affiliation, or activities; (b) information that reveals specific security threats associated with the operation and activities of security threat groups; and (c) information that identifies the number of security threat group members, affiliates, or associates;

(13) The global positioning system data that would indicate the location of the residence of an employee or worker of a criminal justice agency as defined in RCW 10.97.030;

(14) Body worn camera recordings to the extent nondisclosure is essential for the protection of any person's right to

privacy as described in RCW 42.56.050, including, but not limited to, the circumstances enumerated in (a) of this subsection. A law enforcement or corrections agency shall not disclose a body worn camera recording to the extent the recording is exempt under this subsection.

(a) Disclosure of a body worn camera recording is presumed to be highly offensive to a reasonable person under RCW 42.56.050 to the extent it depicts:

(i)(A) Any areas of a medical facility, counseling, or therapeutic program office where:

(I) A patient is registered to receive treatment, receiving treatment, waiting for treatment, or being transported in the course of treatment; or

(II) Health care information is shared with patients, their families, or among the care team; or

(B) Information that meets the definition of protected health information for purposes of the health insurance portability and accountability act of 1996 or health care information for purposes of chapter 70.02 RCW;

(ii) The interior of a place of residence where a person has a reasonable expectation of privacy;

(iii) An intimate image;

(iv) A minor;

(v) The body of a deceased person;

(vi) The identity of or communications from a victim or witness of an incident involving domestic violence as defined in RCW 10.99.020 or sexual assault as defined in RCW 70.125.030, or disclosure of intimate images as defined in RCW 9A.86.010. If at the time of recording the victim or witness indicates a desire for disclosure or nondisclosure of the recorded identity or communications, such desire shall govern; or

(vii) The identifiable location information of a community-based domestic violence program as defined in RCW 70.123.020, or emergency shelter as defined in RCW 70.123.020.

(b) The presumptions set out in (a) of this subsection may be rebutted by specific evidence in individual cases.

(c) In a court action seeking the right to inspect or copy a body worn camera

recording, a person who prevails against a law enforcement or corrections agency that withholds or discloses all or part of a body worn camera recording pursuant to (a) of this subsection is not entitled to fees, costs, or awards pursuant to RCW 42.56.550 unless it is shown that the law enforcement or corrections agency acted in bad faith or with gross negligence.

(d) A request for body worn camera recordings must:

(i) Specifically identify a name of a person or persons involved in the incident;

(ii) Provide the incident or case number;

(iii) Provide the date, time, and location of the incident or incidents; or

(iv) Identify a law enforcement or corrections officer involved in the incident or incidents.

(e)(i) A person directly involved in an incident recorded by the requested body worn camera recording, an attorney representing a person directly involved in an incident recorded by the requested body worn camera recording, a person or his or her attorney who requests a body worn camera recording relevant to a criminal case involving that person, or the executive director from either the Washington state commission on African American affairs, Asian Pacific American affairs, or Hispanic affairs, has the right to obtain the body worn camera recording, subject to any exemption under this chapter or any applicable law. In addition, an attorney who represents a person regarding a potential or existing civil cause of action involving the denial of civil rights under the federal or state Constitution, or a violation of a United States department of justice settlement agreement, has the right to obtain the body worn camera recording if relevant to the cause of action, subject to any exemption under this chapter or any applicable law. The attorney must explain the relevancy of the requested body worn camera recording to the cause of action and specify that he or she is seeking relief from redaction costs under this subsection (14)(e).

(ii) A law enforcement or corrections agency responding to requests under this subsection (14)(e) may not require the requesting individual to pay costs of any redacting, altering, distorting, pixelating, suppressing, or otherwise

obscuring any portion of a body worn camera recording.

(iii) A law enforcement or corrections agency may require any person requesting a body worn camera recording pursuant to this subsection (14)(e) to identify himself or herself to ensure he or she is a person entitled to obtain the body worn camera recording under this subsection (14)(e).

(f)(i) A law enforcement or corrections agency responding to a request to disclose body worn camera recordings may require any requester not listed in (e) of this subsection to pay the reasonable costs of redacting, altering, distorting, pixelating, suppressing, or otherwise obscuring any portion of the body worn camera recording prior to disclosure only to the extent necessary to comply with the exemptions in this chapter or any applicable law.

(ii) An agency that charges redaction costs under this subsection (14)(f) must use redaction technology that provides the least costly commercially available method of redacting body worn camera recordings, to the extent possible and reasonable.

(iii) In any case where an agency charges a requestor for the costs of redacting a body worn camera recording under this subsection (14)(f), the time spent on redaction of the recording shall not count towards the agency's allocation of, or limitation on, time or costs spent responding to public records requests under this chapter, as established pursuant to local ordinance, policy, procedure, or state law.

(g) For purposes of this subsection (14):

(i) "Body worn camera recording" means a video and/or sound recording that is made by a body worn camera attached to the uniform or eyewear of a law enforcement or corrections officer while in the course of his or her official duties; and

(ii) "Intimate image" means an individual or individuals engaged in sexual activity, including sexual intercourse as defined in RCW 9A.44.010 and masturbation, or an individual's intimate body parts, whether nude or visible through less than opaque clothing, including the genitals, pubic area, anus, or postpubescent female nipple.

(h) Nothing in this subsection shall be construed to restrict access to body worn camera recordings as otherwise permitted by law for official or recognized civilian and accountability bodies or pursuant to any court order.

(i) Nothing in this section is intended to modify the obligations of prosecuting attorneys and law enforcement under *Brady v. Maryland*, 373 U.S. 83, 83 S. Ct. 1194, 10 L. Ed. 2d 215 (1963), *Kyles v. Whitley*, 541 U.S. 419, 115 S. Ct. 1555, 131 L. Ed.2d 490 (1995), and the relevant Washington court criminal rules and statutes.

(j) A law enforcement or corrections agency must retain body worn camera recordings for at least sixty days and thereafter may destroy the records in accordance with the applicable records retention schedule;

(15) Any records and information contained within the statewide sexual assault kit tracking system established in RCW 43.43.545;

(16)(a) Survivor communications with, and survivor records maintained by, campus-affiliated advocates.

(b) Nothing in this subsection shall be construed to restrict access to records maintained by a campus-affiliated advocate in the event that:

(i) The survivor consents to inspection or copying;

(ii) There is a clear, imminent risk of serious physical injury or death of the survivor or another person;

(iii) Inspection or copying is required by federal law; or

(iv) A court of competent jurisdiction mandates that the record be available for inspection or copying.

(c) "Campus-affiliated advocate" and "survivor" have the definitions in RCW 28B.112.030;

(17) Information and records prepared, owned, used, or retained by the Washington association of sheriffs and police chiefs and information and records prepared, owned, used, or retained by the Washington state patrol pursuant to chapter 261, Laws of 2017; and

(18) Any and all audio or video recordings of child forensic interviews as defined in chapter 26.44 RCW. Such recordings are confidential and may only

be disclosed pursuant to a court order entered upon a showing of good cause and with advance notice to the child's parent, guardian, or legal custodian. However, if the child is an emancipated minor or has attained the age of majority as defined in RCW 26.28.010, advance notice must be to the child. Failure to disclose an audio or video recording of a child forensic interview as defined in chapter 26.44 RCW is not grounds for penalties or other sanctions available under this chapter.

TECHNICAL AMENDMENTS

Sec. 32. RCW 4.08.050 and 2021 c 215 s 89 are each amended to read as follows:

Except as provided under RCW 28A.225.035 and (~~(7.105.105)~~) 7.105.100, when an infant is a party he or she shall appear by guardian, or if he or she has no guardian, or in the opinion of the court the guardian is an improper person, the court shall appoint one to act. Said guardian shall be appointed as follows:

(1) When the infant is plaintiff, upon the application of the infant, if he or she be of the age of fourteen years, or if under that age, upon the application of a relative or friend of the infant.

(2) When the infant is defendant, upon the application of the infant, if he or she be of the age of fourteen years, and applies within thirty days after the service of the summons; if he or she be under the age of fourteen, or neglects to apply, then upon the application of any other party to the action, or of a relative or friend of the infant.

Sec. 33. RCW 9.41.042 and 2020 c 18 s 6 are each amended to read as follows:

RCW 9.41.040(2)(a) (~~((vi))~~) ((vii)) shall not apply to any person under the age of eighteen years who is:

(1) In attendance at a hunter's safety course or a firearms safety course;

(2) Engaging in practice in the use of a firearm or target shooting at an established range authorized by the governing body of the jurisdiction in which such range is located or any other area where the discharge of a firearm is not prohibited;

(3) Engaging in an organized competition involving the use of a firearm, or participating in or practicing for a performance by an

organized group that uses firearms as a part of the performance;

(4) Hunting or trapping under a valid license issued to the person under Title 77 RCW;

(5) In an area where the discharge of a firearm is permitted, is not trespassing, and the person either: (a) Is at least fourteen years of age, has been issued a hunter safety certificate, and is using a lawful firearm other than a pistol; or (b) is under the supervision of a parent, guardian, or other adult approved for the purpose by the parent or guardian;

(6) Traveling with any unloaded firearm in the person's possession to or from any activity described in subsection (1), (2), (3), (4), or (5) of this section;

(7) On real property under the control of his or her parent, other relative, or legal guardian and who has the permission of the parent or legal guardian to possess a firearm;

(8) At his or her residence and who, with the permission of his or her parent or legal guardian, possesses a firearm for the purpose of exercising the rights specified in RCW 9A.16.020(3); or

(9) Is a member of the armed forces of the United States, national guard, or organized reserves, when on duty.

Sec. 34. RCW 12.04.140 and 2021 c 215 s 127 are each amended to read as follows:

Except as provided under RCW (~~(7.105.105)~~) 7.105.100, no action shall be commenced by any person under the age of eighteen years, except by his guardian, or until a next friend for such a person shall have been appointed. Whenever requested, the justice shall appoint some suitable person, who shall consent thereto in writing, to be named by such plaintiff, to act as his or her next friend in such action, who shall be responsible for the costs therein.

Sec. 35. RCW 12.04.150 and 2021 c 215 s 128 are each amended to read as follows:

After service and return of process against a defendant under the age of eighteen years, the action shall not be further prosecuted, until a guardian for such defendant shall have been appointed, except as provided under RCW

~~((7.105.105))~~ 7.105.100. Upon the request of such defendant, the justice shall appoint some person who shall consent thereto in writing, to be guardian of the defendant in defense of the action; and if the defendant shall not appear on the return day of the process, or if he or she neglect or refuse to nominate such guardian, the justice may, at the request of the plaintiff, appoint any discreet person as such guardian. The consent of the guardian or next friend shall be filed with the justice; and such guardian for the defendant shall not be liable for any costs in the action.

Sec. 36. RCW 13.40.0357 and 2021 c 311 s 16 are each amended to read as follows:

DESCRIPTION AND OFFENSE CATEGORY

JUVENILE DISPOSITION	DESCRIPTION (RCW CITATION)	JUVENILE DISPOSITION	OFFENSE CATEGORY
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Arson and Malicious Mischief

A	Arson 1 (9A.48.020)	B+	
B	Arson 2 (9A.48.030)	C	
C	Reckless Burning (9A.48.040)	1	D
D	Reckless Burning (9A.48.050)	2	E
B	Malicious Mischief (9A.48.070)	1	C
C	Malicious Mischief (9A.48.080)	2	D
D	Malicious Mischief (9A.48.090)	3	E
E	Tampering with Fire Alarm Apparatus (9.40.100)		E
E	Tampering with Fire Alarm Apparatus with Intent to Commit Arson (9.40.105)		E
A	Possession of Incendiary Device (9.40.120)		B+

Assault and Other Crimes Involving Physical Harm

A	Assault 1 (9A.36.011)	B+
B+	Assault 2 (9A.36.021)	C+
C+	Assault 3 (9A.36.031)	D+
D+	Assault 4 (9A.36.041)	E
B+	Drive-By Shooting (9A.36.045) committed at age 15 or under	C+
A++	Drive-By Shooting (9A.36.045) committed at age 16 or 17	A
D+	Reckless Endangerment (9A.36.050)	E
C+	Promoting Suicide Attempt (9A.36.060)	D+
D+	Coercion (9A.36.070)	E
C+	Custodial Assault (9A.36.100)	D+

Burglary and Trespass

B+	Burglary 1 (9A.52.020) committed at age 15 or under	C+
A-	Burglary 1 (9A.52.020) committed at age 16 or 17	B+
B	Residential Burglary (9A.52.025)	C
B	Burglary 2 (9A.52.030)	C
D	Burglary Tools (Possession of) (9A.52.060)	E
D	Criminal Trespass 1 (9A.52.070)	E
E	Criminal Trespass 2 (9A.52.080)	E
C	Mineral Trespass (78.44.330)	C
C	Vehicle Prowling 1 (9A.52.095)	D
D	Vehicle Prowling 2 (9A.52.100)	E

Drugs

E	Possession/Consumption of Alcohol (66.44.270)	E
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C	Illegally Obtaining Legend Drug (69.41.020)	D	B	Possession of Stolen Firearm (9A.56.310)	C
C+	Sale, Delivery, Possession of Legend Drug with Intent to Sell (69.41.030(2)(a))	D+	E	Carrying Loaded Pistol Without Permit (9.41.050)	E
E	Possession of Legend Drug (69.41.030(2)(b))	E	C	Possession of Firearms by Minor (<18) (9.41.040(2)(a) ((vii)) (vii))	C
B+	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Sale (69.50.401(2) (a) or (b))	B+	D+	Possession of Dangerous Weapon (9.41.250)	E
			D	Intimidating Another Person by use of Weapon (9.41.270)	E
				Homicide	
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Sale (69.50.401(2)(c))	C	A+	Murder 1 (9A.32.030)	A
			A+	Murder 2 (9A.32.050)	B+
E	Possession of Marihuana <40 grams (69.50.4014)	E	B+	Manslaughter 1 (9A.32.060)	C+
			C+	Manslaughter 2 (9A.32.070)	D+
C	Fraudulently Obtaining Controlled Substance (69.50.403)	C	B+	Vehicular Homicide (46.61.520)	C+
				Kidnapping	
C+	Sale of Controlled Substance for Profit (69.50.410)	C+	A	Kidnap 1 (9A.40.020)	B+
E	Unlawful Inhalation (9.47A.020)	E	B+	Kidnap 2 (9A.40.030)	C+
			C+	Unlawful Imprisonment (9A.40.040)	D+
				Obstructing Governmental Operation	
B	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Counterfeit Substances (69.50.4011(2) (a) or (b))	B	D	Obstructing a Law Enforcement Officer (9A.76.020)	E
			E	Resisting Arrest (9A.76.040)	E
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Counterfeit Substances (69.50.4011(2) (c), (d), or (e))	C	B	Introducing Contraband 1 (9A.76.140)	C
			C	Introducing Contraband 2 (9A.76.150)	D
E	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.4013)	E	E	Introducing Contraband 3 (9A.76.160)	E
			B+	Intimidating a Public Servant (9A.76.180)	C+
C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.4012)	C	B+	Intimidating a Witness (9A.72.110)	C+
				Public Disturbance	
B	Theft of Firearm (9A.56.300)	C	C+	Criminal Mischief with Weapon (9A.84.010(2)(b))	D+

D+	Criminal Mischief Without Weapon (9A.84.010(2)(a))	E	B	Child Molestation 2 (9A.44.086)	C+
E	Failure to Disperse (9A.84.020)	E	C	Failure to Register as a Sex Offender (9A.44.132)	D
E	Disorderly Conduct (9A.84.030)	E	Theft, Robbery, Extortion, and Forgery		
	Sex Crimes		B	Theft 1 (9A.56.030)	C
A	Rape 1 (9A.44.040)	B+	C	Theft 2 (9A.56.040)	D
B++	Rape 2 (9A.44.050) committed at age 14 or under	B+	D	Theft 3 (9A.56.050)	E
A-	Rape 2 (9A.44.050) committed at age 15 through age 17	B+	B	Theft of Livestock 1 and 2 (9A.56.080 and 9A.56.083)	C
C+	Rape 3 (9A.44.060)	D+	C	Forgery (9A.60.020)	D
B++	Rape of a Child 1 (9A.44.073) committed at age 14 or under	B+	A	Robbery 1 (9A.56.200) committed at age 15 or under	B+
A-	Rape of a Child 1 (9A.44.073) committed at age 15	B+	A++	Robbery 1 (9A.56.200) committed at age 16 or 17	A
B+	Rape of a Child 2 (9A.44.076)	C+	B+	Robbery 2 (9A.56.210)	C+
B	Incest 1 (9A.64.020(1))	C	B+	Extortion 1 (9A.56.120)	C+
C	Incest 2 (9A.64.020(2))	D	C+	Extortion 2 (9A.56.130)	D+
D+	Indecent Exposure (Victim <14) (9A.88.010)	E	C	Identity Theft 1 (9.35.020(2))	D
E	Indecent Exposure (Victim 14 or over) (9A.88.010)	E	D	Identity Theft 2 (9.35.020(3))	E
B+	Promoting Prostitution 1 (9A.88.070)	C+	D	Improperly Obtaining Financial Information (9.35.010)	E
C+	Promoting Prostitution 2 (9A.88.080)	D+	B	Possession of a Stolen Vehicle (9A.56.068)	C
E	O & A (Prostitution) (9A.88.030)	E	B	Possession of Stolen Property 1 (9A.56.150)	C
B+	Indecent Liberties (9A.44.100)	C+	C	Possession of Stolen Property 2 (9A.56.160)	D
B++	Child Molestation 1 (9A.44.083) committed at age 14 or under	B+	D	Possession of Stolen Property 3 (9A.56.170)	E
A-	Child Molestation 1 (9A.44.083) committed at age 15 through age 17	B+	B	Taking Motor Vehicle Without Permission 1 (9A.56.070)	C
			C	Taking Motor Vehicle Without Permission 2 (9A.56.075)	D
			B	Theft of a Motor Vehicle (9A.56.065)	C

	Motor Vehicle Related Crimes		
E	Driving Without a License (46.20.005)	E	
B+	Hit and Run - Death (46.52.020(4)(a))	C+	
C	Hit and Run - Injury (46.52.020(4)(b))	D	
D	Hit and Run-Attended (46.52.020(5))	E	
E	Hit and Run-Unattended (46.52.010)	E	
C	Vehicular Assault (46.61.522)	D	
C	Attempting to Elude Pursuing Police Vehicle (46.61.024)	D	
E	Reckless Driving (46.61.500)	E	
D	Driving While Under the Influence (46.61.502 and 46.61.504)	E	
B+	Felony Driving While Under the Influence (46.61.502(6))	B	
B+	Felony Physical Control of a Vehicle While Under the Influence (46.61.504(6))	B	
	Other		
B	Animal Cruelty 1 (16.52.205)	C	
B	Bomb Threat (9.61.160)	C	
C	Escape 1 ¹ (9A.76.110)	C	
C	Escape 2 ¹ (9A.76.120)	C	
D	Escape 3 (9A.76.130)	E	
E	Obscene, Harassing, Etc., Phone Calls (9.61.230)	E	
A	Other Offense Equivalent to an Adult Class A Felony	B+	
B	Other Offense Equivalent to an Adult Class B Felony	C	
C	Other Offense Equivalent to an Adult Class C Felony	D	
D	Other Offense Equivalent to an Adult Gross Misdemeanor	E	

E	Other Offense Equivalent to an Adult Misdemeanor	E
V	Violation of Order of Restitution, Community Supervision, or Confinement (13.40.200) ²	V

¹Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:

1st escape or attempted escape during 12-month period - 28 days confinement

2nd escape or attempted escape during 12-month period - 8 weeks confinement

3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

²If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

JUVENILE SENTENCING STANDARDS

This schedule must be used for juvenile offenders. The court may select sentencing option A, B, C, or D.

OPTION A

JUVENILE OFFENDER SENTENCING GRID STANDARD RANGE

A	129 to 260 weeks for all category A++ offenses					
A	180 weeks to age 21 for all category A+ offenses					
A	103-129 weeks for all category A offenses					
A	3	5	8	1	1	
-	0-	2-	0-	03-	03-	
	40	65	10	129	129	
	we	we	0	we	we	
	ek	ek	we	eks	eks	
	s	s	ek	s		
B	1	5	8	1	1	
++	5-	2-	0-	03-	03-	
	36	65	10	129	129	
	we	we	0	we	we	
	ek	ek	we	eks	eks	
	s	s				

		ek s					
CURR ENT	+	B	1	1	5	8	1
			5- 36 we ek s	5- 36 we ek s	2- 65 we ek s	0- 100 we eks	03- 129 we eks
OFFE NSE		B	L	L	1	1	5
			S	S	5- 36 we ek s	5- 36 we eks	2- 65 we eks
CATE GORY	+	C	L	L	L	1	1
			S	S	S	5- 36 we eks	5- 36 we eks
PRIOR		C	L	L	L	L	1
			S	S	S	S	5- 36 we eks
	+	D	L	L	L	L	L
		S	S	S	S	S	S
		D	L	L	L	L	L
		S	S	S	S	S	S
		E	L	L	L	L	L
		S	S	S	S	S	S
			0	1	2	3	4
							or mo re

**ADJU
DICATIO
NS**

NOTE: References in the grid to days or weeks mean periods of confinement. "LS" means "local sanctions" as defined in RCW 13.40.020.

(1) The vertical axis of the grid is the current offense category. The current offense category is determined by the offense of adjudication.

(2) The horizontal axis of the grid is the number of prior adjudications

included in the juvenile's criminal history. Each prior felony adjudication shall count as one point. Each prior violation, misdemeanor, and gross misdemeanor adjudication shall count as 1/4 point. Fractional points shall be rounded down.

(3) The standard range disposition for each offense is determined by the intersection of the column defined by the prior adjudications and the row defined by the current offense category.

(4) RCW 13.40.180 applies if the offender is being sentenced for more than one offense.

(5) A current offense that is a violation is equivalent to an offense category of E. However, a disposition for a violation shall not include confinement.

OR

OPTION B

SUSPENDED DISPOSITION ALTERNATIVE

(1) If the offender is subject to a standard range disposition involving confinement by the department, the court may impose the standard range and suspend the disposition on condition that the offender comply with one or more local sanctions and any educational or treatment requirement. The treatment programs provided to the offender must be either research-based best practice programs as identified by the Washington state institute for public policy or the joint legislative audit and review committee, or for chemical dependency treatment programs or services, they must be evidence-based or research-based best practice programs. For the purposes of this subsection:

(a) "Evidence-based" means a program or practice that has had multiple site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective for the population; and

(b) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

(2) If the offender fails to comply with the suspended disposition, the court may impose sanctions pursuant to RCW 13.40.200 or may revoke the suspended

disposition and order the disposition's execution.

(3) An offender is ineligible for the suspended disposition option under this section if the offender:

(a) Is adjudicated of an A+ or A++ offense;

(b) Is fourteen years of age or older and is adjudicated of one or more of the following offenses:

(i) A class A offense, or an attempt, conspiracy, or solicitation to commit a class A offense;

(ii) Manslaughter in the first degree (RCW 9A.32.060);

(iii) Assault in the second degree (RCW 9A.36.021), extortion in the first degree (RCW 9A.56.120), kidnapping in the second degree (RCW 9A.40.030), drive-by shooting (RCW 9A.36.045), vehicular homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)), or manslaughter 2 (RCW 9A.32.070); or

(iv) Violation of the uniform controlled substances act (RCW 69.50.401(2)(a) and (b)), when the offense includes infliction of bodily harm upon another or when during the commission or immediate withdrawal from the offense the respondent was armed with a deadly weapon;

(c) Is ordered to serve a disposition for a firearm violation under RCW 13.40.193;

(d) Is adjudicated of a sex offense as defined in RCW 9.94A.030; or

(e) Has a prior option B disposition.

OR

OPTION C

CHEMICAL DEPENDENCY/MENTAL HEALTH DISPOSITION ALTERNATIVE

If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed a B++ or B+ offense, the court may impose a disposition under RCW 13.40.160(4) and 13.40.165.

OR

OPTION D

MANIFEST INJUSTICE

If the court determines that a disposition under option A, B, or C would effectuate a manifest injustice, the court shall impose a disposition outside the standard range under RCW 13.40.160(2).

Sec. 37. RCW 13.40.0357 and 2020 c 18 s 8 are each amended to read as follows:

DESCRIPTION AND OFFENSE CATEGORY

				JUVENILE DISPOSITION
				CATEGORY FOR
JUVENILE DISPOSITION				ATTEMPT, BAILJUMP,
OFFENSE CATEGORY	DESCRIPTION (RCW CITATION)			CONSPIRACY, OR SOLICITATION

Arson and Malicious Mischief

A	Arson 1 (9A.48.020)			B+
B	Arson 2 (9A.48.030)			C
C	Reckless Burning (9A.48.040)	1		D
D	Reckless Burning (9A.48.050)	2		E
B	Malicious Mischief (9A.48.070)	1		C
C	Malicious Mischief (9A.48.080)	2		D
D	Malicious Mischief (9A.48.090)	3		E
E	Tampering with Fire Alarm Apparatus (9.40.100)			E
E	Tampering with Fire Alarm Apparatus with Intent to Commit Arson (9.40.105)			E
A	Possession of Incendiary Device (9.40.120)			B+

Assault and Other Crimes Involving Physical Harm

A	Assault 1 (9A.36.011)			B+
B+	Assault 2 (9A.36.021)			C+
C+	Assault 3 (9A.36.031)			D+
D+	Assault 4 (9A.36.041)			E
B+	Drive-By Shooting (9A.36.045) committed at age 15 or under			C+

A++	Drive-By Shooting	(9A.36.045) committed at age 16 or 17	A	B+	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Sale	B+
D+	Reckless Endangerment	(9A.36.050)	E	C	Violation of Uniform Controlled Substances Act - Nonnarcotic Sale	C
C+	Promoting Suicide Attempt	(9A.36.060)	D+	E	Possession of Marihuana <40 grams (69.50.4014)	E
D+	Coercion	(9A.36.070)	E	C	Fraudulently Obtaining Controlled Substance	C
C+	Custodial Assault	(9A.36.100)	D+	C+	Sale of Controlled Substance for Profit (69.50.410)	C+
Burglary and Trespass				E	Unlawful Inhalation	E
B+	Burglary 1	(9A.52.020) committed at age 15 or under	C+	B	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Counterfeit Substances (69.50.4011(2) (a) or (b))	B
A-	Burglary 1	(9A.52.020) committed at age 16 or 17	B+	C	Violation of Uniform Controlled Substances Act - Nonnarcotic Counterfeit Substances (69.50.4011(2) (c), (d), or (e))	C
B	Residential Burglary	(9A.52.025)	C	C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.4013)	C
B	Burglary 2	(9A.52.030)	C	C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.4012)	C
D	Burglary Tools (Possession of)	(9A.52.060)	E	Firearms and Weapons		
D	Criminal Trespass 1	(9A.52.070)	E	B	Theft of Firearm	C
E	Criminal Trespass 2	(9A.52.080)	E	B	Possession of Stolen Firearm	C
C	Mineral Trespass	(78.44.330)	C		(9A.56.310)	
C	Vehicle Prowling 1	(9A.52.095)	D	E	Carrying Loaded Pistol Without Permit	E
D	Vehicle Prowling 2	(9A.52.100)	E	C	Possession of Firearms by Minor (<18)	C
Drugs				(9.41.040(2)(a) ((vii)) (vii))		
E	Possession/Consumption of Alcohol	(66.44.270)	E			
C	Illegally Obtaining Legend Drug	(69.41.020)	D			
C+	Sale, Delivery, Possession of Legend Drug with Intent to Sell	(69.41.030(2)(a))	D+			
E	Possession of Legend Drug	(69.41.030(2)(b))	E			

D+	Possession of Dangerous Weapon (9A.41.250)	E	A	Rape 1 (9A.44.040)	B+
D	Intimidating Another Person by use of Weapon (9A.41.270)	E	B++	Rape 2 (9A.44.050) committed at age 14 or under	B+
	Homicide		A-	Rape 2 (9A.44.050) committed at age 15 through age 17	B+
A+	Murder 1 (9A.32.030)	A	C+	Rape 3 (9A.44.060)	D+
A+	Murder 2 (9A.32.050)	B+	B++	Rape of a Child 1 (9A.44.073) committed at age 14 or under	B+
B+	Manslaughter 1 (9A.32.060)	C+	A-	Rape of a Child 1 (9A.44.073) committed at age 15	B+
C+	Manslaughter 2 (9A.32.070)	D+	B+	Rape of a Child 2 (9A.44.076)	C+
B+	Vehicle Homicide (46.61.520)	C+	B	Incest 1 (9A.64.020(1))	C
	Kidnapping		C	Incest 2 (9A.64.020(2))	D
A	Kidnap 1 (9A.40.020)	B+	D+	Indecent Exposure (Victim <14) (9A.88.010)	E
B+	Kidnap 2 (9A.40.030)	C+	E	Indecent Exposure (Victim 14 or over) (9A.88.010)	E
C+	Unlawful Imprisonment (9A.40.040)	D+	B+	Promoting Prostitution 1 (9A.88.070)	C+
	Obstructing Governmental Operation		C+	Promoting Prostitution 2 (9A.88.080)	D+
D	Obstructing a Law Enforcement Officer (9A.76.020)	E	E	O & A (Prostitution) (9A.88.030)	E
E	Resisting Arrest (9A.76.040)	E	B+	Indecent Liberties (9A.44.100)	C+
B	Introducing Contraband 1 (9A.76.140)	C	B++	Child Molestation 1 (9A.44.083) committed at age 14 or under	B+
C	Introducing Contraband 2 (9A.76.150)	D	A-	Child Molestation 1 (9A.44.083) committed at age 15 through age 17	B+
E	Introducing Contraband 3 (9A.76.160)	E	B	Child Molestation 2 (9A.44.086)	C+
B+	Intimidating a Public Servant (9A.76.180)	C+	C	Failure to Register as a Sex Offender (9A.44.132)	D
B+	Intimidating a Witness (9A.72.110)	C+		Theft, Robbery, Extortion, and Forgery	
	Public Disturbance		B	Theft 1 (9A.56.030)	C
C+	Criminal Mischief with Weapon (9A.84.010(2)(b))	D+	C	Theft 2 (9A.56.040)	D
D+	Criminal Mischief Without Weapon (9A.84.010(2)(a))	E			
E	Failure to Disperse (9A.84.020)	E			
E	Disorderly Conduct (9A.84.030)	E			
	Sex Crimes				

D	Theft 3 (9A.56.050)	E	D	Hit and Run-Attended (46.52.020(5))	E
B	Theft of Livestock 1 and 2 (9A.56.080 and 9A.56.083)	C	E	Hit and Run-Unattended (46.52.010)	E
C	Forgery (9A.60.020)	D	C	Vehicular Assault (46.61.522)	D
A	Robbery 1 (9A.56.200) committed at age 15 or under	B+	C	Attempting to Elude Pursuing Police Vehicle (46.61.024)	D
A++	Robbery 1 (9A.56.200) committed at age 16 or 17	A	E	Reckless Driving (46.61.500)	E
B+	Robbery 2 (9A.56.210)	C+	D	Driving While Under the Influence (46.61.502 and 46.61.504)	E
B+	Extortion 1 (9A.56.120)	C+	B+	Felony Driving While Under the Influence (46.61.502(6))	B
C+	Extortion 2 (9A.56.130)	D+	B+	Felony Physical Control of a Vehicle While Under the Influence (46.61.504(6))	B
C	Identity Theft 1 (9.35.020(2))	D	Other		
D	Identity Theft 2 (9.35.020(3))	E	B	Animal Cruelty 1 (16.52.205)	C
D	Improperly Obtaining Financial Information (9.35.010)	E	B	Bomb Threat (9.61.160)	C
B	Possession of a Stolen Vehicle (9A.56.068)	C	C	Escape 1 ¹ (9A.76.110)	C
B	Possession of Stolen Property 1 (9A.56.150)	C	C	Escape 2 ¹ (9A.76.120)	C
C	Possession of Stolen Property 2 (9A.56.160)	D	D	Escape 3 (9A.76.130)	E
D	Possession of Stolen Property 3 (9A.56.170)	E	E	Obscene, Harassing, Etc., Phone Calls (9.61.230)	E
B	Taking Motor Vehicle Without Permission 1 (9A.56.070)	C	A	Other Offense Equivalent to an Adult Class A Felony	B+
C	Taking Motor Vehicle Without Permission 2 (9A.56.075)	D	B	Other Offense Equivalent to an Adult Class B Felony	C
B	Theft of a Motor Vehicle (9A.56.065)	C	C	Other Offense Equivalent to an Adult Class C Felony	D
Motor Vehicle Related Crimes			D	Other Offense Equivalent to an Adult Gross Misdemeanor	E
E	Driving Without a License (46.20.005)	E	E	Other Offense Equivalent to an Adult Misdemeanor	E
B+	Hit and Run - Death (46.52.020(4)(a))	C+	V	Violation of Order of Restitution, Community Supervision, or Confinement (13.40.200) ²	V
C	Hit and Run - Injury (46.52.020(4)(b))	D			

¹Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:

1st escape or attempted escape during 12-month period - 28 days confinement

2nd escape or attempted escape during 12-month period - 8 weeks confinement

3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

²If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

JUVENILE SENTENCING STANDARDS

This schedule must be used for juvenile offenders. The court may select sentencing option A, B, C, or D.

OPTION A

JUVENILE OFFENDER SENTENCING GRID STANDARD RANGE

A 129 to 260 weeks for all category A++ offenses

A 180 weeks to age 21 for all category A+ offenses

A 103-129 weeks for all category A offenses

A	3	5	8	1	1
-	0-40	2-65	0-10	03-129	03-129
	we	we	0	we	we
	ek	ek	we	eks	eks
	s	s	eks		

B	1	5	8	1	1
++	5-36	2-65	0-10	03-129	03-129
	we	we	0	we	we
	ek	ek	we	eks	eks
	s	s	eks		

B	1	1	5	8	1
+	5-36	5-36	2-65	0-100	03-129
	we	we	we	we	we
	ek	ek	ek	eks	eks
	s	s	s		

CURR
ENT

OFFENSE	B	L	L	1	1	5
	S	S		5-36	5-36	2-65
				we	we	we
				eks	eks	eks
				s		

CATEGORY	C	L	L	L	1	1
+	S	S	S		5-36	5-36
					we	we
					eks	eks

	C	L	L	L	L	1
	S	S	S	S		5-36
						we
						eks

	D	L	L	L	L	L
+	S	S	S	S	S	

	D	L	L	L	L	L
	S	S	S	S	S	

	E	L	L	L	L	L
	S	S	S	S	S	

PRIOR		0	1	2	3	4
						or more

ADJUDICATIONS

NOTE: References in the grid to days or weeks mean periods of confinement. "LS" means "local sanctions" as defined in RCW 13.40.020.

(1) The vertical axis of the grid is the current offense category. The current offense category is determined by the offense of adjudication.

(2) The horizontal axis of the grid is the number of prior adjudications included in the juvenile's criminal history. Each prior felony adjudication shall count as one point. Each prior violation, misdemeanor, and gross misdemeanor adjudication shall count as 1/4 point. Fractional points shall be rounded down.

(3) The standard range disposition for each offense is determined by the intersection of the column defined by the

prior adjudications and the row defined by the current offense category.

(4) RCW 13.40.180 applies if the offender is being sentenced for more than one offense.

(5) A current offense that is a violation is equivalent to an offense category of E. However, a disposition for a violation shall not include confinement.

OR

OPTION B

SUSPENDED DISPOSITION ALTERNATIVE

(1) If the offender is subject to a standard range disposition involving confinement by the department, the court may impose the standard range and suspend the disposition on condition that the offender comply with one or more local sanctions and any educational or treatment requirement. The treatment programs provided to the offender must be either research-based best practice programs as identified by the Washington state institute for public policy or the joint legislative audit and review committee, or for chemical dependency treatment programs or services, they must be evidence-based or research-based best practice programs. For the purposes of this subsection:

(a) "Evidence-based" means a program or practice that has had multiple site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective for the population; and

(b) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

(2) If the offender fails to comply with the suspended disposition, the court may impose sanctions pursuant to RCW 13.40.200 or may revoke the suspended disposition and order the disposition's execution.

(3) An offender is ineligible for the suspended disposition option under this section if the offender:

(a) Is adjudicated of an A+ or A++ offense;

(b) Is fourteen years of age or older and is adjudicated of one or more of the following offenses:

(i) A class A offense, or an attempt, conspiracy, or solicitation to commit a class A offense;

(ii) Manslaughter in the first degree (RCW 9A.32.060);

(iii) Assault in the second degree (RCW 9A.36.021), extortion in the first degree (RCW 9A.56.120), kidnapping in the second degree (RCW 9A.40.030), drive-by shooting (RCW 9A.36.045), vehicular homicide (RCW 46.61.520), hit and run death (RCW 46.52.020 (4) (a)), or manslaughter 2 (RCW 9A.32.070); or

(iv) Violation of the uniform controlled substances act (RCW 69.50.401(2) (a) and (b)), when the offense includes infliction of bodily harm upon another or when during the commission or immediate withdrawal from the offense the respondent was armed with a deadly weapon;

(c) Is ordered to serve a disposition for a firearm violation under RCW 13.40.193;

(d) Is adjudicated of a sex offense as defined in RCW 9.94A.030; or

(e) Has a prior option B disposition.

OR

OPTION C

CHEMICAL DEPENDENCY/MENTAL HEALTH DISPOSITION ALTERNATIVE

If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed a B++ or B+ offense, the court may impose a disposition under RCW 13.40.160(4) and 13.40.165.

OR

OPTION D

MANIFEST INJUSTICE

If the court determines that a disposition under option A, B, or C would effectuate a manifest injustice, the court shall impose a disposition outside the standard range under RCW 13.40.160(2).

Sec. 38. RCW 13.40.160 and 2020 c 18 s 9 are each amended to read as follows:

(1) The standard range disposition for a juvenile adjudicated of an offense is determined according to RCW 13.40.0357.

(a) When the court sentences an offender to a local sanction as provided in RCW 13.40.0357 option A, the court shall impose a determinate disposition within the standard ranges, except as provided in subsection (2), (3), (4), (5), or (6) of this section. The disposition may be comprised of one or more local sanctions.

(b) When the court sentences an offender to a standard range as provided in RCW 13.40.0357 option A that includes a term of confinement exceeding thirty days, commitment shall be to the department for the standard range of confinement, except as provided in subsection (2), (3), (4), (5), or (6) of this section.

(2) If the court concludes, and enters reasons for its conclusion, that disposition within the standard range would effectuate a manifest injustice the court shall impose a disposition outside the standard range, as indicated in option D of RCW 13.40.0357. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

A disposition outside the standard range shall be determinate and shall be comprised of confinement or community supervision, or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. A disposition outside the standard range is appealable under RCW 13.40.230 by the state or the respondent. A disposition within the standard range is not appealable under RCW 13.40.230.

(3) If a juvenile offender is found to have committed a sex offense, other than a sex offense that is also a serious violent offense as defined by RCW 9.94A.030, and has no history of a prior sex offense, the court may impose the special sex offender disposition alternative under RCW 13.40.162.

(4) If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court may impose the disposition alternative under RCW 13.40.165.

(5) If a juvenile is subject to a commitment of 15 to 65 weeks of

confinement, the court may impose the disposition alternative under RCW 13.40.167.

(6) When the offender is subject to a standard range commitment of 15 to 36 weeks and is ineligible for a suspended disposition alternative, a manifest injustice disposition below the standard range, special sex offender disposition alternative, chemical dependency disposition alternative, or mental health disposition alternative, the court in a county with a pilot program under RCW 13.40.169 may impose the disposition alternative under RCW 13.40.169.

(7) RCW 13.40.193 shall govern the disposition of any juvenile adjudicated of possessing a firearm in violation of RCW 9.41.040(2)(a)(~~(vi)~~) (vii) or any crime in which a special finding is entered that the juvenile was armed with a firearm.

(8) RCW 13.40.308 shall govern the disposition of any juvenile adjudicated of theft of a motor vehicle as defined under RCW 9A.56.065, possession of a stolen motor vehicle as defined under RCW 9A.56.068, taking a motor vehicle without permission in the first degree under RCW 9A.56.070, and taking a motor vehicle without permission in the second degree under RCW 9A.56.075.

(9) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served.

(10) Except as provided under subsection (3), (4), (5), or (6) of this section, or option B of RCW 13.40.0357, or RCW 13.40.127, the court shall not suspend or defer the imposition or the execution of the disposition.

(11) In no case shall the term of confinement imposed by the court at disposition exceed that to which an adult could be subjected for the same offense.

Sec. 39. RCW 13.40.193 and 2020 c 18 s 10 are each amended to read as follows:

(1) If a respondent is found to have been in possession of a firearm in violation of RCW 9.41.040(2)(a)(~~(vi)~~) (vii), the court shall impose a minimum disposition of ten days of confinement. If the offender's standard range of disposition for the offense as indicated

in RCW 13.40.0357 is more than thirty days of confinement, the court shall commit the offender to the department for the standard range disposition. The offender shall not be released until the offender has served a minimum of ten days in confinement.

(2) (a) If a respondent is found to have been in possession of a firearm in violation of RCW 9.41.040, the disposition must include a requirement that the respondent participate in a qualifying program as described in (b) of this subsection, when available, unless the court makes a written finding based on the outcome of the juvenile court risk assessment that participation in a qualifying program would not be appropriate.

(b) For purposes of this section, "qualifying program" means an aggression replacement training program, a functional family therapy program, or another program applicable to the juvenile firearm offender population that has been identified as evidence-based or research-based and cost-beneficial in the current list prepared at the direction of the legislature by the Washington state institute for public policy.

(3) If the court finds that the respondent or an accomplice was armed with a firearm, the court shall determine the standard range disposition for the offense pursuant to RCW 13.40.160. If the offender or an accomplice was armed with a firearm when the offender committed any felony other than possession of a machine gun or bump-fire stock, possession of a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, or use of a machine gun or bump-fire stock in a felony, the following periods of total confinement must be added to the sentence: (a) Except for (b) of this subsection, for a class A felony, six months; for a class B felony, four months; and for a class C felony, two months; (b) for any violent offense as defined in RCW 9.94A.030, committed by a respondent who is sixteen or seventeen years old at the time of the offense, a period of twelve months. The additional time shall be imposed regardless of the offense's juvenile disposition offense category as designated in RCW 13.40.0357.

(4) (a) If the court finds that the respondent who is sixteen or seventeen years old and committed the offense of

robbery in the first degree, drive-by shooting, rape of a child in the first degree, burglary in the first degree, or any violent offense as defined in RCW 9.94A.030 and was armed with a firearm, and the court finds that the respondent's participation was related to membership in a criminal street gang or advancing the benefit, aggrandizement, gain, profit, or other advantage for a criminal street gang, a period of three months total confinement must be added to the sentence. The additional time must be imposed regardless of the offense's juvenile disposition offense category as designated in RCW 13.40.0357 and must be served consecutively with any other sentencing enhancement.

(b) For the purposes of this section, "criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name or common identifying sign or symbol, having as one of its primary activities the commission of criminal acts, and whose members or associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity. This definition does not apply to employees engaged in concerted activities for their mutual aid and protection, or to the activities of labor and bona fide nonprofit organizations or their members or agents.

(5) When a disposition under this section would effectuate a manifest injustice, the court may impose another disposition. When a judge finds a manifest injustice and imposes a disposition of confinement exceeding thirty days, the court shall commit the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. When a judge finds a manifest injustice and imposes a disposition of confinement less than thirty days, the disposition shall be comprised of confinement or community supervision or both.

(6) Any term of confinement ordered pursuant to this section shall run consecutively to any term of confinement imposed in the same disposition for other offenses.

Sec. 40. RCW 13.40.265 and 2020 c 18 s 11 are each amended to read as follows:

(1) If a juvenile thirteen years of age or older is found by juvenile court to have committed an offense while armed

with a firearm or an offense that is a violation of RCW 9.41.040(2)(a) (~~((vi))~~) (vii) or chapter 66.44, 69.41, 69.50, or 69.52 RCW, the court shall notify the department of licensing within twenty-four hours after entry of the judgment, unless the offense is the juvenile's first offense while armed with a firearm, first unlawful possession of a firearm offense, or first offense in violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW.

(2) Except as otherwise provided in subsection (3) of this section, upon petition of a juvenile who has been found by the court to have committed an offense that is a violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the court may at any time the court deems appropriate notify the department of licensing that the juvenile's driving privileges should be reinstated.

(3) If the offense is the juvenile's second or subsequent violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the date the juvenile turns seventeen or one year after the date judgment was entered, whichever is later.

Sec. 41. RCW 26.28.015 and 2021 c 215 s 141 are each amended to read as follows:

Notwithstanding any other provision of law, and except as provided under RCW (~~(7.105.105)~~) 7.105.100, all persons shall be deemed and taken to be of full age for the specific purposes hereafter enumerated at the age of eighteen years:

(1) To enter into any marriage contract without parental consent if otherwise qualified by law;

(2) To execute a will for the disposition of both real and personal property if otherwise qualified by law;

(3) To vote in any election if authorized by the Constitution and otherwise qualified by law;

(4) To enter into any legal contractual obligation and to be legally bound thereby to the full extent as any other adult person;

(5) To make decisions in regard to their own body and the body of their lawful issue whether natural born to or adopted by such person to the full extent

allowed to any other adult person including but not limited to consent to surgical operations;

(6) To sue and be sued on any action to the full extent as any other adult person in any of the courts of this state, without the necessity for a guardian ad litem.

Sec. 42. RCW 50.20.050 and 2021 c 251 s 3 and 2021 c 215 s 153 are each reenacted to read as follows:

(1) With respect to separations that occur on or after September 6, 2009, and for separations that occur before April 4, 2021:

(a) A claimant shall be disqualified from benefits beginning with the first day of the calendar week in which the claimant left work voluntarily without good cause and thereafter for seven calendar weeks and until the claimant obtains bona fide work in employment covered by this title and earned wages in that employment equal to seven times the claimant's weekly benefit amount. Good cause reasons to leave work are limited to reasons listed in (b) of this subsection.

The disqualification shall continue if the work obtained is a mere sham to qualify for benefits and is not bona fide work. In determining whether work is of a bona fide nature, the commissioner shall consider factors including but not limited to the following:

(i) The duration of the work;

(ii) The extent of direction and control by the employer over the work; and

(iii) The level of skill required for the work in light of the claimant's training and experience.

(b) A claimant has good cause and is not disqualified from benefits under (a) of this subsection only under the following circumstances:

(i) The claimant has left work to accept a bona fide offer of bona fide work as described in (a) of this subsection;

(ii) The separation was necessary because of the illness or disability of the claimant or the death, illness, or disability of a member of the claimant's immediate family if:

(A) The claimant pursued all reasonable alternatives to preserve the claimant's employment status by requesting a leave of absence, by having promptly notified the employer of the reason for the absence, and by having promptly requested reemployment when again able to assume employment. These alternatives need not be pursued, however, when they would have been a futile act, including those instances when the futility of the act was a result of a recognized labor/management dispatch system; and

(B) The claimant terminated the claimant's employment status, and is not entitled to be reinstated to the same position or a comparable or similar position;

(iii) The claimant: (A) Left work to relocate for the employment of a spouse or domestic partner that is outside the existing labor market area; and (B) remained employed as long as was reasonable prior to the move;

(iv) The separation was necessary to protect the claimant or the claimant's immediate family members from domestic violence, as defined in RCW 7.105.010, or stalking, as defined in RCW 9A.46.110;

(v) The claimant's usual compensation was reduced by twenty-five percent or more;

(vi) The claimant's usual hours were reduced by twenty-five percent or more;

(vii) The claimant's worksite changed, such change caused a material increase in distance or difficulty of travel, and, after the change, the commute was greater than is customary for workers in the claimant's job classification and labor market;

(viii) The claimant's worksite safety deteriorated, the claimant reported such safety deterioration to the employer, and the employer failed to correct the hazards within a reasonable period of time;

(ix) The claimant left work because of illegal activities in the claimant's worksite, the claimant reported such activities to the employer, and the employer failed to end such activities within a reasonable period of time;

(x) The claimant's usual work was changed to work that violates the claimant's religious convictions or sincere moral beliefs; or

(xi) The claimant left work to enter an apprenticeship program approved by the Washington state apprenticeship training council. Benefits are payable beginning Sunday of the week prior to the week in which the claimant begins active participation in the apprenticeship program.

(2) With respect to separations that occur on or after April 4, 2021:

(a) A claimant shall be disqualified from benefits beginning with the first day of the calendar week in which the claimant has left work voluntarily without good cause and thereafter for seven calendar weeks and until the claimant has obtained bona fide work in employment covered by this title and earned wages in that employment equal to seven times the claimant's weekly benefit amount. Good cause reasons to leave work are limited to reasons listed in (b) of this subsection.

The disqualification shall continue if the work obtained is a mere sham to qualify for benefits and is not bona fide work. In determining whether work is of a bona fide nature, the commissioner shall consider factors including but not limited to the following:

(i) The duration of the work;

(ii) The extent of direction and control by the employer over the work; and

(iii) The level of skill required for the work in light of the claimant's training and experience.

(b) A claimant has good cause and is not disqualified from benefits under (a) of this subsection only under the following circumstances:

(i) The claimant has left work to accept a bona fide offer of bona fide work as described in (a) of this subsection;

(ii) The separation was necessary because of the illness or disability of the claimant or the death, illness, or disability of a member of the claimant's immediate family if:

(A) The claimant made reasonable efforts to preserve the claimant's employment status by requesting a leave of absence, by having promptly notified the employer of the reason for the absence, and by having promptly requested reemployment when again able to assume

employment. These alternatives need not be pursued, however, when they would have been a futile act, including those instances when the futility of the act was a result of a recognized labor/management dispatch system; and

(B) The claimant terminated the claimant's employment status, and is not entitled to be reinstated to the same position or a comparable or similar position;

(iii) The claimant: (A) Left work to relocate for the employment of a spouse or domestic partner that is outside the existing labor market area; and (B) remained employed as long as was reasonable prior to the move;

(iv) The separation was necessary to protect the claimant or the claimant's immediate family members from domestic violence, as defined in RCW 7.105.010, or stalking, as defined in RCW 9A.46.110;

(v) The claimant's usual compensation was reduced by twenty-five percent or more;

(vi) The claimant's usual hours were reduced by twenty-five percent or more;

(vii) The claimant's worksite changed, such change caused a material increase in distance or difficulty of travel, and, after the change, the commute was greater than is customary for workers in the individual's job classification and labor market;

(viii) The claimant's worksite safety deteriorated, the claimant reported such safety deterioration to the employer, and the employer failed to correct the hazards within a reasonable period of time;

(ix) The claimant left work because of illegal activities in the claimant's worksite, the claimant reported such activities to the employer, and the employer failed to end such activities within a reasonable period of time;

(x) The claimant's usual work was changed to work that violates the claimant's religious convictions or sincere moral beliefs;

(xi) The claimant left work to enter an apprenticeship program approved by the Washington state apprenticeship training council. Benefits are payable beginning Sunday of the week prior to the week in which the claimant begins active

participation in the apprenticeship program; or

(xii) During a public health emergency:

(A) The claimant was unable to perform the claimant's work for the employer from the claimant's home;

(B) The claimant is able to perform, available to perform, and can actively seek suitable work which can be performed for an employer from the claimant's home; and

(C) The claimant or another individual residing with the claimant is at higher risk of severe illness or death from the disease that is the subject of the public health emergency because the higher risk individual:

(I) Was in an age category that is defined as high risk for the disease that is the subject of the public health emergency by the federal centers for disease control and prevention, the department of health, or the equivalent agency in the state where the individual resides; or

(II) Has an underlying health condition, verified as required by the department by rule, that is identified as a risk factor for the disease that is the subject of the public health emergency by the federal centers for disease control and prevention, the department of health, or the equivalent agency in the state where the individual resides.

(3) With respect to claims that occur on or after July 4, 2021, a claimant has good cause and is not disqualified from benefits under subsection (2)(a) of this section under the following circumstances, in addition to those listed under subsection (2)(b) of this section, if, during a public health emergency, the claimant worked at a health care facility as defined in RCW 9A.50.010, was directly involved in the delivery of health services, and left work for the period of quarantine consistent with the recommended guidance from the United States centers for disease control and prevention or subject to the direction of the state or local health jurisdiction because of exposure to or contracting the disease that is the subject of the declaration of the public health emergency.

(4) Notwithstanding subsection (1) of this section, a claimant who was

simultaneously employed in full-time employment and part-time employment and is otherwise eligible for benefits from the loss of the full-time employment shall not be disqualified from benefits because the claimant:

(a) Voluntarily quit the part-time employment before the loss of the full-time employment; and

(b) Did not have prior knowledge that the claimant would be separated from full-time employment.

Sec. 43. RCW 70.02.230 and 2021 c 264 s 17 and 2021 c 263 s 6 are each reenacted to read as follows:

(1) The fact of admission to a provider for mental health services and all information and records compiled, obtained, or maintained in the course of providing mental health services to either voluntary or involuntary recipients of services at public or private agencies may not be disclosed except as provided in this section, RCW 70.02.050, 71.05.445, 74.09.295, 70.02.210, 70.02.240, 70.02.250, 70.02.260, and 70.02.265, or pursuant to a valid authorization under RCW 70.02.030.

(2) Information and records related to mental health services, other than those obtained through treatment under chapter 71.34 RCW, may be disclosed:

(a) In communications between qualified professional persons to meet the requirements of chapter 71.05 RCW, including Indian health care providers, in the provision of services or appropriate referrals, or in the course of guardianship proceedings if provided to a professional person:

(i) Employed by the facility;

(ii) Who has medical responsibility for the patient's care;

(iii) Who is a designated crisis responder;

(iv) Who is providing services under chapter 71.24 RCW;

(v) Who is employed by a state or local correctional facility where the person is confined or supervised; or

(vi) Who is providing evaluation, treatment, or follow-up services under chapter 10.77 RCW;

(b) When the communications regard the special needs of a patient and the necessary circumstances giving rise to such needs and the disclosure is made by a facility providing services to the operator of a facility in which the patient resides or will reside;

(c) (i) When the person receiving services, or his or her guardian, designates persons to whom information or records may be released, or if the person is a minor, when his or her parents make such a designation;

(ii) A public or private agency shall release to a person's next of kin, attorney, personal representative, guardian, or conservator, if any:

(A) The information that the person is presently a patient in the facility or that the person is seriously physically ill;

(B) A statement evaluating the mental and physical condition of the patient, and a statement of the probable duration of the patient's confinement, if such information is requested by the next of kin, attorney, personal representative, guardian, or conservator; and

(iii) Other information requested by the next of kin or attorney as may be necessary to decide whether or not proceedings should be instituted to appoint a guardian or conservator;

(d) (i) To the courts, including tribal courts, as necessary to the administration of chapter 71.05 RCW or to a court ordering an evaluation or treatment under chapter 10.77 RCW solely for the purpose of preventing the entry of any evaluation or treatment order that is inconsistent with any order entered under chapter 71.05 RCW.

(ii) To a court or its designee in which a motion under chapter 10.77 RCW has been made for involuntary medication of a defendant for the purpose of competency restoration.

(iii) Disclosure under this subsection is mandatory for the purpose of the federal health insurance portability and accountability act;

(e) (i) When a mental health professional or designated crisis responder is requested by a representative of a law enforcement or corrections agency, including a police officer, sheriff, community corrections officer, a municipal attorney, or

prosecuting attorney to undertake an investigation or provide treatment under RCW 71.05.150, 10.31.110, or 71.05.153, the mental health professional or designated crisis responder shall, if requested to do so, advise the representative in writing of the results of the investigation including a statement of reasons for the decision to detain or release the person investigated. The written report must be submitted within seventy-two hours of the completion of the investigation or the request from the law enforcement or corrections representative, whichever occurs later.

(ii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(f) To the attorney of the detained person;

(g) To the prosecuting attorney as necessary to carry out the responsibilities of the office under RCW 71.05.330(2), 71.05.340(1)(b), and 71.05.335. The prosecutor must be provided access to records regarding the committed person's treatment and prognosis, medication, behavior problems, and other records relevant to the issue of whether treatment less restrictive than inpatient treatment is in the best interest of the committed person or others. Information must be disclosed only after giving notice to the committed person and the person's counsel;

(h)(i) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure must be made by the professional person in charge of the public or private agency or his or her designee and must include the dates of commitment, admission, discharge, or release, authorized or unauthorized absence from the agency's facility, and only any other information that is pertinent to the threat or harassment. The agency or its employees are not civilly liable for the decision to disclose or not, so long as the decision was reached in good faith and without gross negligence.

(ii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(i)(i) To appropriate corrections and law enforcement agencies all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public. The mental health service agency or its employees are not civilly liable for the decision to disclose or not so long as the decision was reached in good faith and without gross negligence.

(ii) Disclosure under this subsection is mandatory for the purposes of the health insurance portability and accountability act;

(j) To the persons designated in RCW 71.05.425 for the purposes described in those sections;

(k) By a care coordinator under RCW 71.05.585 or 10.77.175 assigned to a person ordered to receive less restrictive alternative treatment for the purpose of sharing information to parties necessary for the implementation of proceedings under chapter 71.05 or 10.77 RCW;

(l) Upon the death of a person. The person's next of kin, personal representative, guardian, or conservator, if any, must be notified. Next of kin who are of legal age and competent must be notified under this section in the following order: Spouse, parents, children, brothers and sisters, and other relatives according to the degree of relation. Access to all records and information compiled, obtained, or maintained in the course of providing services to a deceased patient are governed by RCW 70.02.140;

(m) To mark headstones or otherwise memorialize patients interred at state hospital cemeteries. The department of social and health services shall make available the name, date of birth, and date of death of patients buried in state hospital cemeteries fifty years after the death of a patient;

(n) To law enforcement officers and to prosecuting attorneys as are necessary to enforce RCW 9.41.040(2)(a) ~~((iv))~~ (v). The extent of information that may be released is limited as follows:

(i) Only the fact, place, and date of involuntary commitment, an official copy

of any order or orders of commitment, and an official copy of any written or oral notice of ineligibility to possess a firearm that was provided to the person pursuant to RCW 9.41.047(1), must be disclosed upon request;

(ii) The law enforcement and prosecuting attorneys may only release the information obtained to the person's attorney as required by court rule and to a jury or judge, if a jury is waived, that presides over any trial at which the person is charged with violating RCW 9.41.040(2)(a) ~~((iv))~~ (v);

(iii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(o) When a patient would otherwise be subject to the provisions of this section and disclosure is necessary for the protection of the patient or others due to his or her unauthorized disappearance from the facility, and his or her whereabouts is unknown, notice of the disappearance, along with relevant information, may be made to relatives, the department of corrections when the person is under the supervision of the department, and governmental law enforcement agencies designated by the physician or psychiatric advanced registered nurse practitioner in charge of the patient or the professional person in charge of the facility, or his or her professional designee;

(p) Pursuant to lawful order of a court, including a tribal court;

(q) To qualified staff members of the department, to the authority, to behavioral health administrative services organizations, to managed care organizations, to resource management services responsible for serving a patient, or to service providers designated by resource management services as necessary to determine the progress and adequacy of treatment and to determine whether the person should be transferred to a less restrictive or more appropriate treatment modality or facility;

(r) Within the mental health service agency or Indian health care provider facility where the patient is receiving treatment, confidential information may be disclosed to persons employed, serving in bona fide training programs, or participating in supervised volunteer

programs, at the facility when it is necessary to perform their duties;

(s) Within the department and the authority as necessary to coordinate treatment for mental illness, developmental disabilities, or substance use disorder of persons who are under the supervision of the department;

(t) Between the department of social and health services, the department of children, youth, and families, and the health care authority as necessary to coordinate treatment for mental illness, developmental disabilities, or substance use disorder of persons who are under the supervision of the department of social and health services or the department of children, youth, and families;

(u) To a licensed physician or psychiatric advanced registered nurse practitioner who has determined that the life or health of the person is in danger and that treatment without the information and records related to mental health services could be injurious to the patient's health. Disclosure must be limited to the portions of the records necessary to meet the medical emergency;

(v)(i) Consistent with the requirements of the federal health insurance portability and accountability act, to:

(A) A health care provider, including an Indian health care provider, who is providing care to a patient, or to whom a patient has been referred for evaluation or treatment; or

(B) Any other person who is working in a care coordinator role for a health care facility, health care provider, or Indian health care provider, or is under an agreement pursuant to the federal health insurance portability and accountability act with a health care facility or a health care provider and requires the information and records to assure coordinated care and treatment of that patient.

(ii) A person authorized to use or disclose information and records related to mental health services under this subsection (2)(v) must take appropriate steps to protect the information and records relating to mental health services.

(iii) Psychotherapy notes may not be released without authorization of the

patient who is the subject of the request for release of information;

(w) To administrative and office support staff designated to obtain medical records for those licensed professionals listed in (v) of this subsection;

(x) To a facility that is to receive a person who is involuntarily committed under chapter 71.05 RCW, or upon transfer of the person from one evaluation and treatment facility to another. The release of records under this subsection is limited to the information and records related to mental health services required by law, a record or summary of all somatic treatments, and a discharge summary. The discharge summary may include a statement of the patient's problem, the treatment goals, the type of treatment which has been provided, and recommendation for future treatment, but may not include the patient's complete treatment record;

(y) To the person's counsel or guardian ad litem, without modification, at any time in order to prepare for involuntary commitment or recommitment proceedings, reexaminations, appeals, or other actions relating to detention, admission, commitment, or patient's rights under chapter 71.05 RCW;

(z) To staff members of the protection and advocacy agency or to staff members of a private, nonprofit corporation for the purpose of protecting and advocating the rights of persons with mental disorders or developmental disabilities. Resource management services may limit the release of information to the name, birthdate, and county of residence of the patient, information regarding whether the patient was voluntarily admitted, or involuntarily committed, the date and place of admission, placement, or commitment, the name and address of a guardian of the patient, and the date and place of the guardian's appointment. Any staff member who wishes to obtain additional information must notify the patient's resource management services in writing of the request and of the resource management services' right to object. The staff member shall send the notice by mail to the guardian's address. If the guardian does not object in writing within fifteen days after the notice is mailed, the staff member may obtain the additional information. If the guardian objects in writing within fifteen days after the notice is mailed,

the staff member may not obtain the additional information;

(aa) To all current treating providers, including Indian health care providers, of the patient with prescriptive authority who have written a prescription for the patient within the last twelve months. For purposes of coordinating health care, the department or the authority may release without written authorization of the patient, information acquired for billing and collection purposes as described in RCW 70.02.050(1)(d). The department, or the authority, if applicable, shall notify the patient that billing and collection information has been released to named providers, and provide the substance of the information released and the dates of such release. Neither the department nor the authority may release counseling, inpatient psychiatric hospitalization, or drug and alcohol treatment information without a signed written release from the client;

(bb) (i) To the secretary of social and health services and the director of the health care authority for either program evaluation or research, or both so long as the secretary or director, where applicable, adopts rules for the conduct of the evaluation or research, or both. Such rules must include, but need not be limited to, the requirement that all evaluators and researchers sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I,, agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding persons who have received services such that the person who received such services is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under the provisions of state law.

/s/"

(ii) Nothing in this chapter may be construed to prohibit the compilation and publication of statistical data for use by government or researchers under standards, including standards to assure maintenance of confidentiality, set

forth by the secretary, or director, where applicable;

(cc) To any person if the conditions in RCW 70.02.205 are met;

(dd) To the secretary of health for the purposes of the maternal mortality review panel established in RCW 70.54.450; or

(ee) To a tribe or Indian health care provider to carry out the requirements of RCW 71.05.150(6).

(3) Whenever federal law or federal regulations restrict the release of information contained in the information and records related to mental health services of any patient who receives treatment for a substance use disorder, the department or the authority may restrict the release of the information as necessary to comply with federal law and regulations.

(4) Civil liability and immunity for the release of information about a particular person who is committed to the department of social and health services or the authority under RCW 71.05.280(3) and 71.05.320(4)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, is governed by RCW 4.24.550.

(5) The fact of admission to a provider of mental health services, as well as all records, files, evidence, findings, or orders made, prepared, collected, or maintained pursuant to chapter 71.05 RCW are not admissible as evidence in any legal proceeding outside that chapter without the written authorization of the person who was the subject of the proceeding except as provided in RCW 70.02.260, in a subsequent criminal prosecution of a person committed pursuant to RCW 71.05.280(3) or 71.05.320(4)(c) on charges that were dismissed pursuant to chapter 10.77 RCW due to incompetency to stand trial, in a civil commitment proceeding pursuant to chapter 71.09 RCW, or, in the case of a minor, a guardianship or dependency proceeding. The records and files maintained in any court proceeding pursuant to chapter 71.05 RCW must be confidential and available subsequent to such proceedings only to the person who was the subject of the proceeding or his or her attorney. In addition, the court may order the subsequent release or use of such records or files only upon good cause shown if the court finds that appropriate safeguards for strict

confidentiality are and will be maintained.

(6)(a) Except as provided in RCW 4.24.550, any person may bring an action against an individual who has willfully released confidential information or records concerning him or her in violation of the provisions of this section, for the greater of the following amounts:

(i) One thousand dollars; or

(ii) Three times the amount of actual damages sustained, if any.

(b) It is not a prerequisite to recovery under this subsection that the plaintiff suffered or was threatened with special, as contrasted with general, damages.

(c) Any person may bring an action to enjoin the release of confidential information or records concerning him or her or his or her ward, in violation of the provisions of this section, and may in the same action seek damages as provided in this subsection.

(d) The court may award to the plaintiff, should he or she prevail in any action authorized by this subsection, reasonable attorney fees in addition to those otherwise provided by law.

(e) If an action is brought under this subsection, no action may be brought under RCW 70.02.170.

Sec. 44. RCW 70.02.240 and 2021 c 264 s 18 and 2021 c 263 s 7 are each reenacted and amended to read as follows:

The fact of admission and all information and records related to mental health services obtained through inpatient or outpatient treatment of a minor under chapter 71.34 RCW must be kept confidential, except as authorized by this section or under RCW 70.02.050, 70.02.210, 70.02.230, 70.02.250, 70.02.260, and 70.02.265. Confidential information under this section may be disclosed only:

(1) In communications between mental health professionals to meet the requirements of chapter 71.34 RCW, in the provision of services to the minor, or in making appropriate referrals;

(2) In the course of guardianship or dependency proceedings;

(3) To the minor, the minor's parent, including those acting as a parent as

defined in RCW 71.34.020 for purposes of family-initiated treatment, and the minor's attorney, subject to RCW 13.50.100;

(4) To the courts as necessary to administer chapter 71.34 RCW;

(5) By a care coordinator under RCW 71.34.755 or 10.77.175 assigned to a person ordered to receive less restrictive alternative treatment for the purpose of sharing information to parties necessary for the implementation of proceedings under chapter 71.34 or 10.77 RCW;

(6) By a care coordinator under RCW 71.34.755 assigned to a person ordered to receive less restrictive alternative treatment for the purpose of sharing information to parties necessary for the implementation of proceedings under chapter 71.34 RCW;

(7) To law enforcement officers or public health officers as necessary to carry out the responsibilities of their office. However, only the fact and date of admission, and the date of discharge, the name and address of the treatment provider, if any, and the last known address must be disclosed upon request;

(8) To law enforcement officers, public health officers, relatives, and other governmental law enforcement agencies, if a minor has escaped from custody, disappeared from an evaluation and treatment facility, violated conditions of a less restrictive treatment order, or failed to return from an authorized leave, and then only such information as may be necessary to provide for public safety or to assist in the apprehension of the minor. The officers are obligated to keep the information confidential in accordance with this chapter;

(9) To the secretary of social and health services and the director of the health care authority for assistance in data collection and program evaluation or research so long as the secretary or director, where applicable, adopts rules for the conduct of such evaluation and research. The rules must include, but need not be limited to, the requirement that all evaluators and researchers sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from

(fill in the facility, agency, or person) I,, agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding minors who have received services in a manner such that the minor is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under state law.

/s/";

(10) To appropriate law enforcement agencies, upon request, all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public. The mental health service agency or its employees are not civilly liable for the decision to disclose or not, so long as the decision was reached in good faith and without gross negligence;

(11) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure must be made by the professional person in charge of the public or private agency or his or her designee and must include the dates of admission, discharge, authorized or unauthorized absence from the agency's facility, and only any other information that is pertinent to the threat or harassment. The agency or its employees are not civilly liable for the decision to disclose or not, so long as the decision was reached in good faith and without gross negligence;

(12) To a minor's next of kin, attorney, guardian, or conservator, if any, the information that the minor is presently in the facility or that the minor is seriously physically ill and a statement evaluating the mental and physical condition of the minor as well as a statement of the probable duration of the minor's confinement;

(13) Upon the death of a minor, to the minor's next of kin;

(14) To a facility in which the minor resides or will reside;

(15) To law enforcement officers and to prosecuting attorneys as are necessary to enforce RCW 9.41.040(2)(a) ~~((iv))~~ (v). The extent of information that may be released is limited as follows:

(a) Only the fact, place, and date of involuntary commitment, an official copy of any order or orders of commitment, and an official copy of any written or oral notice of ineligibility to possess a firearm that was provided to the person pursuant to RCW 9.41.047(1), must be disclosed upon request;

(b) The law enforcement and prosecuting attorneys may only release the information obtained to the person's attorney as required by court rule and to a jury or judge, if a jury is waived, that presides over any trial at which the person is charged with violating RCW 9.41.040(2)(a) ~~((iv))~~ (v);

(c) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(16) This section may not be construed to prohibit the compilation and publication of statistical data for use by government or researchers under standards, including standards to assure maintenance of confidentiality, set forth by the director of the health care authority or the secretary of the department of social and health services, where applicable. The fact of admission and all information obtained pursuant to chapter 71.34 RCW are not admissible as evidence in any legal proceeding outside chapter 71.34 RCW, except guardianship or dependency, without the written consent of the minor or the minor's parent;

(17) For the purpose of a correctional facility participating in the postinstitutional medical assistance system supporting the expedited medical determinations and medical suspensions as provided in RCW 74.09.555 and 74.09.295;

(18) Pursuant to a lawful order of a court.

NEW SECTION. Sec. 45. The following acts or parts of acts are each repealed:

(1)RCW 7.105.055 (Jurisdiction—Stalking protection orders) and 2021 c 215 s 5;

(2)RCW 7.105.060 (Jurisdiction—Anti-harassment protection orders) and 2021 c 215 s 6;

(3)RCW 7.105.170 (Vulnerable adult protection orders—Service when vulnerable adult is not the petitioner) and 2021 c 215 s 22; and

(4)RCW 7.105.901 (Recommendations on jurisdiction over protection order proceedings—Report) and 2021 c 215 s 12.

NEW SECTION. Sec. 46. 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.

Sec. 47. 2021 c 215 s 87 (uncodified) is amended to read as follows:

(1) Except for sections 12, 16, 18, 19, 21, 24, 25, 34, and 36 of this act, this act takes effect July 1, 2022.

(2) Sections 19, 21, 24, and 34, chapter 215, Laws of 2021 take effect the effective date of this section.

NEW SECTION. Sec. 48. Section 36 of this act expires July 1, 2023.

NEW SECTION. Sec. 49. (1) Except for sections 9 through 14, 37, and 47 of this act, this act takes effect July 1, 2022.

(2) Section 37 of this act takes effect July 1, 2023.

(3) Sections 9 through 14 and 47 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."

On page 1, line 3 of the title, after "accessibility;" strike the remainder of the title and insert "amending RCW 7.105.010, 7.105.050, 7.105.070, 7.105.075, 7.105.100, 7.105.105, 7.105.115, 7.105.120, 7.105.150, 7.105.155, 7.105.165, 7.105.200, 7.105.205, 7.105.250, 7.105.255, 7.105.305, 7.105.310, 7.105.320, 7.105.340, 7.105.400, 7.105.450, 7.105.460, 7.105.500, 7.105.510, 7.105.555, 7.105.902, 9.41.040, 9.41.800, 9.41.801, 42.56.240, 4.08.050, 9.41.042, 12.04.140, 12.04.150, 13.40.0357, 13.40.0357, 13.40.160, 13.40.193, 13.40.265, and 26.28.015; amending 2021 c 215 s 87 (uncodified); reenacting and amending RCW 70.02.240; reenacting RCW 50.20.050 and 70.02.230; creating a new section; repealing RCW 7.105.055, 7.105.060, 7.105.170, and 7.105.901; providing effective dates;

providing expiration dates; and declaring an emergency."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1901 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Goodman spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1901, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1901, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Klippert.

SUBSTITUTE HOUSE BILL NO. 1901, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 3, 2022

Madame Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2075 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that establishing minimum service requirements for the department of social and health services economic services administration's community services division is necessary due to the increase in call center wait times due to the closure of community services offices during the COVID-19 public health emergency, resulting in individuals being unable to access safety net programs administered by the department.

(2) The legislature intends to establish minimum service expectations and requirements to ensure that eligible individuals receive needed services through the department's community services offices. The legislature further intends to prohibit the department's community services division from imposing punitive measures against individuals when they have attempted to contact or access the community services office, per requirements to apply for and maintain their benefits, and are unable to connect due to long wait times over the phone or due to closure of the community services offices, to the extent allowable under federal and state law.

NEW SECTION. **Sec. 2.** A new section is added to chapter 74.04 RCW to read as follows:

(1) Minimum service expectations and requirements for the department's community services division are established.

(a) The community services division must ensure that clients may apply for and receive services in a reasonable and accessible manner that is suited to the clients' needs. This includes, but is not limited to, meeting client needs related to technology, language, and ability.

(b) Community services offices must be open for walk-in and in-person services during normal business hours.

(i) The community services division may not limit which clients are able to use walk-in and in-person services or limit which services may be accessed in community services offices.

(ii) The department retains the right to close an office for emergency, health, safety, and welfare issues.

(c) The community services division must maintain telephonic access to services.

(i) The community services division must strive to ensure that clients do not experience total call wait times that exceed 30 minutes.

(ii) The community services division must monitor the average wait time for client telephone calls per week, and include a measurement of all incoming calls, including dropped calls.

(iii) Beginning November 1, 2022, and annually thereafter, the department must report to the appropriate committees of the legislature and the governor in compliance with RCW 43.01.036 on the average wait time for client telephone calls per week, the measurement of all incoming calls, and the number of dropped calls, and the methodology the department uses to monitor the total wait times, the incoming calls, and the dropped calls.

(iv) By November 1, 2022, the department must provide to the legislature recommendations on achieving the goal of 30-minute call wait times, including recommendations on staffing, technology, and any other infrastructure needed to efficiently serve clients.

(2) Where a cash and food assistance applicant or recipient is negatively affected by excessive call wait times, dropped calls, or community services division office closures during normal business hours:

(a) The department must prioritize the processing of the applicant's application to the extent allowed under state and federal law; and

(b) To the extent allowed under state and federal law, an applicant or recipient may not be terminated or sanctioned by the department or have their application for assistance denied based on an applicant's or recipient's inability to contact the community services division."

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "adding a new section to chapter 74.04 RCW; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2075 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Peterson and Gilday spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2075, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2075, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Dufault.

Excused: Representative Klippert.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2075, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 4, 2022

Madame Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 2078 with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. **Sec. 1.** (1) The legislature finds that time outdoors helps children thrive physically, emotionally, and academically, yet over the past few generations, childhood has moved indoors. On average, today's kids spend up to 44 hours per week in front of a screen, and less than 10 minutes a day doing activities outdoors. For too many kids, access to the outdoors is determined by race, income, ability, and zip code. All children deserve equitable access to outdoor spaces where they can learn, play, and grow, but current access to outdoor educational opportunities is inequitable.

(2) From stress reduction to improved focus and engagement, and better academic performance, outdoor-based learning helps kids thrive. Research shows participants in outdoor educational activities have higher graduation rates, improved behavior in school and relationships with peers, higher academic achievement, critical thinking skills, direct experience of scientific concepts in the field, leadership and collaboration skills, and a deeper engagement with learning, place, and community. Outdoor educational programs also offer new opportunities for work-integrated learning in science, natural resources, education, land management, agriculture, outdoor recreation, and other employment sectors. Outdoor-based learning activities can also be a key element in the larger system of regular outdoor instructional time and outdoor experiences that includes STEM fields, after-school programs, summer camps, 4-H, scouting, and related programs which can spark a lifelong appreciation for the natural world.

(3) The legislature further finds that accessibility is a major obstacle to universal outdoor education. Most sites lack accommodation for children with disabilities and support staff for children who need social and emotional support. In addition, some youth may experience cultural barriers to outdoor learning experiences.

(4) Therefore, the legislature intends to establish a statewide grant program and corresponding outdoor education experiences program to address these needs and to ensure that all students have a chance to benefit from outdoor education.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, or within funding made available, the outdoor learning grant program is established. The purpose of the grant program is to develop and support educational experiences for students in Washington public schools.

(2) The office of the superintendent of public instruction shall administer the grant program in accordance with this section.

(3) Within existing resources, the Washington state parks and recreation commission, the department of natural resources, the Washington department of fish and wildlife, the Washington department of agriculture, and the Washington conservation commission may partner with the office of the superintendent of public instruction to provide relevant expertise on land management and work-integrated learning experiences and opportunities.

(4) Beginning in the 2022-23 school year, the office of the superintendent of public instruction shall award grants to eligible school districts, federally recognized tribes, and outdoor education program providers. The office may consult with the Washington recreation and conservation office in awarding grants under this section.

(5) (a) The grant program must consist of two types of grants, including:

(i) Allocation-based grants for school districts to develop or support educational experiences; and

(ii) Competitive grants for federally recognized tribes and outdoor education providers to support existing capacity and to increase future capacity for outdoor learning experiences.

(b) In implementing student educational experiences under this section, school districts and outdoor education providers should ensure equitable access for students in all geographic regions, and high levels of accessibility for students with disabilities.

(6) Beginning in 2024, the office of the superintendent of public instruction, in accordance with RCW 43.01.036, must submit an annual report

to the appropriate committees of the legislature with an evaluation of the program established by this section. The report may include information on other outdoor education and instructional time efforts and how they compare with programs funded through the outdoor learning grant program.

(7) For the purposes of this section, "school districts" includes state-tribal education compact schools established under chapter 28A.715 RCW.

NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the outdoor education experiences program is established as a program within the outdoor learning grant program established in section 2 of this act. The purpose of the outdoor education experiences program is to develop and support outdoor learning opportunities for 5th and 6th grade students in Washington public schools, with related opportunities for high school students to volunteer as counselors. The program will consist of hands-on learning experiences that: Are three to five days in duration and up to four nights; are overnight or day programs when overnight programs are impractical due to health, cultural, or capacity considerations; and have a focus on environmental education aligned with the Washington state learning standards and the development of social and emotional learning skills.

(2) The office of the superintendent of public instruction may work with a statewide nonprofit organization representing school principals to create guidelines for the program established by this section.

(3) In implementing the program established by this section, the priority focus of the office of the superintendent of public instruction must be given to schools that have been identified for improvement through the Washington school improvement framework and communities historically underserved by science education. These communities can include, but are not limited to, federally recognized tribes, including state-tribal education compact schools, migrant students, schools with high free and reduced-price lunch populations, rural and remote schools, students in alternative learning environments,

students of color, English language learner students, and students receiving special education services.

Sec. 4. RCW 28A.300.790 and 2018 c 266 s 410 are each amended to read as follows:

(1) The superintendent of public instruction, subject to conformity with application or other requirements adopted by rule, shall approve requests by public schools as provided in RCW 28A.320.173 to consider student participation in seasonal or nonseasonal outdoor-based activities, including programs established in accordance with section 2 of this act, and the outdoor education experiences program established in section 3 of this act, as instructional days for the purposes of basic education requirements established in RCW 28A.150.220(5).

(2) The superintendent of public instruction shall adopt rules to implement this section."

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "amending RCW 28A.300.790; adding new sections to chapter 28A.300 RCW; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 2078 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Rule and Ybarra spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2078, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2078, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 92; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chase, Dufault, Kraft, McCaslin and Walsh.

Excused: Representative Klippert.

SECOND SUBSTITUTE HOUSE BILL NO. 2078, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 8, 2022

Madame Speaker:

The Senate refuses to concur in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 5693 and asks the House for a Conference thereon. The President has appointed the following members as Conferees: Senators Rolfes, Robinson and Wilson L.,

and the same is herewith transmitted,

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House granted the Senate's request for a Conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 5693. The Speaker (Representative Orwall presiding) appointed the following members as Conferees: Representatives Macri, Ormsby and Stokesbary.

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

MESSAGES FROM THE SENATE

March 8, 2022

Mme. SPEAKER:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 5555,
SENATE BILL NO. 5585,

SENATE BILL NO. 5612,
SECOND SUBSTITUTE SENATE BILL NO. 5619,
SUBSTITUTE SENATE BILL NO. 5644,
SUBSTITUTE SENATE BILL NO. 5722,
SUBSTITUTE SENATE BILL NO. 5728,

and the same are herewith transmitted.

Sarah Bannister, Secretary

March 8, 2022

Mme. SPEAKER:

The President has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO.
1753,
HOUSE BILL NO. 1765,
SUBSTITUTE HOUSE BILL NO. 1768,
SUBSTITUTE HOUSE BILL NO. 1790,
SECOND SUBSTITUTE HOUSE BILL NO. 1905,
HOUSE BILL NO. 1907,
HOUSE BILL NO. 1927,
ENGROSSED HOUSE BILL NO. 1931,
SUBSTITUTE HOUSE BILL NO. 1955,
SUBSTITUTE HOUSE BILL NO. 1961,
ENGROSSED HOUSE BILL NO. 1982,
SUBSTITUTE HOUSE BILL NO. 2001,
HOUSE BILL NO. 2007,
ENGROSSED SUBSTITUTE HOUSE BILL NO.
2037,
SUBSTITUTE HOUSE BILL NO. 2050,
SUBSTITUTE HOUSE BILL NO. 2051,

and the same are herewith transmitted.

Sarah Bannister, Secretary

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

REPORTS OF STANDING COMMITTEES

March 8, 2022

SSB 5799 Prime Sponsor, Committee on Business, Financial Services & Trade: Modifying the application of the workforce education investment advanced computing surcharge to provider clinics and affiliated organizations. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Vick; Wylie and Young.

MINORITY recommendation: Without recommendation. Signed by Representatives Orcutt,

Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Chopp and Thai.

Referred to Committee on Rules for second reading.

March 8, 2022

ESB 5849 Prime Sponsor, Senator Warnick: Concerning tax incentives. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai; Vick; Wylie and Young.

Referred to Committee on Rules for second reading.

March 8, 2022

ESB 5901 Prime Sponsor, Senator Randall: Concerning economic development tax incentives for targeted counties. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"PART I

CREATING A SALES AND USE TAX DEFERRAL PROGRAM TO INCENTIVIZE MANUFACTURING AND RESEARCH AND DEVELOPMENT ACTIVITIES IN CERTAIN DESIGNATED COUNTIES

NEW SECTION. **Sec. 101.** (1) The legislature finds that there are counties in the state that face additional economic development challenges beyond the challenges faced by counties located in the central Puget Sound region. The legislature further finds that these regions do not experience the same degree of job growth and investment. The legislature further finds that, in some areas, increased economic development incentives are needed to help support economic growth and that a one-size-fits-all approach to economic development does not work for the diversity of the statewide economy. For these reasons, the legislature intends to establish a tax deferral program to be effective solely in certain targeted counties. The legislature declares that this limited program serves the vital public purpose of creating employment opportunities and generally spurring economic development in these counties of the state.

(2) The legislature also finds that this act is consistent with the Substitute House Bill No. 1170, the Washington BEST manufacturing act, enacted in 2021. The 2021 Washington BEST manufacturing act recognized that the state must retain and build on its leadership in the manufacturing and research and development sectors and also recognized that a thriving manufacturing and research sector are complimentary and should be promoted in every region of the state. Therefore, the legislature further finds the sales and use tax deferral program for manufacturing and research and development in this act is a critical tool and strategy to help achieve the goals expressed in the Washington BEST manufacturing act of doubling the state's manufacturing employment base, the number of small businesses, and the number of women and minority-owned manufacturing businesses in the next 10 years.

NEW SECTION. **Sec. 102.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Department" means the department of revenue.

(3) "Eligible area" means a qualifying county.

(4)(a) "Eligible investment project" means an investment project that is located, as of the date the application required by section 103 of this act is received by the department, in an eligible area as defined in subsection (3) of this section.

(b) "Eligible investment project" does not include any portion of an investment project undertaken by a light and power business as defined in RCW 82.16.010(4), other than that portion of a cogeneration project that is used to generate power for consumption within the manufacturing site of which the cogeneration project is an integral part, or investment projects that have already received deferrals under this chapter.

(5)(a) "Initiation of construction" means the date that a building permit is issued under the building code adopted under RCW 19.27.031 for:

(i) Construction of the qualified building, if the underlying ownership of the building vests exclusively with the person receiving the economic benefit of the deferral;

(ii) Construction of the qualified building, if the economic benefits of the deferral are passed to a lessee as provided in RCW 82.60.025; or

(iii) Tenant improvements for a qualified building, if the economic benefits of the deferral are passed to a lessee as provided in RCW 82.60.025.

(b) "Initiation of construction" does not include soil testing, site clearing and grading, site preparation, or any other related activities that are initiated before the issuance of a building permit for the construction of the foundation of the building.

(c) If the eligible investment project is a phased project, "initiation of construction" applies separately to each phase.

(6) "Investment project" means an investment in qualified buildings or qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project.

(7) "Manufacturing" means the same as defined in RCW 82.04.120. "Manufacturing" also includes:

(a) The activities performed by research and development laboratories and commercial testing laboratories; and

(b) The conditioning of vegetable seeds.

(8) "Meaningful construction" means an active construction site, where excavation of a building site, laying of a building foundation, or other tangible signs of construction are taking place and that clearly show a progression in the construction process at the location designated by the taxpayer in the application for deferral. Planning, permitting, or land clearing before excavation of the building site, without more, does not constitute "meaningful construction."

(9) "Person" has the meaning given in RCW 82.04.030.

(10) "Qualified buildings" means construction of new structures, and expansion or renovation of existing structures for the purpose of increasing

floor space or production capacity used for manufacturing or research and development activities, including plant offices and warehouses or other facilities for the storage of raw material or finished goods if such facilities are an essential or an integral part of a factory, mill, plant, or laboratory used for manufacturing or research and development. If a building is used partly for manufacturing or research and development and partly for other purposes, the applicable tax deferral must be determined by apportionment of the costs of construction under rules adopted by the department.

(11) "Qualified machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing or research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery.

(12) "Qualifying county" means a county that has a population less than 650,000 at the time an application is submitted under section 103 of this act.

(13) "Recipient" means a person receiving a tax deferral under this chapter.

(14) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun, but only when such activities are intended to ultimately result in the production of a new, different, or useful substance or article of tangible personal property for sale. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed \$1,000,000.

NEW SECTION. **Sec. 103.** (1)
Application for deferral of taxes under this chapter must be made before initiation of the construction of the investment project or acquisition of equipment or machinery. The application must be made to the department in a form

and manner prescribed by the department. The application must contain information regarding the location of the investment project, the applicant's average employment in the state for the prior year, estimated or actual new employment related to the project, estimated or actual wages of employees related to the project, estimated or actual costs, time schedules for completion and operation, and other information required by the department. The department must rule on the application within 60 days.

(2) The department may not accept applications for the deferral under this chapter after June 30, 2032.

(3) This section expires July 1, 2032.

NEW SECTION. **Sec. 104.** (1) The department must issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW on each eligible investment project.

(2) The department must keep a running total of all deferrals granted under this chapter during each fiscal biennium. The amount of state and local sales and use taxes eligible for deferral under this chapter is limited to \$400,000 per person.

(3) This section expires July 1, 2032.

NEW SECTION. **Sec. 105.** (1) The recipient of a deferral certificate under section 104 of this act must begin meaningful construction on an eligible investment project within two years of receiving a deferral certificate, unless construction was delayed due to circumstances beyond the recipient's control. Lack of funding is not considered a circumstance beyond the recipient's control.

(2) If the recipient does not begin meaningful construction on an eligible investment project within two years of receiving a deferral certificate, the deferral certificate issued under section 104 of this act is invalid and taxes deferred under this chapter are due immediately.

NEW SECTION. **Sec. 106.** (1)(a) Each recipient of a deferral of taxes granted under this chapter must file a complete annual tax performance report with the department under RCW 82.32.534 during the period covered by the schedule under subsection (2) of this section. If the economic benefits of the deferral are

passed to a lessee as provided in section 108 of this act, the lessee must file a complete annual tax performance report, and the applicant is not required to file a complete annual tax performance report.

(b) The joint legislative audit and review committee, as part of its tax preference review process under chapter 43.136 RCW, must use the information reported on the annual tax performance report required by this section to study the tax deferral program authorized under this chapter. The committee must report to the legislature by December 1, 2030. The report must measure the effect of the program on job creation, the number of jobs created for residents of eligible areas, company growth, and such other factors as the committee selects.

(2)(a) Except as otherwise provided in this chapter, taxes deferred under this chapter need not be repaid.

(b) If the investment project is not operationally complete within five calendar years from the issuance of the tax deferral certificate, or if, on the basis of the tax performance report under RCW 82.32.534 or other information, the department finds that an investment project is used for purposes other than a qualified manufacturing or research and development operation at any time during the calendar year in which the investment project is certified by the department as having been operationally completed, or at any time during any of the seven succeeding calendar years, a portion of deferred taxes is immediately due according to the following schedule:

Year in which use occurs	% of deferred taxes due
1	100%
2	87.5%
3	75%
4	62.5%
5	50%
6	37.5%
7	25%
8	12.5%

(c) If the economic benefits of the deferral are passed to a lessee as provided in section 108 of this act, the lessee is responsible for payment to the extent the lessee has received the economic benefit.

(3) A recipient who must repay deferred taxes under this section because the department has found that an investment project is not eligible for tax deferral under this chapter is no longer required to file annual tax performance reports under RCW 82.32.534 beginning on the date an investment project is used for nonqualifying purposes.

(4) The department must assess interest at the rate provided for delinquent taxes, but not penalties, retroactively to the date of deferral for a recipient who must repay deferred taxes under this section because the department has found that an investment project is not eligible for tax deferral. The debt for deferred taxes will not be extinguished by insolvency or other failure of the recipient. Transfer of ownership does not terminate the deferral. The deferral is transferred, subject to the successor meeting the eligibility requirements of this chapter, for the remaining periods of the deferral.

(5) Notwithstanding any other provision of this section or RCW 82.32.534, deferred taxes on the following need not be repaid:

(a) Machinery and equipment, and sales of or charges made for labor and services, which at the time of purchase would have qualified for exemption under RCW 82.08.02565; and

(b) Machinery and equipment which at the time of first use would have qualified for exemption under RCW 82.12.02565.

NEW SECTION. Sec. 107. The department must establish a list of qualifying counties, effective July 1, 2022. The list of qualifying counties is effective for a 24-month period and must be updated by July 1st of the year that is two calendar years after the list was established or last updated, as the case may be.

NEW SECTION. Sec. 108. The lessor or owner of a qualified building is not eligible for a deferral unless:

(1) The underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person; or

(2) (a) The lessor by written contract agrees to pass the economic benefit of the deferral to the lessee;

(b) The lessee that receives the economic benefit of the deferral agrees in writing with the department to complete the annual tax performance report required under section 106 of this act; and

(c) The economic benefit of the deferral passed to the lessee is no less than the amount of tax deferred by the lessor and is evidenced by written documentation of any type of payment, credit, or other financial arrangement between the lessor or owner of the qualified building and the lessee.

NEW SECTION. Sec. 109. Chapter 82.32 RCW applies to the administration of this chapter.

NEW SECTION. Sec. 110. Applications, reports, and any other information received by the department under this chapter, except applications not approved by the department, are not confidential and are subject to disclosure.

PART II

MODIFYING THE SALES AND USE TAX EXEMPTION FOR WAREHOUSES, DISTRIBUTION CENTERS, AND GRAIN ELEVATORS

Sec. 201. RCW 82.08.820 and 2014 c 140 s 23 are each amended to read as follows:

(1) Wholesalers or third-party warehouse owners who own or operate warehouses or grain elevators and retailers who own or operate distribution centers, and who have paid the tax levied by RCW 82.08.020 on:

(a) Material-handling and racking equipment, and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment; or

(b) Construction of a warehouse or grain elevator, including materials, and including service and labor costs,

are eligible for an exemption in the form of a remittance. The amount of the remittance is computed under subsection (3) of this section and is based on the state share of sales tax.

(2) For purposes of this section and RCW 82.12.820:

(a) "Agricultural products" has the meaning given in RCW 82.04.213;

(b)(i) "Construction" means the actual construction of a warehouse or grain elevator that did not exist before the construction began. (~~"Construction"~~) Except as provided in (b)(ii) of this subsection, "construction" includes expansion if the expansion adds at least two hundred thousand square feet of additional space to an existing warehouse or additional storage capacity of at least one million bushels to an existing grain elevator. "Construction" does not include renovation, remodeling, or repair;

(ii) For an existing warehouse located in a qualifying county, "construction" includes expansion if the expansion adds at least 100,000 square feet of additional space to an existing warehouse;

(c) "Department" means the department of revenue;

(d) "Distribution center" means a warehouse that is used exclusively by a retailer solely for the storage and distribution of finished goods to retail outlets of the retailer. "Distribution center" does not include a warehouse at which retail sales occur;

(e) "Finished goods" means tangible personal property intended for sale by a retailer or wholesaler. "Finished goods" does not include:

(i) Agricultural products stored by wholesalers, third-party warehouses, or retailers if the storage takes place on the land of the person who produced the agricultural product;

(ii) Logs, minerals, petroleum, gas, or other extracted products stored as raw materials or in bulk; or

(iii) Marijuana, useable marijuana, or marijuana-infused products;

(f) "Grain elevator" means a structure used for storage and handling of grain in bulk;

(g) "Material-handling equipment and racking equipment" means equipment in a warehouse or grain elevator that is primarily used to handle, store, organize, convey, package, or repackage finished goods. The term includes tangible personal property with a useful

life of one year or more that becomes an ingredient or component of the equipment, including repair and replacement parts. The term does not include equipment in offices, lunchrooms, restrooms, and other like space, within a warehouse or grain elevator, or equipment used for nonwarehousing purposes. "Material-handling equipment" includes but is not limited to: Conveyers, carousels, lifts, positioners, pick-up-and-place units, cranes, hoists, mechanical arms, and robots; mechanized systems, including containers that are an integral part of the system, whose purpose is to lift or move tangible personal property; and automated handling, storage, and retrieval systems, including computers that control them, whose purpose is to lift or move tangible personal property; and forklifts and other off-the-road vehicles that are used to lift or move tangible personal property and that cannot be operated legally on roads and streets. "Racking equipment" includes, but is not limited to, conveying systems, chutes, shelves, racks, bins, drawers, pallets, and other containers and storage devices that form a necessary part of the storage system;

(h) "Person" has the meaning given in RCW 82.04.030;

(i) "Retailer" means a person who makes "sales at retail" as defined in chapter 82.04 RCW of tangible personal property;

(j) "Square footage" means the product of the two horizontal dimensions of each floor of a specific warehouse. The entire footprint of the warehouse must be measured in calculating the square footage, including space that juts out from the building profile such as loading docks. "Square footage" does not mean the aggregate of the square footage of more than one warehouse at a location or the aggregate of the square footage of warehouses at more than one location;

(k) "Third-party warehouse" means a person taxable under RCW 82.04.280(1)(d);

(l) "Qualifying county" means a county that has a population less than 650,000 at the time an application is submitted under this section and RCW 82.12.820;

(m) "Warehouse" means an enclosed building or structure in which finished goods are stored. A warehouse building or structure may have more than one storage room and more than one floor. Office

space, lunchrooms, restrooms, and other space within the warehouse and necessary for the operation of the warehouse are considered part of the warehouse as are loading docks and other such space attached to the building and used for handling of finished goods. Landscaping and parking lots are not considered part of the warehouse. A storage yard is not a warehouse, nor is a building in which manufacturing takes place; and

~~((m))~~ (n) "Wholesaler" means a person who makes "sales at wholesale" as defined in chapter 82.04 RCW of tangible personal property, but "wholesaler" does not include a person who makes sales exempt under RCW 82.04.330.

(3) (a) A person claiming an exemption from state tax in the form of a remittance under this section must pay the tax imposed by RCW 82.08.020. The buyer may then apply to the department for remittance of all or part of the tax paid under RCW 82.08.020. For grain elevators with bushel capacity of one million but less than two million, the remittance is equal to fifty percent of the amount of tax paid. ~~((For))~~ Except as provided under (d) of this subsection, for warehouses with square footage of two hundred thousand or more and for grain elevators with bushel capacity of two million or more, the remittance is equal to one hundred percent of the amount of tax paid for qualifying construction, materials, service, and labor, and fifty percent of the amount of tax paid for qualifying material-handling equipment and racking equipment, and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment. The maximum amount of tax that may be remitted under this section and RCW 82.12.820 for the construction or expansion of a warehouse or grain elevator is \$400,000.

(b) The department must determine eligibility under this section based on information provided by the buyer and through audit and other administrative records. The buyer must on a quarterly basis submit an information sheet, in a form and manner as required by the department by rule, specifying the amount of exempted tax claimed and the qualifying purchases or acquisitions for which the exemption is claimed. The buyer must retain, in adequate detail to enable the department to determine whether the equipment or construction meets the

criteria under this section: Invoices; proof of tax paid; documents describing the material-handling equipment and racking equipment; location and size of warehouses and grain elevators; and construction invoices and documents.

(c) The department must on a quarterly basis remit exempted amounts to qualifying persons who submitted applications during the previous quarter.

(d) For warehouses located in a qualifying county, the square footage requirement is 100,000 square feet or more.

(4) Warehouses, grain elevators, and material-handling equipment and racking equipment for which an exemption, credit, or deferral has been or is being received under chapter 82.60, 82.62, or 82.63 RCW or RCW 82.08.02565 or 82.12.02565 are not eligible for any remittance under this section. Warehouses and grain elevators upon which construction was initiated before May 20, 1997, are not eligible for a remittance under this section.

(5) The lessor or owner of a warehouse or grain elevator is not eligible for a remittance under this section unless the underlying ownership of the warehouse or grain elevator and the material-handling equipment and racking equipment vests exclusively in the same person, or unless the lessor by written contract agrees to pass the economic benefit of the remittance to the lessee in the form of reduced rent payments.

(6) This section expires July 1, 2032.

Sec. 202. RCW 82.12.820 and 2006 c 354 s 13 are each amended to read as follows:

(1) Wholesalers or third-party warehouse owners who own or operate warehouses or grain elevators, and retailers who own or operate distribution centers, and who have paid the tax levied under RCW 82.12.020 on:

(a) Material-handling equipment and racking equipment and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment; or

(b) Materials incorporated in the construction of a warehouse or grain elevator, are eligible for an exemption on tax paid in the form of a remittance or credit against tax owed. The amount of the remittance or credit is computed

under subsection (2) of this section and is based on the state share of use tax.

(2) (a) A person claiming an exemption from state tax in the form of a remittance under this section must pay the tax imposed by RCW 82.12.020 to the department. The person may then apply to the department for remittance of all or part of the tax paid under RCW 82.12.020. For grain elevators with bushel capacity of one million but less than two million, the remittance is equal to fifty percent of the amount of tax paid. ~~((For))~~ Except as provided under (d) of this subsection, for warehouses with square footage of two hundred thousand or more and for grain elevators with bushel capacity of two million or more, the remittance is equal to one hundred percent of the amount of tax paid for qualifying construction materials, and fifty percent of the amount of tax paid for qualifying material-handling equipment and racking equipment. The maximum amount of tax that may be remitted under this section and RCW 82.08.820 for the construction or expansion of a warehouse or grain elevator is \$400,000.

(b) The department shall determine eligibility under this section based on information provided by the buyer and through audit and other administrative records. The buyer shall on a quarterly basis submit an information sheet, in a form and manner as required by the department by rule, specifying the amount of exempted tax claimed and the qualifying purchases or acquisitions for which the exemption is claimed. The buyer shall retain, in adequate detail to enable the department to determine whether the equipment or construction meets the criteria under this section: Invoices; proof of tax paid; documents describing the material-handling equipment and racking equipment; location and size of warehouses, if applicable; and construction invoices and documents.

(c) The department shall on a quarterly basis remit or credit exempted amounts to qualifying persons who submitted applications during the previous quarter.

(d) For warehouses located in a qualifying county, the square footage requirement is 100,000 square feet or more.

(3) Warehouse, grain elevators, and material-handling equipment and racking

equipment for which an exemption, credit, or deferral has been or is being received under chapter 82.60, 82.62, or 82.63 RCW or RCW 82.08.02565 or 82.12.02565 are not eligible for any remittance under this section. Materials incorporated in warehouses and grain elevators upon which construction was initiated prior to May 20, 1997, are not eligible for a remittance under this section.

(4) The lessor or owner of the warehouse or grain elevator is not eligible for a remittance or credit under this section unless the underlying ownership of the warehouse or grain elevator and material-handling equipment and racking equipment vests exclusively in the same person, or unless the lessor by written contract agrees to pass the economic benefit of the exemption to the lessee in the form of reduced rent payments.

(5) The definitions in RCW 82.08.820 apply to this section.

(6) This section expires July 1, 2032.

NEW SECTION. Sec. 203. A person claiming an exemption from state tax in the form of a remittance under RCW 82.08.820 or 82.12.820 for a warehouse or distribution center must file the annual tax preference performance report under RCW 82.32.534 beginning in the first calendar year following the year the warehouse, distribution center, or grain elevator is operationally complete and for the next two subsequent years.

NEW SECTION. Sec. 204. (1) This section is the tax preference performance statement for the warehousing, distribution, and grain elevator sales and use tax exemptions in sections 201 and 202, chapter . . . , Laws of 2022 (sections 201 and 202 of this act). The performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes this tax preference as one intended to accomplish the general purposes indicated in RCW 82.32.808(2) (a) and (c) to induce certain designated behavior by businesses and to create jobs.

(3) It is the legislature's specific public policy objective to induce the construction of new or expanded warehouses and distribution centers in

certain targeted counties by reducing the square footage requirement in order to diversify the tax base and increase employment within the targeted counties.

(4) To measure the effectiveness of these exemptions in achieving the specific public policy objectives described in subsection (3) of this section, the joint legislative audit and review committee must evaluate the changes in the number of employment positions in the warehousing and distribution industry sector in the targeted counties and changes to the tax base as a result of increased warehousing and distribution activity.

(5) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative audit and review committee may refer to the remittance data prepared by the department of revenue and the annual tax preference performance report submitted by the beneficiary of the tax preference under RCW 82.32.534.

NEW SECTION. **Sec. 205.** Sections 101 through 110 of this act constitute a new chapter in Title 82 RCW.

NEW SECTION. **Sec. 206.** This act takes effect July 1, 2022."

Correct the title.

Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Thai and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representatives Orcutt, Ranking Minority Member; Chase; Stokesbary and Vick.

MINORITY recommendation: Do not pass. Signed by Representatives Dufault, Assistant Ranking Minority Member and Young.

Referred to Committee on Rules for second reading.

March 8, 2022

ESSB 5980 Prime Sponsor, Committee on Ways & Means: Providing substantial and permanent 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. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"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 RCW 82.32.805 and 82.32.808."

Correct the title.

Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai; Vick; Wylie and Young.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

The Speaker assumed the chair.

RESOLUTION

HOUSE RESOLUTION NO. 2022-4668, by Representatives Jinkins, Wilcox, Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier,

Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wylie, Ybarra, and Young

WHEREAS, Representative Steve Kirby was elected to the House of Representatives in 2000, and served for more than two decades with a commitment to good government and bipartisan cooperation, as well as an unfailing sense of humor; and

WHEREAS, He was born and raised in the 29th District, living in the same house for over 40 years in South Tacoma with his wife, Beckie Summers, where they raised their five children, before moving to the Fern Hill neighborhood in 2002; and

WHEREAS, Before being elected to the House of Representatives, Representative Kirby already had a long track record of public service, serving on the Tacoma City Council for four terms, beginning at the age of 25; and

WHEREAS, Throughout his more than two decades serving as a State Representative, he built a broad range of experience, serving on the House Rules Committee, the Agriculture Committee, the Technology Committee, the Capital Budget Committee, the Local Government and Housing Committee, the Public Safety and Emergency Preparedness Committee, the Civil Rights and Judiciary Committee, the Commerce and Gaming Committee, and the Consumer Protection and Business Committee; and

WHEREAS, Representative Kirby has served as chair of the Consumer Protection and Business Committee in its many incarnations since 2005, and is known for his expertise in consumer protection legislation and for working tirelessly on behalf of Washington state's consumers; and

WHEREAS, Representative Steve Kirby is known and valued by his legislative colleagues for both his dedication to the people of Washington and the work of the Legislature, and to bringing laughter and levity to that work, which can often be emotionally and physically taxing;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives acknowledge Representative Steve Kirby's service to this institution and to the people of Washington state.

Representatives Walen, Vick, Ryu, Barkis and Santos spoke in favor of the adoption of the resolution.

SPEAKER'S PRIVILEGE

The Speaker recognized Representative Kirby's legislative career and wished him well on his retirement.

There being no objection, HOUSE RESOLUTION NO. 4668 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2022-4670, by Representatives Jinkins, Wilcox, Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye,

Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wylie, Ybarra, and Young

WHEREAS, In his ninth term diligently serving the best interests of families in the 38th legislative district in Snohomish County, State Representative Mike Sells has established himself as a consistent progressive force in the Washington State Legislature; and

WHEREAS, Representative Sells, a teacher at heart, made it his mission to impart knowledge to students in elementary as well as secondary levels with the Everett School District for over three decades; and

WHEREAS, He also made a difference in the lives of thousands of students with his service to educators as president of Local 772 for the American Federation of Teachers from 1969 to 1980, and then as the Everett Education Association president for the next 18 years; and

WHEREAS, In his quest to ensure Washingtonians have opportunities that will help them pursue meaningful work in the fields of their choice, Representative Sells sponsored bills to create the Washington Aerospace Training & Research Center at Paine Field, develop internship and apprenticeship opportunities, establish WSU Everett, and bring a Bachelor of Science nursing program to Everett Community College through UW-Bothell; and

WHEREAS, An unyielding advocate for labor and working families, Representative Sells served as the elected secretary-treasurer of the Snohomish & Island County Labor Council from 1976 to 2014, coordinating 65 different AFL/CIO unions in Snohomish County, representing more than 42,000 working people; and

WHEREAS, He has exemplified leadership, dedication, and commitment at the helm of the Labor & Workplace Standards Committee since 2011, and in that role succeeded in reforming the Unemployment Insurance system, modernizing Workers' Compensation, strengthening safety standards in the workplace, and helping to establish Paid Family and Medical Leave for Washington workers; and

WHEREAS, Representative Mike Sells pointed out he owes his accomplishments in legislating to the work and support of community and tribal leaders in Everett, Marysville, and Tulalip, adding: "They helped set agendas for our communities, listened to the people, and helped build the support structures for moving legislation forward. We don't do these things alone if we wish to be successful. It is the same with the great advocates for working people we have in this state. I was lucky to have a great group of partners and a family that supported my work.";

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington salute and celebrate Representative Mike Sells for his dedication to the people of the 38th legislative district and, indeed, to the people of the entire state of Washington; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the family of Washington State Representative Mike Sells.

Representatives Berry, Hoff, Springer, Mosbrucker and Ormsby spoke in favor of the adoption of the resolution.

SPEAKER'S PRIVILEGE

The Speaker recognized Representative Sells' legislative career and wished him well on his retirement.

There being no objection, HOUSE RESOLUTION NO. 4670 was adopted.

There being no objection, the House adjourned until 10:00 a.m., March 9, 2022, the 59th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FIFTY NINTH DAY

House Chamber, Olympia, Wednesday, March 9, 2022

The House was called to order at 10:00 a.m. by the Speaker (Representative Bronoske presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

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

INTRODUCTION & FIRST READING

HB 2137 by Representatives Kraft and Young

AN ACT Relating to directing state agencies and authorities to rescind all state-related public funds out of Russia; adding a new chapter to Title 39 RCW; adding a new chapter to Title 43 RCW; creating a new section; and declaring an emergency.

Referred to Committee on State Government & Tribal Relations.

SSB 5778 by Senate Committee on Transportation (originally sponsored by Braun, Honeyford, Lovick, Padden, Short and Wilson, J.)

AN ACT Relating to addressing the current backlog of vehicle inspections; amending RCW 46.12.560 and 46.68.410; adding a new section to chapter 46.09 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Transportation.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

REPORTS OF STANDING COMMITTEES

March 8, 2022

ESSB 5714 Prime Sponsor, Committee on Environment, Energy & Technology: Creating a sales and use tax deferral program for solar canopies placed on large-

scale commercial parking lots and other similar areas. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Thai and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Stokesbary; Vick and Young.

Referred to Committee on Rules for second reading.

March 8, 2022

E2SSB 5755 Prime Sponsor, Committee on Ways & Means: Authorizing certain cities to establish a limited sales and use tax incentive program to encourage redevelopment of underdeveloped lands in urban areas. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that:

(1) Many cities in Washington are actively planning for growth under the growth management act, chapter 36.70A RCW;

(2) The construction industry provides living wage jobs for families across Washington;

(3) In the current economic climate, the creation of additional affordable housing units is essential to the economic health of our cities and our state;

(4) It is critical that Washington state promote its cities and its property owners that will provide affordable housing;

(5) A meaningful, fair, and predictable economic incentive should be created to stimulate the redevelopment of underdeveloped property in targeted urban areas through a limited sales and use tax deferral program as provided by this chapter;

(6) This limited tax deferral will help the owners of underdeveloped property achieve the highest and best use of land and enable cities to more fully realize their planning goals; and

(7) Data regarding the number of additional affordable units created due to the limited tax deferral will be evaluated to determine if this tool could be used to increase affordable housing in other areas of the state.

NEW SECTION. Sec. 2. It is the purpose of this chapter to encourage the redevelopment of underdeveloped land in targeted urban areas, thereby increasing affordable housing, employment opportunities, and helping accomplish the other planning goals of Washington cities. The legislative authorities of cities to which this chapter applies may authorize a sales and use tax deferral for an investment project within the city if the legislative authority of the city finds that there are significant areas of underdeveloped land and a lack of affordable housing in areas proximate to the land. If a conditional recipient maintains the property for qualifying purposes for at least 10 years, deferred sales and use taxes need not be repaid.

NEW SECTION. Sec. 3. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Affordable homeownership housing" means housing intended for owner occupancy to low or moderate-income households whose monthly housing costs, including utilities other than telephone, do not exceed 30 percent of the household's monthly income.

(2) "Affordable rental housing" means housing for very low or low-income households whose monthly housing costs, including utilities other than telephone, do not exceed 30 percent of the household's monthly income.

(3) "Applicant" means an owner of underdeveloped property.

(4) "City" means a city with a population of at least 135,000 and not

more than 250,000 at the time the city initially establishes the program under this section.

(5) "Conditional recipient" means an owner of underdeveloped land granted a conditional certificate of program approval under this chapter, which includes any successor owner of the property.

(6) "County median price" means the most recently published quarterly data of median home prices by the Washington center for real estate research.

(7) "Eligible investment project" means an investment project that is located in a city and receiving a conditional certificate of program approval.

(8) "Fair market rent" means the estimates of 40th percentile gross rents for standard quality units within counties as published by the federal department of housing and urban development.

(9) "Governing authority" means the local legislative authority of a city having jurisdiction over the property for which a deferral may be granted under this chapter.

(10) "Household" means a single person, family, or unrelated persons living together.

(11)(a) "Initiation of construction" means the date that a building permit is issued under the building code adopted under RCW 19.27.031 for construction of the qualified building, if the underlying ownership of the building vests exclusively with the person receiving the economic benefit of the deferral.

(b) "Initiation of construction" does not include soil testing, site clearing and grading, site preparation, or any other related activities that are initiated before the issuance of a building permit for the construction of the foundation of the building.

(c) If the investment project is a phased project, "initiation of construction" applies separately to each phase.

(12) "Investment project" means an investment in multifamily housing, including labor, services, and materials incorporated in the planning, installation, and construction of the project. "Investment project" includes

investment in related facilities such as playgrounds and sidewalks as well as facilities used for business use for mixed-use development.

(13) "Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is more than 50 percent but is at or below 80 percent of the median family income adjusted for family size, for the county, city, or metropolitan statistical area, where the project is located, as reported by the United States department of housing and urban development.

(14) "Moderate-income household" means a single person, family, or unrelated persons living together whose adjusted income is more than 80 percent but is at or below 115 percent of the median family income adjusted for family size, for the county, city, or metropolitan statistical area, where the project is located, as reported by the United States department of housing and urban development.

(15) "Multifamily housing" means a building or a group of buildings having two or more dwelling units not designed or used as transient accommodations and not including hotels and motels. Multifamily units may result from new construction or rehabilitation or conversion of vacant, underutilized, or substandard buildings to multifamily housing.

(16) "Owner" means the property owner of record.

(17) "Underdeveloped property" means land used as a surface parking lot for parking of motor vehicles off the street or highway, that is open to public use with or without charge, as of the effective date of this section.

(18) "Very low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below 50 percent of the median family income adjusted for family size, for the county, city, or metropolitan statistical area, where the project is located, as reported by the United States department of housing and urban development.

NEW SECTION. **Sec. 4.** (1) For the purpose of creating a sales and use tax deferral program under this chapter, the governing authority must adopt a resolution of intention to create a sales

and use tax deferral program as generally described in the resolution. The resolution must state the time and place of a hearing to be held by the governing authority to consider the creation of the tax deferral program and may include such other information pertaining to the creation of the deferral program as the governing authority determines to be appropriate to apprise the public of the action intended. However, the resolution must provide information pertaining to:

(a) The application process;

(b) The approval process;

(c) The appeals process for applications denied approval; and

(d) Additional requirements, conditions, and obligations that must be followed postapproval of an application.

(2) The governing authority must give notice of a hearing held under this chapter by publication of the notice once each week for two consecutive weeks, not less than seven days, nor more than 30 days before the date of the hearing in a paper having a general circulation in the city. The notice must state the time, date, place, and purpose of the hearing.

(3) Following the hearing or a continuance of the hearing, the governing authority may authorize the creation of the program.

NEW SECTION. **Sec. 5.** An owner of underdeveloped property seeking a sales and use tax deferral under this chapter on an investment project must complete the following procedures:

(1) The owner must apply to the city on forms adopted by the governing authority. The application must contain the following:

(a) Information setting forth the grounds supporting the requested deferral including information indicated on the application form or in the guidelines;

(b) A description of the investment project and site plan, and other information requested;

(c) A statement of the expected number of affordable housing units to be created;

(d) A statement that the applicant is aware of the potential tax liability involved if the investment project ceases

to be used for eligible uses under this chapter;

(e) A statement that the applicant is aware that the investment project must be completed within three years from the date of approval of the application;

(f) A statement that the applicant is aware that the governing authority or the city official authorized by the governing authority may extend the deadline for completion of construction or rehabilitation for a period not to exceed 24 consecutive months; and

(g) A statement that the applicant would not have built in this location but for the availability of the tax deferral under this chapter;

(2) The applicant must verify the application by oath or affirmation; and

(3) The application must be accompanied by the application fee, if any, required under this chapter. The duly authorized administrative official or committee of the city may permit the applicant to revise an application before final action by the duly authorized administrative official or committee of the city.

NEW SECTION. **Sec. 6.** The duly authorized administrative official or committee of the city may approve the application and grant a conditional certificate of program approval if it finds that:

(1)(a) The investment project is set aside primarily for multifamily housing units and the applicant commits to renting or selling at least 50 percent of the units as affordable rental housing or affordable homeownership housing to very low, low, and moderate-income households. In a mixed use project, only the ground floor of a building may be used for commercial purposes with the remainder dedicated to multifamily housing units;

(b) At least 50 percent of the investment project set aside for multifamily housing units will be rented at a price at or below fair market rent for the county or sold at a price at or below county median price; and

(c) The applicant commits to any additional affordability and income eligibility conditions adopted by the local government under this chapter not otherwise inconsistent with this chapter;

(2) The investment project is, or will be, at the time of completion, in conformance with all local plans and regulations that apply at the time the application is approved;

(3) The investment project will occur on land that constitutes underdeveloped property;

(4) The area where the investment project will occur is located within an area zoned for residential or mixed uses;

(5) The terms and conditions of the implementation of the development meets the requirements of this chapter and any requirements of the city that are not otherwise inconsistent with this chapter;

(6) The land where the investment project will occur was not acquired through a condemnation proceeding under Title 8 RCW; and

(7) All other requirements of this chapter have been satisfied as well as any other requirements of the city that are not otherwise inconsistent with this chapter.

NEW SECTION. **Sec. 7.** (1) The duly authorized administrative official or committee of the city must approve or deny an application filed under this chapter within 90 days after receipt of the application.

(2) If the application is approved, the city must issue the applicant a conditional certificate of program approval. The certificate must contain a statement by a duly authorized administrative official of the governing authority that the investment project as described in the application will comply with the required criteria of this chapter.

(3) If the application is denied by the city, the city must state in writing the reasons for denial and send the notice to the applicant at the applicant's last known address within 10 days of the denial.

(4) Upon denial by the city, an applicant may appeal the denial to the city's governing authority or a city official designated by the city to hear such appeals within 30 days after receipt of the denial. The appeal before the city's governing authority or designated city official must be based upon the record made before the city with the burden of proof on the applicant to show

that there was no substantial evidence to support the city's decision. The decision of the city on the appeal is final.

NEW SECTION. Sec. 8. The governing authority may establish an application fee. This fee may not exceed an amount determined to be required to cover the cost to be incurred by the governing authority in administering the program under this chapter. The application fee must be paid at the time the application for program approval is filed.

NEW SECTION. Sec. 9. (1) Within 30 days of the issuance of a certificate of occupancy for an eligible investment project, the conditional recipient must file with the city the following:

(a) A description of the work that has been completed and a statement that the eligible investment project qualifies the property for a sales and use tax deferral under this chapter;

(b) A statement of the new affordable housing to be offered as a result of the new construction; and

(c) A statement that the work has been completed within three years of the issuance of the conditional certificate of program approval.

(2) Within 30 days after receipt of the statements required under subsection (1) of this section, the city must determine and notify the conditional recipient as to whether the work completed and the affordable housing to be offered are consistent with the application and the contract approved by the city, and the investment project continues to qualify for a tax deferral under this chapter. The conditional recipient must notify the department within 30 days from receiving the city's determination to schedule an audit of the deferred taxes. The department must determine the amount of sales and use taxes qualifying for the deferral. If the department determines that purchases were not eligible for deferral it must assess interest, but not penalties, on the nonqualifying amounts.

(3) The city must notify the conditional recipient within 30 days that a tax deferral under this chapter is denied if the city determines that:

(a) The work was not completed within three years of the application date;

(b) The work was not constructed consistent with the application or other applicable requirements;

(c) The affordable housing units to be offered are not consistent with the application and criteria of this chapter; or

(d) The owner's property is otherwise not qualified for a sales and use tax deferral under this chapter.

(4) If the city finds that the work was not completed within the required time period due to circumstances beyond the control of the conditional recipient and that the conditional recipient has been acting and could reasonably be expected to act in good faith and with due diligence, the governing authority may extend the deadline for completion of the work for a period not to exceed 24 consecutive months.

(5) The city's governing authority may enact an ordinance to provide a process for a conditional recipient to appeal a decision by the city that the conditional recipient is not entitled to a deferral of sales and use taxes. The conditional recipient may appeal a decision by the city to deny a deferral of sales and use taxes in superior court under RCW 34.05.510 through 34.05.598, if the appeal is filed within 30 days of notification by the city to the conditional recipient.

(6) A city denying a conditional recipient of a sales and use tax deferral under subsection (3) of this section must notify the department and taxes deferred under this chapter are immediately due and payable, subject to any appeal by the conditional recipient. The department must assess interest at the rate provided for delinquent taxes and penalties retroactively to the date of deferral. A debt for deferred taxes will not be extinguished by insolvency or other failure of the recipient.

NEW SECTION. Sec. 10. (1) Thirty days after the anniversary of the date of issuance of the certificate of occupancy and each year thereafter for 10 years, the conditional recipient must file with a designated authorized representative of the city an annual report indicating the following:

(a) A statement of the affordable housing units constructed on the property as of the anniversary date;

(b) A certification by the conditional recipient that the property has not changed use;

(c) A description of changes or improvements constructed after issuance of the certificate of occupancy; and

(d) Any additional information requested by the city.

(2) The conditional recipient of a deferral of taxes under this chapter must file a complete annual tax performance report with the department pursuant to RCW 82.32.534 beginning the year the certificate of occupancy is issued and each year thereafter for 10 years.

(3) A city that issues a certificate of program approval under this chapter must report annually by December 31st of each year, beginning in 2022, to the department of commerce. The report must include the following information:

(a) The number of program approval certificates granted;

(b) The total number and type of new buildings constructed;

(c) The number of affordable housing units resulting from the new construction; and

(d) The estimated value of the sales and use tax deferral for each investment project receiving a program approval and the total estimated value of sales and use tax deferrals granted.

NEW SECTION. Sec. 11. (1) A conditional recipient must submit an application to the department before initiation of the construction of the investment project. In the case of an investment project involving multiple qualified buildings, applications must be made for, and before the initiation of construction of, each qualified building. The application must be made to the department in a form and manner prescribed by the department. The application must include a copy of the conditional certificate of program approval issued by the city, estimated construction costs, time schedules for completion and operation, and any other information required by the department. The department must rule on the application within 60 days.

(2) The department must provide information to the conditional recipient regarding documentation that must be retained by the conditional recipient in

order to substantiate the amount of sales and use tax actually deferred under this chapter.

(3) The department may not accept applications for the deferral under this chapter after June 30, 2032.

(4) The application must include a waiver by the conditional recipient of the four-year limitation under RCW 82.32.100.

(5) This section expires July 1, 2032.

NEW SECTION. Sec. 12. (1) After receiving the conditional certificate of program approval issued by the city and provided to the department by the applicant, the department must issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW on each eligible investment project.

(2) The department must keep a running total of all estimated sales and use tax deferrals provided under this chapter during each fiscal biennium.

(3) The deferral certificate is valid during active construction of a qualified investment project and expires on the day the city issues a certificate of occupancy for the investment project for which a deferral certificate was issued.

(4) This section expires July 1, 2032.

NEW SECTION. Sec. 13. (1) If a conditional recipient voluntarily opts to discontinue compliance with the requirements of this chapter, the recipient must notify the city and department within 60 days of the change in use or intended discontinuance.

(2) If, after the department has issued a sales and use tax deferral certificate and the conditional recipient has received a certificate of occupancy, the city finds that a portion of an investment project is changed or will be changed to disqualify the recipient for sales and use tax deferral eligibility under this chapter, the city must notify the department and all deferred sales and use taxes are immediately due and payable. The department must assess interest at the rate provided for delinquent taxes and penalties retroactively to the date of deferral. A debt for deferred taxes will not be extinguished by insolvency or other failure of the recipient.

(3) This section does not apply after 10 years from the date of the certificate of occupancy.

NEW SECTION. Sec. 14. (1) Transfer of investment project ownership does not terminate the deferral. The deferral is transferred subject to the successor meeting the eligibility requirements of this chapter.

(2) The transferor of an eligible project must notify the city and the department of such transfer. The city must certify to the department that the successor meets the requirements of the deferral. The transferor must provide the information necessary for the department to transfer the deferral. If the transferor fails to notify the city and the department, all deferred sales and use taxes are immediately due and payable. The department must assess interest at the rate provided for delinquent taxes and penalties retroactively to the date of deferral.

NEW SECTION. Sec. 15. (1) This section is the tax preference performance statement for the tax preference contained in chapter . . . , Laws of 2022 (this act). This performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or to be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes this tax preference as one intended to induce certain designated behavior by taxpayers, as indicated in RCW 82.32.808(2)(a).

(3) It is the legislature's specific public policy objective to expand affordable housing options for very low to moderate-income households, specifically in underdeveloped urban areas.

(4)(a) To measure the effectiveness of the tax preference in this act, the joint legislative audit and review committee must evaluate the number of increased housing units on underdeveloped property. If a review finds that the number of affordable housing units has not increased, then the legislature intends to repeal this tax preference.

(b) The review must be provided to the fiscal committees of the legislature by December 31, 2030.

(5) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative audit and review committee may refer to any available data source, including data collected by the department under section 10 of this act.

NEW SECTION. Sec. 16. Sections 1 through 14 of this act constitute a new chapter in Title 82 RCW.

NEW SECTION. Sec. 17. 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."

Correct the title.

Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Thai and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representative Chase.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Stokesbary; Vick and Young.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

SUBSTITUTE SENATE BILL NO. 5799
 ENGROSSED SECOND SUBSTITUTE SENATE
 BILL NO. 5755
 ENGROSSED SENATE BILL NO. 5901
 ENGROSSED SENATE BILL NO. 5849
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 5980
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 5714

The Speaker (Representative Bronoske presiding) called upon Representative Orwall to preside.

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

MESSAGES FROM THE SENATE

March 9, 2022

Mme. SPEAKER:

The Senate has granted the request of the House for a Conference on SUBSTITUTE HOUSE BILL NO. 1876. The President has appointed the following members as Conferees: Hunt, Kuderer, Wilson, J.

and the same is herewith transmitted.

Sarah Bannister, Secretary

March 9, 2022

Mme. SPEAKER:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 5651,
ENGROSSED SUBSTITUTE SENATE BILL NO.
5874,
SUBSTITUTE SENATE BILL NO. 5910,

and the same are herewith transmitted.

Sarah Bannister, Secretary

March 9, 2022

Mme. SPEAKER:

The President has signed:

SECOND SUBSTITUTE SENATE BILL NO. 5664,
SENATE BILL NO. 5687,
SECOND SUBSTITUTE SENATE BILL NO. 5695,
ENGROSSED SECOND SUBSTITUTE SENATE
BILL NO. 5702,
SENATE BILL NO. 5713,
SECOND SUBSTITUTE SENATE BILL NO. 5720,
SUBSTITUTE SENATE BILL NO. 5729,
ENGROSSED SUBSTITUTE SENATE BILL NO.
5761,
ENGROSSED SECOND SUBSTITUTE SENATE
BILL NO. 5764,
SENATE BILL NO. 5788,
SECOND SUBSTITUTE SENATE BILL NO. 5789,
SUBSTITUTE SENATE BILL NO. 5790,
SECOND SUBSTITUTE SENATE BILL NO. 5793,

and the same are herewith transmitted.

Sarah Bannister, Secretary

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

THIRD READING

MESSAGE FROM THE SENATE

March 3, 2022

Madame Speaker:

The Senate has passed ENGROSSED FOURTH SUBSTITUTE HOUSE BILL NO. 1412 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 3.66.120 and 2001 c 115 s 1 are each amended to read as follows:

(1) All court-ordered restitution obligations that are ordered as a result of a conviction for a criminal offense in a court of limited jurisdiction may be enforced in the same manner as a judgment in a civil action by the party or entity to whom the legal financial obligation is owed. The judgment and sentence must identify the party or entity to whom restitution is owed so that the state, party, or entity may enforce the judgment.

(2) At any time, including at sentencing, the court may determine that the offender is not required to pay, or may relieve the offender of the requirement to pay, full or partial restitution and accrued interest on restitution where the entity to whom restitution is owed is an insurer or state agency, except for restitution owed to the department of labor and industries under chapter 7.68 RCW, if the court finds that the offender does not have the current or likely future ability to pay. A person does not have the current ability to pay if the person is indigent as defined in RCW 10.01.160(3). For the purposes of this subsection, the terms "insurer" and "state agency" have the same meanings as provided in RCW 9.94A.750(3).

(3) All court-ordered restitution obligations may be enforced at any time during the (~~ten-year~~) 10-year period following the offender's release from total confinement or within (~~ten~~) 10 years of entry of the judgment and sentence, whichever period is longer. Prior to the expiration of the initial (~~ten-year~~) 10-year period, the court

may extend the criminal judgment an additional (~~ten~~) 10 years for payment of court-ordered restitution only if the court finds that the offender has not made a good faith attempt to pay.

(4) The party or entity to whom the court-ordered restitution obligation is owed may utilize any other remedies available to the party or entity to collect the court-ordered financial obligation.

(5) Nothing in this section may be construed to deprive the court of the authority to determine whether the offender's failure to pay the legal financial obligation constitutes a violation of a condition of probation or to impose a sanction upon the offender if such a violation is found.

Sec. 2. RCW 9.94A.750 and 2018 c 123 s 1 are each amended to read as follows:

This section applies to offenses committed on or before July 1, 1985.

(1) If restitution is ordered, the court shall determine the amount of restitution due at the sentencing hearing or within (~~one hundred eighty~~) 180 days. The court may continue the hearing beyond the (~~one hundred eighty~~) 180 days for good cause. The court shall then set a minimum monthly payment that the offender is required to make towards the restitution that is ordered. The court shall not issue any order that postpones the commencement of restitution payments until after the offender is released from total confinement. The court should take into consideration the total amount of the restitution owed, the offender's present, past, and future ability to pay, as well as any assets that the offender may have. An offender's inability to make restitution payments while in total confinement may not be the basis for a violation of his or her sentence unless his or her inability to make payments resulted from a refusal to accept an employment offer to a class I or class II job or a termination for cause from such a job.

(2) During the period of supervision, the community corrections officer may examine the offender to determine if there has been a change in circumstances that warrants an amendment of the monthly payment schedule. The community corrections officer may recommend a change to the schedule of payment and shall inform the court of the recommended change and the reasons for the change.

The sentencing court may then reset the monthly minimum payments based on the report from the community corrections officer of the change in circumstances.

(3) (a) Except as provided in subsection (6) of this section, restitution ordered by a court pursuant to a criminal conviction shall be based on easily ascertainable damages for injury to or loss of property, actual expenses incurred for treatment for injury to persons, and lost wages resulting from injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses, but may include the costs of counseling reasonably related to the offense. The amount of restitution shall not exceed double the amount of the offender's gain or the victim's loss from the commission of the offense.

(b) At any time, including at sentencing, the court may determine that the offender is not required to pay, or may relieve the offender of the requirement to pay, full or partial restitution and accrued interest on restitution where the entity to whom restitution is owed is an insurer or state agency, except for restitution owed to the department of labor and industries under chapter 7.68 RCW, if the court finds that the offender does not have the current or likely future ability to pay. A person does not have the current ability to pay if the person is indigent as defined in RCW 10.01.160(3). For the purposes of this subsection:

(i) "Insurer" means any insurer as defined and authorized under Title 48 RCW. "Insurer" does not include an individual self-insurance program or joint self-insurance program.

(ii) "Self-insurance" means a formal program of advance funding and management of entity financial exposure to a risk of loss that is not transferred through the purchase of an insurance policy or contract.

(iii) "State agency" has the same meaning as provided in RCW 42.56.010(1).

(4) For the purposes of this section, the offender shall remain under the court's jurisdiction for a term of (~~ten~~) 10 years following the offender's release from total confinement or (~~ten~~) 10 years subsequent to the entry of the judgment and sentence, whichever period is longer. Prior to the expiration of the

initial (~~(ten-year)~~) 10-year period, the superior court may extend jurisdiction under the criminal judgment an additional (~~(ten)~~) 10 years for payment of restitution. The portion of the sentence concerning restitution may be modified as to amount, terms and conditions during either the initial (~~(ten-year)~~) 10-year period or subsequent (~~(ten-year)~~) 10-year period if the criminal judgment is extended, regardless of the expiration of the offender's term of community supervision and regardless of the statutory maximum sentence for the crime. The court may not reduce the total amount of restitution ordered because the offender may lack the ability to pay the total amount. The offender's compliance with the restitution shall be supervised by the department only during any period which the department is authorized to supervise the offender in the community under RCW 9.94A.728, 9.94A.501, or in which the offender is in confinement in a state correctional institution or a correctional facility pursuant to a transfer agreement with the department, and the department shall supervise the offender's compliance during any such period. The department is responsible for supervision of the offender only during confinement and authorized supervision and not during any subsequent period in which the offender remains under the court's jurisdiction. The county clerk is authorized to collect unpaid restitution at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations.

(5) Restitution may be ordered whenever the offender is convicted of an offense which results in injury to any person or damage to or loss of property or as provided in subsection (6) of this section. In addition, restitution may be ordered to pay for an injury, loss, or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement.

(6) Restitution for the crime of rape of a child in the first, second, or third degree, in which the victim becomes pregnant, shall include: (a) All of the victim's medical expenses that are associated with the rape and resulting pregnancy; and (b) child support for any child born as a result of the rape if

child support is ordered pursuant to a proceeding in superior court or administrative order for support for that child. The clerk must forward any restitution payments made on behalf of the victim's child to the Washington state child support registry under chapter 26.23 RCW. Identifying information about the victim and child shall not be included in the order. The offender shall receive a credit against any obligation owing under the administrative or superior court order for support of the victim's child. For the purposes of this subsection, the offender shall remain under the court's jurisdiction until the offender has satisfied support obligations under the superior court or administrative order but not longer than a maximum term of (~~(twenty-five)~~) 25 years following the offender's release from total confinement or (~~(twenty-five)~~) 25 years subsequent to the entry of the judgment and sentence, whichever period is longer. The court may not reduce the total amount of restitution ordered because the offender may lack the ability to pay the total amount. The department shall supervise the offender's compliance with the restitution ordered under this subsection.

(7) In addition to any sentence that may be imposed, an offender who has been found guilty of an offense involving fraud or other deceptive practice or an organization which has been found guilty of any such offense may be ordered by the sentencing court to give notice of the conviction to the class of persons or to the sector of the public affected by the conviction or financially interested in the subject matter of the offense by mail, by advertising in designated areas or through designated media, or by other appropriate means.

(8) This section does not limit civil remedies or defenses available to the victim or offender including support enforcement remedies for support ordered under subsection (6) of this section for a child born as a result of a rape of a child victim. The court shall identify in the judgment and sentence the victim or victims entitled to restitution and what amount is due each victim. The state or victim may enforce the court-ordered restitution in the same manner as a judgment in a civil action. Restitution collected through civil enforcement must be paid through the registry of the court and must be distributed proportionately

according to each victim's loss when there is more than one victim.

Sec. 3. RCW 9.94A.753 and 2018 c 123 s 2 are each amended to read as follows:

This section applies to offenses committed after July 1, 1985.

(1) When restitution is ordered, the court shall determine the amount of restitution due at the sentencing hearing or within ~~((one hundred eighty))~~ 180 days except as provided in subsection (7) of this section. The court may continue the hearing beyond the ~~((one hundred eighty))~~ 180 days for good cause. The court shall then set a minimum monthly payment that the offender is required to make towards the restitution that is ordered. The court shall not issue any order that postpones the commencement of restitution payments until after the offender is released from total confinement. The court should take into consideration the total amount of the restitution owed, the offender's present, past, and future ability to pay, as well as any assets that the offender may have. An offender's inability to make restitution payments while in total confinement may not be the basis for a violation of his or her sentence unless his or her inability to make payments resulted from a refusal to accept an employment offer to a class I or class II job or a termination for cause from such a job.

(2) During the period of supervision, the community corrections officer may examine the offender to determine if there has been a change in circumstances that warrants an amendment of the monthly payment schedule. The community corrections officer may recommend a change to the schedule of payment and shall inform the court of the recommended change and the reasons for the change. The sentencing court may then reset the monthly minimum payments based on the report from the community corrections officer of the change in circumstances.

(3) (a) Except as provided in subsection (6) of this section, restitution ordered by a court pursuant to a criminal conviction shall be based on easily ascertainable damages for injury to or loss of property, actual expenses incurred for treatment for injury to persons, and lost wages resulting from injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or

other intangible losses, but may include the costs of counseling reasonably related to the offense. The amount of restitution shall not exceed double the amount of the offender's gain or the victim's loss from the commission of the crime.

(b) At any time, including at sentencing, the court may determine that the offender is not required to pay, or may relieve the offender of the requirement to pay, full or partial restitution and accrued interest on restitution where the entity to whom restitution is owed is an insurer or state agency, except for restitution owed to the department of labor and industries under chapter 7.68 RCW, if the court finds that the offender does not have the current or likely future ability to pay. A person does not have the current ability to pay if the person is indigent as defined in RCW 10.01.160(3). For the purposes of this subsection, the terms "insurer" and "state agency" have the same meanings as provided in RCW 9.94A.750(3).

(4) For the purposes of this section, for an offense committed prior to July 1, 2000, the offender shall remain under the court's jurisdiction for a term of ~~((ten))~~ 10 years following the offender's release from total confinement or ~~((ten))~~ 10 years subsequent to the entry of the judgment and sentence, whichever period ends later. Prior to the expiration of the initial ~~((ten-year))~~ 10-year period, the superior court may extend jurisdiction under the criminal judgment an additional ~~((ten))~~ 10 years for payment of restitution. For an offense committed on or after July 1, 2000, the offender shall remain under the court's jurisdiction until the obligation is completely satisfied, regardless of the statutory maximum for the crime. The portion of the sentence concerning restitution may be modified as to amount, terms, and conditions during any period of time the offender remains under the court's jurisdiction, regardless of the expiration of the offender's term of community supervision and regardless of the statutory maximum sentence for the crime. The court may not reduce the total amount of restitution ordered because the offender may lack the ability to pay the total amount. The offender's compliance with the restitution shall be supervised by the department only during any period which the department is authorized to supervise the offender in the community

under RCW 9.94A.728, 9.94A.501, or in which the offender is in confinement in a state correctional institution or a correctional facility pursuant to a transfer agreement with the department, and the department shall supervise the offender's compliance during any such period. The department is responsible for supervision of the offender only during confinement and authorized supervision and not during any subsequent period in which the offender remains under the court's jurisdiction. The county clerk is authorized to collect unpaid restitution at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations.

(5) Restitution shall be ordered whenever the offender is convicted of an offense which results in injury to any person or damage to or loss of property or as provided in subsection (6) of this section unless extraordinary circumstances exist which make restitution inappropriate in the court's judgment and the court sets forth such circumstances in the record. In addition, restitution shall be ordered to pay for an injury, loss, or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement.

(6) Restitution for the crime of rape of a child in the first, second, or third degree, in which the victim becomes pregnant, shall include: (a) All of the victim's medical expenses that are associated with the rape and resulting pregnancy; and (b) child support for any child born as a result of the rape if child support is ordered pursuant to a civil superior court or administrative order for support for that child. The clerk must forward any restitution payments made on behalf of the victim's child to the Washington state child support registry under chapter 26.23 RCW. Identifying information about the victim and child shall not be included in the order. The offender shall receive a credit against any obligation owing under the administrative or superior court order for support of the victim's child. For the purposes of this subsection, the offender shall remain under the court's jurisdiction until the offender has satisfied support obligations under the

superior court or administrative order for the period provided in RCW 4.16.020 or a maximum term of (~~twenty-five~~) 25 years following the offender's release from total confinement or (~~twenty-five~~) 25 years subsequent to the entry of the judgment and sentence, whichever period is longer. The court may not reduce the total amount of restitution ordered because the offender may lack the ability to pay the total amount. The department shall supervise the offender's compliance with the restitution ordered under this subsection.

(7) Regardless of the provisions of subsections (1) through (6) of this section, the court shall order restitution in all cases where the victim is entitled to benefits under the crime victims' compensation act, chapter 7.68 RCW. If the court does not order restitution and the victim of the crime has been determined to be entitled to benefits under the crime victims' compensation act, the department of labor and industries, as administrator of the crime victims' compensation program, may petition the court within one year of entry of the judgment and sentence for entry of a restitution order. Upon receipt of a petition from the department of labor and industries, the court shall hold a restitution hearing and shall enter a restitution order.

(8) In addition to any sentence that may be imposed, an offender who has been found guilty of an offense involving fraud or other deceptive practice or an organization which has been found guilty of any such offense may be ordered by the sentencing court to give notice of the conviction to the class of persons or to the sector of the public affected by the conviction or financially interested in the subject matter of the offense by mail, by advertising in designated areas or through designated media, or by other appropriate means.

(9) This section does not limit civil remedies or defenses available to the victim, survivors of the victim, or offender including support enforcement remedies for support ordered under subsection (6) of this section for a child born as a result of a rape of a child victim. The court shall identify in the judgment and sentence the victim or victims entitled to restitution and what amount is due each victim. The state or victim may enforce the court-ordered

restitution in the same manner as a judgment in a civil action. Restitution collected through civil enforcement must be paid through the registry of the court and must be distributed proportionately according to each victim's loss when there is more than one victim.

(10) If a person has caused a victim to lose money or property through the filing of a vehicle report of sale in which the designated buyer had no knowledge of the vehicle transfer or the fraudulent filing of the report of sale, upon conviction or when the offender pleads guilty and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim, the court may order the defendant to pay an amount, fixed by the court, not to exceed double the amount of the defendant's gain or victim's loss from the filing of the vehicle report of sale in which the designated buyer had no knowledge of the vehicle transfer or the fraudulent filing of the report of sale. Such an amount may be used to provide restitution to the victim at the order of the court. It is the duty of the prosecuting attorney to investigate the alternative of restitution, and to recommend it to the court, when the prosecuting attorney believes that restitution is appropriate and feasible. If the court orders restitution, the court must make a finding as to the amount of the victim's loss due to the filing of the report of sale in which the designated buyer had no knowledge of the vehicle transfer or the fraudulent filing of the report of sale, and if the record does not contain sufficient evidence to support such finding, the court may conduct a hearing upon the issue. For purposes of this section, "loss" refers to the amount of money or the value of property or services lost.

Sec. 4. RCW 9.94A.760 and 2018 c 269 s 14 are each amended to read as follows:

(1) Whenever a person is convicted in superior court, the court may order the payment of a legal financial obligation as part of the sentence. The court may not order an offender to pay costs as described in RCW 10.01.160 if the court finds that the offender at the time of sentencing is indigent as defined in RCW (~~(10.101.010(3) (a) through (e))~~) 10.01.160(3). An offender being indigent as defined in RCW (~~(10.101.010(3) (a) through (e))~~) 10.01.160(3) is not grounds for failing to impose restitution or the

crime victim penalty assessment under RCW 7.68.035. The court must on either the judgment and sentence or on a subsequent order to pay, designate the total amount of a legal financial obligation and segregate this amount among the separate assessments made for restitution, costs, fines, and other assessments required by law. On the same order, the court is also to set a sum that the offender is required to pay on a monthly basis towards satisfying the legal financial obligation. If the court fails to set the offender monthly payment amount, the department shall set the amount if the department has active supervision of the offender, otherwise the county clerk shall set the amount.

(2) Upon receipt of each payment made by or on behalf of an offender, the county clerk shall distribute the payment in the following order of priority until satisfied:

(a) First, proportionally to restitution to victims that have not been fully compensated from other sources;

(b) Second, proportionally to restitution to insurance or other sources with respect to a loss that has provided compensation to victims;

(c) Third, proportionally to crime victims' assessments; and

(d) Fourth, proportionally to costs, fines, and other assessments required by law.

(3) If the court determines that the offender, at the time of sentencing, has the means to pay for the cost of incarceration, the court may require the offender to pay for the cost of incarceration. The court shall not order the offender to pay the cost of incarceration if the court finds that the offender at the time of sentencing is indigent as defined in RCW (~~(10.101.010(3) (a) through (e))~~) 10.01.160(3). Costs of incarceration ordered by the court shall not exceed a rate of (~~(fifty dollars)~~) \$50 per day of incarceration, if incarcerated in a prison, or the actual cost of incarceration per day of incarceration, if incarcerated in a county jail. In no case may the court require the offender to pay more than (~~(one hundred dollars)~~) \$100 per day for the cost of incarceration. All funds recovered from offenders for the cost of incarceration in the county jail shall be remitted to the county and the costs of incarceration

in a prison shall be remitted to the department.

(4) The court may add to the judgment and sentence or subsequent order to pay a statement that a notice of payroll deduction is to be issued immediately. If the court chooses not to order the immediate issuance of a notice of payroll deduction at sentencing, the court shall add to the judgment and sentence or subsequent order to pay a statement that a notice of payroll deduction may be issued or other income-withholding action may be taken, without further notice to the offender if a monthly court-ordered legal financial obligation payment is not paid when due, and an amount equal to or greater than the amount payable for one month is owed.

If a judgment and sentence or subsequent order to pay does not include the statement that a notice of payroll deduction may be issued or other income-withholding action may be taken if a monthly legal financial obligation payment is past due, the department or the county clerk may serve a notice on the offender stating such requirements and authorizations. Service shall be by personal service or any form of mail requiring a return receipt.

(5)(a) Independent of the department or the county clerk, the party or entity to whom the legal financial obligation is owed shall have the authority to use any other remedies available to the party or entity to collect the legal financial obligation. These remedies include enforcement in the same manner as a judgment in a civil action by the party or entity to whom the legal financial obligation is owed. Restitution collected through civil enforcement must be paid through the registry of the court and must be distributed proportionately according to each victim's loss when there is more than one victim. The judgment and sentence shall identify the party or entity to whom restitution is owed so that the state, party, or entity may enforce the judgment.

(b) If restitution is ordered pursuant to RCW 9.94A.750(6) or 9.94A.753(6) to a victim of rape of a child or a victim's child born from the rape, the Washington state child support registry shall be identified as the party to whom payments must be made. Restitution obligations arising from the rape of a child in the first, second, or third degree that result in the pregnancy of the victim may

be enforced for the time periods provided under RCW 9.94A.750(6) and 9.94A.753(6).

(c) All other ~~((legal financial))~~ restitution obligations for an offense committed prior to July 1, 2000, may be enforced at any time during the ~~((ten-year))~~ 10-year period following the offender's release from total confinement or within ~~((ten))~~ 10 years of entry of the judgment and sentence, whichever period ends later. Prior to the expiration of the initial ~~((ten-year))~~ 10-year period, the superior court may extend the criminal judgment an additional ~~((ten))~~ 10 years for payment of ~~((legal financial))~~ restitution obligations ~~((including crime victims' assessments))~~. All other ~~((legal financial))~~ restitution obligations for an offense committed on or after July 1, 2000, may be enforced at any time the offender remains under the court's jurisdiction. For an offense committed on or after July 1, 2000, the court shall retain jurisdiction over the offender, for purposes of the offender's compliance with payment of the ~~((legal financial))~~ restitution obligations, until the obligation is completely satisfied, regardless of the statutory maximum for the crime.

(d) All other legal financial obligations other than restitution may be enforced at any time during the 10-year period following the offender's release from total confinement or within 10 years of entry of the judgment and sentence, whichever period ends later. Prior to the expiration of the initial 10-year period, the superior court may extend the criminal judgment an additional 10 years for payment of nonrestitution legal financial obligations only if the court finds that the offender has the current or likely future ability to pay the obligations. A person does not have the current ability to pay if the person is indigent as defined in RCW 10.01.160(3).

(e) The department may only supervise the offender's compliance with payment of the legal financial obligations during any period in which the department is authorized to supervise the offender in the community under RCW 9.94A.728, 9.94A.501, or in which the offender is confined in a state correctional institution or a correctional facility pursuant to a transfer agreement with the department, and the department shall supervise the offender's compliance during any such period. The department is

not responsible for supervision of the offender during any subsequent period of time the offender remains under the court's jurisdiction. The county clerk is authorized to collect unpaid legal financial obligations at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations.

(6) In order to assist the court in setting a monthly sum that the offender must pay during the period of supervision, the offender is required to report to the department for purposes of preparing a recommendation to the court. When reporting, the offender is required, under oath, to respond truthfully and honestly to all questions concerning present, past, and future earning capabilities and the location and nature of all property or financial assets. The offender is further required to bring all documents requested by the department.

(7) After completing the investigation, the department shall make a report to the court on the amount of the monthly payment that the offender should be required to make towards a satisfied legal financial obligation.

(8) (a) During the period of supervision, the department may make a recommendation to the court that the offender's monthly payment schedule be modified so as to reflect a change in financial circumstances. If the department sets the monthly payment amount, the department may modify the monthly payment amount without the matter being returned to the court. During the period of supervision, the department may require the offender to report to the department for the purposes of reviewing the appropriateness of the collection schedule for the legal financial obligation. During this reporting, the offender is required under oath to respond truthfully and honestly to all questions concerning earning capabilities and the location and nature of all property or financial assets. The offender shall bring all documents requested by the department in order to prepare the collection schedule.

(b) Subsequent to any period of supervision, or if the department is not authorized to supervise the offender in the community, the county clerk may make a recommendation to the court that the offender's monthly payment schedule be modified so as to reflect a change in financial circumstances. If the county

clerk sets the monthly payment amount, or if the department set the monthly payment amount and the department has subsequently turned the collection of the legal financial obligation over to the county clerk, the clerk may modify the monthly payment amount without the matter being returned to the court. During the period of repayment, the county clerk may require the offender to report to the clerk for the purpose of reviewing the appropriateness of the collection schedule for the legal financial obligation. During this reporting, the offender is required under oath to respond truthfully and honestly to all questions concerning earning capabilities and the location and nature of all property or financial assets. The offender shall bring all documents requested by the county clerk in order to prepare the collection schedule.

(9) After the judgment and sentence or payment order is entered, the department is authorized, for any period of supervision, to collect the legal financial obligation from the offender. Subsequent to any period of supervision or, if the department is not authorized to supervise the offender in the community, the county clerk is authorized to collect unpaid legal financial obligations from the offender. Any amount collected by the department shall be remitted daily to the county clerk for the purpose of disbursements. The department and the county clerks are authorized, but not required, to accept credit cards as payment for a legal financial obligation, and any costs incurred related to accepting credit card payments shall be the responsibility of the offender.

(10) The department or any obligee of the legal financial obligation may seek a mandatory wage assignment for the purposes of obtaining satisfaction for the legal financial obligation pursuant to RCW 9.94A.7701. Any party obtaining a wage assignment shall notify the county clerk. The county clerks shall notify the department, or the administrative office of the courts, whichever is providing the monthly billing for the offender.

(11) The requirement that the offender pay a monthly sum towards a legal financial obligation constitutes a condition or requirement of a sentence and the offender is subject to the penalties for noncompliance as provided in RCW 9.94B.040, 9.94A.737, or

9.94A.740. If the court determines that the offender is homeless or a person who is mentally ill, as defined in RCW 71.24.025, failure to pay a legal financial obligation is not willful noncompliance and shall not subject the offender to penalties.

(12) (a) The administrative office of the courts shall mail individualized periodic billings to the address known by the office for each offender with an unsatisfied legal financial obligation.

(b) The billing shall direct payments, other than outstanding cost of supervision assessments under RCW 9.94A.780, parole assessments under RCW 72.04A.120, and cost of probation assessments under RCW 9.95.214, to the county clerk, and cost of supervision, parole, or probation assessments to the department.

(c) The county clerk shall provide the administrative office of the courts with notice of payments by such offenders no less frequently than weekly.

(d) The county clerks, the administrative office of the courts, and the department shall maintain agreements to implement this subsection.

(13) The department shall arrange for the collection of unpaid legal financial obligations during any period of supervision in the community through the county clerk. The department shall either collect unpaid legal financial obligations or arrange for collections through another entity if the clerk does not assume responsibility or is unable to continue to assume responsibility for collection pursuant to subsection (5) of this section. The costs for collection services shall be paid by the offender.

(14) The county clerk may access the records of the employment security department for the purposes of verifying employment or income, seeking any assignment of wages, or performing other duties necessary to the collection of an offender's legal financial obligations.

(15) Nothing in this chapter makes the department, the state, the counties, or any state or county employees, agents, or other persons acting on their behalf liable under any circumstances for the payment of these legal financial obligations or for the acts of any offender who is no longer, or was not, subject to supervision by the department for a term of community custody, and who

remains under the jurisdiction of the court for payment of legal financial obligations.

Sec. 5. RCW 6.17.020 and 2002 c 261 s 1 are each amended to read as follows:

(1) Except as provided in subsections (2), (3), and (4) of this section, the party in whose favor a judgment of a court has been or may be filed or rendered, or the assignee or the current holder thereof, may have an execution, garnishment, or other legal process issued for the collection or enforcement of the judgment at any time within ~~((ten))~~ 10 years from entry of the judgment or the filing of the judgment in this state.

(2) After July 23, 1989, a party who obtains a judgment or order of a court or an administrative order entered as defined in RCW 74.20A.020(6) for accrued child support, or the assignee or the current holder thereof, may have an execution, garnishment, or other legal process issued upon that judgment or order at any time within ~~((ten))~~ 10 years of the ~~((eighteenth))~~ 18th birthday of the youngest child named in the order for whom support is ordered.

(3) After June 9, 1994, a party in whose favor a judgment has been filed as a foreign judgment or rendered pursuant to subsection (1) or (4) of this section, or the assignee or the current holder thereof, may, within ~~((ninety))~~ 90 days before the expiration of the original ~~((ten-year))~~ 10-year period, apply to the court that rendered the judgment or to the court where the judgment was filed as a foreign judgment for an order granting an additional ~~((ten))~~ 10 years during which an execution, garnishment, or other legal process may be issued. If a district court judgment of this state is transcribed to a superior court of this state, the original district court judgment shall not be extended and any petition under this section to extend the judgment that has been transcribed to superior court shall be filed in the superior court within ~~((ninety))~~ 90 days before the expiration of the ~~((ten-year))~~ 10-year period of the date the transcript of the district court judgment was filed in the superior court of this state. The petitioner shall pay to the court a filing fee equal to the filing fee for filing the first or initial paper in a civil action in the court, except in the case of district court judgments transcribed to superior court, where the

filing fee shall be the fee for filing the first or initial paper in a civil action in the superior court where the judgment was transcribed. The order granting the application shall contain an updated judgment summary as provided in RCW 4.64.030. The filing fee required under this subsection shall be included in the judgment summary and shall be a recoverable cost. The application shall be granted as a matter of right, subject to review only for timeliness, factual issues of full or partial satisfaction, or errors in calculating the judgment summary amounts.

(4) (a) A party who obtains a judgment or order for restitution (~~(, crime victims' assessment, or other court-ordered legal financial obligations)~~) pursuant to a criminal judgment and sentence, or the assignee or the current holder thereof, may execute, garnish, and/or have legal process issued upon the judgment or order any time within ~~((ten))~~ 10 years subsequent to the entry of the judgment and sentence or ~~((ten))~~ 10 years following the offender's release from total confinement as provided in chapter 9.94A RCW. The clerk of superior court, or a party designated by the clerk, may seek extension under subsection (3) of this section for purposes of collection as allowed under RCW 36.18.190, provided that no filing fee shall be required.

(b) A party who obtains a judgment or order for court-ordered legal financial obligations other than restitution, pursuant to a criminal judgment and sentence, or the assignee or the current holder thereof, may execute, garnish, and have legal process issued upon the judgment or order any time within 10 years subsequent to the entry of the judgment and sentence or 10 years following the offender's release from total confinement as provided in chapter 9.94A RCW. The clerk of superior court, or a party designated by the clerk, may seek extension under subsection (3) of this section for purposes of collection as allowed under RCW 36.18.190, only if the court finds that the offender has the current or likely future ability to pay the nonrestitution legal financial obligations. A person does not have the current ability to pay if the person is indigent as defined in RCW 10.01.160(3). No filing fee shall be required for filing a petition for an extension pursuant to this subsection (4) (b).

(5) "Court" as used in this section includes but is not limited to the United States supreme court, the United States courts of appeals, the United States district courts, the United States bankruptcy courts, the Washington state supreme court, the court of appeals of the state of Washington, superior courts and district courts of the counties of the state of Washington, and courts of other states and jurisdictions from which judgment has been filed in this state under chapter 6.36 or 6.40 RCW.

(6) The perfection of any judgment lien and the priority of that judgment lien on property as established by RCW 6.13.090 and chapter 4.56 RCW is not altered by the extension of the judgment pursuant to the provisions of this section and the lien remains in full force and effect and does not have to be rerecorded after it is extended. Continued perfection of a judgment that has been transcribed to other counties and perfected in those counties may be accomplished after extension of the judgment by filing with the clerk of the other counties where the judgment has been filed either a certified copy of the order extending the judgment or a certified copy of the docket of the matter where the judgment was extended.

(7) Except as ordered in RCW 4.16.020 (2) or (3), chapter 9.94A RCW, or chapter 13.40 RCW, no judgment is enforceable for a period exceeding ~~((twenty))~~ 20 years from the date of entry in the originating court. Nothing in this section may be interpreted to extend the expiration date of a foreign judgment beyond the expiration date under the laws of the jurisdiction where the judgment originated.

(8) The chapter 261, Laws of 2002 amendments to this section apply to all judgments currently in effect on June 13, 2002, to all judgments extended after June 9, 1994, unless the judgment has been satisfied, vacated, and/or quashed, and to all judgments filed or rendered, or both, after June 13, 2002.

Sec. 6. RCW 9.92.060 and 2011 1st sp.s. c 40 s 5 are each amended to read as follows:

(1) Whenever any person is convicted of any crime except murder, burglary in the first degree, arson in the first degree, robbery, rape of a child, or rape, the superior court may, in its discretion, at the time of imposing

sentence upon such person, direct that such sentence be stayed and suspended until otherwise ordered by the superior court, and, upon such terms as the superior court may determine, that the sentenced person be placed under the charge of:

(a) A community corrections officer employed by the department of corrections, if the person is subject to supervision under RCW 9.94A.501 or 9.94A.5011; or

(b) A probation officer employed or contracted for by the county, if the county has elected to assume responsibility for the supervision of superior court misdemeanor probationers.

(2) As a condition to suspension of sentence, the superior court shall require the payment of the penalty assessment required by RCW 7.68.035. In addition, the superior court may require the convicted person to make such monetary payments, on such terms as the superior court deems appropriate under the circumstances, as are necessary: (a) To comply with any order of the court for the payment of family support; (b) to make restitution to any person or persons who may have suffered loss or damage by reason of the commission of the crime in question or when the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement; (c) to pay any fine imposed and not suspended and the court or other costs incurred in the prosecution of the case, including reimbursement of the state for costs of extradition if return to this state by extradition was required; and (d) to contribute to a county or interlocal drug fund.

(3) At any time, including at sentencing, the court may determine that the offender is not required to pay, or may relieve the offender of the requirement to pay, full or partial restitution and accrued interest on restitution where the entity to whom restitution is owed is an insurer or a state agency, except for restitution owed to the department of labor and industries under chapter 7.68 RCW, if the court finds that the offender does not have the current or likely future ability to pay. A person does not have the current

ability to pay if the person is indigent as defined in RCW 10.01.160(3). For the purposes of this subsection, the terms "insurer" and "state agency" have the same meanings as provided in RCW 9.94A.750(3).

(4) As a condition of the suspended sentence, the superior court may order the probationer to report to the secretary of corrections or such officer as the secretary may designate and as a condition of the probation to follow the instructions of the secretary. If the county legislative authority has elected to assume responsibility for the supervision of superior court misdemeanor probationers within its jurisdiction, the superior court misdemeanor probationer shall report to a probation officer employed or contracted for by the county. In cases where a superior court misdemeanor probationer is sentenced in one county, but resides within another county, there must be provisions for the probationer to report to the agency having supervision responsibility for the probationer's county of residence.

~~((4))~~ (5) If restitution to the victim has been ordered under subsection (2)(b) of this section and the superior court has ordered supervision, the officer supervising the probationer shall make a reasonable effort to ascertain whether restitution has been made as ordered. If the superior court has ordered supervision and restitution has not been made, the officer shall inform the prosecutor of that violation of the terms of the suspended sentence not less than three months prior to the termination of the suspended sentence.

Sec. 7. RCW 9.95.210 and 2019 c 263 s 302 are each amended to read as follows:

(1)(a) Except as provided in (b) of this subsection in granting probation, the superior court may suspend the imposition or the execution of the sentence and may direct that the suspension may continue upon such conditions and for such time as it shall designate, not exceeding the maximum term of sentence or two years, whichever is longer.

(b) For a defendant sentenced for a domestic violence offense, or under RCW 46.61.5055, the superior court may suspend the imposition or the execution of the sentence and may direct that the suspension continue upon such conditions

and for such time as the court shall designate, not to exceed five years. The court shall have continuing jurisdiction and authority to suspend the execution of all or any part of the sentence upon stated terms, including installment payment of fines. A defendant who has been sentenced, and who then fails to appear for any hearing to address the defendant's compliance with the terms of probation when ordered to do so by the court shall have the term of probation tolled until such time as the defendant makes his or her presence known to the court on the record. Any time before entering an order terminating probation, the court may modify or revoke its order suspending the imposition or execution of the sentence if the defendant violates or fails to carry out any of the conditions of the suspended sentence.

(2) In the order granting probation and as a condition thereof, the superior court may in its discretion imprison the defendant in the county jail for a period not exceeding one year and may fine the defendant any sum not exceeding the statutory limit for the offense committed, and court costs. As a condition of probation, the superior court shall require the payment of the penalty assessment required by RCW 7.68.035. The superior court may also require the defendant to make such monetary payments, on such terms as it deems appropriate under the circumstances, as are necessary: (a) To comply with any order of the court for the payment of family support; (b) to make restitution to any person or persons who may have suffered loss or damage by reason of the commission of the crime in question or when the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement; (c) to pay such fine as may be imposed and court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required; (d) following consideration of the financial condition of the person subject to possible electronic monitoring, to pay for the costs of electronic monitoring if that monitoring was required by the court as a condition of release from custody or as a condition of probation; (e) to contribute to a county or interlocal drug fund; and (f)

to make restitution to a public agency for the costs of an emergency response under RCW 38.52.430, and may require bonds for the faithful observance of any and all conditions imposed in the probation.

(3) The superior court shall order restitution in all cases where the victim is entitled to benefits under the crime victims' compensation act, chapter 7.68 RCW. If the superior court does not order restitution and the victim of the crime has been determined to be entitled to benefits under the crime victims' compensation act, the department of labor and industries, as administrator of the crime victims' compensation program, may petition the superior court within one year of imposition of the sentence for entry of a restitution order. Upon receipt of a petition from the department of labor and industries, the superior court shall hold a restitution hearing and shall enter a restitution order.

(4) At any time, including at sentencing, the court may determine that the offender is not required to pay, or may relieve the offender of the requirement to pay, full or partial restitution and accrued interest on restitution where the entity to whom restitution is owed is an insurer or a state agency, except for restitution owed to the department of labor and industries under chapter 7.68 RCW, if the court finds that the offender does not have the current or likely future ability to pay. A person does not have the current ability to pay if the person is indigent as defined in RCW 10.01.160(3). For the purposes of this subsection, the terms "insurer" and "state agency" have the same meanings as provided in RCW 9.94A.750(3).

(5) In granting probation, the superior court may order the probationer to report to the secretary of corrections or such officer as the secretary may designate and as a condition of the probation to follow the instructions of the secretary for up to twelve months. If the county legislative authority has elected to assume responsibility for the supervision of superior court misdemeanor probationers within its jurisdiction, the superior court misdemeanor probationer shall report to a probation officer employed or contracted for by the county. In cases where a superior court misdemeanor probationer is sentenced in one county,

but resides within another county, there must be provisions for the probationer to report to the agency having supervision responsibility for the probationer's county of residence.

~~((5))~~ (6) If the probationer has been ordered to make restitution and the superior court has ordered supervision, the officer supervising the probationer shall make a reasonable effort to ascertain whether restitution has been made. If the superior court has ordered supervision and restitution has not been made as ordered, the officer shall inform the prosecutor of that violation of the terms of probation not less than three months prior to the termination of the probation period. The secretary of corrections will promulgate rules and regulations for the conduct of the person during the term of probation. For defendants found guilty in district court, like functions as the secretary performs in regard to probation may be performed by probation officers employed for that purpose by the county legislative authority of the county wherein the court is located.

~~((6))~~ (7) The provisions of RCW 9.94A.501 and 9.94A.5011 apply to sentences imposed under this section.

~~((7))~~ (8) For purposes of this section, "domestic violence" means the same as in RCW 10.99.020.

NEW SECTION. Sec. 8. A new section is added to chapter 10.01 RCW to read as follows:

A defendant who has been ordered to pay fines and who has not willfully failed to pay the obligation, as described in RCW 9.94A.6333, 9.94B.040, and 10.01.180, may at any time petition the sentencing court for remission of the payment of fines or of any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may remit all or part of the amount due in fines, modify the method of payment under RCW 10.01.170, or convert the unpaid amounts to community restitution hours, if the jurisdiction operates a community restitution program, at the rate of no less than the state minimum wage established in RCW 49.46.020 for each hour of community restitution. Manifest hardship exists where the

defendant is indigent as defined in RCW 10.01.160(3).

Sec. 9. RCW 10.01.160 and 2018 c 269 s 6 are each amended to read as follows:

(1) Except as provided in subsection (3) of this section, the court may require a defendant to pay costs. Costs may be imposed only upon a convicted defendant, except for costs imposed upon a defendant's entry into a deferred prosecution program, costs imposed upon a defendant for pretrial supervision, or costs imposed upon a defendant for preparing and serving a warrant for failure to appear.

(2) Costs shall be limited to expenses specially incurred by the state in prosecuting the defendant or in administering the deferred prosecution program under chapter 10.05 RCW or pretrial supervision. They cannot include expenses inherent in providing a constitutionally guaranteed jury trial or expenditures in connection with the maintenance and operation of government agencies that must be made by the public irrespective of specific violations of law. Expenses incurred for serving of warrants for failure to appear and jury fees under RCW 10.46.190 may be included in costs the court may require a defendant to pay. Costs for administering a deferred prosecution may not exceed ~~((two hundred fifty dollars))~~ \$250. Costs for administering a pretrial supervision other than a pretrial electronic alcohol monitoring program, drug monitoring program, or 24/7 sobriety program may not exceed ~~((one hundred fifty dollars))~~ \$150. Costs for preparing and serving a warrant for failure to appear may not exceed ~~((one hundred dollars))~~ \$100. Costs of incarceration imposed on a defendant convicted of a misdemeanor or a gross misdemeanor may not exceed the actual cost of incarceration. In no case may the court require the offender to pay more than ~~((one hundred dollars))~~ \$100 per day for the cost of incarceration. Payment of other court-ordered financial obligations, including all legal financial obligations and costs of supervision take precedence over the payment of the cost of incarceration ordered by the court. All funds received from defendants for the cost of incarceration in the county or city jail must be remitted for criminal justice purposes to the county or city that is responsible for the defendant's jail costs. Costs imposed constitute a

judgment against a defendant and survive a dismissal of the underlying action against the defendant. However, if the defendant is acquitted on the underlying action, the costs for preparing and serving a warrant for failure to appear do not survive the acquittal, and the judgment that such costs would otherwise constitute shall be vacated.

(3) The court shall not order a defendant to pay costs if the defendant at the time of sentencing is indigent (~~as defined in RCW 10.101.010(3) (a) through (e)~~). In determining the amount and method of payment of costs for defendants who are not indigent (~~as defined in RCW 10.101.010(3) (a) through (e)~~), the court shall take account of the financial resources of the defendant and the nature of the burden that payment of costs will impose. For the purposes of this section, a defendant is "indigent" if the defendant: (a) Meets the criteria defined in RCW 10.101.010(3) (a) through (c); (b) is homeless or mentally ill as defined in RCW 71.24.025; (c) has household income above 125 percent of the federal poverty guidelines and has recurring basic living costs, as defined in RCW 10.101.010, that render the defendant without the financial ability to pay; or (d) has other compelling circumstances that exist that demonstrate an inability to pay.

(4) A defendant who has been ordered to pay costs and who (~~is not in contumacious default in the payment thereof~~) has not willfully failed to pay the obligation, as described in RCW 9.94A.6333, 9.94B.040, and 10.01.180, may at any time (after release from total confinement) petition the sentencing court for remission of the payment of costs or of any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may remit all or part of the amount due in costs, modify the method of payment under RCW 10.01.170, or convert the unpaid costs to community restitution hours, if the jurisdiction operates a community restitution program, at the rate of no less than the state minimum wage established in RCW 49.46.020 for each hour of community restitution. Manifest hardship exists where the defendant is indigent as defined in (RCW 10.101.010(3) (a) through (e)) subsection (3) of this section.

(5) Except for direct costs relating to evaluating and reporting to the court, prosecutor, or defense counsel regarding a defendant's competency to stand trial as provided in RCW 10.77.060, this section shall not apply to costs related to medical or mental health treatment or services a defendant receives while in custody of the secretary of the department of social and health services or other governmental units. This section shall not prevent the secretary of the department of social and health services or other governmental units from imposing liability and seeking reimbursement from a defendant committed to an appropriate facility as provided in RCW 10.77.084 while criminal proceedings are stayed. This section shall also not prevent governmental units from imposing liability on defendants for costs related to providing medical or mental health treatment while the defendant is in the governmental unit's custody. Medical or mental health treatment and services a defendant receives at a state hospital or other facility are not a cost of prosecution and shall be recoverable under RCW 10.77.250 and 70.48.130, chapter 43.20B RCW, and any other applicable statute.

Sec. 10. RCW 10.73.160 and 2018 c 269 s 12 are each amended to read as follows:

(1) The court of appeals, supreme court, and superior courts may require an adult offender convicted of an offense to pay appellate costs.

(2) Appellate costs are limited to expenses specifically incurred by the state in prosecuting or defending an appeal or collateral attack from a criminal conviction. Appellate costs shall not include expenditures to maintain and operate government agencies that must be made irrespective of specific violations of the law. Expenses incurred for producing a verbatim report of proceedings and clerk's papers may be included in costs the court may require a convicted defendant to pay.

(3) Costs, including recoupment of fees for court-appointed counsel, shall be requested in accordance with the procedures contained in Title 14 of the rules of appellate procedure and in Title 9 of the rules for appeal of decisions of courts of limited jurisdiction. An award of costs shall become part of the trial court judgment and sentence.

(4) A defendant who has been sentenced to pay costs and who ~~((is not in contumacious default in the payment))~~ has not willfully failed to pay the obligation, as described in RCW 9.94A.6333, 9.94B.040, and 10.01.180, may at any time ((after release from total confinement)) petition the court that sentenced the defendant or juvenile offender for remission of the payment of costs or of any unpaid portion. If it appears to the satisfaction of the sentencing court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the sentencing court may remit all or part of the amount due in costs, modify the method of payment under RCW 10.01.170, or convert the unpaid costs to community restitution hours, if the jurisdiction operates a community restitution program, at the rate of no less than the state minimum wage established in RCW 49.46.020 for each hour of community restitution. Manifest hardship exists where the defendant or juvenile offender is indigent as defined in RCW ~~((10.101.010(3) (a) through (e)))~~ 10.01.160(3).

(5) The parents or another person legally obligated to support a juvenile offender who has been ordered to pay appellate costs and who is not in contumacious default in the payment may at any time petition the court that sentenced the juvenile offender for remission of the payment of costs or of any unpaid portion. If it appears to the satisfaction of the sentencing court that payment of the amount due will impose manifest hardship on the parents or another person legally obligated to support a juvenile offender or on their immediate families, the sentencing court may remit all or part of the amount due in costs, or may modify the method of payment.

Sec. 11. RCW 10.64.015 and 2018 c 269 s 10 are each amended to read as follows:

When the defendant is found guilty, the court shall render judgment accordingly, and the defendant may be liable for all costs, unless the court or jury trying the cause expressly find otherwise. The court shall not order a defendant to pay costs, as described in RCW 10.01.160, if the court finds that the person at the time of sentencing is indigent as defined in RCW

~~((10.101.010(3) (a) through (e)))~~
10.01.160(3).

Sec. 12. RCW 10.82.090 and 2018 c 269 s 1 are each amended to read as follows:

(1) Except as provided in subsections (2) and (3) of this section and RCW 3.50.100, 3.62.020, and 35.20.220, restitution imposed in a judgment shall bear interest from the date of the judgment until payment, at the rate applicable to civil judgments. As of June 7, 2018, no interest shall accrue on nonrestitution legal financial obligations. All nonrestitution interest retained by the court shall be split ~~((twenty-five))~~ 25 percent to the state treasurer for deposit in the state general fund, ~~((twenty-five))~~ 25 percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, ~~((twenty-five))~~ 25 percent to the county current expense fund, and ~~((twenty-five))~~ 25 percent to the county current expense fund to fund local courts.

(2) The court may elect not to impose interest on any restitution the court orders. Before determining not to impose interest on restitution, the court shall inquire into and consider the following factors: (a) Whether the offender is indigent as defined in RCW 10.101.010(3) or general rule 34; (b) the offender's available funds, as defined in RCW 10.101.010(2), and other liabilities including child support and other legal financial obligations; (c) whether the offender is homeless; and (d) whether the offender is mentally ill, as defined in RCW 71.24.025. The court shall also consider the victim's input, if any, as it relates to any financial hardship caused to the victim if interest is not imposed. The court may also consider any other information that the court believes, in the interest of justice, relates to not imposing interest on restitution. After consideration of these factors, the court may waive the imposition of restitution interest.

(3) The court may, on motion by the offender, ~~((following the offender's release from total confinement,))~~ reduce or waive the interest on legal financial obligations levied as a result of a criminal conviction as follows:

(a) The court shall waive all interest on the portions of the legal financial obligations that are not restitution that accrued prior to June 7, 2018;

(b) The court may waive or reduce interest on the restitution portion of the legal financial obligations only if the principal has been paid in full (~~and as an incentive for the offender to meet his or her other legal financial obligations~~), except as provided in (c) of this subsection. The court may grant the motion, establish a payment schedule, and retain jurisdiction over the offender for purposes of reviewing and revising the reduction or waiver of interest;

(c) The court may, following the offender's release from total confinement, waive or reduce interest on restitution that accrued during the offender's period of incarceration if the court finds that the offender does not have the current or likely future ability to pay. A person does not have the current ability to pay if the person is indigent as defined in RCW 10.01.160(3). The prosecuting attorney shall make reasonable efforts to notify the victim entitled to restitution of the date and place of the hearing. The court shall also consider the victim's input, if any, as it relates to any financial hardship caused to the victim if interest is reduced or waived.

~~((3))~~ (4) This section only applies to adult offenders.

Sec. 13. RCW 9.94A.6333 and 2018 c 269 s 13 are each amended to read as follows:

(1) If an offender violates any condition or requirement of a sentence, and the offender is not being supervised by the department, the court may modify its order of judgment and sentence and impose further punishment in accordance with this section.

(2) If an offender fails to comply with any of the nonfinancial conditions or requirements of a sentence the following provisions apply:

(a) The court, upon the motion of the state, or upon its own motion, shall require the offender to show cause why the offender should not be punished for the noncompliance. The court may issue a summons or a warrant of arrest for the offender's appearance;

(b) The state has the burden of showing noncompliance by a preponderance of the evidence;

(c) If the court finds that a violation has been proved, it may impose the

sanctions specified in RCW 9.94A.633(1). Alternatively, the court may:

(i) Convert a term of partial confinement to total confinement; or

(ii) Convert community restitution obligation to total or partial confinement;

(d) If the court finds that the violation was not willful, the court may modify its previous order regarding community restitution obligations; and

(e) If the violation involves a failure to undergo or comply with a mental health status evaluation and/or outpatient mental health treatment, the court shall seek a recommendation from the treatment provider or proposed treatment provider. Enforcement of orders concerning outpatient mental health treatment must reflect the availability of treatment and must pursue the least restrictive means of promoting participation in treatment. If the offender's failure to receive care essential for health and safety presents a risk of serious physical harm or probable harmful consequences, the civil detention and commitment procedures of chapter 71.05 RCW shall be considered in preference to incarceration in a local or state correctional facility.

(3) If an offender fails to pay legal financial obligations as a requirement of a sentence the following provisions apply:

(a) The court, upon the motion of the state, or upon its own motion, shall require the offender to show cause why the offender should not be punished for the noncompliance. The court may issue a summons or a warrant of arrest for the offender's appearance;

(b) The state has the burden of showing noncompliance by a preponderance of the evidence;

(c) The court may not sanction the offender for failure to pay legal financial obligations unless the court finds, after a hearing and on the record, that the failure to pay is willful. A failure to pay is willful if the offender has the current ability to pay but refuses to do so. In determining whether the offender has the current ability to pay, the court shall inquire into and consider: (i) The offender's income and assets; (ii) the offender's basic living costs as defined by RCW 10.101.010 and

other liabilities including child support and other legal financial obligations; and (iii) the offender's bona fide efforts to acquire additional resources. An offender who is indigent as defined by RCW ~~((10.101.010(3) (a) through (e)))~~ 10.01.160(3) is presumed to lack the current ability to pay;

(d) If the court determines that the offender is homeless or a person who is mentally ill, as defined in RCW 71.24.025, failure to pay a legal financial obligation is not willful noncompliance and shall not subject the offender to penalties;

(e) If the court finds that a failure to pay is willful noncompliance, it may impose the sanctions specified in RCW 9.94A.633(1); and

(f) If the court finds that the violation was not willful, the court may, and if the court finds that the defendant is indigent as defined in RCW ~~((10.101.010(3) (a) through (e)))~~ 10.01.160(3), the court shall modify the terms of payment of the legal financial obligations, reduce or waive nonrestitution legal financial obligations, or convert nonrestitution legal financial obligations to community restitution hours, if the jurisdiction operates a community restitution program, at the rate of no less than the state minimum wage established in RCW 49.46.020 for each hour of community restitution. The crime victim penalty assessment under RCW 7.68.035 may not be reduced, waived, or converted to community restitution hours.

(4) Any time served in confinement awaiting a hearing on noncompliance shall be credited against any confinement ordered by the court.

(5) Nothing in this section prohibits the filing of escape charges if appropriate.

Sec. 14. RCW 9.94B.040 and 2018 c 269 s 15 are each amended to read as follows:

(1) If an offender violates any condition or requirement of a sentence, the court may modify its order of judgment and sentence and impose further punishment in accordance with this section.

(2) In cases where conditions from a second or later sentence of community supervision begin prior to the term of the second or later sentence, the court

shall treat a violation of such conditions as a violation of the sentence of community supervision currently being served.

(3) If an offender fails to comply with any of the nonfinancial requirements or conditions of a sentence the following provisions apply:

(a) (i) Following the violation, if the offender and the department make a stipulated agreement, the department may impose sanctions such as work release, home detention with electronic monitoring, work crew, community restitution, inpatient treatment, daily reporting, curfew, educational or counseling sessions, supervision enhanced through electronic monitoring, jail time, or other sanctions available in the community.

(ii) Within ~~((seventy-two))~~ 72 hours of signing the stipulated agreement, the department shall submit a report to the court and the prosecuting attorney outlining the violation or violations, and sanctions imposed. Within ~~((fifteen))~~ 15 days of receipt of the report, if the court is not satisfied with the sanctions, the court may schedule a hearing and may modify the department's sanctions. If this occurs, the offender may withdraw from the stipulated agreement.

(iii) If the offender fails to comply with the sanction administratively imposed by the department, the court may take action regarding the original noncompliance. Offender failure to comply with the sanction administratively imposed by the department may be considered an additional violation;

(b) In the absence of a stipulated agreement, or where the court is not satisfied with the department's sanctions as provided in (a) of this subsection, the court, upon the motion of the state, or upon its own motion, shall require the offender to show cause why the offender should not be punished for the noncompliance. The court may issue a summons or a warrant of arrest for the offender's appearance;

(c) The state has the burden of showing noncompliance by a preponderance of the evidence. If the court finds that the violation has occurred, it may order the offender to be confined for a period not to exceed ~~((sixty))~~ 60 days for each violation, and may (i) convert a term of

partial confinement to total confinement, (ii) convert community restitution obligation to total or partial confinement, or (iii) order one or more of the penalties authorized in (a)(i) of this subsection. Any time served in confinement awaiting a hearing on noncompliance shall be credited against any confinement order by the court;

(d) If the court finds that the violation was not willful, the court may modify its previous order regarding community restitution obligations; and

(e) If the violation involves a failure to undergo or comply with mental status evaluation and/or outpatient mental health treatment, the community corrections officer shall consult with the treatment provider or proposed treatment provider. Enforcement of orders concerning outpatient mental health treatment must reflect the availability of treatment and must pursue the least restrictive means of promoting participation in treatment. If the offender's failure to receive care essential for health and safety presents a risk of serious physical harm or probable harmful consequences, the civil detention and commitment procedures of chapter 71.05 RCW shall be considered in preference to incarceration in a local or state correctional facility.

(4) If the violation involves failure to pay legal financial obligations, the following provisions apply:

(a) The department and the offender may enter into a stipulated agreement that the failure to pay was willful noncompliance, according to the provisions and requirements of subsection (3)(a) of this section;

(b) In the absence of a stipulated agreement, or where the court is not satisfied with the department's sanctions as provided in a stipulated agreement under (a) of this subsection, the court, upon the motion of the state, or upon its own motion, shall require the offender to show cause why the offender should not be punished for the noncompliance. The court may issue a summons or a warrant of arrest for the offender's appearance;

(c) The state has the burden of showing noncompliance by a preponderance of the evidence. The court may not sanction the offender for failure to pay legal financial obligations unless the court

finds, after a hearing and on the record, that the failure to pay is willful. A failure to pay is willful if the offender has the current ability to pay but refuses to do so. In determining whether the offender has the current ability to pay, the court shall inquire into and consider: (i) The offender's income and assets; (ii) the offender's basic living costs as defined by RCW 10.101.010 and other liabilities including child support and other legal financial obligations; and (iii) the offender's bona fide efforts to acquire additional resources. An offender who is indigent as defined by RCW ~~((10.101.010(3) (a) through (c)))~~ 10.01.160(3) is presumed to lack the current ability to pay;

(d) If the court determines that the offender is homeless or a person who is mentally ill, as defined in RCW 71.24.025, failure to pay a legal financial obligation is not willful noncompliance and shall not subject the offender to penalties;

(e) If the court finds that the failure to pay is willful noncompliance, the court may order the offender to be confined for a period not to exceed ~~((sixty))~~ 60 days for each violation or order one or more of the penalties authorized in subsection (3)(a)(i) of this section; and

(f) If the court finds that the violation was not willful, the court may, and if the court finds that the defendant is indigent as defined in RCW ~~((10.101.010(3) (a) through (c)))~~ 10.01.160(3), the court shall modify the terms of payment of the legal financial obligations, reduce or waive nonrestitution legal financial obligations, or convert nonrestitution legal financial obligations to community restitution hours, if the jurisdiction operates a community restitution program, at the rate of no less than the state minimum wage established in RCW 49.46.020 for each hour of community restitution. The crime victim penalty assessment under RCW 7.68.035 may not be reduced, waived, or converted to community restitution hours.

(5) The community corrections officer may obtain information from the offender's mental health treatment provider on the offender's status with respect to evaluation, application for services, registration for services, and compliance with the supervision plan,

without the offender's consent, as described under RCW 71.05.630.

(6) An offender under community placement or community supervision who is civilly detained under chapter 71.05 RCW, and subsequently discharged or conditionally released to the community, shall be under the supervision of the department of corrections for the duration of his or her period of community placement or community supervision. During any period of inpatient mental health treatment that falls within the period of community placement or community supervision, the inpatient treatment provider and the supervising community corrections officer shall notify each other about the offender's discharge, release, and legal status, and shall share other relevant information.

(7) Nothing in this section prohibits the filing of escape charges if appropriate.

Sec. 15. RCW 10.01.180 and 2018 c 269 s 8 are each amended to read as follows:

(1) A defendant sentenced to pay any fine, penalty, assessment, fee, or costs who willfully defaults in the payment thereof or of any installment is in contempt of court as provided in chapter 7.21 RCW. The court may issue a warrant of arrest for his or her appearance.

(2) When any fine, penalty, assessment, fee, or assessment of costs is imposed on a corporation or unincorporated association, it is the duty of the person authorized to make disbursement from the assets of the corporation or association to pay the obligation from those assets, and his or her failure to do so may be held to be contempt.

(3)(a) The court shall not sanction a defendant for contempt based on failure to pay fines, penalties, assessments, fees, or costs unless the court finds, after a hearing and on the record, that the failure to pay is willful. A failure to pay is willful if the defendant has the current ability to pay but refuses to do so.

(b) In determining whether the defendant has the current ability to pay, the court shall inquire into and consider: (i) The defendant's income and assets; (ii) the defendant's basic living costs as defined by RCW 10.101.010 and other liabilities including child

support and other legal financial obligations; and (iii) the defendant's bona fide efforts to acquire additional resources. A defendant who is indigent as defined by RCW ~~((10.101.010(3) (a) through (e)))~~ 10.01.160(3) is presumed to lack the current ability to pay.

(c) If the court determines that the defendant is homeless or a person who is mentally ill, as defined in RCW 71.24.025, failure to pay a legal financial obligation is not willful contempt and shall not subject the defendant to penalties.

(4) If a term of imprisonment for contempt for nonpayment of any fine, penalty, assessment, fee, or costs is ordered, the term of imprisonment shall be set forth in the commitment order, and shall not exceed one day for each ~~((twenty five dollars))~~ \$25 of the amount ordered, ~~((thirty))~~ 30 days if the amount ordered of costs was imposed upon conviction of a violation or misdemeanor, or one year in any other case, whichever is the shorter period. A person committed for nonpayment of any fine, penalty, assessment, fee, or costs shall be given credit toward payment for each day of imprisonment at the rate specified in the commitment order.

(5) If it appears to the satisfaction of the court that the default in the payment of any fine, penalty, assessment, fee, or costs is not willful contempt, the court may, and if the defendant is indigent as defined in RCW ~~((10.101.010(3) (a) through (e)))~~ 10.01.160(3), the court shall enter an order: (a) Allowing the defendant additional time for payment; (b) reducing the amount thereof or of each installment; (c) revoking the fine, penalty, assessment, fee, or costs or the unpaid portion thereof in whole or in part; or (d) converting the unpaid fine, penalty, assessment, fee, or costs to community restitution hours, if the jurisdiction operates a community restitution program, at the rate of no less than the state minimum wage established in RCW 49.46.020 for each hour of community restitution. The crime victim penalty assessment under RCW 7.68.035 may not be reduced, revoked, or converted to community restitution hours.

(6) A default in the payment of any fine, penalty, assessment, fee, or costs or any installment thereof may be collected by any means authorized by law

for the enforcement of a judgment. The levy of execution for the collection of any fine, penalty, assessment, fee, or costs shall not discharge a defendant committed to imprisonment for contempt until the amount has actually been collected.

Sec. 16. RCW 3.62.085 and 2018 c 269 s 16 are each amended to read as follows:

Upon conviction or a plea of guilty in any court organized under this title or Title 35 RCW, a defendant in a criminal case is liable for a fee of (~~forty-three dollars~~) \$43, except this fee shall not be imposed on a defendant who is indigent as defined in RCW (~~10.101.010(3) (a) through (e)~~) 10.01.160(3). This fee shall be subject to division with the state under RCW 3.46.120(2), 3.50.100(2), 3.62.020(2), 3.62.040(2), and 35.20.220(2).

Sec. 17. RCW 36.18.020 and 2021 c 303 s 3 and 2021 c 215 s 146 are each reenacted and amended to read as follows:

(1) Revenue collected under this section is subject to division with the state under RCW 36.18.025 and with the county or regional law library fund under RCW 27.24.070, except as provided in subsection (5) of this section.

(2) Clerks of superior courts shall collect the following fees for their official services:

(a) In addition to any other fee required by law, the party filing the first or initial document in any civil action, including, but not limited to an action for restitution, adoption, or change of name, and any party filing a counterclaim, cross-claim, or third-party claim in any such civil action, shall pay, at the time the document is filed, a fee of (~~two hundred dollars~~) \$200 except, in an unlawful detainer action under chapter 59.18 or 59.20 RCW for which the plaintiff shall pay a case initiating filing fee of (~~forty-five dollars~~) \$45, or in proceedings filed under RCW 28A.225.030 alleging a violation of the compulsory attendance laws where the petitioner shall not pay a filing fee. The (~~forty-five dollar~~) \$45 filing fee under this subsection for an unlawful detainer action shall not include an order to show cause or any other order or judgment except a default order or default judgment in an unlawful detainer action.

(b) Any party, except a defendant in a criminal case, filing the first or initial document on an appeal from a court of limited jurisdiction or any party on any civil appeal, shall pay, when the document is filed, a fee of (~~two hundred dollars~~) \$200.

(c) For filing of a petition for judicial review as required under RCW 34.05.514 a filing fee of (~~two hundred dollars~~) \$200.

(d) For filing of a petition for an antiharassment protection order under RCW 7.105.100 a filing fee of (~~fifty-three dollars~~) \$53.

(e) For filing the notice of debt due for the compensation of a crime victim under RCW 7.68.120(2)(a) a fee of (~~two hundred dollars~~) \$200.

(f) In probate proceedings, the party instituting such proceedings, shall pay at the time of filing the first document therein, a fee of (~~two hundred dollars~~) \$200.

(g) For filing any petition to contest a will admitted to probate or a petition to admit a will which has been rejected, or a petition objecting to a written agreement or memorandum as provided in RCW 11.96A.220, there shall be paid a fee of (~~two hundred dollars~~) \$200.

(h) Upon conviction or plea of guilty, upon failure to prosecute an appeal from a court of limited jurisdiction as provided by law, or upon affirmance of a conviction by a court of limited jurisdiction, an adult defendant in a criminal case shall be liable for a fee of two hundred dollars, except this fee shall not be imposed on a defendant who is indigent as defined in RCW (~~10.101.010(3) (a) through (e)~~) 10.01.160(3). Upon motion by the defendant, the court may waive or reduce any fee previously imposed under this subsection if the court finds that the defendant is indigent as defined in RCW 10.01.160(3).

(i) With the exception of demands for jury hereafter made and garnishments hereafter issued, civil actions and probate proceedings filed prior to midnight, July 1, 1972, shall be completed and governed by the fee schedule in effect as of January 1, 1972. However, no fee shall be assessed if an order of dismissal on the clerk's record be filed as provided by rule of the supreme court.

(3) No fee shall be collected when a petition for relinquishment of parental rights is filed pursuant to RCW 26.33.080 or for forms and instructional brochures provided under RCW 7.105.115.

(4) No fee shall be collected when an abstract of judgment is filed by the county clerk of another county for the purposes of collection of legal financial obligations.

(5)(a) In addition to the fees required to be collected under this section, clerks of the superior courts must collect surcharges as provided in this subsection (5) of which (~~seventy-five~~) 75 percent must be remitted to the state treasurer for deposit in the judicial stabilization trust account and (~~twenty-five~~) 25 percent must be retained by the county.

(b) On filing fees required to be collected under subsection (2)(b) of this section, a surcharge of (~~thirty dollars~~) \$30 must be collected.

(c) On all filing fees required to be collected under this section, except for fees required under subsection (2)(b), (d), and (h) of this section, a surcharge of (~~forty dollars~~) \$40 must be collected.

NEW SECTION. Sec. 18. A new section is added to chapter 3.66 RCW to read as follows:

"Legal financial obligation" means a sum of money that is ordered by a district or municipal court of the state of Washington for legal financial obligations which may include restitution to the victim, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a conviction. Legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

Sec. 19. RCW 10.01.170 and 2018 c 269 s 7 are each amended to read as follows:

(1) When a defendant is sentenced to pay fines, penalties, assessments, fees, restitution, or costs, the court may grant permission for payment to be made within a specified period of time or in specified installments. If the court finds that the defendant is indigent as

defined in RCW (~~(10.01.010(3) through (e))~~) 10.01.160(3), the court shall grant permission for payment to be made within a specified period of time or in specified installments. If no such permission is included in the sentence the fine or costs shall be payable forthwith.

(2) An offender's monthly payment shall be applied in the following order of priority until satisfied:

(a) First, proportionally to restitution to victims that have not been fully compensated from other sources;

(b) Second, proportionally to restitution to insurance or other sources with respect to a loss that has provided compensation to victims;

(c) Third, proportionally to crime victims' assessments; and

(d) Fourth, proportionally to costs, fines, and other assessments required by law.

Sec. 20. RCW 10.46.190 and 2018 c 269 s 9 are each amended to read as follows:

Every person convicted of a crime or held to bail to keep the peace may be liable to all the costs of the proceedings against him or her, including, when tried by a jury in the superior court or before a committing magistrate, a jury fee as provided for in civil actions for which judgment shall be rendered and collected. The court shall not order a defendant to pay costs, as described in RCW 10.01.160, if the court finds that the person at the time of sentencing is indigent as defined in RCW (~~(10.01.010(3) through (e))~~) 10.01.160(3). The jury fee, when collected for a case tried by the superior court, shall be paid to the clerk and applied as the jury fee in civil cases is applied.

Sec. 21. RCW 9.92.070 and 2018 c 269 s 11 are each amended to read as follows:

Hereafter whenever any judge of any superior court or a district or municipal judge shall sentence any person to pay any fines, penalties, assessments, fees, and costs, the judge may, in the judge's discretion, provide that such fines, penalties, assessments, fees, and costs may be paid in certain designated installments, or within certain designated period or periods. If the court finds that the defendant is indigent as defined in RCW

~~((10.101.010(3) — (a) through (c))~~
10.01.160(3), the court shall allow for payment in certain designated installments or within certain designated periods. If such fines, penalties, assessments, fees, and costs shall be paid by the defendant in accordance with such order no commitment or imprisonment of the defendant shall be made for failure to pay such fine or costs. PROVIDED, that the provisions of this section shall not apply to any sentence given for the violation of any of the liquor laws of this state.

Sec. 22. RCW 7.68.240 and 2011 c 336 s 249 are each amended to read as follows:

Upon a showing by any convicted person or the state that five years have elapsed from the establishment of such escrow account and further that no actions are pending against such convicted person pursuant to RCW 7.68.200 through 7.68.280, the department shall immediately pay over (~~(fifty)~~) 50 percent of any moneys in the escrow account to such person or his or her legal representatives and (~~(fifty)~~) 50 percent of any moneys in the escrow account to the fund under RCW 7.68.035(4).

Sec. 23. RCW 9.94A.505 and 2021 c 242 s 3 are each amended to read as follows:

(1) When a person is convicted of a felony, the court shall impose punishment as provided in this chapter.

(2)(a) The court shall impose a sentence as provided in the following sections and as applicable in the case:

(i) Unless another term of confinement applies, a sentence within the standard sentence range established in RCW 9.94A.510 or 9.94A.517;

(ii) RCW 9.94A.701 and 9.94A.702, relating to community custody;

(iii) RCW 9.94A.570, relating to persistent offenders;

(iv) RCW 9.94A.540, relating to mandatory minimum terms;

(v) RCW 9.94A.650, relating to the first-time offender waiver;

(vi) RCW 9.94A.660, relating to the drug offender sentencing alternative;

(vii) RCW 9.94A.670, relating to the special sex offender sentencing alternative;

(viii) RCW 9.94A.655, relating to the parenting sentencing alternative;

(ix) RCW 9.94A.695, relating to the mental health sentencing alternative;

(x) RCW 9.94A.507, relating to certain sex offenses;

(xi) RCW 9.94A.535, relating to exceptional sentences;

(xii) RCW 9.94A.589, relating to consecutive and concurrent sentences;

(xiii) RCW 9.94A.603, relating to felony driving while under the influence of intoxicating liquor or any drug and felony physical control of a vehicle while under the influence of intoxicating liquor or any drug;

(xiv) RCW 9.94A.711, relating to the theft or taking of a motor vehicle.

(b) If a standard sentence range has not been established for the offender's crime, the court shall impose a determinate sentence which may include not more than one year of confinement; community restitution work; a term of community custody under RCW 9.94A.702 not to exceed one year; and/or other legal financial obligations. The court may impose a sentence which provides more than one year of confinement and a community custody term under RCW 9.94A.701 if the court finds reasons justifying an exceptional sentence as provided in RCW 9.94A.535.

(3) If the court imposes a sentence requiring confinement of (~~(thirty)~~) 30 days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than (~~(thirty)~~) 30 days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(4) If a sentence imposed includes payment of a legal financial obligation, it shall be imposed as provided in RCW 9.94A.750, 9.94A.753, and 9.94A.760 (~~(7 and 43.43.7541)~~).

(5) Except as provided under RCW 9.94A.750(4) and 9.94A.753(4), a court may not impose a sentence providing for a term of confinement or community custody that exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(6) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(7) The sentencing court shall not give the offender credit for any time the offender was required to comply with an electronic monitoring program prior to sentencing if the offender was convicted of one of the following offenses:

- (a) A violent offense;
- (b) Any sex offense;
- (c) Any drug offense;

(d) Reckless burning in the first or second degree as defined in RCW 9A.48.040 or 9A.48.050;

(e) Assault in the third degree as defined in RCW 9A.36.031;

(f) Assault of a child in the third degree;

(g) Unlawful imprisonment as defined in RCW 9A.40.040; or

(h) Harassment as defined in RCW 9A.46.020.

(8) The court shall order restitution as provided in RCW 9.94A.750 and 9.94A.753.

(9) As a part of any sentence, the court may impose and enforce crime-related prohibitions and affirmative conditions as provided in this chapter. "Crime-related prohibitions" may include a prohibition on the use or possession of alcohol or controlled substances if the court finds that any chemical dependency or substance abuse contributed to the offense.

(10) In any sentence of partial confinement, the court may require the offender to serve the partial confinement in work release, in a program of home detention, on work crew, or in a combined program of work crew and home detention.

Sec. 24. RCW 9.94A.777 and 2010 c 280 s 6 are each amended to read as follows:

(1) Before imposing any legal financial obligations upon a defendant who suffers from a mental health condition, other than restitution (~~or the victim penalty assessment under RCW 7.68.035~~), a judge must first determine that the defendant, under the terms of

this section, has the means to pay such additional sums.

(2) For the purposes of this section, a defendant suffers from a mental health condition when the defendant has been diagnosed with a mental disorder that prevents the defendant from participating in gainful employment, as evidenced by a determination of mental disability as the basis for the defendant's enrollment in a public assistance program, a record of involuntary hospitalization, or by competent expert evaluation.

NEW SECTION. Sec. 25. Nothing in this act requires the courts to refund or reimburse amounts previously paid towards legal financial obligations or interest on legal financial obligations.

NEW SECTION. Sec. 26. This act takes effect January 1, 2023."

On page 1, line 1 of the title, after "obligations;" strike the remainder of the title and insert "amending RCW 3.66.120, 9.94A.750, 9.94A.753, 9.94A.760, 6.17.020, 9.92.060, 9.95.210, 10.01.160, 10.73.160, 10.64.015, 10.82.090, 9.94A.6333, 9.94B.040, 10.01.180, 3.62.085, 10.01.170, 10.46.190, 9.92.070, 7.68.240, 9.94A.505, and 9.94A.777; reenacting and amending RCW 36.18.020; adding a new section to chapter 10.01 RCW; adding a new section to chapter 3.66 RCW; creating a new section; and providing an effective date."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED FOURTH SUBSTITUTE HOUSE BILL NO. 1412 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Simmons spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

MOTIONS

On motion of Representative Ramel, Representative Ormsby was excused.

On motion of Representative Griffey, Representative Klippert was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Fourth Substitute House Bill No. 1412, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Fourth Substitute House Bill No. 1412, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 64; Nays, 32; Absent, 0; Excused, 2.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Gilday, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Morgan, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Goehner, Graham, Hoff, Jacobsen, Klicker, Kraft, Kretz, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rule, Schmick, Sutherland, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Klippert and Ormsby.

ENGROSSED FOURTH SUBSTITUTE HOUSE BILL NO. 1412, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 4, 2022

Madame Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1663 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Active municipal solid waste landfill" means a municipal solid waste landfill that has accepted or is accepting solid waste for disposal and has not been closed in accordance with

the requirements set forth in WAC 173-351-500 as it existed on January 10, 2022.

(2) "Air pollution" is presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interfere with enjoyment of life and property. For the purpose of this chapter, air pollution does not include air contaminants emitted in compliance with chapter 17.21 RCW.

(3) "Ambient air" means the surrounding outside air.

(4) "Authority" means any air pollution control agency whose jurisdictional boundaries are coextensive with the boundaries of one or more counties.

(5) "Closed municipal solid waste landfill" means a municipal solid waste landfill that is no longer accepting solid waste for disposal and has been closed in accordance with the requirements set forth in WAC 173-351-500 as it existed on January 10, 2022.

(6) "Department" means the department of ecology.

(7) "Emission" means a release of air contaminants into the ambient air.

(8) "Gas collection system" means any system that employs various gas collection wells and connected piping, and mechanical blowers, fans, pumps, or compressors to create a pressure gradient and actively extract landfill gas.

(9) "Gas control device" means any device used to dispose of or treat collected landfill gas including, but not limited to, enclosed flares, internal combustion engines, boilers and boiler-to-steam turbine systems, fuel cells, and gas turbines.

(10) "Gas control system" means any system that disposes of or treats collected landfill gas by one or more of the following means: Combustion; gas treatment for subsequent sale, or sale for processing offsite, including for transportation fuel and injection into a natural gas pipeline.

(11) "Municipal solid waste landfill" means a discrete area of land or an excavation that receives household waste

and that is not a land application site, surface impoundment, injection well, or pile.

(12) "Person" means an individual, firm, public or private corporation, association, partnership, political subdivision of the state, municipality, or governmental agency.

NEW SECTION. Sec. 2. (1) This chapter applies to all municipal solid waste landfills that received solid waste after January 1, 1992, except as provided in subsection (2) of this section.

(2) This chapter does not apply to the following landfills:

(a) Landfills that receive only hazardous waste, or are currently regulated under the comprehensive environmental response, compensation, and liability act, 42 U.S.C. chapter 103; and

(b) Landfills that receive only inert waste or nondecomposable wastes.

(3) The department must adopt rules to implement this chapter. The rules adopted by the department must be informed by landfill methane regulations adopted by the California air resources board, the Oregon environmental quality commission, and the United States environmental protection agency.

NEW SECTION. Sec. 3. (1) Each owner or operator of an active municipal solid waste landfill having fewer than 450,000 tons of waste in place must submit an annual waste in place report to the department or local authority pursuant to section 7 of this act.

(a) The waste in place report must be prepared for the period of January 1st through December 31st of each year. The report must be submitted to the department or local authority during the subsequent calendar year, with the date of submission to be established by rule as adopted by the department.

(b) The waste in place report must be submitted annually until either:

(i) The active municipal solid waste landfill reaches a size greater than or equal to 450,000 tons of waste in place; or

(ii) The owner or operator submits a closure notification pursuant to section 7 of this act.

(2) Each owner or operator of either an active municipal solid waste landfill having greater than or equal to 450,000 tons of waste in place or a closed municipal solid waste landfill having greater than or equal to 750,000 tons of waste in place must calculate the landfill gas heat input capacity pursuant to section 8 of this act and the department's implementing rules and must submit a landfill gas heat input capacity report to the department or local authority.

(a) If the calculated landfill gas heat input capacity is less

than 3,000,000 British thermal units per hour recovered, the owner or operator must:

(i) Recalculate the landfill gas heat input capacity annually using the procedures specified in section 8 of this act and the department's implementing rules; and

(ii) Submit an annual landfill gas heat input capacity report to the department or local authority until either of the following conditions are met:

(A) The calculated landfill gas heat input capacity is greater than or equal to 3,000,000 British thermal units per hour recovered; or

(B) If the municipal solid waste landfill is active, the owner or operator submits a closure notification pursuant to section 7 of this act.

(b) If the landfill gas heat input capacity is greater than or equal to 3,000,000 British thermal units per hour recovered, the owner or operator must either:

(i) Comply with the requirements of this chapter and the department's implementing rules; or

(ii) Demonstrate to the satisfaction of the department or local authority that after four consecutive quarterly monitoring periods there is no measured concentration of methane of 200 parts per million by volume or greater using the instantaneous surface monitoring procedures specified in section 8 of this act and the department's implementing rules. Based on the monitoring results, the owner or operator must do one of the following:

(A) If there is any measured concentration of methane of 200 parts per million by volume or greater from the surface of an active, inactive, or closed municipal solid waste landfill, comply with this chapter and the department's implementing rules adopted pursuant to section 2 of this act;

(B) If there is no measured concentration of methane of 200 parts per million by volume or greater from the surface of an active municipal solid waste landfill, recalculate the landfill gas heat input capacity annually as required in (a) of this subsection until such time that the owner or operator submits a closure notification pursuant to section 7 of this act and the department's implementing rules adopted pursuant to section 2 of this act; or

(C) If there is no measured concentration of methane of 200 parts per million by volume or greater from the surface of a closed or inactive municipal solid waste landfill, the requirements of this chapter and the department's implementing rules adopted pursuant to section 2 of this act no longer apply, provided that the following information is submitted to and approved by the department or local authority:

(I) A waste in place report pursuant to section 7 of this act and the department's implementing rules adopted pursuant to section 2 of this act; and

(II) All instantaneous surface monitoring records.

NEW SECTION. Sec. 4. (1) The owner or operator of any municipal solid waste landfill that has a calculated landfill gas heat input capacity greater than or equal to 3,000,000 British thermal units per hour recovered must install a gas collection and control system that meets the requirements of this section and the department's implementing rules adopted pursuant to section 2 of this act, unless the owner or operator demonstrates to the satisfaction of the department or local authority that after four consecutive quarterly monitoring periods there is no measured concentration of methane of 200 parts per million by volume or greater using the instantaneous surface monitoring procedures specified in section 8 of this act and the department's implementing rules adopted pursuant to section 2 of this act. If a municipal solid waste landfill partners with a third party to operate all or a

portion of the gas collection and control system or energy recovery device, the obligation to comply with the requirements of this chapter are the responsibility of the owner or operator of the relevant portion of the gas collection and control system or energy recovery device.

(2) The gas collection and control system must handle the expected gas generation flow rate from the entire area of the municipal solid waste landfill and must collect gas at an extraction rate to comply with the surface methane emission limits set forth in section 5 of this act and the department's implementing rules.

(3) The gas collection and control system must be designed and operated so that there is no landfill gas leak that exceeds 500 parts per million by volume, measured as methane, at any component under positive pressure.

(4) The gas collection and control system, if it uses a flare, must achieve a methane destruction efficiency of at least 99 percent by weight and must use either an enclosed flare or, if the system uses an open flare, the open flare must comply with the following requirements:

(a) The open flare must meet the requirements of 40 C.F.R. Sec. 60.18 (as last amended by 73 Fed. Reg. 78209, December 22, 2008);

(b) An open flare installed and operating prior to December 31, 2022, may operate until January 1, 2032, unless the owner or operator demonstrates to the satisfaction of the department or local authority that the landfill gas heat input capacity is less than 3,000,000 British thermal units per hour pursuant to section 8 of this act and the department's implementing rules adopted pursuant to section 2 of this act and is insufficient to support the continuous operation of an enclosed flare or other gas control device; and

(c) The owner or operator may temporarily operate an open flare during the repair or maintenance of the gas control system, or while awaiting the installation of an enclosed flare, or to address offsite gas migration issues. Any owner or operator seeking to temporarily operate an open flare must submit a written request to the department or local authority pursuant to section 10 of this act and the department's

implementing rules adopted pursuant to section 2 of this act.

(5) If the gas collection and control system does not use a flare, it must either route the collected gas to an energy recovery device or devices, or must route the collected gas to a treatment system that processes the collected gas for subsequent sale or use.

(6) If a gas collection and control system routes the collected gas to an energy recovery device or devices, the owner or operator of the energy recovery device or devices must comply with the following requirements:

(a) The device or devices must achieve a methane destruction efficiency of at least 97 percent by weight, except for lean-burn internal combustion engines that were installed and operating prior to January 1, 2022, which must reduce the outlet methane concentration to less than 3,000 parts per million by volume, dry basis corrected to 15 percent oxygen; and

(b) If a boiler or a process heater is used as the gas control device, the landfill gas stream must be introduced into the flame zone, except that where the landfill gas is not the primary fuel for the boiler or process heater, introduction of the landfill gas stream into the flame zone is not required.

(7) If a gas collection and control system routes the collected gas to a treatment system that processes the collected gas for subsequent sale or use, the owner or operator of the treatment system must ensure the system achieves a methane leak rate of three percent or less by weight. Venting of processed landfill gas to the ambient air is not allowed. If the processed landfill gas cannot be routed for subsequent sale or use, then the treated landfill gas must be controlled according to subsection (4) of this section.

(8) The owner or operator of a municipal solid waste landfill must conduct a source test for any gas control device or devices subject to this section using the test methods identified in section 8 of this act and the department's implementing rules adopted pursuant to section 2 of this act. If a gas control device is currently in compliance with source testing requirements as of the effective date of this section, the owner or operator must conduct the source test no less frequently than once every five years. If

a gas control device is currently not in compliance with source testing requirements as of the effective date of this section, or if a subsequent source test shows the gas control device is out of compliance, the owner or operator must conduct the source test no less frequently than once per year until two subsequent consecutive tests both show compliance. Upon two subsequent consecutive compliant tests, the owner or operator may return to conducting the source test no less frequently than once every five years.

NEW SECTION. Sec. 5. (1) Except as provided in section 4 of this act, beginning January 1st of the year following the year in which the department adopts rules to implement this chapter, or upon commencing operation of a newly installed gas collection and control system or modification of an existing gas collection and control system pursuant to section 4 of this act, whichever is later, and except as provided by the department to accommodate significant technological improvements, which may include the installation of an energy recovery device or devices, not to exceed 24 months after the department adopts rules to implement this chapter, no location on a municipal solid waste landfill surface may exceed the following methane concentration limits, dependent upon whether the owner or operator of the municipal solid waste landfills conducts, pursuant to section 6 of this act, instantaneous surface emissions monitoring or integrated surface emissions monitoring:

(a) Five hundred parts per million by volume, other than nonrepeatable, momentary readings, as determined by instantaneous surface emissions monitoring; or

(b) An average methane concentration limit of 25 parts per million by volume as determined by integrated surface emissions monitoring.

(2) Any reading exceeding the limits set forth in subsection (1) of this section must be recorded as an exceedance and the following actions must be taken:

(a) The owner or operator must record the date, location, and value of each exceedance, along with retest dates and results. The location of each exceedance must be clearly marked and identified on a topographic map of the municipal solid waste landfill, drawn to scale, with the

location of both the monitoring grids and the gas collection system clearly identified; and

(b) The owner or operator must take corrective action, which may include, but not be limited to, maintenance or repair of the cover, or well vacuum adjustments. The location or locations of any exceedance must be remonitored within 10 calendar days of a measured exceedance.

(3) The requirements of this section do not apply to:

(a) The working face of the landfill;

(b) Areas of the landfill surface where the landfill cover material has been removed for the purpose of installing, expanding, replacing, or repairing components of the landfill cover system, the landfill gas collection and control system, the leachate collection and removal system, or a landfill gas condensate collection and removal system;

(c) Areas of the landfill surface where the landfill cover material has been removed for law enforcement activities requiring excavation; or

(d) Areas of the landfill in which the landfill owner or operator, or a designee of the owner or operator, is engaged in active mining for minerals or metals.

NEW SECTION. **Sec. 6.** (1) The owner or operator of a municipal solid waste landfill with a gas collection and control system must conduct instantaneous or integrated surface monitoring of the landfill surface according to the requirements specified in implementing rules adopted by the department pursuant to section 2 of this act.

(2) The owner or operator of a municipal solid waste landfill with a gas collection and control system must monitor the gas control system according to the requirements specified in implementing rules adopted by the department pursuant to section 2 of this act.

(3) The owner or operator of a municipal solid waste landfill with a gas collection and control system must monitor each individual wellhead to determine the gauge pressure according to the requirements specified in implementing rules adopted by the department pursuant to section 2 of this act.

NEW SECTION. **Sec. 7.** (1) The owner or operator of a municipal solid waste landfill must maintain records and prepare reports as prescribed in this section and in the department's implementing rules adopted pursuant to section 2 of this act.

(2) The owner or operator of a municipal solid waste landfill must maintain records related to monitoring, testing, landfill operations, and the operation of the gas control device, gas collection system, and gas control system. The records must be provided by the owner or operator to the department or local authority within five business days of a request from the department or local authority.

(3) The owner or operator of a municipal solid waste landfill that ceases to accept waste must submit a closure notification to the department or local authority within 30 days of ceasing to accept waste.

(4) The owner or operator of a municipal solid waste landfill must submit a gas collection and control system equipment removal report to the department or local authority within 30 days of well capping or the removal or cessation of operation of the gas collection, treatment, or control system equipment.

(5) The owner or operator of either an active municipal solid waste landfill with 450,000 or more tons of waste in place or a closed municipal solid waste landfill with 750,000 or more tons of waste in place must prepare an annual report for the period of January 1st through December 31st of each year. The annual report must include a calculation of landfill gas heat input capacity. Each annual report must be submitted to the department and local authority during the subsequent calendar year, with the date of submission to be established through rules adopted by the department.

(6) The owner or operator of an active municipal solid waste landfill with fewer than 450,000 tons of waste in place must submit a waste in place report to the department or local authority.

NEW SECTION. **Sec. 8.** (1) Any instrument used for the measurement of methane must be a hydrocarbon detector or other equivalent instrument approved by the department or local authority based on standards adopted by the department that address calibration,

specifications, and performance criteria.

(2) The determination of landfill gas heat input capacity must be calculated consistent with the department's implementing rules adopted pursuant to section 2 of this act.

(3) The owner or operator of a municipal solid waste landfill must measure the landfill surface concentration of methane using a hydrocarbon detector meeting the requirements of this section and the department's implementing rules adopted pursuant to section 2 of this act.

(4) The owner or operator of a municipal solid waste landfill must measure leaks using a hydrocarbon detector meeting the requirements of this section and the department's implementing rules adopted pursuant to section 2 of this act.

(5) The expected gas generation flow rate must be determined according to the department's implementing rules adopted pursuant to section 2 of this act.

(6) The control device destruction efficiency must be determined according to the department's implementing rules adopted pursuant to section 2 of this act.

(7) Gauge pressure must be determined using a hand-held manometer, magnehelic gauge, or other pressure measuring device approved by the department or local authority.

(8) Alternative test methods may be used if they are approved in writing by the department or local authority.

NEW SECTION. Sec. 9. (1) The department or local authority must allow the capping or removal of the gas collection and control system at a closed municipal solid waste landfill, provided the following three requirements are met:

(a) The gas collection and control system was in operation for at least 15 years, unless the owner or operator demonstrates to the satisfaction of the department or local authority that due to declining methane rates, the municipal solid waste landfill will be unable to operate the gas collection and control system for a 15 year period;

(b) Surface methane concentration measurements do not exceed the limits specified in section 5 of this act; and

(c) The owner or operator submits an equipment removal report to the department or local authority pursuant to section 7 of this act and the department's implementing rules adopted pursuant to section 2 of this act.

(2) Nothing in this section may be interpreted to modify or supersede requirements related to the capping or removal of gas collection and control systems that may exist under the state clean air act, the federal clean air act, or rules adopted pursuant to either the state clean air act or the federal clean air act.

NEW SECTION. Sec. 10. (1) The owner or operator of a municipal solid waste landfill may request alternatives to the compliance measures, monitoring requirements, and test methods and procedures set forth in sections 4, 6, and 8 of this act, and the department's implementing rules adopted pursuant to section 2 of this act. Any alternatives requested by the owner or operator must be submitted in writing to the department.

(2) The criteria that the department may use to evaluate alternative compliance option requests include, but are not limited to: Compliance history; documentation containing the landfill gas flow rate and measured methane concentrations for individual gas collection wells or components; permits; component testing and surface monitoring results; gas collection and control system operation, maintenance, and inspection records; and historical meteorological data.

(3) The department must review the requested alternatives and either approve or disapprove the alternatives within 120 days. The department may request that additional information be submitted as part of the review of the requested alternatives.

(4) If a request for an alternative compliance option is denied, the department must provide written reasons for the denial.

(5) The department must deny a request for alternative compliance measures if the request does not provide levels of enforceability or methane emissions control that are equivalent to those set forth in this chapter or in the department's implementing rules adopted pursuant to section 2 of this act.

NEW SECTION. Sec. 11. The department or local authority may request that any owner or operator of a municipal solid waste landfill demonstrate that a landfill does not meet the applicability criteria specified in section 2 of this act. Such a demonstration must be submitted to the department or local authority within 90 days of a written request received from the department or local authority.

NEW SECTION. Sec. 12. Any person who violates this chapter or any rules that implement this chapter may incur a civil penalty pursuant to RCW 70A.15.3160. The department shall waive penalties in the event the owner or operator of the landfill is actively taking corrective actions to control any methane exceedances. Penalties collected under this section must be deposited into the air pollution control account created in RCW 70A.15.1010 and may only be used to implement chapter 70A.--- RCW (the new chapter created in section 18 of this act).

NEW SECTION. Sec. 13. The department and local authorities may assess and collect such fees as may be necessary to recover the direct and indirect costs associated with the implementation of this chapter.

Sec. 14. RCW 70A.65.080 and 2021 c 316 s 10 are each amended to read as follows:

(1) A person is a covered entity as of the beginning of the first compliance period and all subsequent compliance periods if the person reported emissions under RCW 70A.15.2200 for any calendar year from 2015 through 2019, or if additional data provided as required by this chapter indicates that emissions for any calendar year from 2015 through 2019 equaled or exceeded any of the following thresholds, or if the person is a first jurisdictional deliverer and imports electricity into the state during the compliance period:

(a) Where the person owns or operates a facility and the facility's emissions equal or exceed 25,000 metric tons of carbon dioxide equivalent;

(b) Where the person is a first jurisdictional deliverer and generates electricity in the state and emissions associated with this generation equals or exceeds 25,000 metric tons of carbon dioxide equivalent;

(c) Where the person is a first jurisdictional deliverer importing electricity into the state and the cumulative annual total of emissions associated with the imported electricity, whether from specified or unspecified sources, exceeds 25,000 metric tons of carbon dioxide equivalent. In consultation with any linked jurisdiction to the program created by this chapter, by October 1, 2026, the department, in consultation with the department of commerce and the utilities and transportation commission, shall adopt by rule a methodology for addressing imported electricity associated with a centralized electricity market;

(d) Where the person is a supplier of fossil fuel other than natural gas and from that fuel 25,000 metric tons or more of carbon dioxide equivalent emissions would result from the full combustion or oxidation, excluding the amounts for fuel products that are produced or imported with a documented final point of delivery outside of Washington and combusted outside of Washington; and

(e)(i) Where the person supplies natural gas in amounts that would result in exceeding 25,000 metric tons of carbon dioxide equivalent emissions if fully combusted or oxidized, excluding the amounts for fuel products that are produced or imported with a documented final point of delivery outside of Washington and combusted outside of Washington, and excluding the amounts: (A) Supplied to covered entities under (a) through (d) of this subsection; and (B) delivered to opt-in entities;

(ii) Where the person who is not a natural gas company and has a tariff with a natural gas company to deliver to an end-use customer in the state in amounts that would result in exceeding 25,000 metric tons of carbon dioxide equivalent emissions if fully combusted or oxidized, excluding the amounts: (A) Supplied to covered entities under (a) through (d) of this subsection; and (B) the amounts delivered to opt-in entities;

(iii) Where the person is an end-use customer in the state who directly purchases natural gas from a person that is not a natural gas company and has the natural gas delivered through an interstate pipeline to a distribution system owned by the purchaser in amounts that would result in exceeding 25,000 metric tons of carbon dioxide equivalent

emissions if fully combusted or oxidized, excluding the amounts: (A) Supplied to covered entities under (a) through (d) of this subsection; and (B) delivered to opt-in entities.

(2) A person is a covered entity as of the beginning of the second compliance period and all subsequent compliance periods if the person reported emissions under RCW 70A.15.2200 or provided emissions data as required by this chapter for any calendar year from 2023 through 2025, where the person owns or operates a waste to energy facility utilized by a county and city solid waste management program and the facility's emissions equal or exceed 25,000 metric tons of carbon dioxide equivalent.

(3) ~~((a))~~ A person is a covered entity beginning January 1, 2031, and all subsequent compliance periods if the person reported emissions under RCW 70A.15.2200 or provided emissions data as required by this chapter for any calendar year from 2027 through 2029, where the person owns or operates a ~~(+~~

~~(i) Landfill utilized by a county and city solid waste management program and the facility's emissions equal or exceed 25,000 metric tons of carbon dioxide equivalent; or~~

~~(ii) Railroad))~~ railroad company, as that term is defined in RCW 81.04.010, and the railroad company's emissions equal or exceed 25,000 metric tons of carbon dioxide equivalent.

~~((b) Subsection (a) of this subsection does not apply to owners or operators of landfills that:~~

~~(i) Capture at least 75 percent of the landfill gas generated by the decomposition of waste using methods under 40 C.F.R. Part 98, Subpart HH—Municipal Solid Waste landfills, and subsequent updates; and~~

~~(ii) Operate a program, individually or through partnership with another entity, that results in the production of renewable natural gas or electricity from landfill gas generated by the facility.~~

~~(c) It is the intent of the legislature to adopt a greenhouse gas reduction policy specific to landfills. If such a policy is not enacted by January 1, 2030, the requirements of this subsection (3) take full effect.)~~

(4) When a covered entity reports, during a compliance period, emissions

from a facility under RCW 70A.15.2200 that are below the thresholds specified in subsection (1) or (2) of this section, the covered entity continues to have a compliance obligation through the current compliance period. When a covered entity reports emissions below the threshold for each year during an entire compliance period, or has ceased all processes at the facility requiring reporting under RCW 70A.15.2200, the entity is no longer a covered entity as of the beginning of the subsequent compliance period unless the department provides notice at least 12 months before the end of the compliance period that the facility's emissions were within 10 percent of the threshold and that the person will continue to be designated as a covered entity in order to ensure equity among all covered entities. Whenever a covered entity ceases to be a covered entity, the department shall notify the appropriate policy and fiscal committees of the legislature of the name of the entity and the reason the entity is no longer a covered entity.

(5) For types of emission sources described in subsection (1) of this section that begin or modify operation after January 1, 2023, and types of emission sources described in subsection (2) of this section that begin or modify operation after 2027, coverage under the program starts in the calendar year in which emissions from the source exceed the applicable thresholds in subsection (1) or (2) of this section, or upon formal notice from the department that the source is expected to exceed the applicable emissions threshold, whichever happens first. Sources meeting these conditions are required to transfer their first allowances on the first transfer deadline of the year following the year in which their emissions were equal to or exceeded the emissions threshold.

(6) For emission sources described in subsection (1) of this section that are in operation or otherwise active between 2015 and 2019 but were not required to report emissions for those years under RCW 70A.15.2200 for the reporting periods between 2015 and 2019, coverage under the program starts in the calendar year following the year in which emissions from the source exceed the applicable thresholds in subsection (1) of this section as reported pursuant to RCW 70A.15.2200 or provided as required by this chapter, or upon formal notice from

the department that the source is expected to exceed the applicable emissions threshold for the first year that source is required to report emissions, whichever happens first. Sources meeting these criteria are required to transfer their first allowances on the first transfer deadline of the year following the year in which their emissions, as reported under RCW 70A.15.2200 or provided as required by this chapter, were equal to or exceeded the emissions threshold.

(7) The following emissions are exempt from coverage in the program, regardless of the emissions reported under RCW 70A.15.2200 or provided as required by this chapter:

(a) Emissions from the combustion of aviation fuels;

(b) Emissions from watercraft fuels supplied in Washington that are combusted outside of Washington;

(c) Emissions from a coal-fired electric generation facility exempted from additional greenhouse gas limitations, requirements, or performance standards under RCW 80.80.110;

(d) Carbon dioxide emissions from the combustion of biomass or biofuels;

(e)(i) Motor vehicle fuel or special fuel that is used exclusively for agricultural purposes by a farm fuel user. This exemption is available only if a buyer of motor vehicle fuel or special fuel provides the seller with an exemption certificate in a form and manner prescribed by the department. For the purposes of this subsection, "agricultural purposes" and "farm fuel user" have the same meanings as provided in RCW 82.08.865.

(ii) The department must determine a method for expanding the exemption provided under (e)(i) of this subsection to include fuels used for the purpose of transporting agricultural products on public highways. The department must maintain this expanded exemption for a period of five years, in order to provide the agricultural sector with a feasible transition period; ~~(and)~~

(f) Emissions from facilities with North American industry classification system code 92811 (national security); and

(g) Emissions from municipal solid waste landfills that are subject to, and in compliance with, chapter 70A.--- RCW (the new chapter created in section 18 of this act).

(8) The department shall not require multiple covered entities to have a compliance obligation for the same emissions. The department may by rule authorize refineries, fuel suppliers, facilities using natural gas, and natural gas utilities to provide by agreement for the assumption of the compliance obligation for fuel or natural gas supplied and combusted in the state. The department must be notified of such an agreement at least 12 months prior to the compliance obligation period for which the agreement is applicable.

(9)(a) The legislature intends to promote a growing and sustainable economy and to avoid leakage of emissions from manufacturing to other locations. The legislature further intends to see innovative new businesses locate and grow in Washington that contribute to Washington's prosperity and environmental objectives.

(b) Consistent with the intent of the legislature to avoid the leakage of emissions to other jurisdictions, in achieving the state's greenhouse gas limits in RCW 70A.45.020, the state, including lead agencies under chapter 43.21C RCW, shall pursue the limits in a manner that recognizes that the siting and placement of new or expanded best-in-class facilities with lower carbon emitting processes is in the economic and environmental interests of the state of Washington.

(c) In conducting a life-cycle analysis, if required, for new or expanded facilities that require review under chapter 43.21C RCW, a lead agency must evaluate and attribute any potential net cumulative greenhouse gas emissions resulting from the project as compared to other existing facilities or best available technology including best-in-class facilities and emerging lower carbon processes that supply the same product or end use. The department may adopt rules to determine the appropriate threshold for applying this analysis.

(d) Covered emissions from an entity that is or will be a covered entity under this chapter may not be the basis for denial of a permit for a new or expanded facility. Covered emissions must be

included in the analysis undertaken pursuant to (c) of this subsection. Nothing in this subsection requires a lead agency or a permitting agency to approve or issue a permit to a permit applicant, including to a new or expanded fossil fuel project.

(e) A lead agency under chapter 43.21C RCW or a permitting agency shall allow a new or expanded facility that is a covered entity or opt-in entity to satisfy a mitigation requirement for its covered emissions under chapter 316, Laws of 2021 and under any greenhouse gas emission mitigation requirements for covered emissions under chapter 43.21C RCW by submitting to the department the number of compliance instruments equivalent to its covered emissions during a compliance period.

Sec. 15. RCW 70A.15.3160 and 2021 c 317 s 25, 2021 c 315 s 16, and 2021 c 132 s 1 are each reenacted and amended to read as follows:

(1)(a) Except as provided in RCW 43.05.060 through 43.05.080 and 43.05.150, and in addition to or as an alternate to any other penalty provided by law, any person who violates any of the provisions of this chapter, chapter 70A.25, 70A.60, 70A.450, (~~or 70A.60~~) 70A.535 ((RCW)), or 70A.--- RCW (the new chapter created in section 18 of this act), RCW 76.04.205, or any of the rules in force under such chapters or section may incur a civil penalty in an amount not to exceed ten thousand dollars per day for each violation. Each such violation shall be a separate and distinct offense, and in case of a continuing violation, each day's continuance shall be a separate and distinct violation. Enforcement actions related to violations of RCW 76.04.205 must be consistent with the provisions of RCW 76.04.205.

(b) Any person who fails to take action as specified by an order issued pursuant to this chapter shall be liable for a civil penalty of not more than ten thousand dollars for each day of continued noncompliance.

(2)(a) Penalties incurred but not paid shall accrue interest, beginning on the ninety-first day following the date that the penalty becomes due and payable, at the highest rate allowed by RCW 19.52.020 on the date that the penalty becomes due and payable. If violations or penalties are appealed, interest shall not begin to

accrue until the thirty-first day following final resolution of the appeal.

(b) The maximum penalty amounts established in this section may be increased annually to account for inflation as determined by the state office of the economic and revenue forecast council.

(3) Each act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the same penalty. The penalties provided in this section shall be imposed pursuant to RCW 43.21B.300.

(4)(a) Except as provided in (b) of this subsection, all penalties recovered under this section by the department or the department of natural resources shall be paid into the state treasury and credited to the air pollution control account established in RCW 70A.15.1010 or, if recovered by the authority, shall be paid into the treasury of the authority and credited to its funds. If a prior penalty for the same violation has been paid to a local authority, the penalty imposed by the department under subsection (1) of this section shall be reduced by the amount of the payment.

(b) All penalties recovered for violations of chapter 70A.60 RCW must be paid into the state treasury and credited to the refrigerant emission management account created in RCW 70A.60.050.

(5) To secure the penalty incurred under this section, the state or the authority shall have a lien on any vessel used or operated in violation of this chapter which shall be enforced as provided in RCW 60.36.050.

(6) Public or private entities that are recipients or potential recipients of department grants, whether for air quality related activities or not, may have such grants rescinded or withheld by the department for failure to comply with provisions of this chapter.

(7) In addition to other penalties provided by this chapter, persons knowingly underreporting emissions or other information used to set fees, or persons required to pay emission or permit fees who are more than ninety days late with such payments may be subject to a penalty equal to three times the amount of the original fee owed.

(8) The department shall develop rules for excusing excess emissions from enforcement action if such excess emissions are unavoidable. The rules shall specify the criteria and procedures for the department and local air authorities to determine whether a period of excess emissions is excusable in accordance with the state implementation plan.

Sec. 16. RCW 70A.15.1010 and 2021 c 315 s 13 are each amended to read as follows:

(1) The air pollution control account is established in the state treasury. All receipts collected by or on behalf of the department from RCW 70A.15.2200(2), and receipts from nonpermit program sources under RCW 70A.15.2210(1) and 70A.15.2230(7), and all receipts from RCW 70A.15.5090 ~~((and))~~, 70A.15.5120, and section 12 of this act shall be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only to develop and implement the provisions of this chapter, chapters 70A.25 and 70A.--- (the new chapter created in section 18 of this act) RCW, and RCW 70A.60.060. Moneys collected under section 12 of this act may only be used to implement chapter 70A.--- RCW (the new chapter created in section 18 of this act).

(2) The amounts collected and allocated in accordance with this section shall be expended upon appropriation except as otherwise provided in this section and in accordance with the following limitations:

Portions of moneys received by the department of ecology from the air pollution control account shall be distributed by the department to local authorities based on:

(a) The level and extent of air quality problems within such authority's jurisdiction;

(b) The costs associated with implementing air pollution regulatory programs by such authority; and

(c) The amount of funding available to such authority from other sources, whether state, federal, or local, that could be used to implement such programs.

(3) The air operating permit account is created in the custody of the state treasurer. All receipts collected by or

on behalf of the department from permit program sources under RCW 70A.15.2210(1), 70A.15.2260, 70A.15.2270, and 70A.15.2230(7) shall be deposited into the account. Expenditures from the account may be used only for the activities described in RCW 70A.15.2210(1), 70A.15.2260, 70A.15.2270, and 70A.15.2230(7). Moneys in the account may be spent only after appropriation.

Sec. 17. RCW 70A.65.260 and 2021 c 316 s 29 are each amended to read as follows:

(1) The climate commitment account is created in the state treasury. The account must receive moneys distributed to the account from the climate investment account created in RCW 70A.65.250. Moneys in the account may be spent only after appropriation. Projects, activities, and programs eligible for funding from the account must be physically located in Washington state and include, but are not limited to, the following:

(a) Implementing the working families tax rebate in RCW 82.08.0206;

(b) Supplementing the growth management planning and environmental review fund established in RCW 36.70A.490 for the purpose of making grants or loans to local governments for the purposes set forth in RCW 43.21C.240, 43.21C.031, 36.70A.500, and 36.70A.600, for costs associated with RCW 36.70A.610, and to cover costs associated with the adoption of optional elements of comprehensive plans consistent with RCW 43.21C.420;

(c) Programs, activities, or projects that reduce and mitigate impacts from greenhouse gases and copollutants in overburdened communities, including strengthening the air quality monitoring network to measure, track, and better understand air pollution levels and trends and to inform the analysis, monitoring, and pollution reduction measures required in RCW 70A.65.020;

(d) Programs, activities, or projects that deploy renewable energy resources, such as solar and wind power, and projects to deploy distributed generation, energy storage, demand-side technologies and strategies, and other grid modernization projects;

(e) Programs, activities, or projects that increase the energy efficiency or reduce greenhouse gas emissions of

industrial facilities including, but not limited to, proposals to implement combined heat and power, district energy, or on-site renewables, such as solar and wind power, to upgrade the energy efficiency of existing equipment, to reduce process emissions, and to switch to less emissions intensive fuel sources;

(f) Programs, activities, or projects that achieve energy efficiency or emissions reductions in the agricultural sector including:

(i) Fertilizer management;

(ii) Soil management;

(iii) Bioenergy;

(iv) Biofuels;

(v) Grants, rebates, and other financial incentives for agricultural harvesting equipment, heavy-duty trucks, agricultural pump engines, tractors, and other equipment used in agricultural operations;

(vi) Grants, loans, or any financial incentives to food processors to implement projects that reduce greenhouse gas emissions;

(vii) Renewable energy projects;

(viii) Farmworker housing weatherization programs;

(ix) Dairy digester research and development;

(x) Alternative manure management; and

(xi) Eligible fund uses under RCW 89.08.615;

(g) Programs, activities, or projects that increase energy efficiency in new and existing buildings, or that promote low carbon architecture, including use of newly emerging alternative building materials that result in a lower carbon footprint in the built environment over the life cycle of the building and component building materials;

(h) Programs, activities, or projects that promote the electrification and decarbonization of new and existing buildings, including residential, commercial, and industrial buildings;

(i) Programs, activities, or projects that improve energy efficiency, including district energy, and investments in market transformation of high efficiency electric appliances and equipment for space and water heating;

(j) Clean energy transition and assistance programs, activities, or projects that assist affected workers or people with lower incomes during the transition to a clean energy economy, or grow and expand clean manufacturing capacity in communities across Washington state including, but not limited to:

(i) Programs, activities, or projects that directly improve energy affordability and reduce the energy burden of people with lower incomes, as well as the higher transportation fuel burden of rural residents, such as bill assistance, energy efficiency, and weatherization programs;

(ii) Community renewable energy projects that allow qualifying participants to own or receive the benefits of those projects at reduced or no cost;

(iii) Programs, activities, or other worker-support projects for bargaining unit and nonsupervisory fossil fuel workers who are affected by the transition away from fossil fuels to a clean energy economy. Worker support may include, but is not limited to: (A) Full wage replacement, health benefits, and pension contributions for every worker within five years of retirement; (B) full wage replacement, health benefits, and pension contributions for every worker with at least one year of service for each year of service up to five years of service; (C) wage insurance for up to five years for workers reemployed who have more than five years of service; (D) up to two years of retraining costs, including tuition and related costs, based on in-state community and technical college costs; (E) peer counseling services during transition; (F) employment placement services, prioritizing employment in the clean energy sector; and (G) relocation expenses;

(iv) Direct investment in workforce development, via technical education, community college, institutions of higher education, apprenticeships, and other programs including, but not limited to:

(A) Initiatives to develop a forest health workforce established under RCW 76.04.521; and

(B) Initiatives to develop new education programs, emerging fields, or

jobs pertaining to the clean energy economy;

(v) Transportation, municipal service delivery, and technology investments that increase a community's capacity for clean manufacturing, with an emphasis on communities in greatest need of job creation and economic development and potential for commute reduction;

(k) Programs, activities, or projects that reduce emissions from landfills and waste-to-energy facilities through diversion of organic materials, methane capture or conversion strategies, (~~or other means~~) installation of gas collection devices and gas control systems, monitoring and reporting of methane emissions, or other means, prioritizing funding needed for any activities by local governments to comply with chapter 70A.--- RCW (the new chapter created in section 18 of this act);

(l) Carbon dioxide removal projects, programs, and activities; and

(m) Activities to support efforts to mitigate and adapt to the effects of climate change affecting Indian tribes, including capital investments in support of the relocation of Indian tribes located in areas at heightened risk due to anticipated sea level rise, flooding, or other disturbances caused by climate change. The legislature intends to dedicate at least \$50,000,000 per biennium from the account for purposes of this subsection.

(2) Moneys in the account may not be used for projects or activities that would violate tribal treaty rights or result in significant long-term damage to critical habitat or ecological functions. Investments from this account must result in long-term environmental benefits and increased resilience to the impacts of climate change.

NEW SECTION. Sec. 18. Sections 1 through 13 of this act constitute a new chapter in Title 70A RCW.

NEW SECTION. Sec. 19. 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."

On page 1, line 1 of the title, after "landfills;" strike the remainder of the title and insert "amending RCW

70A.65.080, 70A.15.1010, and 70A.65.260; reenacting and amending RCW 70A.15.3160; adding a new chapter to Title 70A RCW; and prescribing penalties."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1663 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Duerr and Dye spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1663, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1663, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 58; Nays, 38; Absent, 0; Excused, 2.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Dye, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Macri, Morgan, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Sutherland, Vick, Volz, Walen, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Klippert and Ormsby.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1663, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 8, 2022

Madame Speaker:

The Senate receded from its amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1821, and under suspension of the rules returned ENGROSSED SUBSTITUTE HOUSE BILL NO. 1821 to second reading for purpose of amendment(s). The Senate further adopted amendment 1821-S.E AMS MUZZ S5421.1 and passed the measure as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 41.05.700 and 2021 c 157 s 1 are each amended to read as follows:

(1)(a) A health plan offered to employees, school employees, and their covered dependents under this chapter issued or renewed on or after January 1, 2017, shall reimburse a provider for a health care service provided to a covered person through telemedicine or store and forward technology if:

(i) The plan provides coverage of the health care service when provided in person by the provider;

(ii) The health care service is medically necessary;

(iii) The health care service is a service recognized as an essential health benefit under section 1302(b) of the federal patient protection and affordable care act in effect on January 1, 2015;

(iv) The health care service is determined to be safely and effectively provided through telemedicine or store and forward technology according to generally accepted health care practices and standards, and the technology used to provide the health care service meets the standards required by state and federal laws governing the privacy and security of protected health information; and

(v) Beginning January 1, 2023, for audio-only telemedicine, the covered person has an established relationship with the provider.

(b)(i) Except as provided in (b)(ii) of this subsection, a health plan offered to employees, school employees, and their covered dependents under this chapter issued or renewed on or after January 1, 2021, shall reimburse a provider for a health care service provided to a covered person through telemedicine the same amount of compensation the carrier would pay the provider if the health care service was provided in person by the provider.

(ii) Hospitals, hospital systems, telemedicine companies, and provider groups consisting of eleven or more providers may elect to negotiate an amount of compensation for telemedicine services that differs from the amount of compensation for in-person services.

(iii) For purposes of this subsection (1)(b), the number of providers in a provider group refers to all providers within the group, regardless of a provider's location.

(2) For purposes of this section, reimbursement of store and forward technology is available only for those covered services specified in the negotiated agreement between the health plan and health care provider.

(3) An originating site for a telemedicine health care service subject to subsection (1) of this section includes a:

(a) Hospital;

(b) Rural health clinic;

(c) Federally qualified health center;

(d) Physician's or other health care provider's office;

(e) Licensed or certified behavioral health agency;

(f) Skilled nursing facility;

(g) Home or any location determined by the individual receiving the service; or

(h) Renal dialysis center, except an independent renal dialysis center.

(4) Except for subsection (3)(g) of this section, any originating site under subsection (3) of this section may charge a facility fee for infrastructure and preparation of the patient. Reimbursement for a facility fee must be subject to a negotiated agreement between the originating site and the health plan. A distant site, a hospital that is an originating site for audio-only telemedicine, or any other site not identified in subsection (3) of this section may not charge a facility fee.

(5) The plan may not distinguish between originating sites that are rural and urban in providing the coverage required in subsection (1) of this section.

(6) The plan may subject coverage of a telemedicine or store and forward technology health service under

subsection (1) of this section to all terms and conditions of the plan including, but not limited to, utilization review, prior authorization, deductible, copayment, or coinsurance requirements that are applicable to coverage of a comparable health care service provided in person.

(7) This section does not require the plan to reimburse:

(a) An originating site for professional fees;

(b) A provider for a health care service that is not a covered benefit under the plan; or

(c) An originating site or health care provider when the site or provider is not a contracted provider under the plan.

(8)(a) If a provider intends to bill a patient or the patient's health plan for an audio-only telemedicine service, the provider must obtain patient consent for the billing in advance of the service being delivered.

(b) If the health care authority has cause to believe that a provider has engaged in a pattern of unresolved violations of this subsection (8), the health care authority may submit information to the appropriate disciplining authority, as defined in RCW 18.130.020, for action. Prior to submitting information to the appropriate disciplining authority, the health care authority may provide the provider with an opportunity to cure the alleged violations or explain why the actions in question did not violate this subsection (8).

(c) If the provider has engaged in a pattern of unresolved violations of this subsection (8), the appropriate disciplining authority may levy a fine or cost recovery upon the provider in an amount not to exceed the applicable statutory amount per violation and take other action as permitted under the authority of the disciplining authority. Upon completion of its review of any potential violation submitted by the health care authority or initiated directly by an enrollee, the disciplining authority shall notify the health care authority of the results of the review, including whether the violation was substantiated and any enforcement action taken as a result of a finding of a substantiated violation.

(9) For purposes of this section:

(a)(i) "Audio-only telemedicine" means the delivery of health care services through the use of audio-only technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment.

(ii) For purposes of this section only, "audio-only telemedicine" does not include:

(A) The use of facsimile or email; or

(B) The delivery of health care services that are customarily delivered by audio-only technology and customarily not billed as separate services by the provider, such as the sharing of laboratory results;

(b) "Disciplining authority" has the same meaning as in RCW 18.130.020;

(c) "Distant site" means the site at which a physician or other licensed provider, delivering a professional service, is physically located at the time the service is provided through telemedicine;

(d) "Established relationship" means the provider providing audio-only telemedicine has access to sufficient health records to ensure safe, effective, and appropriate care services and:

(i) For health care services included in the essential health benefits category of mental health and substance use disorder services, including behavioral health treatment:

(A) The covered person has had, within the past three years, at least one in-person appointment (~~within the past year~~), or at least one real-time interactive appointment using both audio and video technology, with the provider providing audio-only telemedicine or with a provider employed at the same medical group, at the same clinic, or by the same integrated delivery system operated by a carrier licensed under chapter 48.44 or 48.46 RCW as the provider providing audio-only telemedicine; or ((the))

(B) The covered person was referred to the provider providing audio-only telemedicine by another provider who has had, within the past three years, at least one in-person appointment, or at least one real-time interactive appointment using both audio and video

technology, with the covered person (~~within the past year~~) and has provided relevant medical information to the provider providing audio-only telemedicine;

(ii) For any other health care service:

(A) The covered person has had, within the past two years, at least one in-person appointment, or, until January 1, 2024, at least one real-time interactive appointment using both audio and video technology, with the provider providing audio-only telemedicine or with a provider employed at the same medical group, at the same clinic, or by the same integrated delivery system operated by a carrier licensed under chapter 48.44 or 48.46 RCW as the provider providing audio-only telemedicine; or

(B) The covered person was referred to the provider providing audio-only telemedicine by another provider who has had, within the past two years, at least one in-person appointment, or, until January 1, 2024, at least one real-time interactive appointment using both audio and video technology, with the covered person and has provided relevant medical information to the provider providing audio-only telemedicine;

(e) "Health care service" has the same meaning as in RCW 48.43.005;

(f) "Hospital" means a facility licensed under chapter 70.41, 71.12, or 72.23 RCW;

(g) "Originating site" means the physical location of a patient receiving health care services through telemedicine;

(h) "Provider" has the same meaning as in RCW 48.43.005;

(i) "Store and forward technology" means use of an asynchronous transmission of a covered person's medical information from an originating site to the health care provider at a distant site which results in medical diagnosis and management of the covered person, and does not include the use of audio-only telephone, facsimile, or email; and

(j) "Telemedicine" means the delivery of health care services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation,

or treatment. For purposes of this section only, "telemedicine" includes audio-only telemedicine, but does not include facsimile or email.

Sec. 2. RCW 48.43.735 and 2021 c 157 s 2 are each amended to read as follows:

(1)(a) For health plans issued or renewed on or after January 1, 2017, a health carrier shall reimburse a provider for a health care service provided to a covered person through telemedicine or store and forward technology if:

(i) The plan provides coverage of the health care service when provided in person by the provider;

(ii) The health care service is medically necessary;

(iii) The health care service is a service recognized as an essential health benefit under section 1302(b) of the federal patient protection and affordable care act in effect on January 1, 2015;

(iv) The health care service is determined to be safely and effectively provided through telemedicine or store and forward technology according to generally accepted health care practices and standards, and the technology used to provide the health care service meets the standards required by state and federal laws governing the privacy and security of protected health information; and

(v) Beginning January 1, 2023, for audio-only telemedicine, the covered person has an established relationship with the provider.

(b)(i) Except as provided in (b)(ii) of this subsection, for health plans issued or renewed on or after January 1, 2021, a health carrier shall reimburse a provider for a health care service provided to a covered person through telemedicine the same amount of compensation the carrier would pay the provider if the health care service was provided in person by the provider.

(ii) Hospitals, hospital systems, telemedicine companies, and provider groups consisting of eleven or more providers may elect to negotiate an amount of compensation for telemedicine services that differs from the amount of compensation for in-person services.

(iii) For purposes of this subsection (1)(b), the number of providers in a provider group refers to all providers

within the group, regardless of a provider's location.

(2) For purposes of this section, reimbursement of store and forward technology is available only for those covered services specified in the negotiated agreement between the health carrier and the health care provider.

(3) An originating site for a telemedicine health care service subject to subsection (1) of this section includes a:

- (a) Hospital;
- (b) Rural health clinic;
- (c) Federally qualified health center;
- (d) Physician's or other health care provider's office;
- (e) Licensed or certified behavioral health agency;
- (f) Skilled nursing facility;
- (g) Home or any location determined by the individual receiving the service; or
- (h) Renal dialysis center, except an independent renal dialysis center.

(4) Except for subsection (3)(g) of this section, any originating site under subsection (3) of this section may charge a facility fee for infrastructure and preparation of the patient. Reimbursement for a facility fee must be subject to a negotiated agreement between the originating site and the health carrier. A distant site, a hospital that is an originating site for audio-only telemedicine, or any other site not identified in subsection (3) of this section may not charge a facility fee.

(5) A health carrier may not distinguish between originating sites that are rural and urban in providing the coverage required in subsection (1) of this section.

(6) A health carrier may subject coverage of a telemedicine or store and forward technology health service under subsection (1) of this section to all terms and conditions of the plan in which the covered person is enrolled including, but not limited to, utilization review, prior authorization, deductible, copayment, or coinsurance requirements that are applicable to coverage of a comparable health care service provided in person.

(7) This section does not require a health carrier to reimburse:

- (a) An originating site for professional fees;
- (b) A provider for a health care service that is not a covered benefit under the plan; or

(c) An originating site or health care provider when the site or provider is not a contracted provider under the plan.

(8) (a) If a provider intends to bill a patient or the patient's health plan for an audio-only telemedicine service, the provider must obtain patient consent for the billing in advance of the service being delivered.

(b) If the commissioner has cause to believe that a provider has engaged in a pattern of unresolved violations of this subsection (8), the commissioner may submit information to the appropriate disciplining authority, as defined in RCW 18.130.020, for action. Prior to submitting information to the appropriate disciplining authority, the commissioner may provide the provider with an opportunity to cure the alleged violations or explain why the actions in question did not violate this subsection (8).

(c) If the provider has engaged in a pattern of unresolved violations of this subsection (8), the appropriate disciplining authority may levy a fine or cost recovery upon the provider in an amount not to exceed the applicable statutory amount per violation and take other action as permitted under the authority of the disciplining authority. Upon completion of its review of any potential violation submitted by the commissioner or initiated directly by an enrollee, the disciplining authority shall notify the commissioner of the results of the review, including whether the violation was substantiated and any enforcement action taken as a result of a finding of a substantiated violation.

(9) For purposes of this section:

(a) (i) "Audio-only telemedicine" means the delivery of health care services through the use of audio-only technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment.

(ii) For purposes of this section only, "audio-only telemedicine" does not include:

(A) The use of facsimile or email; or

(B) The delivery of health care services that are customarily delivered by audio-only technology and customarily not billed as separate services by the provider, such as the sharing of laboratory results;

(b) "Disciplining authority" has the same meaning as in RCW 18.130.020;

(c) "Distant site" means the site at which a physician or other licensed provider, delivering a professional service, is physically located at the time the service is provided through telemedicine;

(d) "Established relationship" means the provider providing audio-only telemedicine has access to sufficient health records to ensure safe, effective, and appropriate care services and:

(i) For health care services included in the essential health benefits category of mental health and substance use disorder services, including behavioral health treatment:

(A) The covered person has had, within the past three years, at least one in-person appointment ((within the past year)), or at least one real-time interactive appointment using both audio and video technology, with the provider providing audio-only telemedicine or with a provider employed at the same medical group, at the same clinic, or by the same integrated delivery system operated by a carrier licensed under chapter 48.44 or 48.46 RCW as the provider providing audio-only telemedicine; or ((the))

(B) The covered person was referred to the provider providing audio-only telemedicine by another provider who has had, within the past three years, at least one in-person appointment, or at least one real-time interactive appointment using both audio and video technology, with the covered person ((within the past year)) and has provided relevant medical information to the provider providing audio-only telemedicine;

(ii) For any other health care service:

(A) The covered person has had, within the past two years, at least one in-person appointment, or, until January 1, 2024, at least one real-time interactive appointment using both audio and video technology, with the provider providing audio-only telemedicine or with a provider employed at the same medical group, at the same clinic, or by the same integrated delivery system operated by a carrier licensed under chapter 48.44 or 48.46 RCW as the provider providing audio-only telemedicine; or

(B) The covered person was referred to the provider providing audio-only telemedicine by another provider who has had, within the past two years, at least one in-person appointment, or, until January 1, 2024, at least one real-time interactive appointment using both audio and video technology, with the covered person and has provided relevant medical information to the provider providing audio-only telemedicine;

(e) "Health care service" has the same meaning as in RCW 48.43.005;

(f) "Hospital" means a facility licensed under chapter 70.41, 71.12, or 72.23 RCW;

(g) "Originating site" means the physical location of a patient receiving health care services through telemedicine;

(h) "Provider" has the same meaning as in RCW 48.43.005;

(i) "Store and forward technology" means use of an asynchronous transmission of a covered person's medical information from an originating site to the health care provider at a distant site which results in medical diagnosis and management of the covered person, and does not include the use of audio-only telephone, facsimile, or email; and

(j) "Telemedicine" means the delivery of health care services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. For purposes of this section only, "telemedicine" includes audio-only telemedicine, but does not include facsimile or email.

~~((9) [(10)])~~ (10) The commissioner may adopt any rules necessary to implement this section.

Sec. 3. RCW 71.24.335 and 2021 c 157 s 4 and 2021 c 100 s 1 are each reenacted and amended to read as follows:

(1) Upon initiation or renewal of a contract with the authority, behavioral health administrative services organizations and managed care organizations shall reimburse a provider for a behavioral health service provided to a covered person through telemedicine or store and forward technology if:

(a) The behavioral health administrative services organization or managed care organization in which the covered person is enrolled provides coverage of the behavioral health service when provided in person by the provider;

(b) The behavioral health service is medically necessary; and

(c) Beginning January 1, 2023, for audio-only telemedicine, the covered person has an established relationship with the provider.

(2)(a) If the service is provided through store and forward technology there must be an associated visit between the covered person and the referring provider. Nothing in this section prohibits the use of telemedicine for the associated office visit.

(b) For purposes of this section, reimbursement of store and forward technology is available only for those services specified in the negotiated agreement between the behavioral health administrative services organization, or managed care organization, and the provider.

(3) An originating site for a telemedicine behavioral health service subject to subsection (1) of this section means an originating site as defined in rule by the department or the health care authority.

(4) Any originating site, other than a home, under subsection (3) of this section may charge a facility fee for infrastructure and preparation of the patient. Reimbursement must be subject to a negotiated agreement between the originating site and the behavioral health administrative services organization, or managed care organization, as applicable. A distant site, a hospital that is an originating site for audio-only telemedicine, or any other site not identified in subsection

(3) of this section may not charge a facility fee.

(5) Behavioral health administrative services organizations and managed care organizations may not distinguish between originating sites that are rural and urban in providing the coverage required in subsection (1) of this section.

(6) Behavioral health administrative services organizations and managed care organizations may subject coverage of a telemedicine or store and forward technology behavioral health service under subsection (1) of this section to all terms and conditions of the behavioral health administrative services organization or managed care organization in which the covered person is enrolled, including, but not limited to, utilization review, prior authorization, deductible, copayment, or coinsurance requirements that are applicable to coverage of a comparable behavioral health care service provided in person.

(7) This section does not require a behavioral health administrative services organization or a managed care organization to reimburse:

(a) An originating site for professional fees;

(b) A provider for a behavioral health service that is not a covered benefit; or

(c) An originating site or provider when the site or provider is not a contracted provider.

(8)(a) If a provider intends to bill a patient, a behavioral health administrative services organization, or a managed care organization for an audio-only telemedicine service, the provider must obtain patient consent for the billing in advance of the service being delivered.

(b) If the health care authority has cause to believe that a provider has engaged in a pattern of unresolved violations of this subsection (8), the health care authority may submit information to the appropriate disciplining authority, as defined in RCW 18.130.020, for action. Prior to submitting information to the appropriate disciplining authority, the health care authority may provide the provider with an opportunity to cure the alleged violations or explain why the

actions in question did not violate this subsection (8).

(c) If the provider has engaged in a pattern of unresolved violations of this subsection (8), the appropriate disciplining authority may levy a fine or cost recovery upon the provider in an amount not to exceed the applicable statutory amount per violation and take other action as permitted under the authority of the disciplining authority. Upon completion of its review of any potential violation submitted by the health care authority or initiated directly by an enrollee, the disciplining authority shall notify the health care authority of the results of the review, including whether the violation was substantiated and any enforcement action taken as a result of a finding of a substantiated violation.

(9) For purposes of this section:

(a) (i) "Audio-only telemedicine" means the delivery of health care services through the use of audio-only technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment.

(ii) For purposes of this section only, "audio-only telemedicine" does not include:

(A) The use of facsimile or email; or

(B) The delivery of health care services that are customarily delivered by audio-only technology and customarily not billed as separate services by the provider, such as the sharing of laboratory results;

(b) "Disciplining authority" has the same meaning as in RCW 18.130.020;

(c) "Distant site" means the site at which a physician or other licensed provider, delivering a professional service, is physically located at the time the service is provided through telemedicine;

(d) "Established relationship" means the provider providing audio-only telemedicine has access to sufficient health records to ensure safe, effective, and appropriate care services and:

(i) The covered person has had, within the past three years, at least one in-person appointment ((within the past year)), or at least one real-time interactive appointment using both audio

and video technology, with the provider providing audio-only telemedicine or with a provider employed at the same medical group, at the same clinic, or by the same integrated delivery system operated by a carrier licensed under chapter 48.44 or 48.46 RCW as the provider providing audio-only telemedicine; or ((the))

(ii) The covered person was referred to the provider providing audio-only telemedicine by another provider who has had, within the past three years, at least one in-person appointment, or at least one real-time interactive appointment using both audio and video technology, with the covered person ((within the past year)) and has provided relevant medical information to the provider providing audio-only telemedicine;

(e) "Hospital" means a facility licensed under chapter 70.41, 71.12, or 72.23 RCW;

(f) "Originating site" means the physical location of a patient receiving behavioral health services through telemedicine;

(g) "Provider" has the same meaning as in RCW 48.43.005;

(h) "Store and forward technology" means use of an asynchronous transmission of a covered person's medical or behavioral health information from an originating site to the provider at a distant site which results in medical or behavioral health diagnosis and management of the covered person, and does not include the use of audio-only telephone, facsimile, or email; and

(i) "Telemedicine" means the delivery of health care or behavioral health services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. For purposes of this section only, "telemedicine" includes audio-only telemedicine, but does not include facsimile or email.

~~((9) [(10)])~~ (10) The authority must adopt rules as necessary to implement the provisions of this section.

Sec. 4. RCW 74.09.325 and 2021 c 157 s 5 are each amended to read as follows:

(1) (a) Upon initiation or renewal of a contract with the Washington state health

care authority to administer a medicaid managed care plan, a managed health care system shall reimburse a provider for a health care service provided to a covered person through telemedicine or store and forward technology if:

(i) The medicaid managed care plan in which the covered person is enrolled provides coverage of the health care service when provided in person by the provider;

(ii) The health care service is medically necessary;

(iii) The health care service is a service recognized as an essential health benefit under section 1302(b) of the federal patient protection and affordable care act in effect on January 1, 2015;

(iv) The health care service is determined to be safely and effectively provided through telemedicine or store and forward technology according to generally accepted health care practices and standards, and the technology used to provide the health care service meets the standards required by state and federal laws governing the privacy and security of protected health information; and

(v) Beginning January 1, 2023, for audio-only telemedicine, the covered person has an established relationship with the provider.

(b)(i) Except as provided in (b)(ii) of this subsection, upon initiation or renewal of a contract with the Washington state health care authority to administer a medicaid managed care plan, a managed health care system shall reimburse a provider for a health care service provided to a covered person through telemedicine the same amount of compensation the managed health care system would pay the provider if the health care service was provided in person by the provider.

(ii) Hospitals, hospital systems, telemedicine companies, and provider groups consisting of eleven or more providers may elect to negotiate an amount of compensation for telemedicine services that differs from the amount of compensation for in-person services.

(iii) For purposes of this subsection (1)(b), the number of providers in a provider group refers to all providers within the group, regardless of a provider's location.

(iv) A rural health clinic shall be reimbursed for audio-only telemedicine at the rural health clinic encounter rate.

(2) For purposes of this section, reimbursement of store and forward technology is available only for those services specified in the negotiated agreement between the managed health care system and health care provider.

(3) An originating site for a telemedicine health care service subject to subsection (1) of this section includes a:

(a) Hospital;

(b) Rural health clinic;

(c) Federally qualified health center;

(d) Physician's or other health care provider's office;

(e) Licensed or certified behavioral health agency;

(f) Skilled nursing facility;

(g) Home or any location determined by the individual receiving the service; or

(h) Renal dialysis center, except an independent renal dialysis center.

(4) Except for subsection (3)(g) of this section, any originating site under subsection (3) of this section may charge a facility fee for infrastructure and preparation of the patient. Reimbursement for a facility fee must be subject to a negotiated agreement between the originating site and the managed health care system. A distant site, a hospital that is an originating site for audio-only telemedicine, or any other site not identified in subsection (3) of this section may not charge a facility fee.

(5) A managed health care system may not distinguish between originating sites that are rural and urban in providing the coverage required in subsection (1) of this section.

(6) A managed health care system may subject coverage of a telemedicine or store and forward technology health service under subsection (1) of this section to all terms and conditions of the plan in which the covered person is enrolled including, but not limited to, utilization review, prior authorization, deductible, copayment, or coinsurance requirements that are applicable to

coverage of a comparable health care service provided in person.

(7) This section does not require a managed health care system to reimburse:

(a) An originating site for professional fees;

(b) A provider for a health care service that is not a covered benefit under the plan; or

(c) An originating site or health care provider when the site or provider is not a contracted provider under the plan.

(8) (a) If a provider intends to bill a patient or a managed health care system for an audio-only telemedicine service, the provider must obtain patient consent for the billing in advance of the service being delivered and comply with all rules created by the authority related to restrictions on billing medicaid recipients. The authority may submit information on any potential violations of this subsection to the appropriate disciplining authority, as defined in RCW 18.130.020(~~(+)~~), or take contractual actions against the provider's agreement for participation in the medicaid program, or both.

(b) If the health care authority has cause to believe that a provider has engaged in a pattern of unresolved violations of this subsection (8), the health care authority may submit information to the appropriate disciplining authority for action. Prior to submitting information to the appropriate disciplining authority, the health care authority may provide the provider with an opportunity to cure the alleged violations or explain why the actions in question did not violate this subsection (8).

(c) If the provider has engaged in a pattern of unresolved violations of this subsection (8), the appropriate disciplining authority may levy a fine or cost recovery upon the provider in an amount not to exceed the applicable statutory amount per violation and take other action as permitted under the authority of the disciplining authority. Upon completion of its review of any potential violation submitted by the health care authority or initiated directly by an enrollee, the disciplining authority shall notify the health care authority of the results of the review, including whether the violation was substantiated and any enforcement action

taken as a result of a finding of a substantiated violation.

(9) For purposes of this section:

(a) (i) "Audio-only telemedicine" means the delivery of health care services through the use of audio-only technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment.

(ii) For purposes of this section only, "audio-only telemedicine" does not include:

(A) The use of facsimile or email; or

(B) The delivery of health care services that are customarily delivered by audio-only technology and customarily not billed as separate services by the provider, such as the sharing of laboratory results;

(b) "Disciplining authority" has the same meaning as in RCW 18.130.020;

(c) "Distant site" means the site at which a physician or other licensed provider, delivering a professional service, is physically located at the time the service is provided through telemedicine;

(d) "Established relationship" means the provider providing audio-only telemedicine has access to sufficient health records to ensure safe, effective, and appropriate care services and:

(i) For health care services included in the essential health benefits category of mental health and substance use disorder services, including behavioral health treatment:

(A) The covered person has had, within the past three years, at least one in-person appointment (~~within the past year~~), or at least one real-time interactive appointment using both audio and video technology, with the provider providing audio-only telemedicine or with a provider employed at the same medical group, at the same clinic, or by the same integrated delivery system operated by a carrier licensed under chapter 48.44 or 48.46 RCW as the provider providing audio-only telemedicine; or (~~the~~)

(B) The covered person was referred to the provider providing audio-only telemedicine by another provider who has had, within the past three years, at least one in-person appointment, or at

least one real-time interactive appointment using both audio and video technology, with the covered person ((within the past year)) and has provided relevant medical information to the provider providing audio-only telemedicine;

(ii) For any other health care service:

(A) The covered person has had, within the past two years, at least one in-person appointment, or, until January 1, 2024, at least one real-time interactive appointment using both audio and video technology, with the provider providing audio-only telemedicine or with a provider employed at the same medical group, at the same clinic, or by the same integrated delivery system operated by a carrier licensed under chapter 48.44 or 48.46 RCW as the provider providing audio-only telemedicine; or

(B) The covered person was referred to the provider providing audio-only telemedicine by another provider who has had, within the past two years, at least one in-person appointment, or, until January 1, 2024, at least one real-time interactive appointment using both audio and video technology, with the covered person and has provided relevant medical information to the provider providing audio-only telemedicine;

(e) "Health care service" has the same meaning as in RCW 48.43.005;

(f) "Hospital" means a facility licensed under chapter 70.41, 71.12, or 72.23 RCW;

(g) "Managed health care system" means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, health insuring organizations, or any combination thereof, that provides directly or by contract health care services covered under this chapter and rendered by licensed providers, on a prepaid capitated basis and that meets the requirements of section 1903(m)(1)(A) of Title XIX of the federal social security act or federal demonstration waivers granted under section 1115(a) of Title XI of the federal social security act;

(h) "Originating site" means the physical location of a patient receiving health care services through telemedicine;

(i) "Provider" has the same meaning as in RCW 48.43.005;

(j) "Store and forward technology" means use of an asynchronous transmission of a covered person's medical information from an originating site to the health care provider at a distant site which results in medical diagnosis and management of the covered person, and does not include the use of audio-only telephone, facsimile, or email; and

(k) "Telemedicine" means the delivery of health care services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. For purposes of this section only, "telemedicine" includes audio-only telemedicine, but does not include facsimile or email.

NEW SECTION. Sec. 5. 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. 6. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state."

On page 1, line 2 of the title, after "telemedicine;" strike the remainder of the title and insert "amending RCW 41.05.700, 48.43.735, and 74.09.325; reenacting and amending RCW 71.24.335; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE

HOUSE BILL NO. 1821 and advanced the bill, as amended by the Senate, to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Schmick and Riccelli spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1821, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1821, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Klippert and Ormsby.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1821, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 3, 2022

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1866 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that:

(a) The epidemic of homelessness apparent in communities throughout Washington is creating immense suffering. It is threatening the health of homeless families and individuals, sapping their human potential, eroding public confidence, and undermining the

shared values that have driven our state's prosperity, including public safety and access to public streets, parks, and facilities;

(b) In seeking to identify the causes of this epidemic, a large proportion of those unsheltered also suffer from serious behavioral health or physical health conditions that will inevitably grow worse without timely and effective health care;

(c) Housing is an indispensable element of effective health care. Stable housing is a prerequisite to addressing behavioral health needs and lack of housing is a precursor to poor health outcomes;

(d) A home, health care, and wellness are fundamental for Washington residents;

(e) Reducing homelessness is a priority of the people of Washington state and that reducing homelessness through policy alignment and reform lessens fiscal impact to the state and improves the economic vitality of our businesses;

(f) The impact of this epidemic is falling most heavily on those communities that already suffer the most serious health disparities: Black, indigenous, people of color, and historically marginalized and underserved communities. It is a moral imperative to shelter chronically homeless populations; and

(g) Washington state has many of the tools needed to address this challenge, including a network of safety net health and behavioral health care providers in both urban and rural areas, an effective system of health care coverage through apple health, and excellent public and nonprofit affordable housing providers. Yet far too many homeless families and individuals are going without the housing and health care resources they need because these tools have yet to be combined in an effective way across the state.

(2) It is the intent of the legislature to treat chronic homelessness as a medical condition and that the apple health and homes act address the needs of chronically homeless populations by pairing a health care problem with a health care solution.

NEW SECTION. **Sec. 2.** A new section is added to chapter 74.09 RCW to read as follows:

The definitions in this section apply throughout sections 3 and 4 of this act unless the context clearly requires otherwise.

(1) "Community support services" means active search and promotion of access to, and choice of, appropriate, safe, and affordable housing and ongoing supports to assure ongoing successful tenancy. The term includes, but is not limited to, services to medical assistance clients who are homeless or at risk of becoming homeless through outreach, engagement, and coordination of services with shelter and housing. The term includes benefits offered through the foundational community supports program established pursuant to the authority's federal waiver, entitled "medicaid transformation project," as amended and reauthorized.

(2) "Community support services provider" means a local entity that contracts with a coordinating entity to provide community support services. A community support services provider may also separately perform the functions of a housing provider.

(3) "Coordinating entity" means one or more organizations, including medicaid managed care organizations, under contract with the authority to coordinate community support services as required under sections 3 and 4 of this act. There may only be one coordinating entity per regional service area.

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

(5) "Homeless person" has the same meaning as in RCW 43.185C.010.

(6) "Housing provider" means a public or private organization that supplies permanent supportive housing units consistent with RCW 36.70A.030 to meet the housing needs of homeless persons. A housing provider may supply permanent supportive housing in a site-based or scattered site arrangement using a variety of public, private, philanthropic, or tenant-based sources of funds to cover operating costs or rent. A housing provider may also perform the functions of a community support services provider.

(7) "Office" means the office of apple health and homes created in section 5 of this act.

(8) "Program" means the apple health and homes program established in section 3 of this act.

(9) "Permanent supportive housing" has the same meaning as in RCW 36.70A.030.

NEW SECTION. **Sec. 3.** A new section is added to chapter 74.09 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the apple health and homes program is established to provide a permanent supportive housing benefit and a community support services benefit through a network of community support services providers for persons assessed with specific health needs and risk factors.

(a) The program shall operate through the collaboration of the department, the authority, the department of social and health services, local governments, the coordinating entity or entities, community support services providers, local housing providers, local health care entities, and community-based organizations in contact with potentially eligible individuals, to assure seamless integration of community support services, stable housing, and health care services.

(b) The entities operating the program shall coordinate resources, technical assistance, and capacity building efforts to help match eligible individuals with community support services, health care, including behavioral health care and long-term care services, and stable housing.

(2) To be eligible for community support services and permanent supportive housing under subsection (3) of this section, a person must:

(a) Be 18 years of age or older;

(b)(i) Be enrolled in a medical assistance program under this chapter and eligible for community support services;

(ii)(A) Have a countable income that is at or below 133 percent of the federal poverty level, adjusted for family size, and determined annually by the federal department of health and human services; and

(B) Not be eligible for categorically needy medical assistance, as defined in the social security Title XIX state plan; or

(iii) Be assessed as likely eligible for, but not yet enrolled in, a medical assistance program under this chapter due to the severity of behavioral health symptom acuity level which creates barriers to accessing and receiving conventional services;

(c) Have been assessed:

(i) By a licensed behavioral health agency to have a behavioral health need which is defined as meeting one or both of the following criteria:

(A) Having mental health needs, including a need for improvement, stabilization, or prevention of deterioration of functioning resulting from the presence of a mental illness; or

(B) Having substance use disorder needs indicating the need for outpatient substance use disorder treatment which may be determined by an assessment using the American society of addiction medicine criteria or a similar assessment tool approved by the authority;

(ii) By the department of social and health services as needing either assistance with at least three activities of daily living or hands-on assistance with at least one activity of daily living and have the preliminary determination confirmed by the department of social and health services through an in-person assessment conducted by the department of social and health services; or

(iii) To be a homeless person with a long-continuing or indefinite physical condition requiring improvement, stabilization, or prevention of deterioration of functioning, including the ability to live independently without support; and

(d) Have at least one of the following risk factors:

(i) (A) Be a homeless person at the time of the eligibility determination for the program and have been homeless for 12 months prior to the eligibility determination; or

(B) Have been a homeless person on at least four separate occasions in the three years prior to the eligibility determination for the program, as long as

the combined occasions equal at least 12 months;

(ii) Have a history of frequent or lengthy institutional contact, including contact at institutional care facilities such as jails, substance use disorder or mental health treatment facilities, hospitals, or skilled nursing facilities; or

(iii) Have a history of frequent stays at adult residential care facilities or residential treatment facilities.

(3) Once a coordinating entity verifies that a person has met the eligibility criteria established in subsection (2) of this section, it must connect the eligible person with a community support services provider. The community support services provider must:

(a) Deliver pretenancy support services to determine the person's specific housing needs and assist the person in identifying permanent supportive housing options that are appropriate and safe for the person;

(b) Fully incorporate the eligible person's available community support services into the case management services provided by the community support services provider; and

(c) Deliver ongoing tenancy-sustaining services to support the person in maintaining successful tenancy.

(4) Housing options offered to eligible participants may vary, subject to the availability of housing and funding.

(5) The community support services benefit must be sustained or renewed in accordance with the eligibility standards in subsection (2) of this section, except that the standards related to homelessness shall be replaced with an assessment of the person's likelihood to become homeless in the event that the community support services benefit is terminated. The coordinating entity must adopt procedures to conduct community support services benefit renewals, according to authority standards.

NEW SECTION. Sec. 4. A new section is added to chapter 74.09 RCW to read as follows:

(1) To establish and administer section 3 of this act, the authority shall:

(a) (i) Establish or amend a contract with a coordinating entity to:

(A) Assure the availability of access to eligibility determinations services for community support services benefits and permanent supportive housing benefits;

(B) Verify that persons meet the eligibility standards of section 3(2) of this act;

(C) Coordinate enrollment in medical assistance programs for persons who meet the eligibility standards of section 3(2) of this act, except for actual enrollment in a medical assistance program under this chapter; and

(D) Coordinate with a network of community support services providers to arrange with local housing providers for the placement of an eligible person in permanent supportive housing appropriate to the person's needs and assure that community support services are provided to the person by a community support services provider.

(ii) The primary role of the coordinating entity or entities is administrative and operational, while the authority shall establish the general policy parameters for the work of the coordinating entity or entities.

(iii) In selecting the coordinating entity or entities, the authority shall: Choose one or more organizations that are capable of coordinating access to both community support services and permanent supportive housing services to eligible persons under section 3 of this act; and select no more than one coordinating entity per region which is served by medicaid managed care organizations;

(b) Report to the office for the ongoing monitoring of the program; and

(c) Adopt any rules necessary to implement the program.

(2) The authority shall establish a work group to provide feedback to the agency on its foundational community supports program as it aligns with the work of the housing benefit. The work group may include representatives of state agencies, behavioral health administrative services organizations, the coordinating entity or entities, and

contracted agencies providing foundational community supports services. Topics may include, but are not limited to, best practices in eligibility screening processes and case rate billing for foundational community supports housing, regional cost differentials, costs consistent with specialized needs, improved data access and data sharing with foundational community supports providers, and requirements related to the use of a common practice tool among community support services providers to integrate social determinants of health into service delivery. The authority, in consultation with foundational community supports providers and their stakeholders, shall engage each region on case management tools and programs, evaluate effectiveness, and inform the appropriate committees of the legislature on the use of case management tools. Case management shall also be a regular item of engagement in the work group. The authority shall convene the work group at least once each quarter and may expand upon, but not duplicate, existing work groups or advisory councils at the authority or other state agencies.

(3) To support the goals of the program and the goals of other statewide initiatives to identify and address social needs, including efforts within the 1115 waiver renewal to advance health equity and health-related supports, the authority shall work with the office and the department of social and health services to research, identify, and implement statewide universal measures to identify and consider social determinants of health domains, including housing, food security, transportation, financial strain, and interpersonal safety. The authority shall select an accredited or nationally vetted tool, including criteria for prioritization, for the community support services provider to use when making determinations about housing options and other support services to offer individuals eligible for the program. This screening and prioritization process may not exclude clients transitioning from inpatient or other behavioral health residential treatment settings. The authority shall inform the governor and the appropriate committees of the legislature on progress to this end.

(4) (a) The authority and the department may seek and accept funds from

private and federal sources to support the purposes of the program.

(b) The authority shall seek approval from the federal department of health and human services to:

(i) Receive federal matching funds for administrative costs and services provided under the program to persons enrolled in medicaid;

(ii) Align the eligibility and benefit standards of the foundational community supports program established pursuant to the waiver, entitled "medicaid transformation project" and initially approved November 2017, between the authority and the federal centers for medicare and medicaid services, as amended and reauthorized, with the standards of the program, including extending the duration of the benefits under the foundational community supports program to not less than 12 months; and

(iii) Implement a medical and psychiatric respite care benefit for certain persons enrolled in medicaid.

(5)(a) By December 1, 2022, the authority and the office shall report to the governor and the legislature on preparedness for the first year of program implementation, including the estimated enrollment, estimated program costs, estimated supportive housing unit availability, funding availability for the program from all sources, efforts to improve billing and administrative burdens for foundational community supports providers, efforts to streamline continuity of care and system connection for persons who are potentially eligible for foundational community supports, and any statutory or budgetary needs to successfully implement the first year of the program.

(b) By December 1, 2023, the authority and the office shall report to the governor and the legislature on the progress of the first year of program implementation and preparedness for the second year of program implementation.

(c) By December 1, 2024, the authority and the office shall report to the governor and the legislature on the progress of the first two years of program implementation and preparedness for ongoing housing acquisition and development.

(d) By December 1, 2026, the authority and the office shall report to the governor and the legislature on the full implementation of the program, including the number of persons served by the program, available permanent supportive housing units, estimated unmet demand for the program, ongoing funding requirements for the program, and funding availability for the program from all sources. Beginning December 1, 2027, the authority and the office shall provide annual updates to the governor and the legislature on the status of the program.

NEW SECTION. Sec. 5. A new section is added to chapter 43.330 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, there is created the office of apple health and homes within the department.

(2) Activities of the office of apple health and homes must be carried out by a director of the office of apple health and homes, supervised by the director of the department or their designee.

(3) The office of apple health and homes is responsible for leading efforts under this section and coordinating a spectrum of practice efforts related to providing permanent supportive housing, including leading efforts related to every aspect of creating housing, operating housing, obtaining services, and delivering those services to connect people with housing and maintain them in that housing.

(4) The office of apple health and homes shall:

(a) Subject to available funding, allocate funding for permanent supportive housing units sufficient in number to fulfill permanent supportive housing needs of persons determined to be eligible for the program by the coordinating entity or entities under section 3 of this act;

(b) Collaborate with department divisions responsible for making awards or loans to appropriate housing providers to acquire, build, and operate the housing units, including but not limited to nonprofit community organizations, local counties and cities, public housing authorities, and public development authorities;

(c) Collaborate with the authority on administrative functions, oversight, and reporting requirements, as necessary to implement the apple health and homes program established under section 3 of this act;

(d) Establish metrics and collect racially disaggregated data from the authority and the department related to the program's effect on providing persons with permanent supportive housing, moving people into independent housing, long-term housing stability, improving health outcomes for people in the program, estimated reduced health care spending to the state on persons enrolled in the program, and outcomes related to social determinants of health;

(e) Develop a publicly accessible dashboard to make key program outcomes available to the public. Key program outcomes include, but are not limited to, the number of people served by the program and the number of housing units created by the office;

(f) Create work plans and establish milestones to achieve the goal of providing permanent supportive housing for all eligible individuals; and

(g) Oversee the allocation of community support services provider and housing provider capacity-building grants to further the state's interests of enhancing the ability of community support services providers and housing providers to deliver community support services and permanent supportive housing and assure that an initial infrastructure is established to create strong networks of community support services providers and housing providers.

(5) The office of apple health and homes must be operational no later than January 1, 2023. The department shall assure the coordination of the work of the office of apple health and homes with other offices within the department with similar or adjacent authorities and functions.

(6) For the purposes of this section:

(a) "Community support services provider" has the same meaning as in section 2 of this act.

(b) "Coordinating entity" has the same meaning as in section 2 of this act.

(c) "Housing provider" has the same meaning as in section 2 of this act.

(d) "Permanent supportive housing" has the same meaning as in section 2 of this act.

NEW SECTION. **Sec. 6.** A new section is added to chapter 43.330 RCW to read as follows:

The apple health and homes account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for permanent supportive housing programs administered by the office created in section 5 of this act, including acquisition and development of permanent supportive housing units, operations, maintenance, and services costs of permanent supportive housing units, project-based vouchers, provider grants, and other purposes authorized by appropriations made in the operating budget. The department must prioritize allocating at least 10 percent of the expenditures from the account to organizations that serve and are substantially governed by individuals disproportionately impacted by homelessness and behavioral health conditions, including black, indigenous, and other people of color, lesbian, gay, bisexual, queer, transgender, and other gender diverse individuals. When selecting projects supported by funds from the account, the office 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 of this act on a statewide basis, including in rural areas and in geographically diverse parts of the state.

Sec. 7. RCW 36.22.176 and 2021 c 214 s 1 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, a surcharge of \$100 must be charged by the county auditor for each document recorded, which is in addition to any other charge or surcharge allowed by law. The auditor must remit the funds to the state treasurer to be deposited and used as follows:

(a) Twenty percent of funds must be deposited in the affordable housing for all account for operations, maintenance, and service costs for permanent supportive housing as defined in RCW 36.70A.030;

(b) From July 1, 2021, through June 30, 2023, four percent of the funds must be deposited into the landlord mitigation program account created in RCW 43.31.615 for the purposes of RCW 43.31.605(1). Thereafter, two percent of funds must be deposited into the landlord mitigation program account created in RCW 43.31.615 for purposes of RCW 43.31.605(1); ~~(and)~~

(c) (i) The remainder of funds must be distributed to the home security fund account, with no less than 60 percent of funds to be used for project-based vouchers for nonprofit housing providers or public housing authorities, housing services, rapid rehousing, emergency housing, ~~((=)) acquisition, or operations, maintenance, and service costs for permanent supportive housing as defined in RCW 36.70A.030 for persons with disabilities. Permanent supportive housing programs administered by the office of apple health and homes created in section 5 of this act are also eligible to use these funds. Priority for use must be given to ~~((project-based vouchers and related services, housing acquisition, or emergency housing, for))~~ purposes intended to house persons who are chronically homeless or maintain housing for individuals with disabilities and prior experiences of homelessness, including families with children. ~~((At least 50 percent of persons receiving a project-based voucher, rapid rehousing, emergency housing, or benefiting from housing acquisition must be living unsheltered at the time of initial engagement.))~~ In addition, funds may be used for eviction prevention rental assistance pursuant to RCW 43.185C.185, foreclosure prevention services, dispute resolution center eviction prevention services, rental assistance for people experiencing homelessness, and tenant education and legal assistance.~~

(ii) The department shall provide counties with the right of first refusal to receive grant funds distributed under this subsection (c). If a county refuses the funds or does not respond within a time frame established by the department, the department shall identify an alternative grantee. The alternative grantee shall distribute the funds in a manner that is in compliance with this chapter.

(2) The surcharge imposed in this section does not apply to: (a) Assignments or substitutions of

previously recorded deeds of trust; (b) documents recording a birth, marriage, divorce, or death; (c) any recorded documents otherwise exempted from a recording fee or additional surcharges under state law; (d) marriage licenses issued by the county auditor; or (e) documents recording a federal, state, county, city, or water-sewer district, or wage lien or satisfaction of lien.

NEW SECTION. Sec. 8. Subject to amounts appropriated from the apple health and homes account created in section 6 of this act the department of commerce shall establish a rapid permanent supportive housing acquisition and development program to issue competitive financial assistance to eligible organizations under RCW 43.185A.040 and to public development authorities established under RCW 35.21.730 through 35.21.755, for the acquisition or the construction of permanent supportive housing units, subject to the following conditions and limitations:

(1) Awards or loans provided under this section may be used to construct permanent supportive housing units or to acquire real property for quick conversion into permanent supportive housing units which may include predevelopment or development activities, renovation, and building update costs. Awards or loans provided under this section may not be used for operating or maintenance costs associated with providing permanent supportive housing, supportive services, or debt service.

(2) Projects acquired or constructed under this section must serve individuals eligible for a community support services benefit through the apple health and homes program, as established in section 3 of this act.

(3) The department of commerce shall establish criteria for the issuance of the awards or loans, including but not limited to:

(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 construction or 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 units; and

(d) A financial plan demonstrating the ability to maintain and operate the property and support its intended tenants through the end of the award or loan contract.

(4) The department of commerce shall provide a progress report on its website by June 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, number of units, and anticipated completion date.

(5)(a) The funding in this section shall be allocated on an ongoing basis until all funds are expended. The department of commerce shall disburse funds to 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.

(b) The department of commerce shall ensure that proposals that reach the greatest public benefit, as defined by the department, are prioritized. For the purposes of this subsection, "greatest public benefit" must include, but is not limited to:

(i) The greatest number of qualifying permanent supportive housing units created by the state investment, determined by comparing simultaneous applications for funding from the same geographic region; and

(ii) Equitable geographic distribution, to the extent possible, relative to need, as determined by the establishment of regional targets.

NEW SECTION. **Sec. 9.** A new section is added to chapter 44.28 RCW to read as follows:

The joint committee must review the efficacy of the apple health and homes program established by this act and report its findings to the appropriate committees of the legislature by December 1, 2027. The review must include a recommendation on whether this program should be continued without change or should be amended or repealed.

NEW SECTION. **Sec. 10.** This act may be known and cited as the apple health and homes act."

On page 1, line 3 of the title, after "housing;" strike the remainder of the title and insert "amending RCW 36.22.176; adding new sections to chapter 74.09 RCW; adding new sections to chapter 43.330 RCW; adding a new section to chapter 44.28 RCW; and creating new sections."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1866 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Chopp and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1866, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1866, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 87; Nays, 9; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chase, Chopp, Cody, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chandler, Corry, Dufault, Graham, Kraft, McCaslin, Sutherland, Vick and Young.

Excused: Representatives Klippert and Ormsby.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1866, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

March 9, 2022

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1015
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1153
- SUBSTITUTE HOUSE BILL NO. 1389
- HOUSE BILL NO. 1430
- SUBSTITUTE HOUSE BILL NO. 1590
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1643
- SUBSTITUTE HOUSE BILL NO. 1655
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1673
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1691
- HOUSE BILL NO. 1748
- SECOND SUBSTITUTE HOUSE BILL NO. 1751
- HOUSE BILL NO. 1785
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1799
- SUBSTITUTE HOUSE BILL NO. 1800
- HOUSE BILL NO. 1805
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1815
- SECOND SUBSTITUTE HOUSE BILL NO. 1835
- HOUSE BILL NO. 1859
- SECOND SUBSTITUTE HOUSE BILL NO. 1860
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1881
- SUBSTITUTE HOUSE BILL NO. 1901
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1956
- HOUSE BILL NO. 2024
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2075
- SECOND SUBSTITUTE HOUSE BILL NO. 2078
- SECOND SUBSTITUTE SENATE BILL NO. 5664
- SENATE BILL NO. 5687
- SECOND SUBSTITUTE SENATE BILL NO. 5695
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5702
- SENATE BILL NO. 5713
- SECOND SUBSTITUTE SENATE BILL NO. 5720
- SUBSTITUTE SENATE BILL NO. 5729
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5761
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5764
- SENATE BILL NO. 5788
- SECOND SUBSTITUTE SENATE BILL NO. 5789
- SUBSTITUTE SENATE BILL NO. 5790
- SECOND SUBSTITUTE SENATE BILL NO. 5793

The Speaker called upon Representative Orwall to preside.

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

MESSAGES FROM THE SENATE

Mme. SPEAKER:

The Senate concurred in the House amendment(s) to the following bill and passed the bill as amended by the House:

SUBSTITUTE SENATE BILL NO. 5741,

and the same is herewith transmitted.

Sarah Bannister, Secretary

March 9, 2022

Mme. SPEAKER:

The President has signed:

- SENATE BILL NO. 5002,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5245,
- SUBSTITUTE SENATE BILL NO. 5376,
- SUBSTITUTE SENATE BILL NO. 5528,
- SENATE BILL NO. 5529,
- SECOND SUBSTITUTE SENATE BILL NO. 5532,
- SUBSTITUTE SENATE BILL NO. 5555,
- SENATE BILL NO. 5566,
- SENATE BILL NO. 5585,
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5600,
- SUBSTITUTE SENATE BILL NO. 5610,
- SENATE BILL NO. 5612,
- SECOND SUBSTITUTE SENATE BILL NO. 5619,
- SUBSTITUTE SENATE BILL NO. 5644,
- SECOND SUBSTITUTE SENATE BILL NO. 5649,
- SUBSTITUTE SENATE BILL NO. 5651,
- SENATE BILL NO. 5657,
- SUBSTITUTE SENATE BILL NO. 5722,
- SUBSTITUTE SENATE BILL NO. 5728,
- SUBSTITUTE SENATE BILL NO. 5910,

and the same are herewith transmitted.

Sarah Bannister, Secretary

March 9, 2022

Mme. SPEAKER:

The President has signed:

- SECOND SUBSTITUTE SENATE BILL NO. 5085,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5268,
- SENATE BILL NO. 5498,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5544,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5628,
- SENATE BILL NO. 5634,
- SUBSTITUTE SENATE BILL NO. 5749,

ENGROSSED SECOND SUBSTITUTE SENATE
BILL NO. 5796,
SUBSTITUTE SENATE BILL NO. 5810,
SUBSTITUTE SENATE BILL NO. 5818,
SUBSTITUTE SENATE BILL NO. 5819,
ENGROSSED SECOND SUBSTITUTE SENATE
BILL NO. 5842,
ENGROSSED SUBSTITUTE SENATE BILL NO.
5847,
SENATE BILL NO. 5855,
SENATE BILL NO. 5868,
ENGROSSED SUBSTITUTE SENATE BILL NO.
5878,
SUBSTITUTE SENATE BILL NO. 5883,
SENATE BILL NO. 5898,
SENATE BILL NO. 5929,
SUBSTITUTE SENATE BILL NO. 5961,

and the same are herewith transmitted.

Sarah Bannister, Secretary

The Speaker assumed the chair.

RESOLUTION

HOUSE RESOLUTION NO. 2022-4669, by Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, Jinkins, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, and Young

WHEREAS, Representative Laurie Dolan was elected to the House of Representatives in 2016 to represent the 22nd Legislative District and has served the people of Washington with grace and fortitude; and

WHEREAS, Prior to being elected to office, she served as a long-time educator and leader in Spokane Public Schools and as the Policy Director for former Washington State Governor, Chris Gregoire; and

WHEREAS, Her years of service as an educator and dedication to public education led her to sponsor enrollment stabilization during the COVID-19 pandemic to ensure our schools remained funded at prepandemic enrollment levels; and

WHEREAS, Representative Dolan worked closely with the Office of the Superintendent of Public Instruction and the League of Women Voters to add civics education as a mandatory high school graduation requirement; and

WHEREAS, She established "Regional School Safety Centers" across the state in all nine educational service districts, staffed by experts to train school staff with the tools needed to recognize when a student may be a danger to him or herself or to others and ensure they receive the help needed; and

WHEREAS, She led efforts to train our School Resource Officers to improve their skill set and understanding of working with diverse student populations; and

WHEREAS, As a two-time cancer survivor and while currently fighting multiple myeloma, Representative Dolan pushed for changes in our health care system and voted for the expansion of affordable, accessible health care for all Washingtonians; and

WHEREAS, Representative Dolan is known and valued by her legislative colleagues for her hard work, commitment, and service-minded leadership for the people of the 22nd district and Washington state; and

WHEREAS, She worked tirelessly for our students, our hard-working state employees, and for improvements to K-12 education in Washington;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives acknowledge Representative Laurie Dolan's service to this institution and to our democracy.

Representatives Bateman, Harris, Riccelli, Rude and Stonier spoke in favor of the adoption of the resolution.

SPEAKER'S PRIVILEGE

The Speaker recognized Representative Dolan's legislative career and wished her well on her retirement.

With the consent of the House, HOUSE RESOLUTION NO. 4669 was adopted.

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

SENATE BILL NO. 5002
ENGROSSED SUBSTITUTE SENATE BILL NO.
5245
SUBSTITUTE SENATE BILL NO. 5376
SUBSTITUTE SENATE BILL NO. 5528
SENATE BILL NO. 5529
SECOND SUBSTITUTE SENATE BILL NO. 5532
SUBSTITUTE SENATE BILL NO. 5555
SENATE BILL NO. 5566
SENATE BILL NO. 5585
ENGROSSED SECOND SUBSTITUTE SENATE
BILL NO. 5600
SUBSTITUTE SENATE BILL NO. 5610
SENATE BILL NO. 5612
SECOND SUBSTITUTE SENATE BILL NO. 5619
SUBSTITUTE SENATE BILL NO. 5644
SECOND SUBSTITUTE SENATE BILL NO. 5649
SUBSTITUTE SENATE BILL NO. 5651
SENATE BILL NO. 5657

SUBSTITUTE SENATE BILL NO. 5722
 SUBSTITUTE SENATE BILL NO. 5728
 SUBSTITUTE SENATE BILL NO. 5910
 SECOND SUBSTITUTE SENATE BILL NO. 5085
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 5268
 SENATE BILL NO. 5498
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 5544
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 5628
 SENATE BILL NO. 5634
 SUBSTITUTE SENATE BILL NO. 5749
 ENGROSSED SECOND SUBSTITUTE SENATE
 BILL NO. 5796
 SUBSTITUTE SENATE BILL NO. 5810
 SUBSTITUTE SENATE BILL NO. 5819
 ENGROSSED SECOND SUBSTITUTE SENATE
 BILL NO. 5842
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 5847
 SENATE BILL NO. 5855
 SENATE BILL NO. 5868
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 5878
 SUBSTITUTE SENATE BILL NO. 5883
 SENATE BILL NO. 5898
 SENATE BILL NO. 5929
 SUBSTITUTE SENATE BILL NO. 5961

The Speaker called upon Representative Orwall to
 preside.

MESSAGE FROM THE SENATE

March 9, 2022

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO.
 1530,

and the same is herewith transmitted.

Sarah Bannister, Secretary

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

SECOND READING

**SUBSTITUTE SENATE BILL NO. 5799, by Senate
 Committee on Business, Financial Services & Trade
 (originally sponsored by Robinson and Lovick)**

**Modifying the application of the workforce education
 investment surcharge to provider clinics and affiliated
 organizations. Revised for 1st Substitute: Modifying the
 application of the workforce education investment**

**advanced computing surcharge to provider clinics and
 affiliated organizations.**

The bill was read the second time.

There being no objection, the rules were suspended, the
 second reading considered the third and the bill was placed
 on final passage.

Representative Berg spoke in favor of the passage of the
 bill.

Representative Orcutt spoke against the passage of the
 bill.

The Speaker (Representative Orwall presiding) stated
 the question before the House to be the final passage of
 Substitute Senate Bill No. 5799.

ROLL CALL

The Clerk called the roll on the final passage of
 Substitute Senate Bill No. 5799, and the bill passed the
 House by the following vote: Yeas, 66; Nays, 31; Absent,
 0; Excused, 1.

Voting yea: Representatives Barkis, Bateman, Berg,
 Bergquist, Berry, Bronoske, Callan, Chapman, Chopp,
 Cody, Davis, Dolan, Donaghy, Duerr, Dye, Entenman, Fey,
 Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hackney,
 Hansen, Harris-Talley, Hoff, J. Johnson, Kirby, Kloba,
 Leavitt, Lekanoff, MacEwen, Macri, Morgan, Ormsby,
 Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos,
 Riccelli, Rule, Ryu, Santos, Schmick, Sells, Senn,
 Shewmake, Simmons, Slatter, Springer, Stokesbary, Stonier,
 Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Walen,
 Wicks, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Abbarno, Boehnke,
 Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault,
 Eslick, Gilday, Goehner, Graham, Harris, Jacobsen, Klicker,
 Kraft, Kretz, Maycumber, McCaslin, McEntire,
 Mosbrucker, Orcutt, Robertson, Rude, Steele, Sutherland,
 Volz, Walsh, Wilcox and Ybarra.

Excused: Representative Klippert.

SUBSTITUTE SENATE BILL NO. 5799, having
 received the necessary constitutional majority, was declared
 passed.

**ENGROSSED SECOND SUBSTITUTE SENATE
 BILL NO. 5755, by Senate Committee on Ways & Means
 (originally sponsored by Trudeau, Billig, Nobles,
 Saldaña and Wellman)**

**Authorizing certain cities to establish a limited sales
 and use tax incentive program to encourage
 redevelopment of vacant lands in urban areas. Revised
 for 2nd Substitute: Authorizing certain cities to establish
 a limited sales and use tax incentive program to
 encourage redevelopment of underdeveloped lands in
 urban areas.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Finance was adopted. (For Committee amendment, see Journal, Day 59, March 9, 2022).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Harris-Talley spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5755, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5755, as amended by the House, and the bill passed the House by the following vote: Yeas, 66; Nays, 31; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Kloba, Kraft, Leavitt, Lekanoff, Macri, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Klicker, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Orcutt, Robertson, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Klippert.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5755, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5901, by Senators Randall, Billig, Holy, Mullet, Nguyen and Saldaña

Concerning economic development tax incentives for targeted counties.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Finance was before the

House for purpose of amendment. (For Committee amendment, see Journal, Day 58, March 8, 2022).

Representative Orcutt moved the adoption of amendment (1377) to the committee striking amendment:

On page 10, beginning on line 29 of the striking amendment, after "equipment." strike all material through "\$400,000." on line 31

On page 12, beginning on line 11 of the striking amendment, after "equipment." strike all material through "\$400,000." on line 14

Representative Orcutt spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Frame spoke against the adoption of the amendment to the committee striking amendment.

Amendment (1377) to the committee striking amendment was not adopted.

The committee striking amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representative Frame spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5901, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5901, and the bill passed the House by the following vote: Yeas, 69; Nays, 28; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chapman, Chopp, Cody, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Fey, Fitzgibbon, Frame, Goodman, Graham, Gregerson, Hackney, Hansen, Harris, Harris-Talley, J. Johnson, Kirby, Klicker, Kloba, Leavitt, Lekanoff, Macri, Maycumber, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Chambers, Chandler, Chase, Corry, Dufault, Eslick, Gilday, Goehner, Griffey, Hoff, Jacobsen, Kraft, Kretz, MacEwen,

McCaslin, McEntire, Orcutt, Robertson, Steele, Stokesbary, Sutherland, Vick, Walsh, Wilcox and Young.

Excused: Representative Klippert.

ENGROSSED SENATE BILL NO. 5901, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5849, by Senator Warnick

Concerning tax incentives.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Orcutt, Ramel and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5849.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5849, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

Excused: Representative Klippert.

ENGROSSED SENATE BILL NO. 5849, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5980, by Senate Committee on Ways & Means (originally sponsored by Carlyle, Randall, Hunt, Kuderer and Mullet)

Providing substantial and permanent 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. (REVISED FOR ENGROSSED: 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.) Revised for 1st Substitute: Providing substantial and permanent 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 t

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Finance was adopted. (For Committee amendment, see Journal, Day 58, March 8, 2022).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Paul, Orcutt and Rule spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5980, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5980, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Klippert.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5980, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5714, by Senate Committee on Environment, Energy & Technology (originally sponsored by Carlyle, Liias, Gildon, Lovelett, Mullet, Nguyen and Rolfes)

Creating a sales and use tax deferral program for solar canopies placed on large-scale commercial parking lots and other similar areas.

The bill was read the second time.

Representative Orcutt moved the adoption of amendment (1376):

On page 5, line 3, after "receive a" insert "100 hundred percent"

On page 5, beginning on line 4, after "this act" strike all material through "faith efforts" on page 6, line 23

Representative Orcutt spoke in favor of the adoption of the amendment.

Representative Berg spoke against the adoption of the amendment.

Amendment (1376) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Ramel spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5714.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5714, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Kraft, Kretz, MacEwen,

Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Klippert.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5714, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5531, by Senate Committee on Ways & Means (originally sponsored by Pedersen, Wilson, L. and Mullet)

Concerning the revised uniform unclaimed property act.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Finance was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 48, February 26, 2022).

Representative Stokesbary moved the adoption of amendment (1236) to the committee striking amendment:

On page 2, line 25, after "(10)" insert "Financial organization loyalty program" means a record given without direct monetary consideration under an award, reward, benefit, loyalty, incentive, rebate, or other promotional program established by a financial organization for the purposes of rewarding a relationship with a sponsoring entity.

(a) "Direct monetary consideration" does not include an annual or periodic fee charged for joining any such award, reward, loyalty, rebate, or promotional program.

(b) "Financial organization loyalty program" includes both a physical and an electronic record.

(c) An award, reward, benefit, loyalty, incentive, rebate, or promotional program is not excluded from the definition of "financial organization loyalty program" because the record is redeemable for money or cash or is otherwise monetized by the issuer.

(11) "

Re-number the remaining subsections consecutively and correct any internal references accordingly.

On page 5, line 28, after "(iv)" insert "A financial organization loyalty program;

(v) "

Reletter the remaining subsections consecutively and correct any internal references accordingly.

On page 7, line 4, after "gift certificate," insert "financial organization loyalty program,"

On page 7, line 20, after "content;" strike "or"

On page 7, line 21, after "(c)" insert "A financial organization loyalty program; or

(d) "

Correct any internal references accordingly.

Representative Stokesbary spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Frame spoke against the adoption of the amendment to the committee striking amendment.

Amendment (1236) to the committee striking amendment was not adopted.

Representative Stokesbary moved the adoption of amendment (1235) to the committee striking amendment:

On page 5, line 29, after "merchandise;" strike "and"

On page 5, line 30, after "(vi)" insert "Property due or owing from a business association to another business association, including without limitation accounts receivable credit balances; and

(vii) "

Correct any internal references accordingly.

Representatives Stokesbary and Orcutt spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Frame spoke against the adoption of the amendment to the committee striking amendment.

Amendment (1235) to the committee striking amendment was not adopted.

Representative Stokesbary moved the adoption of amendment (1237) to the committee striking amendment:

On page 9, line 13, after "card," strike "one year" and insert "three years"

Representatives Stokesbary and Orcutt spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Frame spoke against the adoption of the amendment to the committee striking amendment.

Amendment (1237) to the committee striking amendment was not adopted.

The committee amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representative Frame spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5531, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5531, and the bill passed the House by the following vote: Yeas, 60; Nays, 37; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Dufault, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Stokesbary, Sutherland, Vick, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Klippert.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5531, as amended by the House, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1924, by Representatives Tharinger, Chapman and Fey

Changing the expiration date for the sales and use tax exemption of hog fuel to comply with the 2045 deadline for fossil fuel-free electrical generation in Washington state and to protect jobs with health care and retirement benefits in economically distressed communities.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Tharinger and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1924.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1924, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Klippert.

HOUSE BILL NO. 1924, having received the necessary constitutional majority, was declared passed.

With the consent of the House, HOUSE BILL NO. 1924 was immediately transmitted to the Senate.

There being no objection, the House adjourned until 11:00 a.m., March 10, 2022, the 60th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk